HOUSE OF REPRESENTATIVES—*Tuesday, July 10, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 10, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Larry D. Ferguson, Senior Pastor, Christ Church, Plymouth, Indiana, offered the following prayer:

Dear Heavenly Father, Creator of the Universe, we come to You on behalf of this Nation and more particularly on behalf of the United States House of Representatives.

Lord, we come here for several reasons.

You said in Jeremiah 33:3, ''Call unto Me and I will answer you.''

We are calling unto You now, Lord.

You said in Your great book of wisdom, Proverbs, Chapter 3, Verses 5 and 6, ''Lean not on your own understanding, acknowledge Me in all of your ways, and I will direct your paths.''

Lord, we are acknowledging You right now.

Father, You said in Matthew, 7:7, ''Ask and it shall be given to you, seek and you shall find, knock and it shall be opened unto you.''

Lord, we are asking, seeking and knocking right now.

Father, You are our Jehovah Jireh, our Provider, and we are looking unto You. We recognize that You have all wisdom, all power, and all understanding.

So, Father, as this House argues and debates important issues, when the vote is taken and the dust settles, we pray that the consensus will be Your will. We seek for Your will to be done on Earth, as it is in Heaven.

We pray, Lord, that when decisions have been made, that there will be a mutual respect and camaraderie between those that have taken different positions on each issue. And, Lord, after this day is completed, that somehow, You will be glorified and we and this Nation will be blessed.

In the name of our Lord and Saviour Jesus Christ, the One that died on the Cross and rose again that we might have victory over sin and death. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BUYER 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.

WELCOMING THE REVEREND LARRY D. FERGUSON, SENIOR PASTOR, CHRIST CHURCH, PLYMOUTH, INDIANA

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

Mr. BUYER. Mr. Speaker, the opening prayer for today's House session has been given to us by Pastor Larry Ferguson. Pastor Ferguson ministers at Christ Church in Plymouth, of Marshall County, Indiana, where he has been a Senior Pastor for 6 years with his wife Kathy, and the Pastor's son Darin, and his wife Kathy, who is also in the United States Air Force and is present in the gallery today.

Pastor Ferguson preached his first sermon as a freshman in high school and later completed 4 years of training for the ministry at Cincinnati Bible Seminary in Cincinnati, Ohio. Since that time, he has been involved in providing spiritual nourishment to many. Whether it is in providing leadership as a principal to a Christian school, giving guidance to Christian churches who are struggling, or nurturing the health of marriages and families, Pastor Ferguson has been following the Biblical admonition to ''heal the broken-hearted.''

Pastor Ferguson has also used his talents to proclaim the Gospel through song and over the airwaves in Christian radio ministry.

For 35 years, Pastor Ferguson has been ministering, and he has touched more lives than he may ever know. I am thankful for his prayer today, and in his prayer I agree that in this House, we do quest for the greater understanding.

ALLOW HOUSE TO VOTE OPPOSING HOLDING OLYMPICS IN CHINA

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

Mr. LANTOS. Mr. Speaker, as probably one of the most bipartisan Members of this body, I call on the Republican leadership to allow this House to vote on whether the Olympics should be held in the Communist dictatorship of China.

Three months ago, with an overwhelming bipartisan vote, the House Committee on International Relations expressed itself against China holding the Olympics by approving H. Con. Res. 73. I am asking the Speaker and the majority leader no longer to bottle up our legislation and to allow the representatives of the American people to speak their minds on this issue.

Religion is persecuted, political freedom does not exist, media freedom does not exist, our airplane is forced down, our servicemen and women are held in captivity for 11 days; yet this body is not allowed to vote on whether the Olympics should be held in Beijing.

Mr. Speaker, allow us a vote.

TIME FOR GOVERNOR DAVIS TO TAKE A STAND

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

Mr. BALLENGER. Mr. Speaker, I rise today to discuss the real cause of the rolling blackouts and out-of-control energy prices in California. Governor Davis and his big government cronies caused California's energy crisis through their backward and politically motivated approach to energy. Bowing to pressure from radical environmentalists and advice from his pollsters, Governor Davis increased regulation of the energy industry, thus prohibiting increased energy production and limiting modernization of infrastructure. The Davis approach is the wrong approach.

Now, in order to save his political future, Governor Davis has put political

advisors on the government payroll. Not only do Californians have to pay outrageous prices to cool their homes, but they now have to pay for consultants to tell Governor Davis how to minimize the political damage caused by his mishandling of California's energy needs. Even California's Democrat State comptroller has said that she will not pay for Davis's political expenses with the taxpayers' dime.

Throughout this crisis, Gray Davis has been seeking political remedies instead of looking for positive solutions to solve the real-life problems of his citizens. All the while, California families are suffering. It is time for the Governor to take a stand and do what is right for California, instead of what is right for his career.

CORRUPTION AT THE JUSTICE DEPARTMENT

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

Mr. TRAFICANT. Mr. Speaker, FBI Agent Hanssen pleaded guilty to spying for Russia. Now, think about it: First he said, the devil made me do it; now he says he just wants to make amends. Spare me.

The truth is Janet Reno sold the farm to China, FBI agents are spying for Russia, nuclear military secrets are disappearing faster than Viagra at Niagara, and nobody is doing anything about it. Nothing.

Beam me up.

Wake up, Congress, and smell the espionage.

I yield back the massive corruption at the Justice Department that goes without meaningful oversight.

AMERICANS DESERVE ENERGY SOLUTIONS, NOT BLACKOUTS

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

Mr. GIBBONS. Mr. Speaker, the United States of America has the strongest economy in this world, and to maintain America's prosperity, America must have energy.

Over the past few months, California, an undisputed driving force in our Nation's economy, has had to endure rolling blackouts during the past several months. And now, the fastest growing city in the United States, Las Vegas, Nevada, has also witnessed rolling blackouts due to energy shortages.

Blackouts cannot and should not be tolerated.

It is time to implement real solutions to reverse the energy shortage. Through conservation methods and through expansion and development of our natural energy resource base, we can provide abundant and less costly energy. But to do this we need to implement a national energy policy that includes greater production of diverse energy supplies and an equal reliance on bold conservation measures.

This balanced energy policy will ensure that when Americans flick on that light switch, that their lights always go on, and blackouts will be a thing of the past.

SIGN DISCHARGE PETITION NO. 2

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

Mr. FILNER. Mr. Speaker, here we are, a year after the electricity crisis hit California and the West. The crisis and suffering continues. And where is the President? Not one item in his energy plan addresses the crisis in the West. And where is FERC, the Federal Energy Regulatory Commission? They seem more intent on protecting the industry than the consumers who pay their bills. And where is this Congress? A year after the crisis, we have not yet had a debate on this House floor on resolving the issues in California and the West.

The bill that is coming up through the Committee on Commerce does nothing to address this crisis in California. The only way to get a fair discussion on the House floor is to sign Discharge Petition No. 2. That allows and puts in order any bill that really addresses the issues in the West and electricity.

It is time to put cost-based rates on the price of electricity and refund the criminal overcharges since last year.

Mr. Speaker, let us have a debate on this House floor. Sign Discharge Petition No. 2.

PRESIDENT SHOWS STRONG COMMITMENT TO NASA

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

Mr. BRADY of Texas. Mr. Speaker, as a former member of the House Committee on Science, I am a strong supporter of NASA and our international space station. So is President Bush, but you would not know so if you listened to some of the rumors going around Houston and our Johnson Space Center.

But here are the facts. Only last year NASA told us on the Committee on Science that they would need $14.4 billion for the coming year. Even after they raised the request recently, the President's budget meets that request at $14.5 billion; meets NASA's request. The President also increases funding for the space station, for the launch initiative, and keeps a sustained level of six space shuttle flights.

Understandably, at budget time you are going to have some partisan spin, but, seriously, how can you criticize the President when he gives NASA what it asked for, at a level nearly $1 billion higher than where it has languished for 4 of the last 5 years?

The fact is, for space supporters in Congress, we have never started a budget year so strongly, and our congressional appropriators are trying to do more. Unfortunately, only in Washington are budget increases spun as budget cuts.

SUPPORT BIPARTISAN PATIENT PROTECTION ACT OF 2001

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

Mrs. CHRISTENSEN. Mr. Speaker, now that we are back from the Independence Day recess and the celebrations, the passage of the Patients' Bill of Rights, the one introduced by the gentleman from Michigan (Mr. DINGELL), the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), must be at the top of our agenda.

This bill, the Bipartisan Patient Protection Act of 2001, is the only one which comprehensively reforms the current managed care system to better meet the needs of those who elected us.

During the break misinformation and scare tactics continued. It is important that the American public know the truth. Many of the ads say that the bill would raise the cost of insurance. Not true. What they fail to say is that in the past 3 years or so, the cost of managed care has already increased at an average of 7.1 percent, and the increase is projected to be in double digits for this year. The ads also fail to tell us that while the costs have gone up, less services are covered.

Where the same provisions have been enacted in States, there have not been any extraordinary increases in premiums or significant increases in lawsuits. What has happened is that the people in those States have been able to access medically necessary health care, and we need to extend that to the rest of the Nation.

Mr. Speaker, let us pass the bill and let us move on to reduce disparities and provide universal coverage.

DENY OLYMPICS TO CHINA

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

Mr. SPENCE. Mr. Speaker, what fellowship does light have with darkness? What fellowship does the symbol of the human spirit, the Olympic Games, have with Chinese tyranny?

Sixty-four years ago the Nazi propaganda machine proudly flaunted the

1936 Olympic Games as an example of the leadership of Adolph Hitler. That horrible miscalculation by the International Olympic Committee gave credibility to a man and a regime that killed 6 million Jews.

□ 1415

Amazingly, 44 years later, the IOC granted the games, the 1980 games to the Soviet Union on the very eve of their launch of the war against Afghanistan. Today, the IOC is ignoring history and considering awarding the international games of peace to the People's Republic of China in 2008.

I say again, Mr. Speaker, what fellowship does light have with darkness? What fellowship does the symbol of the human spirit have with Chinese tyranny? Let it be the voice from this citadel of liberty that the International Olympic Committee should say ''no'' to Beijing for the 2008 Olympic games.

PATIENTS' BILL OF RIGHTS

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

Mr. BERRY. Mr. Speaker, here we go again. Once again, we are taking up the Patients' Bill of Rights in this House. We have already passed a good, a true, an honest Patients' Bill of Rights in the House of Representatives. We passed it in the 105th Congress; we passed it in the 106th. It was a bipartisan effort. Now we are going to be presented with a new Patients' Bill of Rights that they say is 80 percent like the real Patients' Bill of Rights, the Ganske-Dingell-Norwood-Berry bill.

Mr. Speaker, it is amazing that we are going to try once again to fool the American people and trick them into believing that the insurance companies are not going to control their destiny when it comes to health care. The fact is, if we do not pass the Ganske-Dingell-Norwood-Berry bill in this House, the American people will still be at the mercy of the insurance companies.

Mr. Speaker, I urge the passage of the Ganske-Dingell-Norwood-Berry Patients' Bill of Rights.

A STRONG NATIONAL ENERGY POLICY

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

Mr. STENHOLM. Mr. Speaker, today the Blue Dog Democrats will unveil our version of what our national energy policy should look like and should be. We believe that most, if not all, of our colleagues will find tremendous interest in a program that creates a balanced approach, one that expands energy supplies, one that recognizes that energy production in the United States is equally important as that produced outside of the United States. In fact, more so. It enhances environmental standards. It promotes energy efficiency. It promotes research and development, and it provides reliable and affordable supplies.

Mr. Speaker, it matches a very important truism: we cannot produce food and fiber in the United States without oil and gas, and we cannot produce oil and gas without food and fiber. We need to be a partnership in all aspects of producing the energy needs of this country.

We encourage our colleagues to take a good look at our suggestion. We look forward to working with both sides of the aisle in developing this national energy policy, as well as with the administration.

COMMUNICATION FROM THE HONORABLE MARK E. SOUDER, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable MARK E. SOUDER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 3, 2001.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a civil subpoena for documents issued by the Superior Court for Allen County, Indiana in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to advise the party who issued the subpoena that I have no documents that are responsive to the subpoena.

Sincerely,

MARK E. SOUDER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

ENCOURAGING CORPORATIONS TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 170) encouraging corporations to contribute to faith-based organizations.

The Clerk read as follows:

H. CON. RES. 170

Whereas America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed;

Whereas President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation'';

Whereas although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges;

Whereas every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity;

Whereas faith-based organizations are often more successful in dealing with difficult societal problems than government and non-sectarian organizations;

Whereas, as President Bush recently stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.'';

Whereas corporate foundations contribute billions of dollars each year to a variety of philanthropic causes;

Whereas according to a recent study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes;

Whereas according to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress calls on corporations in the United States, in the words of the President, ''to give more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day; and

(2) it is the sense of Congress that—

(A) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(B) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Texas (Mr. EDWARDS) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD).

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the concurrent resolution.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 170, which calls on America's corporations to increase their support of faith-based charities.

In 1999, the last year in which facts were available, a total of $190.16 billion were contributed to charities throughout America. Of that amount, corporations contributed $11.02 billion to charities, which is 5.8 percent of the total amount given to charities in America came from corporations. Unfortunately, some of America's largest corporations as a matter of policy explicitly discriminate against faith-based organizations.

Now, there are many effective charitable groups throughout our country. These organizations have developed effective programs to assist people to recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates, and to teach job skills that will allow individuals to move from poverty to productivity, from dependence to independence.

Now, in this resolution, we are not encouraging faith-based groups to do any proselytizing. As a matter of fact, they do not proselytize and recommend their particular religion. They are there for one purpose and one purpose only, and that is to provide assistance to people who need assistance.

For example, charities like the Alpha Alternative Pregnancy Care Center in my hometown of Hopkinsville, Kentucky. Alpha Alternative is a place where women in an unwanted pregnancy situation can turn for Christian compassion and help in a time of great personal crisis. They minister to their clients with parenting skills, classes, material assistance, and counseling. If this faith-based charity were to receive more corporate support, perhaps Alpha Alternative could also expand its services to include other medical diagnostic services and job training programs. But with corporate policies banning support for worthwhile faith-based charities, community groups like Alpha Alternative will never reach their true potential.

I ask my colleagues today to join with me in voting for this resolution calling on the conscience of America's largest companies not to discriminate against an organization that is successfully advancing philanthropic and human causes, and not to discriminate merely because they happen to be faith based. As I said earlier, these groups are not out proselytizing. They are not out trying to impose their religion on anyone, and this legislation is not trying to impose religion on anyone. This legislation simply asks corporate America to help effective organizations, whether they be faith based or secular.

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

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

Mr. Speaker, I am not sure exactly what role Congress should have in trying to dictate to American families or American corporations how they should contribute their charitable contributions and to whom they should contribute those dollars, but I would point out that this particular resolution has, in effect, no real legal teeth to it. Much of it is a sense of Congress, and to the extent that the goal of this resolution is to say to individuals and corporate leaders to take a look at faith-based organizations in America, they are doing a lot of good work addressing social problems, then I endorse that approach.

Were this resolution more than, in effect, a sense of Congress and was actually going to dictate policy to corporate trusts, I certainly would have thought it would have made sense for the House committees to have met either the Committee on the Judiciary, or the Committee on Commerce, to at least have a hearing on this to try and direct $1.9 billion in charitable giving. It is my understanding that there was no House committee hearing of either the Committee on the Judiciary or the Committee on Commerce on this measure. However, because this resolution is basically a voluntary message to corporations to consider the good work of many faith-based charities, I would not adamantly object to the principal goal of this.

But what, Mr. Speaker, I would like to comment on today is why this voluntary approach toward giving to faith-based charities is much more acceptable to me and other Members of Congress and religious leaders than the President's faith-based initiative. The President's faith-based initiative in contrast to this has several fundamental flaws, and if this bill had any of these flaws built into it in the essence of law, I would oppose this resolution.

First of all, the President's faith-based initiative as exemplified in H.R. 7 would, for the first time in our country's history, direct Federal tax dollars going immediately into the coffers of our houses of worship, our churches, our synagogues, and other houses of worship. I think that approach to supporting faith-based charities is patently unconstitutional. I think giving billions of Federal dollars directly to faith-based organizations, tax dollars to faith-based organizations would inevitably and absolutely lead to government regulation of religion and our churches.

Thirdly, I think the administration approach toward faith-based initiatives as exemplified in H.R. 7 would lead to religious strife, as thousands of different faith-based groups would be coming to Washington, D.C. competing for tens of billions of Federal tax dollars. If one wants to write a prescription for religious strife in America, Mr. Speaker, I could think of no better way to do it than to have thousands of churches and houses of worship coming to our Nation's capital and competing before Cabinet Members for tens of billions of dollars of Federal money.

The fourth problem I have with the faith-based initiative and the President's program in contrast to this resolution is that the President's faith-based initiative would actually subsidize, subsidize religious discrimination. It would actually take Federal tax dollars and allow a faith-based group to put up a sign, paid for by our tax dollars, that would say, no Jew, no Catholic, no Mormon, no Baptist need apply here for a federally funded job. I think that type of approach to helping charities is really a great retreat in our 40-year march toward greater civil rights in America.

The fifth objection I have to the President's proposal on faith-based initiatives versus this sense of Congress resolution is that the President's proposal really puts Congress and faith-based groups into a Catch-22. If we say that they cannot use Federal dollars to proselytize, to push their religion and their faith upon others, then, in effect, what we are doing is giving Federal dollars to faith-based groups and saying that one cannot use their faith in carrying out one's social mission. So in effect, the President's program, if implemented, would actually take the faith out of faith-based organizations, the very thing I would believe the gentleman from Kentucky (Mr. WHITFIELD) and I would agree makes many faith-based organizations so special, the fact that they can inject their faith into their process of turning around people's lives and solving their problems.

□ 1430

So my point, Mr. Speaker, is this: I am not sure exactly whether this should be a top priority today for Congress, and in fact a sense of Congress resolution, to be telling corporate foundations how to spend billions of dollars, but I do applaud the gentleman from Kentucky (Mr. WHITFIELD) in what I interpret is his basic approach, to send a message to America to say, look at the good work of faith-based organizations.

As a person of faith, I believe these organizations are doing excellent work in many cases. Not in all cases, but in

many cases, they truly are changing people's lives in a positive manner.

But I think it is very important for Members to know that in supporting this resolution today, they are not adopting the provisions of H.R. 7 as proposed by the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Texas (Mr. HALL) and others. We are not endorsing those resolutions that would actually allow Federal tax dollars to go directly to houses of worship. I would passionately oppose such a bill, such a proposal, or such a resolution.

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

Mr. WHITFIELD. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. GREEN), who was the author and primary sponsor of this resolution.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank my friend and colleague, the gentleman from Kentucky, for yielding time to me, and for his kind words.

Mr. Speaker, the seeds for this resolution come from a speech that our President gave at the University of Notre Dame commencement ceremony a few months ago. In that speech, President Bush laid out for America a great challenge. In his words, that challenge ''was to revive the spirit of citizenship, to marshall the compassion of our people to meet the continuing needs of our Nation.''

He went on to remind us that, in his words, ''It is not sufficient to praise charities and community groups. We must support them.'' This is both a public obligation and a personal responsibility.

Mr. Speaker, unlike my friend and colleague, the gentleman from Texas, I hope this body will take up H.R. 7, the Community Solutions Act, and take it up soon. It will create enhanced incentives for charitable giving, it will expand charitable choice, it will break down the barriers that prevent charitable sectors from being greater partners in the war on poverty.

I believe the debate on the faith-based initiative will be a great and historic one, one that may help us turn the corner in the war on poverty, so I am a strong and passionate supporter.

But in the meantime, this resolution that is before us today is designed to nudge corporate America into providing even more immediate reinforcements to faith-based organizations that are already taking up the mission that the President has called for, organizations that have heeded the President's call, and that of so many, many American leaders that have gone before him.

This resolution seeks to draw attention to charitable efforts that are already under way, that are already working so beautifully; more importantly, to draw attention to the sad lack of support that these groups have received, not from individuals but from America's wealthiest foundations.

This resolution celebrates good news, and it points out tragic news.

First, the good news. As both of the previous speakers have noted, each Member of this House can point with pride and with gratitude to organizations in his or her community that are lifting lives and healing neighborhoods and making a wonderful difference. These groups are the conscience of our people. They are helping people recover from drug and alcohol addiction. They are providing shelter, comfort, and food for the homeless. They are rehabilitating prison inmates and breaking the cycle of recidivism.

Hundreds of these organizations were represented recently at the faith-based summit here in Washington. As a participant in that summit, I can say there was more positive energy for poverty relief gathered here in the Capital than at any time in decades.

There were wonderful organizations like Rawhide Boys Ranch from northeastern Wisconsin. Established nearly four decades ago as a faith-based alternative to juvenile detention, Rawhide accepts 100 troubled boys each year without regard to race or religious belief or economic background. These boys are counseled, given personal academic and vocational training, and they are taught discipline and given love. This program changes lives because it changes hearts.

There were organizations like Urban Hope, a faith-based ministry in Green Bay, Wisconsin, committed to empowering and revitalizing people and communities through entrepreneurship; yes, entrepreneurship. It teaches credit and budgeting, entrepreneurial ideas, and has a microloan program. In its brief time of existence, it has launched over 121 new businesses in the Green Bay area.

Of course, nearly every community in America has a Bureau of Catholic Charities. There are over 1,400 agencies, institutions, and organizations that make up Catholic Charities. Over 9½ million people each year, people who are in need, turn to them for services ranging from adoption to soup kitchens, child care to prison ministry, disaster relief to refugee and immigration assistance.

In summary, these armies of compassion are fighting brush fires all across this great land.

Now the sad news, the tragic news. According to the Capital Research Center my colleague, the gentleman from Kentucky (Mr. WHITFIELD) has just mentioned, the 10 largest U.S. corporate foundations have given out roughly $2 billion each year to charities, but a mere fraction of that has gone to these very organizations that each of us have referred to.

It has given little to them regardless of their effectiveness. In fact, of the 10 largest corporations in America, six have specific restrictions that either ban outright giving to faith-based organizations, or greatly restricting it. In fact, of the 10 which have provided enough information, not one of them has given 5 percent.

Mr. Speaker, according to that same Capital Research Center report, the leading 1,000 foundations in America have targeted just 2.3 percent of their grants to faith-based organizations. The top 100 foundations have given just 1.5 percent.

I do not know if this is political correctness, I do not know if this is a lack of awareness of what these great organizations are doing. I am wondering if these organizations, these corporations, these foundations, have become conscientious objectors in the battle against poverty. I hope not. I am sure my colleagues share that sentiment.

Whatever the cause, whatever the reason, it is time for these restrictions to fall. It is time for the reticence of corporate America to end. It is time for corporate America, it is time for foundations and American citizens everywhere, to take up the cause of these organizations; to contribute, to give them what they can, whether it be financial resources, tools, expertise, whatever they can give to help them help us fight poverty and the consequences of poverty.

We are not asking these corporations to do any more than we should do each as individuals to turn citizenship and civic responsibility from an all too passive term to an activist philosophy, because it is only when each of us and these foundations and these corporations take up the fight, I believe it is only when that happens that we will make a difference.

I urge my colleagues to support this resolution. It is a sense of the Congress resolution, but it shines a spotlight on the wonderful work that is being done, and it shines a spotlight on the sad tragedy that too many corporations, too many foundations have not been there to help. I think shining this spotlight is important, and I hope it will make a difference.

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

Mr. Speaker, I would like to point out, not knowing the facts, since there was not a committee hearing on this, that some of the corporations whose charitable contributions are in effect being criticized today might not want to give to some faith-based groups because they do proselytize.

I know the gentleman from Kentucky talked about groups that do not proselytize. There are many faith-based groups that provide soup kitchens, alcohol and drug rehabilitation programs, and they do not proselytize. But there are many other faith-based groups that part of their very mission

as a religious, pervasively sectarian entity is to proselytize, to sell their faith to others to try to change their lives.

So not knowing what the policy is, these corporations, that might be one valid reason why many of these corporations choose not to give their philanthropy to faith-based organizations.

Again, I commend the gentleman from Kentucky today for pointing out the good work done by faith-based groups of many different religious faiths across the country. But Mr. Speaker, as we begin this opening chapter in the debate this summer on the role of government and faith-based organizations, I think it is important that we keep in historical perspective the reason why our Founding Fathers felt so strongly about the separation of government and its ability to regulate religion.

Mr. Speaker, many Americans would be surprised that God is not mentioned in America's governing document, our Constitution. Was this an unintended omission? Did our Founding Fathers intend to show disrespect toward God and faith? Did they not understand the importance of religion in our country?

One could imagine modern-day politicians railing against this ''discrimination'' against religion shown by our Founding Fathers. Worse yet, they could be attacked for beginning the Bill of Rights with these words: ''Congress shall make no law respecting an establishment of religion.''

Were Madison, Jefferson, and others guilty of anti-religious, anti-faith discrimination? The truth is, our Founding Fathers did not mention God in our Constitution not out of disrespect to God or religion, but out of total reverence for religious liberty. They believed human history proved that government involvement harmed rather than helped religion.

Jefferson wrote reverently of the wall of separation between church and State. Mr. Speaker, that wall of separation is not designed to keep people of faith out of government, but rather, to keep government and its regulations out of religion and our faith.

Were our Founding Fathers right or wrong in separating politics from religion? Let us fast-forward to today's world. In Denmark, churches are subsidized by taxes, and church attendance is extremely low. In China, citizens are put in prison for their religious beliefs. In Afghanistan, the government is taking religious minorities and forcing them to wear identification symbols that evoke Nazi tactics. In the Middle East and Sudan, religious differences have been the basis for conflict and hatred and terrorism.

In contrast to those countries where government and religion are so entwined, in the United States religious faith and freedom, tolerance, and generosity are flourishing. The difference is that in the other countries, government and religion are intertwined. But in the United States, our Bill of Rights prohibits government from direct involvement in our religion and our own personal faith.

Madison and Jefferson were not so anti-religion after all when they created the wall of separation between church and State. As I said, that wall is not intended to keep people of faith out of being involved in government or having a voice in government, but rather, it was clearly intended to keep government from being able to control religion.

How wise they were in establishing that wall. Maybe our Founding Fathers expressed true reverence in recognizing that faith should be a matter only between an individual and God, with no need for government interference.

Despite the wisdom of our Founding Fathers and all the lessons of human history, I believe it should alarm Americans of all faiths that the administration and some Members of Congress propose other legislation, in contrast to this, that would allow the Federal government to send billions of dollars directly to churches, synagogues and houses of worship. This proposal, soon to be voted on in the House, is known as charitable choice. Unlike this resolution, it would have the teeth of law.

So-called charitable choice legislation is a bad choice. Direct government funding of our houses of worship would inevitably lead to government regulation of religion. Government simply cannot spend billions of tax dollars without audits and regulations. Do we really want Federal auditors and investigators digging through the financial records of our churches, synagogues, and houses of worship? Do we really want prosecutors going after pastors and rabbis who have not handled their faith-based Federal money properly?

It would be also a huge step backwards in our march of civil rights for charitable choice legislation to not only allow but to actually subsidize religious discrimination. Under that bill, a religious group using tax dollars could refuse to hire someone for a secular job simply because of that person's sincere religious faith.

Do we really want government officials deciding which religions and which houses of worship should receive billions of Federal tax dollars? I could not think of a better cause or a better basis for religious strife in America than to encourage the competition between churches, synagogues, and mosques, causing them to compete for billions of Federal dollars.

Even the short recent debate over the charitable choice issue has already caused religious tension in our country as some religious leaders have recently said they do not want other religions different from their own to receive Federal tax dollars. The President even several weeks ago accused those opposed to his faith-based initiatives as being skeptics who do not understand the power of faith.

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Forgetting the fact that numerous religious leaders oppose the President's proposals on church-State grounds, is it healthy to have a President challenging citizens' religious faith because they differ with him on a public policy issue? I think not.

In the face, Mr. Speaker, of religious strife throughout the world, I would hope that Americans would understand that religious freedom and tolerance, protected by the Bill of Rights, is the crown jewel of America's experiment in democracy. We tamper with that freedom at our own peril.

As a person of faith, I am willing to say that this resolution today is well intended, is intended to voluntarily encourage corporations to give their money to faith-based organizations if they believe those organizations are doing good work for our country. But let us be very clear in drawing the line between this voluntary-type Sense of Congress Resolution and actually using the power of government to regulate and fund our faith in our houses of worship.

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

Mr. WHITFIELD. Mr. Speaker, I yield 7 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first I would like to thank the gentleman from Wisconsin (Mr. GREEN) for his leadership in bringing this resolution to the floor, his enthusiasm for the concept, as he has battled through committee and defended the whole concept, but particularly this in the private sector.

I would like to make a couple other comments here at the beginning as well. Those in the gallery and those who have been here to the House floor can see we are surrounded by lawgivers, all whose heads are turned sideways, except for Moses, who looks straight down on the Speaker of the House, or the acting Speaker; and it says ''In God We Trust.'' Clearly, Congress has decided that what is wrong, and the reason in the Constitution they decided what was wrong, was to use government funds to proselytize for sectarian purposes. They did not mean a total separation of church and State.

When the wall of separation line was developed, it was developed in Virginia because they were paying even for the pastor's home and the actual church in Virginia, and the Evangelicals objected to funding the Anglicans. That is not what the founding fathers intended. They did not want proselytization, but they did not have a complete separation as long as there was no proselytizing.

I also want to thank my friend, the gentleman from Texas (Mr. EDWARDS). I appreciate his support of this resolution today and working with me and others on tax alternatives. He has been consistent. We have a disagreement on charitable choice and government funding, but we do not oppose private funding. It is wrong for us to cast aspersions on others who disagree with certain parts because we have an honest disagreement about what this country should do and how we should proceed. And we have had several good debates on that. This resolution is not part of that debate.

This resolution should be unanimous because those who oppose public funds also speak in favor of private funds, and this encourages more private-sector funding. But if corporate private-sector funding does not go to faith-based and is biased against faith-based organizations as well, where do these resource-poor organizations go?

Many of our most effective poverty-fighting organizations are in the country's poorest areas, in the poorest areas of my hometown of Fort Wayne, of Milwaukee, of Chicago, of New York, of Boston, wherever you go, they are people rich but resource poor. They are often struggling to get through that day or that week. They often have volunteers who work many, many hours and into the night. When government employees often leave at 5 o'clock, we see these people volunteering, because many of the problems in our toughest neighborhoods occur between 10 at night and 4 in the morning; not often when government employees are there. Often they work without health benefits or any other kind of benefits. Also, the churches from which they rise often have no financial resources.

We are not here talking about the church itself or the ministry. Because I agree, if the money goes straight to the churches and gets incorporated and they become dependent on that, we will wreck the churches of America, like has happened to some degree, as the gentleman from Texas (Mr. EDWARDS) pointed out, around the world. But this is in their outreach ministries. Can they, if they do not proselytize with government funds, can they be included in faith-based organizations?

Now, the problem, as President Bush has pointed out and the Capital Research Center and as previous speakers have previously pointed out, many of our top organizations ban funding for faith-based organizations. Number one, General Motors, says that contributions generally are not provided to religious organizations. Number three, the Ford Motor Company, says as a general policy they do not support religious or sectarian programs. Number four, ExxonMobile, says we do not provide funds for political or religious causes. Number six, IBM, does not make corporate donations or grants from corporate philanthropic funds to religious groups.

Where are they to turn? If the biggest funders deny them, if the government denies them, if their churches are poor, and yet they are the most effective, where do they turn?

In President Bush's Notre Dame commencement speech, and I am proud I graduated from Notre Dame and I am thrilled he gave this speech at Notre Dame, he quoted Knute Rockne, certainly the most famous football coach in American history, next to our fellow congressman, the gentleman from Nebraska (Mr. OSBORNE), Knute Rockne said, ''I have found prayers work best when you have big players.'' Big players in this case are the volunteers and also the dollars.

There has been a lot of misunderstanding about President Bush's faith-based initiative. He has always said from the beginning that private giving is first and foremost. The amount of private giving in America far exceeds anything that the government will do in these areas.

Number one are individual contributions, which are in this bill, which would allow nonitemizers to tax deduct, as well as some other incentives for individual giving and corporate giving; and, number two, is to urge corporate foundations and corporate entities themselves to give private donations. That is where the real dollars will come, and that is where there is the least strings. At a minimum, this Congress should not only pass this resolution today but the tax part of the President's initiative.

His second most important part was the so-called compassion fund, because even now faith-based organizations are eligible but they have no idea where the grants are. They have no idea, a lot of times, what the laws are on proselytizing, how to set up 501(c)(3)'s, how to have an isolated fund so they do not get sued and so they do not get intermingled. That compassion fund is a critical part of the President's agenda. All the focus has been on number three, which we have already passed through the House, which is already law in welfare reform, and which is law in other areas, and that is the so-called charitable choice provision. It is important. I strongly support it.

The bill that passed out of the committees just before we left for the July 4th break made the differentiations that I believe are needed to follow constitutional law, and I strongly support that. But it is most important for us to remember that the key thing is to get the dollars to where the resources, the people resources are. And that starts first and foremost with individual giving and corporate giving.

Once again, I commend the gentleman from Wisconsin (Mr. GREEN) for his resolution today, for our House leadership, for the gentleman from Kentucky (Mr. WHITFIELD), and the gentleman from Texas (Mr. EDWARDS), and others, for doing this. We are a diverse country. We need to protect our diversity. But our multiple faiths in this country will always be the anchor of our diversity.

Mr. Speaker, I include for the RECORD the commencement speech the President gave at Notre Dame, which I referred to earlier.

REMARKS BY THE PRESIDENT IN COMMENCEMENT ADDRESS

THE PRESIDENT: Thank you, Father Malloy. Thank you all for that warm welcome. Chairman McCartan, Father Scully, Dr. Hatch, Notre Dame trustees, members of the class of 2001. (Applause.) It is a high privilege to receive this degree. I'm particularly pleased that it bears the great name of Notre Dame. My brother, Jeb, may be the Catholic in the family—(laughter)—but between us, I'm the only Domer. (Laughter and applause.)

I have spoken in this campus once before. It was in 1980, the year my Dad ran for Vice President with Ronald Reagan. I think I really won over the crowd that day. (Laughter). In fact, I'm sure of it, because all six of them walked me to my car. (Laughter.)

That was back when Father Hesburgh was president of this university, during a tenure that in many ways defined the reputation and values of Notre Dame. It's a real honor to be with Father Hesburgh, and with Father Joyce. Between them, these two good priests have given nearly a century of service to Notre Dame. I'm told that Father Hesburgh now holds 146 honorary degrees. (Applause.) That's pretty darn impressive. Father, but I'm gaining on you. (Laughter.) As of today, I'm only 140 behind. (Laughter.)

Let me congratulate all the members of the class of 2001. (Applause.) You made it, and we're all proud of you on this big day. I also congratulate the parents, who, after these years, are happy, proud—and broke. (Laughter and applause.)

I commend this fine faculty, for the years of work and instruction that produced this outstanding class.

And I'm pleased to join my fellow honorees, as well. I'm in incredibly distinguished company with authors, executives, educators, church officials and an eminent scientist. We're sharing a memorable day and a great honor, and I congratulate you all. (Applause.)

Notre Dame, as a Catholic university, carries forward a great tradition of social teaching. It calls on all of us, Catholic and non-Catholic, to honor family, to protect life in all its stages, to serve and uplift the poor. This university is more than a community of scholars, it is a community of conscience—and an ideal place to report on our nation's commitment to the poor, and how we're keeping it.

In 1964, the year I started college, another President from Texas delivered a commencement address talking about this national commitment. In that speech, President Lyndon Johnson issued a challenge. He said, ''This is the time for decision. You are the generation which must decide. Will you decide to leave the future a society where a man is condemned to hopelessness because he was born poor? Or will you join to wipe out poverty in this land?

In that speech, Lyndon Johnson advocated a War on Poverty which has noble intentions and enduring success. Poor families got basic health care; disadvantaged children were

given a head start in life. Yet, there were also some consequences that no one wanted or intended. The welfare entitlement became an enemy of personal effort and responsibility, turning many recipients into dependents. The War on Poverty also turned too many citizens into bystanders, convinced that compassion had become the work of government alone.

In 1996, welfare reform confronted the first of these problems, with a five-year time limit on benefits, and a work requirement to receive them. Instead of a way of life, welfare became an officer of temporary help—not an entitlement, but a transition. Thanks in large part of this change, welfare rolls have been cut in half. Work and self-respect have been returned to many lives. This is a tribute to the Republicans and democrats we agreed on reform, and to the President who signed it: President Bill Clinton. (Applause.)

Our nation has confronted welfare dependency. But our work is only half done. Now we must confront the second problem: to revive the spirit of citizenship—to marshal the compassion of our people to meet the continuing needs of our nation. This is a challenge to my administration, and to each one of you. We must meet that challenge—because it is right, and because it is urgent.

Welfare as we knew it has ended, but poverty has not. When over 12 million children live below the poverty line, we are not a post-poverty America. Most states are seeing the first wave of welfare recipients who have reached the law's five-year time limit. The easy cases have already left the welfare rolls. The hardest problems remain—people with far fewer skills and greater barriers to work. People with complex human problems, like illiteracy and addiction, abuse and mental illness. We do not yet know what will happen to these men and women, or to their children. But we cannot sit and watch, leaving them to their own struggles and their own fate.

There is a great deal at stake. In our attitudes and actions, we are determining the character of our country. When poverty is considered hopeless, America is condemned to permanent social division, becoming a nation of caste and class, divided by fences and gates and guards.

Our task is clear, and it's difficult: we must build our country's unity by extending our country's blessings. We make that commitment because we are Americans. Aspiration is the essence of our country. We believe in social mobility, not social Darwinism. We are the country of the second chance, where failure is never final. And that dream has sometimes been deferred. It must never be abandoned.

We are committed to compassion for practical reasons. When men and women are lost to themselves, they are also lost to our nation. When millions are hopeless, all of us are diminished by the loss of their gifts.

And we're committed to compassion for moral reasons. Jewish prophets and Catholic teaching both speak of God's special concern for the poor. This is perhaps the most radical teaching of faith—that the value of life is not contingent on wealth or strength or skill. That value is a reflection of God's image.

Much of today's poverty has more to do with troubled lives than a troubled economy. And often when a life is broken, it can only be restored by another caring, concerned human being. The answer for an abandoned child is not a job requirement—it is the loving presence of a mentor. The answer to addiction is not a demand for self-sufficiency—it is personal support on the hard road to recovery.

The hope we seek is found in safe havens for battered women and children, in homeless shelters, in crisis pregnancy centers, in programs that tutor and conduct job training and help young people when they happen to be on parole. All these efforts provide not just a benefit, but attention and kindness, a touch of courtesy, a dose of grace.

Mother Teresa said that what the poor often need, even more than shelter and food—though these are desperately needed, as well—is to be wanted. And that sense of belonging is within the power of each of us to provide. Many in this community have shown what compassion can accomplish.

Notre Dame's own Lou Nanni is the former director of South Bend's Center for the Homeless—an institution founded by two Notre Dame professors. It provides guests with everything from drug treatment to mental health service, to classes in the Great Books, to preschool for young children. Discipline is tough. Faith is encouraged, not required. Student volunteers are committed and consistent and central to its mission. Lou Nanni describes this mission as ''repairing the fabric'' of society by letting people see the inherent ''worth and dignity and God-given potential'' of every human being.

Compassion often works best on a small and human scale. It is generally better when a call for help is local, not long distance. Here at this university, you've heard that call and responded. It is part of what makes Notre Dame a great university.

This is my message today: there is no great society which is not a caring society. And any effective war on poverty must deploy what Dorothy Day called ''the weapons of spirit.''

There is only one problem with groups like South Bend's Center for the Homeless—there are not enough of them. It's not sufficient to praise charities and community groups, we must support them. And this is both a public obligation and a personal responsibility.

The War on Poverty established a federal commitment to the poor. The welfare reform legislation of 1996 made that commitment more effective. For the task ahead, we must move to the third stage of combating poverty in America. Our society must enlist, equip and empower idealistic Americans in the works of compassion that only they can provide.

Government has an important role. It will never be replaced by charities. My administration increases funding for major social welfare and poverty programs by 8 percent. Yet, government must also do more to take the side of charities and community healers, and support their work. We've had enough of the stale debate between big government and indifferent government. Government must be active enough to fund services for the poor—and humble enough to let good people in local communities provide those services.

So I have created a White House Office of Faith-based and Community Initiatives. (Applause.) Through that office we are working to ensure that local community helpers and healers receive more federal dollars, greater private support and face fewer bureaucratic barriers. We have proposed a ''compassion capital fund,'' that will match private giving with federal dollars. (Applause.)

We have proposed allowing all taxpayers to deduct their charitable contributions—including non-itemizers. (Applause.) This could encourage almost $15 billion a year in new charitable giving. My attitude is, everyone in America—whether they are well-off or not—should have the same incentive and reward for giving.

And we're in the process of implementing and expanding ''charitable choice''—the principle, already established in federal law, that faith-based organizations should not suffer discrimination when they compete for contracts to provide social services. (Applause.) Government should never fund the teaching of faith, but it should support the good works of the faithful. (Applause.)

Some critics of this approach object to the idea of government funding going to any group motivated by faith. But they should take a look around them. Public money already goes to groups like the Center for the Homeless and, on a larger scale, to Catholic Charities. Do the critics really want to cut them off? Medicaid and Medicare money currently goes to religious hospitals. Should this practice be ended? Child care vouchers for low income families are redeemed every day at houses of worship across America. Should this be prevented? Government loans send countless students to religious colleges. Should that be banned? Of course not. (Applause.)

America has a long tradition of accommodating and encouraging religious institutions when they pursue public goals. My administration did not create that tradition—but we will expand it to confront some urgent problems.

Today, I am adding two initiatives to our agenda, in the areas of housing and drug treatment. Owning a home is a source of dignity for families and stability for communities—and organizations like Habitat for Humanity make that dream possible for many low income Americans. Groups of this type currently receive some funding from the Department of Housing and Urban Development. The budget I submit to Congress next year will propose a three-fold increase in this funding—which will expand homeownership, and the hope and pride that come with it. (Applause.)

And nothing is more likely to perpetuate poverty than a life enslaved to drugs. So we've proposed $1.6 billion in new funds to close what I call the treatment gap—the gap between 5 million Americans who need drug treatment, and the 2 million who currently receive it. We will also propose that all these funds—all of them—be opened to equal competition from faith-based and community groups.

The federal government should do all these things; but others have responsibilities, as well—including corporate America.

Many corporations in America do good work, in good causes. But if we hope to substantially reduce poverty and suffering in our country, corporate America needs to give more—and to give better. (Applause.) Faith-based organizations receive only a tiny percentage of overall corporate giving. 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. (Applause.)

In the same spirit, I hope America's foundations consider ways they may devote more of their money to our nation's neighborhood and their helpers and their healers. I will convene a summit this fall, asking corporate and philanthropic leaders throughout America to join me at the White House to discuss ways they can provide more support to community organizations—both secular and religious.

Ultimately, your country is counting on each of you. Knute Rockne once said, ''I have found that prayers work best when you have big players.'' (Laugher and applause.) We can pray for the justice of our country, but you're the big players we need to achieve it. Government can promote compassion, corporations and foundations can fund it, but the citizens—it's the citizens who provide it. A determined assault on poverty will require both an active government, and active citizens.

There is more to citizenship than voting—though I urge you to do it. (Laughter.) There is more to citizenship than paying your taxes—though I'd strongly advise you to pay them. (Laughter.) Citizenship is empty without concern for our fellow citizens, without the ties that bind us to one another and build a common good.

If you already realize this and you're acting on it, I thank you. If you haven't thought about it, I leave you with this challenge: serve a neighbor in need. Because a life of service is a life of significance. Because materialism, ultimately, is boring, and consumerism can build a prison of wants. Because a person who is not responsible for others is a person who is truly alone. Because there are few better ways to express our love for America than to care for other Americans. And because the same God who endows us with individual rights also calls us to social obligations.

So let me return to Lyndon Johnson's charge. You're the generation that must decide. Will you ratify poverty and division with your apathy—or will you build a common good with your idealism? Will you be the spectator in the renewal of your country—or a citizen?

The methods of the past may have been flawed, but the idealism of the past was not an illusion. Your calling is not easy, because you must do the acting and the caring. But there is fulfillment in that sacrifice, which creates hope for the rest of us. Every life you help proves that every life might be helped. The actual proves the possible. And hope is always the beginning of change.

Thank you for having me, and God bless. (Applause.)

Mr. WHITFIELD. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Kentucky has 2 minutes remaining.

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

I want to thank the gentleman from Wisconsin (Mr. GREEN) for bringing this important issue to the forefront. We have a lot of people in America reaching out asking for a helping hand. We have a lot of organizations who have programs in place that can assist those people. This resolution today simply calls on corporate America to not discriminate against a group simply because they are faith based.

I would also like to thank the gentleman from Texas for his remarks today.

Mr. TAUZIN. Mr. Speaker, I too rise in support of H. Con. Res. 170, which calls for increased support of faith-based charities by U.S. corporations.

The United States is blessed with an industrious people and great wealth; we are the envy of the world. But a great and prosperous nation can and must do better—each of us has a duty to alleviate the suffering of the poor and oppressed in our own communities. Some of the most effective organizations for meeting the needs of impoverished Americans are faith-based, yet these are the very groups that face discrimination by corporate America.

According to Leslie Lenkowsky in last month's edition of Commentary, in 1998 only some 2 percent of the money donated by the nation's largest foundations went to religiously affiliated institutions, and much of that was earmarked for institutions like hospitals and universities. The Capital Research Center found that six of the ten largest companies in America explicitly ''ban or restrict'' donations to faith-based charities.

Why would some of the greatest corporations in the country institute policies that prevent funding of some of America's most effective charities at a time when Congress has taken a leading role in knocking down discriminatory barriers that prevent faith-based charities from competing for government grants and contracts?

On a bipartisan basis, Congress first started the work of expanding charitable choice in 1996 with welfare reform, and followed up with the welfare-to-work grant program in 1997. In 1998, Congress added charitable choice to the Community Services Block Grant Program and in 2000 we added charitable choice to substance abuse treatment and prevention services under the Public Health Services Act.

We know that these programs work, and the States are also finding great success. A study of Indiana's ''Faith Works'' program, which allows welfare recipients to get assistance from faith-based charities instead of secular providers, found that those opting for such charities came from more distressed family situations and had deeper personal crises than those opting for the secular alternative. The study concluded that what these people found at faith-based charities was more emotional and spiritual support than what could ever be offered by a secular institution. In some personal situations, that additional support might be the difference between life and death.

I predict that Congress will knock down more barriers against faith-based charities in programs like the Community Health Centers program this year, and many more next year. As Congress has already moved to provide more access to faith-based charities by Americans in the greatest need, I believe that Congress should call on American corporations to give more even-handedly and generously to faith-based charities.

Mr. STARK. Mr. Speaker, I rise today in opposition of H. Con. Res. 170, a Resolution Encouraging Corporations to Contribute to Faith-Based Organizations.

I am a strong supporter of corporations increasing donations to philanthropic organizations to help the most needy in our society. Even with the strong economy over the past few years, many Americans have not shared in this nation's prosperity. Thus, more corporate donations are needed to help the many Americans living in poverty.

However, I do not support the government advocating corporate support of one charitable organization over another. Our Founding Fathers included the establishment clause in the United States Constitution to ensure that the government did not play the role of endorsing religion. This policy has given Americans the freedom to carry out their religious worship in whichever manner they choose without fear of government oppression. Today, this resolution takes the first step toward the government playing the role of supporting religious charitable organization over others and challenging the Founding Fathers' wisdom to include the establishment clause in our constitution.

Even more disturbing, it appears that this resolution is the first step in the Bush Administration attempt to promote their faith-based initiative that supports the ungodly action of promoting government sponsored discrimination. it has been reported that the Bush administration has agreed to create a regulation that would allow religious charitable organizations to legally avoid hiring gay employees because of their sexual orientation in exchange for these groups' support for their faith-based initiative.

In the mid-20th century, many racial minorities, women and gays began the long fight for equal rights in this nation. It is a fight that still has a long way to go. The struggle of these groups to obtain equality continues to inspire a nation to make America a better place where all men and women are truly created equal.

If the reported allegation about the administration creating a regulation to promote discrimination is true, then the Bush Administration has signaled to the nation that it wants to return to the dark days in this nation's history when our government sponsored discrimination against certain groups. If today, the Bush Administration is willing to support government sponsored discrimination against homosexuals, then which group is next? Will it be women? Will it be African Americans or Hispanics? Will it be religious worshipers of Catholicism, Judaism or the Nation of Islam?

It is time that the leaders in this country stood up together and stopped usurping the principles of separation of church and state and the principle that all are created equal. These principles help to create a nation that cherishes tolerance for all groups and should be preserved.

I urge my colleagues to oppose H. Con. Res. 170 and say no to discrimination.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H. Con. Res. 170, which encourages corporations in the United States to increase their support of faith-based organizations.

America is privileged materially, but there still remains poverty and a lack of hope for some. Government has a duty to meet the needs of poor Americans, but it does not have to do it alone. The indispensable and gracious work of faith-based and other charitable service groups must be encouraged as a means of people helping people—as a significant addition to government service.

Faith has played an important role in America's handling of serious social problems. Faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, and teach people job skills that will allow them to move from poverty to productivity. These organizations have proven to be effective in solving some of society's troubles.

Corporations donate billions of dollars to philanthropic causes every year. However, of

these billions of dollars, faith-based organizations receive only a small portion. In fact, many corporations specifically ban or restrict contributions to faith-based organizations.

This legislation encourages them to make greater contributions to faith-based organizations and recommends that they refrain from policies that prohibit corporations from donating to faith-based organizations. I urge my colleagues to support H. Con. Res. 170.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 170.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF VICTIMS OF TORTURE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 168) expressing the sense of Congress in support of victims of torture.

The Clerk read as follows:

H. CON. RES. 168

Whereas the people of the United States abhor the use of torture by any government or person;

Whereas the existence of torture creates a climate of fear and international insecurity that affects all people;

Whereas torture results in mental and physical damage to an individual that destroys the individual's personality and terrorizes society and the effects of torture can last a lifetime for the individual and can also affect future generations;

Whereas repressive governments often use torture as a weapon against democracy by eliminating the leadership of their opposition and frightening the general public;

Whereas more than 500,000 survivors of torture live in the United States;

Whereas torture has devastating effects on the victim which often require extensive medical and psychological treatment;

Whereas both the Torture Victims Relief Act of 1998 (Public Law 105–320) and the Torture Victims Relief Reauthorization Act of 1999 (Public Law 106–87) authorize funding for rehabilitation services for victims of torture so that these individuals may become productive and contributing members of their communities;

Whereas the United States played a leading role in the adoption of the Universal Declaration of Human Rights and has ratified the United Nations Convention Against Torture and Other Forms of Inhuman and Degrading Treatment or Punishment; and

Whereas June 26th of each year is the United Nations International Day in Support of Victims of Torture: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, on the occasion of the United Nations International Day in Support of Victims of Torture, Congress pays tribute to all victims of torture in the United States and around the world who are struggling to overcome the physical scars and psychological effects of torture.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment underscores that freedom, justice, and peace rests on the recognition of the inalienable rights of all members of the human family.

It further states that these basic rights derive from the inherent dignity of the human person. Thus, when one individual suffers, all of humanity suffers. When one individual is tortured, the scars inflicted by such horrific treatment are not only found in the victim but in the global system, as the use of torture undermines, debilitates, and erodes the very essence of that system.

Torture not only terrorizes individuals but entire societies, the impact of which is felt in future generations as well. It is used as a weapon against democracy by eliminating the leadership of the opposition and by frightening the general population into submission.

As a Member of Congress who represents men, women, and children who have fled repressive regimes, I have witnessed firsthand the mental and physical damage that torture inflicts on the individual and on society as a whole. I have constituents who are Cuban refugees, for example, who have been subjected to electroshock treatment by Castro's authorities because of their pro-democracy activities.

I represent one of the largest Holocaust survivor communities in North America. My district includes victims of right-wing authoritative regimes as well as oppressive leftist totalitarian dictators. I have seen the anguish in their eyes as well as the strength of their spirit, their courage, and their determination.

There are more than 500,000 survivors of torture in the United States; and this resolution, Mr. Speaker, seeks to honor them.

House Concurrent Resolution 168 uses the occasion of the United Nations Day in Support of Victims of Torture as an opportunity to remember and pay homage to the victims of torture and to underscore the commitment that the United States Congress has outlined in the last few years through passage of the Torture Victims Relief Act of 1998 and the Torture Victims Relief Reauthorization Act of 1999.

It is a message to the survivors in the U.S., and indeed throughout the world, that the U.S. has not forgotten their suffering nor its obligation as a global leader to help prevent such violations of the inherent dignity of human beings. I ask my colleagues to support this bipartisan resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume; and I rise in strong support of H. Res. 168. I want to commend my dear friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing this important resolution.

Mr. Speaker, I have the dubious distinction of being the only Member of Congress ever to have lived under and fought against both a Nazi and a communist dictatorship. So torture is something with which I am personally and intimately familiar with.

The resolution before this House today pays tribute to the millions of courageous men and women who have suffered truly terrible mental and physical damage perpetrated by other human beings. It is an unfortunate reality, Mr. Speaker, that around the globe on every continent men, women, and even children are abused by those who are in positions of authority and who abuse their power by inflicting harm on others.

□ 1500

Mr. Speaker, every year our Department of State in its country reports on human rights practices, catalogs for us the numerous countries involved in this heinous practice. Torture and other cruel, inhuman and degrading treatment or punishment is a violation of international law, Mr. Speaker, as reflected in the Convention Against Torture to which I am proud to say the United States is a party. But more than that, it is an attack on the decency of every human being who lives in a world where such heinous practices exist.

Mr. Speaker, this House has been at the forefront of trying to ease the suffering of the many who have survived

these awful practices. We have initiated and passed legislation creating U.S. programs that address the psychological and physical needs of those who have survived brutal torture. These programs have helped thousands of such victims. It is only fitting that the House pay tribute to all of the victims of torture around the globe who are struggling to overcome the effects of torture.

Mr. Speaker, I urge all of my colleagues to support H. Res. 168.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, although the gentlewoman from Minnesota (Ms. MCCOLLUM) has been with us only a short time, she has made an excellent name for herself in her commitment to the finest causes that we deal with.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank the gentleman from California for his kind words.

Mr. Speaker, I am proud to be part of a special organization located in Minnesota. It is The Center for Victims of Torture. The Center was established in 1985 to healed the emotional and physical scars of government-inflicted torture on individuals, their families, and our communities. Torture victims face debilitating and unimaginable social, physical, emotional and spiritual scarring.

Many survivors are challenged with daily constant anxiety, depression, and suffer from fear. Torture is a crime against humanity. It is a crime against all of us.

Today I stand here with my colleagues to ensure that the United States works in collaboration with all nations to end government-sponsored torture, to end policies and practices that violate human rights. Although the memories cannot be erased, the wounds can be healed.

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

Ms. WATSON of California. Mr. Speaker, I rise in support of H. Con. Res. 168, the resolution that expresses the sense of Congress in support of victims of torture. But first I wish to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this important legislation. I also wish to express my gratitude to the honorable gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for allowing me the opportunity to speak on this very important international issue. As both a former Ambassador and member of the Committee on International Relations, I stand before this esteemed body to speak on the necessity of highlighting the plight of the many victims of torture around the world.

Today, there are over 500,000 survivors of torture who live in the United States as a result of fleeing from those repressive governments that use various tactics to torture to combat democracy.

This bill is very significant, for it pays tribute to all the victims in the United States and the world who are struggling to overcome the physical and mental scars of torture on the occasion of the United Nations International Day in Support of Victims of Torture.

Torture is a violation of international law as reflected in the convention against torture and other cruel, inhuman or degrading treatment or punishment to which the United States is a party. Furthermore, such actions are an attack on the decency of every human being who lives in a world where such horrible practices exist.

In light of these atrocities, I urge all of my colleagues to support this legislation.

Mrs. MORELLA. Mr. Speaker, I rise in support of H. Con. Res. 168, to express support for victims of torture, and I thank Congresswoman ROS-LEHTINEN for bringing this issue to the floor.

Although torture and other cruel, inhumane or degrading treatment is prohibited under international human rights law, state-officials in countries all over the world are responsible for the ill-treatment of individuals. Today, hundreds of thousands of victims of torture live in the United States. They are typically well-educated, well-trained people who were subjected to politically motivated torture by repressive regimes. They were tortured because of what they believe, what they said or did, or for what they represented.

Many torture survivors suffer in silence, enduring incessant physical and emotional anguish. These courageous individuals, who often suffered for speaking out for freedom and justice, deserve, our full and uncompromising support.

When Congress passed the Torture Victims Relief Act of 1998, we agreed that victims should have access to rehabilitation services, enabling them to become productive members of our communities. I also encourage my colleagues to support the Torture Victim's Relief Re-authorization Act—H.R. 1405, to fund domestic torture treatment centers and the Human Rights Information Act—H.R. 1152, to facilitate the prosecution of torturers.

As a member of the Congressional Caucus on Human Rights, I join Congresswoman ROS-LEHTINEN and Congressman SMITH in this recognition of all victims of torture in the United States and around the world who are struggling to overcome their physical and psychological scars. I urge support of H. Con. Res. 168.

Mr. GILMAN. Mr. Speaker, at this time I want to thank the Chairwoman of the Subcommittee on International Operation and Human Rights, the gentlelady from Florida (Ms. ROS-LEHTINEN), for reminding us of the role that the United States must take in combating the use of torture and other forms of degrading treatment or punishment throughout the world.

However, it is not enough to merely denounce torture without assisting the victims in their recovery from the physical and psychological effects that they suffer. People suffering from the effects of torture suffer from severe impediments, often requiring lengthy medical and psychological treatments. Torture victims are often ashamed or too traumatized to speak out against the practice, both in their countries of origin and abroad.

Because torture victims sometimes cannot speak for or help themselves, Americans want their government to speak for those victims, to provide assistance to stop human rights abuses, to investigate allegations of torture, and also to provide rehabilitation services for the victims of torture through the Torture Victims Protection Act. They also want us to press for universal protection against torture through the enforcement of the rights set out in the Universal Declaration of Human Rights, the Convention Against Torture, and the UN Charter. These are the themes of the worthy resolution now before us, and we should start with expressing our solidarity with the victims of torture in the United States and throughout the world.

Accordingly, I am pleased to join my colleagues in supporting H. Con. Res. 168.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 168.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TROPICAL FOREST CONSERVATION ACT REAUTHORIZATION

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2131) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, as amended.

The Clerk read as follows:

H.R. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR BENEFITS.

Section 805(a)(2) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431c(a)(2)) is amended by striking ''major''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS TO SUPPORT REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

(a) REAUTHORIZATION.—Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section or section 807, there are authorized to be appropriated to the President the following:

''(1) $50,000,000 for fiscal year 2002.

''(2) $75,000,000 for fiscal year 2003.

''(3) $100,000,000 for fiscal year 2004.''.

(b) CONFORMING AMENDMENT.—Section 808(a)(1)(D) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431f(a)(1)(D)) is amended by striking ''to appropriated under sections 806(a)(2) and 807(a)(2)'' and inserting ''to be appropriated under sections 806(a)(2), 807(a)(2), and 806(d)''.

SEC. 3. CHAIRPERSON OF THE ENTERPRISE FOR THE AMERICAS BOARD.

Section 811(b)(2) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431i(b)(2)) is amended by striking ''from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection'' and inserting ''and shall be the representative from the Department of State appointed under section 610(b)(1)(A) of such Act''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2131, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2131, the Tropical Forest Conservation Act reauthorization, and I want to commend the gentleman from Ohio (Mr. PORTMAN) for his leadership and hard work on this important legislation. I am proud to be one of the 28 original cosponsors of this piece of legislation.

Tropical forests provide a wide variety of benefits to the entire world. They act as carbon sinks, helping to reduce greenhouse gases as they absorb large amounts of carbon dioxide from the atmosphere, and provide habitat for many plant species that are used to develop lifesaving medicines and pharmaceutical products.

It has been estimated that up to 30 million acres of tropical forests are lost each year, an area roughly the size of Pennsylvania. This alarming rate of destruction emphasizes the need to act, and act quickly, to preserve these valuable assets for future generations.

The Tropical Forest Conservation Act reauthorization is a sound, free-market approach to a very serious global environmental problem. It will encourage the preservation of tropical forests without creating a burden on the American taxpayer. It is a good, sensible piece of legislation. It is worthy of our support, and I urge its adoption.

Mr. Speaker, I commend my colleague, the gentleman from Ohio (Mr. PORTMAN) for proposing this legislation.

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

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

Mr. Speaker, I rise in strong support of H.R. 2131 which reauthorizes the Tropical Forest Conservation Act of 1998, and commend the gentleman from Ohio (Mr. PORTMAN) for introducing this reauthorization bill, and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for moving it so expeditiously through the legislative process.

Mr. Speaker, 3 years ago Congress overwhelmingly approved the landmark Tropical Forest Conservation Act. This legislation provided funding for the administration to pursue actively debt swaps, buybacks and other devices with developing nations in return for concrete efforts to protect tropical forests. Since Congress enacted this important legislation, the Clinton administration successfully concluded an agreement to reduce debt owed by the Government of Bangladesh to the United States in exchange for a new plan to protect 4 million acres of mangrove forests in that country. These forests protect the world's only genetically secure population of Bengal tigers.

At the moment, Mr. Speaker, there are 11 nations on 3 continents interested in negotiating new tropical forest conservation debt reduction agreements with the United States. It is critical that the Bush administration continue the active implementation of the Tropical Forest Conservation Act. Tropical forests around the globe are rapidly disappearing. The latest figures indicate that 30 million acres of tropical forests are being lost every single year. This is an area larger than the State of Pennsylvania. Tropical forests harbor much of the world's biodiversity. They act as carbon sinks, absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. The United States National Cancer Institute has identified over 3,000 plants that are active against cancer, 70 percent of which can be found in tropical forests.

Mr. Speaker, the U.S. must continue to play a leadership role in protecting the world's tropical forests. By reauthorizing this act and providing reasonable funding for the next 3 fiscal years, I am confident that we can help save tens of thousands of acres of tropical forests around the globe. I urge all of my colleagues to support H.R. 2131.

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

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), the principal sponsor of the legislation.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for yielding me this time, and I thank the distinguished gentleman from California (Mr. LANTOS) for his statement and for his strong support of this legislation.

Mr. Speaker, I rise today in strong support of this legislation. It is bipartisan, it is bicameral, and it is reauthorizing a program which can work well to address serious problems.

Mr. Speaker, we introduced this bill with 33 other colleagues in order to continue what is a very innovative conservation program which helps protect the world's most valuable tropical forests through these debt-for-nature mechanisms.

Mr. Speaker, I also thank the gentleman from Illinois (Mr. HYDE) and the ranking member (Mr. LANTOS) gentleman from Nebraska (Mr. BEREUTER) and other members of the Committee on International Relations, including the gentleman from Ohio (Mr. CHABOT), for their expedited consideration of the legislation and unanimous approval of it on June 20.

I also want to thank them for the improvements they made to the legislation. The three amendments that were accepted in committee, I think, perfect the legislation and make it work better, given the evolving nature of some of the debt-for-nature relationships we might have.

Four years ago I introduced this original bill with our former colleagues Lee Hamilton and John Kasich. It was approved by the House and passed by the Senate under unanimous consent, and was signed into law by President Clinton. The legislation was developed with the support and input of a lot of people, including some of the major respected international environmental organizations such as the Nature Conservancy, the World Wildlife Fund and Conservation International. Their support and ongoing commitment to this program and their involvement in this program as a potential third party has been and will continue to be very valuable to its success.

Mr. Speaker, I also note that our freshman colleague, the gentleman from Illinois (Mr. KIRK), was instrumental in developing the original Tropical Forest Conservation Act when he

was a senior member of the Committee on International Relations staff. I am delighted that he is an original cosponsor of this legislation before us today.

The United States has a significant national interest in protecting these forests around the world. As has been said by the gentleman from California (Mr. LANTOS), these forests provide a wide range of benefits. We know they harbor between 50 and 90 percent of the terrestrial biodiversity on Earth. We know that they act as carbon sinks, absorbing massive quantities of carbon dioxide from the environment, and we know that carbon dioxide taken out of the atmosphere helps reduce the effect of greenhouse gases. They also help regulate rainfall on which agriculture and coastal resources depend, and they are important to regional and global climate.

Furthermore, these tropical forests are the breeding ground for new medicines. We are told that fully a quarter of the prescription drugs currently used in the United States come from tropical forests. We are also told that of the more than 3,000 plants the National Cancer Institute has identified as being active against cancer, 70 percent are found in these tropical forests.

Regrettably, these forests are rapidly disappearing. The gentleman from California (Mr. LANTOS) talked about that, and stated an area the size of Pennsylvania is being destroyed every year. We believe that half the tropical forests are already gone.

The heavy debt burden of these countries that have these forests is a contributing factor to the disappearance of these forests. Why? Because these countries must resort to exploitation of their natural resources, timber, minerals, and precious metals, to generate revenue to service burdensome external debt.

At the same time, poor governments tend to have very few resources to set aside and protect their tropical forests. This act addresses these economic pressures by authorizing the President to allow eligible countries to engage in debt swaps, buybacks or restructuring in exchange for protecting threatened tropical forests on a sustained basis over time.

The legislation is based on the previous Bush administration's Enterprise for the Americas Initiative that allowed the President to structure certain debt in exchange for conservation efforts, but only in Latin America.

This legislation and its predecessor expands on the countries eligible, the requirements, and the legislation expands it beyond Latin America to protect tropical forests that are threatened worldwide. The bill provides for very innovative ways to leverage scarce resources available for international conservation.

Under two of the three options made available under this bill, third-party debt swaps where third parties can come in, such as the Nature Conservancy or Conservation International, and also debt buybacks, in those two cases, there is no cost at all to the United States Government.

□ 1515

Under the third option provided for under this legislation, the United States and an eligible country can agree to restructure the debt. Our Government in this case does provide a subsidy to cover the difference between the so-called net present value of the debt and the net present value of whatever the new debt is. Now, net present value is a fancy term, but it refers to what an investment bank, say, on Wall Street might use as they look at the debt to determine what it is really worth, what its actual value is.

Our Government provides this subsidy because we get something in return for it. We get something in return in the sense that the amount of debt forgiven is often lower than the amount that is placed in these tropical forest funds. Therefore, we get leverage. In fact, taxpayers will usually get at least $2 in conservation funds back into the fund in local currency for every $1 of Federal funds that would be spent.

Part of this leverage comes from the fact that the host country is required to use local currency in a tropical forest fund. Second, these tropical forest funds have integrity, are broadly supported within the host country; and, therefore, conservation organizations are interested in placing their own private money in these funds. We believe this is producing additional private sector leverage of government conservation dollars, and we believe the potential for that is great.

The final point I would just like to make about the restructuring option is that I believe if we are going to reduce or eliminate debts that are owed by poorer countries to the United States, it only makes sense that we get something in return for it. In this case we do, in fact, get something in return through this initiative. It is a win-win-win, for us, for the poorer country, and for the environment.

Last year, as mentioned earlier, the United States did conclude a tropical forest debt reduction agreement with Bangladesh, which is a less developed country that is heavily burdened by foreign debt. The gentleman from Nebraska (Mr. BEREUTER), who is with us this afternoon, has been quite focused on Bangladesh. In fact, I can remember at the first hearing we had on this subject 3 or 4 years ago, he raised the fact that Bangladesh was a country that ought to be included within the requirements because they could use this initiative in order to reduce some of their debt and save some of their endangered tropical forests. In fact, that has happened. It allows in Bangladesh the protection of over 4 million acres of endangered mangrove forests, and it protects the world's only genetically secure population of Bengal tigers.

At present, we believe there are at least 11 nations on three continents interested in negotiating these kinds of Tropical Forest Act debt reduction agreements. In fact, we have reason to believe that Belize, El Salvador, and Thailand are ready to move on such agreements this year. Furthermore, as many Members know, President Bush has expressed his strong support for this program.

I would also like to briefly address the authorization for funds included in this legislation. First, I want to make the point this authorization is actually less than the authorization over the last 3 years. In fact, looking out over the 3-year period, it is roughly $100 million less than was provided in the previous and original authorization.

Second, I would say this authorization is consistent with what the Bush administration has said is their commitment to providing adequate funding for this initiative. In other words, it fits within the budget so long as we are making progress toward restructuring agreements around the world, and, again, I think there is adequate evidence that we have lots of countries lined up and interested, and we will be able to move forward aggressively from this point on.

Before I close, Mr. Speaker, I would like to offer my thanks and appreciation, also, to some key staff members who got us here today: Adolfo Franco, Frank Record, Peter Yeo, David Abramowitz, Keith O'Neil, and Carol Doherty of the Committee on International Relations majority and minority staffs for their expertise and all their diligent work on this legislation. I would also like to thank Tim Miller and Maile Gradison of my office for their dedication to this initiative, and Jeff Burnam with Senator LUGAR and Jim Green with Senator BIDEN for helping to develop the companion bill on the Senate side, which is identical to the legislation introduced in the House and almost identical to the legislation that we have on the floor this afternoon.

Again, this is a good program, worthy of reauthorization. It holds great promise. I urge my colleagues on both sides of the aisle to enthusiastically support the passage today of H.R. 2131.

Mr. LANTOS. Mr. Speaker, I want to commend my friend for his eloquent statement, and I want to identify myself with it.

Mr. Speaker, it gives me a great deal of pleasure to yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), one of the nationally recognized leaders in this field.

Mr. FALEOMAVAEGA. Mr. Speaker, I am honored to be a cosponsor of H.R.

2131, which reauthorizes the Tropical Forest Conservation Act of 1998.

I want to commend the author of the legislation, the gentleman from Ohio (Mr. PORTMAN), and the chairman and ranking Democratic member of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the distinguished gentleman from California (Mr. LANTOS) for their leadership in moving consideration of this important measure which facilitates debt reduction in Third World countries by supporting their efforts for conservation of fragile tropical forests.

Mr. Speaker, the provisions of the Tropical Forest Conservation Act basically allow less-developed nations that owe loans to the United States to restructure their debt repayment, funneling savings into a tropical rain forest protection fund which provides for the conservation and maintenance of native forest resources in each participating country.

According to the World Wildlife Fund, Mr. Speaker, in recent years up to 42 million acres of tropical forests have been devastated annually throughout the world. Indeed, approximately one-half of the planet's tropical forests no longer exist. In the Asia-Pacific region alone, it is estimated that 88 percent of original forest lands have now been destroyed.

Mr. Speaker, these careless actions have a dramatic negative impact on the environment that is global in nature. The destruction of tropical forest lands on this scale destroys the Earth's ability to recycle carbon dioxide, significantly contributing to greenhouse gases and climate warming.

Perhaps more importantly, we sacrifice and lose the rich and unique biodiversity of these tropical forest ecosystems which, incidentally, contain over half of the world's plant and animal species.

Mr. Speaker, tropical forest plants have been used for centuries by indigenous native peoples to treat illnesses and disease. Most of the Earth's 265,000 flowering plants are located in tropical regions, and less than 1 percent of these plants have been scientifically tested for effectiveness against disease.

I am appreciative of the fact that the gentleman from Ohio (Mr. PORTMAN) had alluded earlier about a win-win situation for the reauthorization of this legislation. Mr. Speaker, over the years, as a classic example, it has been my privilege to know one of the world's leading ethnobotanists, Dr. Nafanua Paul Cox, for the tremendous work that he has done in saving rain forests and tropical forests in the South Pacific region.

I say this personally, because of his efforts over the years, he has sent hundreds of herbal plant medicines that were used by my people for centuries and now the latest discovery by the National Institutes of Health, a certain drug that has come out of this research conducted by Dr. Cox is a substance called protrastin that may have very positive effects in curing HIV. I am talking about AIDS. That is all because of the preservation of these plants.

Mr. Speaker, we must preserve these tropical resources that may hold the key to curing cancer, even AIDS and other deadly diseases afflicting humanity. If rare tropical plants are not protected, their genetic codes and potential benefits will be lost forever to mankind.

Mr. Speaker, I urge my colleagues to support this piece of legislation. I thank my good friend from Ohio for his management of this legislation and especially the ranking member, the gentleman from California (Mr. LANTOS), for his leadership in bringing this legislation to the floor. Again, I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), one of the distinguished members of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I rise in very strong support of this legislation. It has been very well explained by many of my colleagues, including the distinguished primary sponsor of this legislation and the original act, the gentleman from Ohio (Mr. PORTMAN). So I will not have to go over the details, that is for sure; but I do want to mention and reemphasize one thing the gentleman from Ohio said and, that is, that the program builds upon former President George Bush's innovative Enterprise for the Americas Initiative and is another creative example of how our country can address developing-country debt while helping to protect the environment.

The act gives the President the authority to reduce certain forms of development assistance and food aid debt owed to the United States in exchange for the deposit by eligible developing countries of local currencies in a tropical forest fund to preserve, restore and maintain tropical forests. These funds are used by qualified nongovernmental organizations working to preserve the world's most endangered tropical forests.

A board of directors in the United States comprised of U.S. public and private officials oversees this program and annually reports to Congress on progress made to implement the program.

The gentleman from Ohio was gracious in mentioning at the time the House International Relations Committee proceeded to mark up the original act. Frankly, I was interested in Bangladesh because when it has come to debt forgiveness or debt reduction in the past, by a strange set of circumstances, Bangladesh has fallen through the cracks and they needed some assistance. I wanted to make sure that they were not neglected. It turns out they are the first beneficiary of the Tropical Forest Conservation Act.

Before I offered my amendment to assure eligibility for Bangladesh I had to look to see if it had a tropical forest to be saved in that country of such huge population density with all of its drought and flooding problems. They do. As mentioned in terms of square miles, I will put it in square kilometers, 14,000 square kilometers of tropical forest areas in the Chittagong Hill Tracts and in the Sunderbans. As mentioned by the gentleman from Ohio, this is one of the few remaining refuges for the Bengal tiger. Currently, the Bangladeshi board of directors, which will disburse the trust funds, is reviewing how similar boards operate in establishing its procedures for implementing the agreement.

There are only 11 countries considering it right now on three different continents, but I have no doubt the number will expand dramatically when interested people and their governments understand the benefits.

Mr. Speaker, this Member would like to very specifically commend the distinguished gentleman from Ohio (Mr. PORTMAN), the sponsor of this legislation and the original act; and the ranking member of the Committee on International Relations, the distinguished gentleman from California (Mr. LANTOS), for their leadership and support for conservation efforts in the developing world and for their work to reauthorize this program. Of course, the expedited treatment of this legislation by our chairman, the distinguished gentleman from Illinois (Mr. HYDE), is also to be commended; and I am pleased to be an original cosponsor.

Mr. Speaker, this Member urges all of our colleagues to support the reauthorization of the Tropical Forest Conservation Act, as it provides direct benefits to both developing and developed countries.

□ 1530

Mr. CHABOT. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. ROHRABACHER), also a distinguished member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.R. 2131.

Mr. Speaker, let me just note that the argument that we must try to preserve our tropical rain forests because the tropical rain forests have a possible treasure house of biodiversity for this generation and future generations I think is a very valid argument.

I have lived in jungles in my life. I understand the many thousands, if not tens of thousands, of variety of not only animal and insect and plant life but all kinds of life that is surrounding one in the jungle. And, yes, in future

generations we may find tremendous assets that are right in front of our face but we do not recognize it now.

The idea of trading debt with some of these countries and getting for that debt a commitment to try to preserve these rain forests, I think, is a very good idea. Let us just remember that in many cases these countries would not be repaying that debt anyway. So this is a win-win proposal.

Let me just say, however, that believing in this bill and believing in the biodiversity of the jungles does not mean that one has to believe that the jungles in some way contribute to helping the global warming situation. I have heard that several times in the arguments here on the floor.

Let me just say that global warming, if one takes it by the people who advocate that, I believe global warming is a bunch of global baloney myself, but even if one does believe in global warming as precisely presented by those people who are trying to convince the rest of us that it is true, one would not want to preserve the rain forests. In fact, consistent with the global warming theory what one would want to do is to clear-cut all of the rain forests and bulldoze them because the rain forests are one of the major contributors on this planet of CO_2 and methane, which are the global-warming gases.

Termites eating in the jungles produce more of what they call greenhouse gases than does the internal combustion engine. By the way, I do not believe in global warming so I would never advocate bulldozing the jungles, but if one believes in it that is what they want to do and they, of course, want to also get rid of old growth trees. The older the growth of the trees, the more one wants to cut it down and replant young trees. The essence of global warming is saying that one wants young, vibrant trees and plants to take in carbon dioxide and give out oxygen.

Let me just say, our jungles and our old growth trees do just the opposite. They give out more CO_2 than they are taking in oxygen. So let us support this effort to try to save the jungles and save those forests and rain forests around the world and let us take advantage of this very commonsensical approach of debt restructuring. Let us not get trapped into using arguments that just do not hold water and are not scientifically viable. There has been enough nonsense on global warming and other areas.

Let us just say that the rain forests are valuable and let us save them.

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

Mr. ROHRABACHER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would just like to say that the number of facts that are out there dealing with carbon dioxide, methane, and a number of other greenhouse gases show that in the last 50 years the dramatic increase in those gases are evidence that human activity is causing the climate to warm.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, let me say that means one would clear-cut all of the jungles to get rid of the CO_2 buildup if that was true.

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

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

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

Mr. Speaker, I rise in strong support of H.R. 2131. I would like to particularly thank the gentleman from Ohio (Mr. PORTMAN) for his strong leadership on this issue. He is one of our environmental leaders here in the Congress, and I salute him.

I also want to thank the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Nebraska (Mr. BEREUTER) for bringing this legislation to the floor and thank Tim Miller from the staff of the gentleman from Ohio (Mr. PORTMAN) for his work.

Under President Bush's 1990 Enterprise for the Americas Initiative Act, the United States sponsored many debt-for-nature swap programs. The Tropical Forest Conservation Act, based on this idea, was first introduced by the gentleman from Ohio in 1997 with bipartisan support and was signed into law in 1998.

As a congressional staffer, I had the honor to work on that legislation and help him achieve that goal. I am pleased to support this bill which continues in that tradition.

Bangladesh is the first country which benefited from this program. Because Bangladesh has been able to restructure its debt, it was able to create a national forest fund of almost $9 million, which went to protecting the Mangrove Swap area, home to over 500 wild tigers. Currently, there are 11 nations on three continents interested in considering debt forgiveness under this program, including places like Belize and El Salvador.

I think the United States has an important national interest in supporting the protection of the world's natural resources, including tropical forests. Tropical forests are home to half of all known plants and animals. We are losing an area equal to a football field a minute, and this must stop.

The gentleman from Ohio (Mr. PORTMAN) is our leader on this issue and built on the work of the previous Bush and Clinton administrations. Later this year, the Congress will consider legislation building on this model to protect coral reefs. Coral reefs are home to most aquatic plants and animals. Many reefs are disappearing, and most of them are in developing countries.

I salute the leaders on this issue, commend the gentleman for this legislation, and urge the House adoption of this bill.

Mr. BLUMENAUER. Mr. Speaker, I rise today in support of the Tropical Forest Conservation Act Reauthorization. This bill extends the Tropical Forest Conservation Act of 1998, which passed in this body and was signed into law by President Clinton. Today's legislation allows the U.S. Agency for International Development to relieve some of the foreign debt owed to the United States. In return, participating nations agree to establish trust funds to protect local tropical rainforests and other environmentally sensitive areas. This bill authorizes $225 million to be spent over the next three fiscal years to pay for this important conservation program and for the cost of debt forgiveness.

This innovative tool, the so-called "debt for nature swap", helps countries with undeveloped natural resources reduce their foreign debts by buying it back and agreeing to spend a portion of the proceeds on conservation projects. This is especially vital because tropical forests contain half of the world's known species of plants and animals. They contain a diversity of organic materials that could lead to the development of life-saving new medicines and tropical forests help slow global climate change by absorbing carbon dioxide. Increasingly, however, these fragile forests are succumbing to logging, roadbuilding and development. Since 1950, half of the world's tropical forests have disappeared and they are disappearing at a rate of 30 million acres each year. The countries that carry the heaviest debt contribute significantly to this loss because they extract valuable natural resources in order to generate needed revenue.

A recent report in the Journal of Science highlights the problems affecting Brazil's tropical forests. The report states that the rapid growth of Brazil's population is leading to the equally rapid expansion of railroads, pipelines and highways into the delicate Amazon forest areas. The devastation of the Brazilian rainforest will take place in only 20 years because of a $40 billion project to encourage development.

In tropical countries throughout the world, the deterioration of the rainforest will have dramatic and devastating effects on wildlife habitat, genetic diversity, the quality of watersheds and the global climate. The United States, because of our role as an economic leader, should promote creative solutions such as the one contained in this bill.

Mr. GILMAN. Mr. Speaker, at this time I want to thank the gentleman from Ohio (Mr. PORTMAN) for reminding us of tragedy of the rapidly disappearing tropical forests, and the importance of protecting the world's most diverse ecosystems.

Tropical forests contain approximately half of the world's species of plants and animals. Unfortunately, over half of the tropical forests on Earth have disappeared, and, with more than 30 million acres which are lost each year, the destruction of these volatile ecosystems continues.

The majority of those forests are located in developing nations that are plagued by poverty and extensive debt burdens. The Tropical Forests Conservation Act offers up to $325 million in debt relief to developing nations in exchange for the sustained protection of threatened tropical forests. These conditions also include the creation of a favorable climate for private sector investment, cooperation on narcotics measures, on state-sponsored terrorism, and a democratically elected government.

This bill enjoys wide bipartisan support, support from the administration, and from various environmental groups. I urge support for this bill, and, once again, commend the gentleman from Ohio (Mr. PORTMAN) for introducing legislation to extend this important environmental program.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 2131, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.''

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2360, CAMPAIGN FINANCE REFORM AND CITIZEN PARTICIPATION ACT OF 2001, AND H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

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

Mr. DREIER. Mr. Speaker, the Committee on Rules is planning to meet this week to grant a rule which may limit the amendment process on campaign finance reform legislation. Let me say that I and Members of the Committee on Rules and our staff have been working very closely with the key authors of this very important legislation, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN). And we have the distinguished chairman of the House Committee on House Administration, the gentleman from Ohio (Mr. NEY), here, and we have been working with him on that.

I would like to say that the Committee on House Administration, as we all know, reported H.R. 2360, the Campaign Finance Reform Citizen Participation Act of 2001, as well as H.R. 2356, the Bipartisan Campaign Reform Act of 2001 on June 28; and the reports are expected to be filed later this afternoon.

While we have made no final decision on which version will actually end up being the base text for further amendment, I would like to ask Members to draft their amendments to both bills, both the Shays-Meehan bill and the Ney legislation as they were introduced in the House.

Members must submit 55 copies of each amendment and one copy of a very brief explanation of each amendment to the Committee on Rules in room H–313 no later than 8 p.m. today. So they have until this evening, Tuesday, June 10.

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

Mr. Speaker, I am going to run upstairs to see if there are any amendments that have been filed.

AUTHORIZING ROTUNDA OF CAPITOL TO BE USED FOR A CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDALS TO THE ORIGINAL 29 NAVAJO CODE TALKERS

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 174) authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

The Clerk read as follows:

H. CON. RES. 174

Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Speaker, during the Second World War, the United States Government called upon 29 Navajo men from the Navajo Nation to support the military effort by serving as Marine Corps radio operators. The actual number of enlistees later increased to over 350.

The Japanese had deciphered the military code developed by the United States for transmitting messages and the Navajo Marine Corps radio operators, who became known as the Navajo Code Talkers, developed a new code using their language to communicate military messages in the Pacific.

Throughout its extensive use, the code developed by these Native Americans proved unbreakable. The Navajos were people who had been discouraged from using their own language. Ultimately, the code they developed using the same language would be credited with saving the lives of many American soldiers and several successful United States military engagements during World War II. It is an extreme honor to bring this legislation to the floor today authorizing a ceremony to be held in the Capitol Rotunda presenting Congressional Gold Medals to the original 29 Navajo Code Talkers. Their contribution to this Nation proved immeasurable.

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

Mr. NEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. NEY) for yielding.

Mr. Speaker, I would simply like to congratulate the gentleman on his statement and say that we look anxiously towards that program which will be held later this month.

I, last week, had the opportunity to meet with some people at MGM, and the motion picture which is going to be coming out on the work of the Navajo Code Talkers should be fascinating. I have the trailer upstairs. I have not seen it yet, but I know from the early reports we have seen that it will be a wonderful presentation of the work of these courageous people and the role that that they played during the Second World War.

I would like to strongly support the effort that is being led by the gentleman from Ohio (Mr. NEY), and it looks to me as if the gentleman from New Mexico (Mr. UDALL) is also working on this. I believe that it should be a great motion picture and a wonderful ceremony here, and I thank my friend for the leadership role he has played on this.

Mr. NEY. Mr. Speaker, I want to thank the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for his support on this important measure.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their efforts in bringing House Concurrent Resolution 174 to the floor today.

I introduced H. Con. Res. 174 on June 26, 2001, to authorize the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers. This legislation will bring us one step closer to making the special and long overdue ceremony a reality.

I would also like to thank the 14 Members on both sides of the aisle who joined as original cosponsors to this measure.

During the 106th Congress, Senator JEFF BINGAMAN introduced legislation to honor the Navajo Code Talkers who played a pivotal role in World War II. I introduced the companion measure so that both Chambers could support these original 29 heroic men with the Congressional Gold Medal. In addition, a Silver Medal will be presented to the other Navajo Code Talkers who later followed the original 29.

Thanks to Senator BINGAMAN's efforts, language was included in the last year omnibus bill to honor these men. This was an effort that I and many of my colleagues supported in the House. These Code Talkers will soon receive their long overdue recognition for their service and the honor they brought to our country and to their people. This is a historic moment for the Navajo Nation and for all World War II veterans.

The medals that the President will present to these 29 men on behalf of Congress will express our appreciation for their dedication and service as Navajo Code Talkers. Of the 29 original Navajo Code Talkers, 5 are still alive today. They are John Brown, Jr., of Navajo, New Mexico; Chester Nez of Albuquerque, New Mexico; Allen Dale June of West Valley City, Utah; Lloyd Oliver of Phoenix, Arizona; and Joe Palmer of Yuma, Arizona.

Mr. Speaker, during World War II, the Navajo Code Talkers took part in many assaults conducted by the U.S. Marines in the Pacific. In May 1942, the original 29 Navajo recruits attended Marine Boot Camp and worked to create the Navajo Code. The Navajo Code Talkers created messages by first translating Navajo words into English and then using the first letter of each English word to decipher their meaning. Because different Navajo words might be translated into different English words for the same letter, the code was especially difficult to decipher.

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The use of Native American languages in coded military communications was not new to World War II. Choctaw Indians, for example, served as Code Talkers in World War I. The idea of using Navajo as code in World War II came from a veteran of World War I, Phillip Johnston. Johnston knew of the military's search for a code that would withstand all attempts to decipher it. He was also the son of a missionary, raised on the Navajo Indian Reservation, spoke fluent Navajo, and believed that the Navajo language was the answer to the military requirement for an indecipherable code, given that it was an unwritten language of extreme complexity.

The Navajo Code Talkers served in all six Marine divisions, Marine Raider battalions and Marine parachute units. They transmitted messages by telephone and radio in a code derived from their Native language, a code, I may add, that was never broken by the Japanese. The Navajo code remained so valuable that the Department of Defense kept the code secret for 23 years after World War II. Therefore, the Code Talkers never received the recognition they deserved.

The ceremony on July 26 will at long last pay full tribute to the brave Americans who used their Native language to help bring an end to World War II in the Pacific. I would also like to mention that a separate ceremony is being planned for later this fall in Arizona or New Mexico to present a silver medal to each man who later qualified as a Navajo Code Talker.

In closing, let me say that the Navajo language imparts a sense of feeling, history and tradition to all the Code Talkers who served valiantly in World War II. To the five Code Talkers who are with us today, to their families, and to those who are with us in spirit, I say a few words in Navajo, which I will translate.

Dine bizaad chooz' iidgo silaoltsooi niha nidaazbaa
Aadoo ak'ah dadeesdlii.
Nitsaago baa aheeh daniidzin.
Ahehee.

Which in English translates to, ''Let me express my deep gratitude to the Navajo Code Talkers who provided and helped to develop an ingenious code based on your language, and became the communications link to and from the front lines of the Allies in the Pacific War.'' Through the Navajo Code Talkers' bravery, their sacrifice, and the unbreakability of the code, the United States military was able to communicate with one another.

Mr. Speaker, it is with great pride that I urge my colleagues to come together and support this resolution, support our Navajo veterans and every veteran who sacrificed their very lives for the liberties and freedoms we enjoy today.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), the cochair of the Native American Caucus, who has also been a staunch leader on Native American issues in this body for many years.

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 174, the resolution sponsored by the gentleman from New Mexico (Mr. UDALL), that authorizes the use of the Capitol Rotunda on July 26, 2001, for a ceremony to present the Congressional Gold Medal to the original 29 Navajo Code Talkers.

I am honored to have been an original cosponsor of H.R. 4527, the legislation sponsored by my good friend the gentleman from New Mexico (Mr. UDALL) that authorizes the President of the United States to award the gold medal on behalf of the Congress to each of the original Navajo Code Talkers.

I also want to acknowledge the work of Senator JEFF BINGAMAN for his efforts in getting the Senate version of the bill included in the Consolidated Appropriations Act of Fiscal Year 2001.

Mr. Speaker, awarding these medals to the brave Navajo men that served this country at a time of war by using the Navajo language to develop a unique and unbreakable code to communicate military messages in the Pacific is long overdue.

The United States Marine Corps recruited and enlisted 29 Navajo men to serve as Marine Corps radio operators. These men are referred to today as the Navajo Code Talkers. The number of Code Talkers would later increase to over 350. So successful was the code that the Code Talkers were sworn to secrecy, an oath they honored until 1968, when the Department of Defense declassified the code.

Mr. Speaker, the heroic efforts of these men saved the lives of many, including probably my own brother Kenneth Robert Kildee, and hastened the end of World War II in the Pacific theater.

I ask my colleagues for their support of this resolution so that Congress, through the presentation of the Congressional Gold Medal, can finally express the gratitude of an entire Nation to these brave men for the contributions they made during a time of war and the valor with which they served their country.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank the original sponsor of this legislation, the gentleman from New Mexico (Mr. UDALL), for his leadership and for bringing this legislation to the floor. I would also be remiss if I did not express my gratitude to the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, for his support, and also the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, for his support in bringing this legislation.

Mr. Speaker, as a former student of Brigham Young University, it was my privilege to know many students who are Americans of Navajo descent. If I could, I would like to say a fond hello in Navajo, Yateeh.

Mr. Speaker, I am honored as an original cosponsor to speak today in support of House Concurrent Resolution 174 to authorize the use of the Rotunda of the Capitol to be used later this month for a ceremony to present

Congressional Gold Medals to the original 29 Navajo Code Talkers, a ceremony that is certainly long, long overdue.

Mr. Speaker, the idea of using an Indian language as a code was first tried during World War I by the Canadians. The Canadians used Choctaw Indians in their effort, but the experiment was not successful. The failure of this effort is attributed to the Indians knowing very little English and there being no equivalent terminology for the military terms.

The next effort to use an Indian language for a code during wartime was made by the Americans in World War II. The origin of this effort is credited to Phillip Johnston, who was the son of missionaries who did a lot of work among the Navajo Indians. Mr. Johnston brought their idea to the U.S. Marines in California. Because of the bad experience during World War I, still our government was very reluctant to be receptive to this kind of an idea.

Eventually the supporters of the Code Talkers prevailed, at least enough to conduct a test. Two Navajos were sent into one room, and two were put in a second room without visual contact. A message was given to the Navajos in the first room, and they were instructed to translate the message and send it to the other room. The three-line message was encoded, transmitted and decoded in 20 seconds. Encoding and decoding the same message by machine took 30 minutes, and the viability of using the Navajo for military encryption became readily apparent.

Nevertheless, there was still some resistance to using American Indians to transmit military messages. An authorization was given to recruit only 30 Navajos for a pilot program. Recruiting potential Code Talkers and getting them through military training was not easy. Most Navajo did not speak English, and they were all coming from a very different culture.

Parts of their training, such as long runs in the hot sun or surviving in the desert with one canteen of water, came quite naturally to them. Other parts of the training, such as certain aspects of military discipline and the maintenance and repair of radio transmitters and receivers, were somewhat alien to them.

In constructing a code, the Navajo had to take several things into consideration. The code would have to be memorized. It would then be used in periods of conflict when tensions were running high and transmissions could be difficult to hear clearly because of static, close-by rifle fire and explosions.

With those constraints in mind, the Navajo used four basic rules in developing this code: 1. Each code word must have some logical connection to the actual word; 2. Each code word should be unusually descriptive or creative; 3. Each code word should be short; and, 4. No code word should be easily confused with another.

While developing the code, the Navajo were placed in battle simulations, and transmissions were monitored by military code breakers and Navajos who did not know the code. No one broke the code during these tests.

Mr. Speaker, the first 30 Code Talkers were sent into battle, and the pilot program was a success. Eventually 350 Code Talkers were employed in battle, including the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima and Okinawa. At Iwo Jima alone, the Navajo Code Talkers passed over 800 error-free messages in a 48-hour period.

The bottom line, Mr. Speaker, is that thousands of lives of our soldiers, sailors and marines were saved due to the outstanding job our Navajo Code Talkers made as part of our war effort during World War II, especially in places I had previously mentioned.

About 4 years ago, Mr. Speaker, I was privileged to travel with the late Senator John Chafee from Rhode Island to represent the Congress at a special ceremony whereby our government had authorized construction of a parliamentary building for the Solomon Islands Government as a gift from the people of the United States to commemorate one of the most fierce battles that took place in the South Pacific, the battle of Guadalcanal, where thousands of Marines lost their lives, and the late Senator John Chafee was among the few 19-year-old Marines who fought in that terrible battle. It was a moving experience for both Senator CHAFEE and I to visit the remnants of that terrible conflict. The Navajo Code Talkers were a critical part of our success in winning the war in the Pacific.

Mr. Speaker, I am pleased that 29 of the original Code Talkers will be recognized later this month for their work. Because of the secrecy placed on the program, the valor the Navajo displayed during World War II was not recognized for decades. Their code was finally declassified in 1968, and it was only declassified then because electronic equipment had been developed that would be sufficient to meet military needs. The Navajo Code Talkers were also used in Korea in the 1950s, and even in Vietnam in the 1960s.

Mr. Speaker, again, I thank the gentleman from New Mexico, Mr. UDALL, for his leadership in bringing this legislation, and I urge my colleagues to support this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in support of this resolution and in support of the valiant men who served their country in World War II. Those men, known today as the Navajo Code Talkers, played a key role in our Nation's victory in that great war.

Mr. Speaker, it was the cryptic language of the Navajo that was essential in the U.S. Marine takeover of vital areas like Guadalcanal, Tarawa, Peleliu and Iwo Jima. Well-known to the Code Talkers are the words of Major Howard Connor, who said, ''Without the Navajos, the Marines would never have taken Iwo Jima.''

Today, we open up our Nation's Capitol to the few surviving Navajo Code Talkers. Later this month, the President will give them an honor long overdue. Mr. Speaker, only 5 of the original 29 Code Talkers are alive today. I am proud to say that one of those, Mr. Allan Dale June, lives in my home State of Utah. Mr. June, like so many others during World War II, sacrificed years of his life for the love of his country.

I would ask that all Members of this body join me today in thanking these men for their service. These medals, which can never fully compensate these men for their sacrifice, will at least ensure that their heroic deeds will never again be forgotten.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just once again thank the chairman for his leadership on this issue.

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

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

Mr. Speaker, I also want to thank the ranking member, the gentleman from Maryland (Mr. HOYER), for his dedication to this issue, and also the gentleman from New Mexico (Mr. UDALL) for his tremendous support of a very important issue.

Mrs. WILSON. Mr. Speaker, I rise today in support of H. Con. Res. 174, authorizing a ceremony in the Rotunda of the Capitol to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

At the start of World War II, operations in the Pacific were compromised because the Japanese were breaking U.S. radio codes. Philip Johnson, the son of a missionary to the Navajos and one of the few non-Navajos, who spoke their language fluently, suggested using Navajo for secure communications.

In the 1940s, Navajo was an unwritten language and is extremely complex. It answered the military requirement for an indecipherable code. Its syntax and tonal qualities make it unintelligible to anyone without extensive exposure and training. It has no alphabet or symbols, and is spoken only on the Navajo lands of the American Southwest.

In 1942, Navajo men were recruited by the Marines to be radio operators, called Navajo Code Talkers. Most of them were barely out of high school and from the reservation just north of Gallup, New Mexico. The Navajo Reservation is about the size of the state of West Virginia and is located in my state of New Mexico and extends into Arizona.

The Navajo radiomen served from 1942 to 1945, and often the code talkers were in the forefront of the bloody battles of the Pacific. The Japanese never broke the Navajo code or captured a Navajo Code Talker. The code talkers are credited with saving thousands of American lives.

The Navajo Code Talker's work remained classified until 1968 because the Pentagon was unsure whether the Navajo Language might be needed again.

The Navajo Code talkers played an important role in winning the war in the Pacific. They deserve our thanks and support.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to support H. Con. Res. 174 today to authorize the use of the rotunda to honor and celebrate the heroic work of the Navajo Code Talkers. I thank my colleague from New Mexico, Mr. TOM UDALL, for sponsoring this resolution.

During World War II, about 400 Navajo tribe members served as code talkers for the United States Marines. They transmitted messages by telephone and radio in their native language—a code that the Japanese never broke. Navajo is an unwritten language of extreme complexity and one estimate indicated that fewer than 30 non-Navajos could understand the language at the outbreak of World War II. Navajos demonstrated that they could encode, transmit and decode a three-line message in English in just 20 seconds. Machines of the time required 30 minutes to do the same job.

This resolution does great justice by recognizing the contributions of these great people to our nation's collective security and history.

Mr. PALLONE. Mr. Speaker, in May 1942 twenty-nine Navajos entered boot camp and later went to Camp Pendleton to develop a code that used the Navajo language as its basis. They worked at finding new words or meaning for military terms, which had no actual Navajo translation as well as an alphabetical way of spelling out other words. So began the career of the Navajo Code Talkers who were the secret weapon of the Marine Corps against Japan. Their unbreakable code would play a vital part in the United States ability to win World War II.

The man credited for the idea of a code based on Navajo language goes to Philip Johnston, an engineer in Los Angeles. His father had been a Protestant missionary; therefore, as a child he moved to a Navajo reservation where he grew up and learned the culture and the language. Knowing that the Navajo language had been orally handed down through the centuries was Johnston's main argument for this code. He argued that it was a system that would not have to be changed on a regular basis, and because it had never been written down it could not result in falling into the hands of the enemy.

Ironically, Navajos were subjected to alienation in their own homeland and discouraged from speaking their language yet they still came willingly forward and used their language to defend their country and help develop the most successful military code of the time.

The code was such a success that the Department of Defense kept the Code secret for 23 years after World War II. It was finally declassified in 1968. The Code Talkers had been sworn to secrecy, an oath they kept and honored. Imagine these unsung heroes returned home with no special recognition for what they had accomplished and sadly over the years some have died never receiving the honor and accolades that they so deserved.

The time has come for us to recognize the Navajo Code Talkers with a Congressional Gold Medal—the most distinguished honor a civilian can receive. It is for that reason I support House Concurrent Resolution 174, authorizing use of the rotunda to present Congressional Gold Medals to the original 29 Navajo Code Talkers. This honor has been a long time in coming.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 174.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 174.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 170, by the yeas and nays;

House Concurrent Resolution 168, by the yeas and nays;

House Concurrent Resolution 174, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ENCOURAGING CORPORATIONS TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 170.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 170, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 17, not voting 22, as follows:

[Roll No. 211]

YEAS—391

Abercrombie	Bryant	DeMint
Ackerman	Burr	Deutsch
Aderholt	Burton	Diaz-Balart
Akin	Buyer	Dicks
Andrews	Callahan	Doggett
Armey	Calvert	Dooley
Baca	Camp	Doolittle
Bachus	Cantor	Doyle
Baker	Capito	Dreier
Baldacci	Capps	Duncan
Baldwin	Cardin	Dunn
Ballenger	Carson (OK)	Edwards
Barcia	Castle	Ehlers
Barr	Chabot	Ehrlich
Barrett	Chambliss	Emerson
Bartlett	Clay	English
Barton	Clayton	Eshoo
Bass	Clement	Etheridge
Becerra	Clyburn	Everett
Bentsen	Coble	Farr
Bereuter	Collins	Fattah
Berkley	Combest	Ferguson
Berman	Condit	Filner
Berry	Cooksey	Flake
Biggert	Costello	Fletcher
Bilirakis	Cox	Foley
Bishop	Cramer	Forbes
Blagojevich	Crane	Ford
Blumenauer	Crenshaw	Fossella
Blunt	Crowley	Frelinghuysen
Boehlert	Cubin	Frost
Boehner	Culberson	Gallegly
Bonilla	Cummings	Ganske
Bonior	Cunningham	Gekas
Bono	Davis (CA)	Gephardt
Borski	Davis (FL)	Gibbons
Boswell	Davis (IL)	Gilchrest
Boucher	Davis, Jo Ann	Gillmor
Boyd	Davis, Tom	Gilman
Brady (PA)	Deal	Gonzalez
Brady (TX)	DeFazio	Goode
Brown (FL)	Delahunt	Goodlatte
Brown (OH)	DeLauro	Gordon
Brown (SC)	DeLay	Goss

Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—17

Baird
Conyers
DeGette
Dingell
Frank
Hinchey
Honda
Inslee
Jackson (IL)
Lofgren
McDermott
McKinney
Obey
Olver
Rivers
Schakowsky
Stark

ANSWERED ''PRESENT''—3

Allen
Snyder
Tierney

NOT VOTING—22

Cannon
Capuano
Carson (IN)
Coyne
Engel
Evans
Hulshof
Jackson-Lee (TX)
Kennedy (MN)
Larson (CT)
Lewis (CA)
Millender-McDonald
Miller, George
Paul
Riley
Scarborough
Taylor (MS)
Toomey
Waters
Watts (OK)
Wicker
Young (AK)

□ 1826

Messrs. DINGELL, JACKSON of Illinois, and CONYERS changed their vote from ''yea'' to ''nay.''

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

Mr. TIERNEY changed his vote from ''yea'' to ''present.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF VICTIMS OF TORTURE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 168.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspended the rules and agree to the concurrent resolution, H. Con. Res. 168, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 212]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
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
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
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)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky

Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—24

Cannon
Capuano
Carson (IN)
Cox
Coyne
Engel
Gekas
Hulshof
Jackson-Lee (TX)
Keller
Kennedy (MN)
Kennedy (RI)
Lewis (CA)
Millender-McDonald
Miller, George
Paul
Riley
Scarborough
Taylor (MS)
Toomey
Waters
Watts (OK)
Wicker
Young (AK)

□ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 212, H. Con. Res. 168, had I been present, I would have voted "yea."

Mr. KELLER. Mr. Speaker, on rollcall No. 212, I am not recorded. Had I been present I would have voted "yea."

AUTHORIZING ROTUNDA OF CAPITOL TO BE USED FOR A CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDALS TO THE ORIGINAL 29 NAVAJO CODE TALKERS

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 174.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 174, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 213]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
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
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
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)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—24

Cannon
Capuano
Carson (IN)
Coyne
Engel
Gutierrez
Hulshof
Jackson-Lee (TX)
Kennedy (MN)
Lantos
Lewis (CA)
Lucas (OK)
Millender-McDonald
Miller, George
Paul
Riley
Scarborough
Shimkus
Taylor (MS)
Toomey
Waters
Watts (OK)
Wicker
Young (AK)

□ 1843

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1845

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ISAKSON). 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.

AGRICULTURAL APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, tomorrow we are going to be taking up the agricultural appropriation bill;

and I would like to for a couple of minutes discuss, number one, the seriousness of the agricultural problem; but, secondly, an amendment that I have tomorrow that deals with how we distribute some of this Federal money to farmers.

There are a lot of us that would hope that these extra funds go to help support the traditional family farmers in this country. However, our farm programs since we started them back in 1934 have tended to favor the large farmer. And so what has happened over the years is the small farmer has been forced out because of the advantages of Federal farm policy to the middle-sized and larger farmer; and the middle-sized farmer, figuring that they might survive, have bought out the small farmer and become bigger.

Specifically, we have legislation that says the price support for farmers in this country through the Federal Government should be limited to $75,000. If a farmer wants to include their spouse or usually their wife for a separate producer payment, then they have to jump through all kinds of hoops to borrow money in the spouse's name and then document that it was invested in the farm operation, then the farm operation can pay it back. It is a disadvantage.

My amendment tomorrow does essentially three things: it says automatically the wife is included as a producer without jumping through these bureaucratic hoops, eligible for an additional $75,000 payment limitation. The average size of a farm in this country now, Mr. Speaker, is about 448 acres. But some farms, some huge, giant corporation-type farms are up to 80,000 acres and 100,000 acres; and there is no payment limitation on those farms. So as you can guess, millions of dollars go out to those huge farming operations.

My amendment tomorrow says, let us stick to our guns of the historic $75,000 limitation but automatically include spouses. That would move it up to $150,000. And let us make sure that there is no loophole such as forfeiting a nonrecourse loan or such as certificates that can be issued by the Federal Government in lieu of forfeiture of that particular loan, because those certificates, the alternative of those forfeitures of that loan, has resulted in approximately $400 million extra payment going to those giant farmers.

Mr. Speaker, I request that my colleagues look at this amendment, that they consider the policy of how we want to spend this extra money, that they face the decision of what should farm programs try to do in this country; and I would suggest humbly that part of what we should be trying to do is help the small family farmer. The large farmer already has a competitive advantage, simply because of the size of their operation. We expand that advantage as we pay them on the bushels produced on each acre or the tons produced. Whether it is rice or corn or soybeans or cotton, we help that large farmer.

I feel it is important that we look at this policy, and I would request that my colleagues look at my amendment that will reaffirm the historical provision of limiting those payments to $75,000 rather than the $150,000 per producer that was passed out on a suspension vote late in June when the House went through that particular legislation without the opportunity for any amendments.

ELECTRICITY CRISIS IN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, the electricity crisis continues 1 year later in San Diego, in California and the West. Scores of businesses in my hometown of San Diego have gone out of business. People on fixed incomes are suffering because they have to make choices between buying food and prescription drugs and air conditioning. This should not be happening in America.

Now, we have called for price controls, we have called for a refund of the overcharges, and people from my State on the other side of the aisle have said, Let the free market work. Price controls don't work. I say to my colleagues, there is no free market. The system is completely out of whack. There is an energy cartel which dominates our lives in California.

I want to give you a specific example, Mr. Speaker, of how the market in California is being manipulated by this energy cartel and what we in San Diego hope to do about it.

There is a 700 megawatt power plant in my district. We call it the South Bay Power Plant. It is operated by the Duke Energy Corporation. It looks like in the last year, Mr. Speaker, Duke Energy has made close to $800 million off that plant while 65 percent of the businesses in our area face bankruptcy. They paid for the operation of that plant in 3 months for what they thought would take 5 years or more to pay off.

Now recently, five former employees of Duke Energy, five former employees of the South Bay Energy Plant, testified under oath, testified with 100 years of experience in that plant, Mr. Speaker, and what they said should be taken very seriously by anybody studying this crisis. They said that the generators were turned up and down not because of the need of the people of San Diego or of California but because of the price at a given moment that the market was bringing. In fact, a 250 megawatt generator was turned off at a time when we had blackouts in San Diego, at a time when people were sent home from their jobs and not getting paychecks, at a time when there were near-fatalities at a traffic intersection because the lights were off, at a time when elevators had people stuck in them. Yet the biggest generator in our county was turned off.

These employees further said that they were told to throw away spare parts so maintenance would take a lot longer, supply could be withheld and the prices increased. They talked about how the trading floor where the prices were set for electricity was in direct contact with the generating floor; and so the generators were ramped up and down, as I said, not by the need of California or of San Diego, but by the price that could be gotten. So Duke Energy has stolen $800 million from the citizens of San Diego and of California. They have charged up to $4,000 a megawatt hour for something that cost $30 only a year ago. That, Mr. Speaker, is not the free enterprise system at work; that is stealing from people who could not afford the cost.

Now, to add insult to injury, Mr. Speaker, that theft took place from a power plant which the citizens of San Diego own. Yes, Mr. Speaker, we own that plant through the San Diego Unified Port District, a public agency; and that public agency, at very, very good terms for the lessee, leased the plant to this Duke Energy Corporation to operate, as the lease says, in the public interest. Well, that lease has not been operated in the public interest. That lease has allowed Duke Energy Corporation to steal hundreds of millions of dollars from the people of San Diego.

Mr. Speaker, since the public owns the South Bay Power Plant, I call upon the San Diego Unified Port District to take back that plant and to operate the lease in the public interest.

IN MEMORY OF SANDY POLICE CHIEF SAM DAWSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, it is with great sadness that I come before the House today to memorialize the death of Police Chief Sam Dawson of Sandy, Utah. Chief Dawson, who served faithfully for 7 years as the head of the police department of Utah's fourth largest city, passed away July 2, 2001, doing what he loved best, riding his Harley-Davidson motorcycle.

Chief Dawson lived up to the sign he had on his desk that said, ''Lead, follow, or get out of the way.'' Chief Dawson was a leader for 30 years in Utah law enforcement. He started as a Salt Lake County sheriff's deputy in 1971. He became the chief police investigator for the Salt Lake county attorney's office after that and became the head of Sandy City's police department in 1994.

Chief Dawson was an outspoken leader in his field. In the year 2000 he spearheaded a project to produce and distribute a video called ''Your Kid May Have a Secret,'' which describes the growing problem of methamphetamine use in Utah communities. Keeping true to his style, Chief Dawson sent a copy to every county sheriff and every city police chief, asking them to freely distribute the video throughout the State.

Chief Dawson was also a leader among his peers. He led an effort to increase the size of the Sandy Police Department while at the same time increasing officer pay. He succeeded at both, increasing his department by 30 officers during his tenure and significantly increasing the wages of those who worked for him.

In closing, Mr. Speaker, I end with the words of Lieutenant Kevin Thacker of the Sandy Police Department. He said, ''Sam Dawson will be greatly missed by all who knew him. He will always be remembered for his leadership abilities and dedication to the community. His death leaves a void in the police department.''

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in heartfelt appreciation for the service this great man provided my community. I would also like to ask the House to join me in extending our deepest condolences to the wife of Chief Dawson, Bridgett Dawson, and her three children, Sam Jr., Chris, and Angela.

POSTAL BOARD OF GOVERNORS DECISION REGARDING 6-DAY MAIL DELIVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, earlier today Mr. Robert Rider, chairman of the Postal Board of Governors, released a statement indicating that 6-day mail delivery would continue without any further study. The Postal Board of Governors had commissioned a study on April 3 to study cost savings associated with reducing delivery service to 5 days.

In response to the idea of cutting mail delivery to 5 days, I, along with the gentleman from New York (Mr. MCHUGH), the gentleman from California (Mr. WAXMAN), and the gentleman from Indiana (Mr. BURTON), introduced H. Res. 154, a bill to preserve 6-day mail delivery.

□ 1900

The bill we introduced enjoys wide bipartisan support and has more than 55 cosponsors. This bill is the companion to Senate Resolution 71 introduced by Senator HARKIN. I applaud the Postal Board of Governors' decision today to continue 6-day mail delivery. This decision means that businesses, advertisers, and others who want to reach citizens on Saturday will be able to do so.

In addition, citizens who receive paychecks, Social Security, food coupons, and other important mail will not see an interruption in their basic service. Also, it means that postal workers and letter carriers will win because cutting mail delivery to 5 days could have led to mail piling up, delivery delays, and other problems.

I commend the leadership and efforts of Moe Biller, and the American Postal Workers Union; Vincent Sombrotto; George Gould and the Letter Carriers; Kevin Richardson and the Printers; Jerry Cerasale and the Direct Marketing Association; and all of those who worked to preserve 6-day mail delivery.

Truly, Mr. Speaker, the Postal Service is an important entity in all of our communities. As chair of the Postal Caucus, I look forward to the continued focus on the U.S. Postal Service and assuring its viability not only today but into the future.

Mr. Speaker, knowing that the agriculture appropriations bill is going to be on the floor tomorrow, let me just take a moment and remind us that the sugar subsidy program is keeping prices extraordinarily high and is driving candy makers and food processors out of my community and out of many other communities throughout the country because they end up paying an enormously high price for sugar, which is the main ingredient used in their product. As a matter of fact, Brach's Candy Company, located in the heart of the community where I live, just announced that they are going to move their plant to Argentina. Fifteen hundred jobs, 1,500 people, will be out of work. So as we look at agriculture appropriations and rewrite our agricultural policy, let us be reminded that the sugar subsidies are bad for my community, bad for the City of Chicago, bad for the food processors and candy makers and bad for America.

PEOPLE WITH DISABILITIES CAN SERVE IN HOUSE OF REPRESENTATIVES OR ANY FIELD OF ENDEAVOR WITH JUST MINOR CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, just a few weeks ago, I was up here speaking as the proud sponsor of a resolution honoring Erik Weihenmayer, a young man who inspires not only people with disabilities but all of us struggling to overcome our own obstacles and challenges. As the first blind person to summit Mount Everest, he illustrates the immense power of the human spirit. However, while it is important to pay homage to such remarkable people, I believe it is equally important that we honor those who make such special achievements possible.

Tonight I would like to pay tribute to the gentleman from Illinois (Speaker HASTERT); the gentleman from Missouri (Mr. GEPHARDT), the minority leader; the gentleman from Ohio (Mr. NEY); and the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration; the gentleman from Rhode Island (Mr. KENNEDY); the Committee on Armed Services and the Committee on Small Business and all their dedicated staff, as well as those who manage the floor activity on a daily basis. They have all provided tremendous support to me as a freshman Member of the United States Congress.

My experience illustrates the compassionate understanding one can receive from his colleagues and employers once they are aware of his or her needs. I have been overwhelmed by just how considerate and flexible my colleagues have been in ensuring that I can work effectively in Congress.

When I dreamed of running for this office, I was not sure how accessible the congressional buildings would be, but from the moment I was elected in November of last year, the hard-working engineers, architects, design managers, and my fellow Members of Congress made it clear that they would do whatever was necessary to make my office, the committees on which I serve, and the House floor accessible. One of the products of this generous response to my needs, in fact, is the lectern and microphone that I am using right now. It took months to design and build this remarkable podium which can be easily raised and lowered and is truly a work of art.

I gratefully recognize all the time and resources that were dedicated to making this lectern, to installing additional voting machines on the floor, and placing ramps in my committee rooms and providing accessible office space. What everyone involved in this process may not realize, however, is that beyond enabling me to better serve my constituents, they have also opened the doors for people with disabilities to serve in this Chamber in the future.

As I have said many times before, I may be the first quadriplegic elected to the United States Congress but most certainly I will not be the last. The invaluable message that has been delivered in making this Chamber accessible is that any one of the nearly 53 million people with disabilities in this country can become a Member of the United States Congress or can serve in any other field of endeavor with just minor changes.

Mr. Speaker, people with disabilities are an integral but underutilized part

of our workforce. With minor accommodations they can become an even more important part of our society and be involved in strengthening America's communities, businesses, and government. That is why I am so thankful to President Bush, who has highlighted the need to make workplaces, housing, education, technology, and our society in general, more accessible to all Americans. The President's new Freedom Initiative is an important proposal which calls for funding of a broad range of programs that together can help create countless new opportunities for many Americans who continually face unnecessary obstacles because of their disabilities.

Mr. Speaker, I am eager to work with President Bush to make this new Freedom Initiative a reality. To this end, I recently sent a letter co-signed by 23 of my colleagues to the House appropriators seeking their support in providing funds for the President's proposals. This is an issue on which we can all come together regardless of party background and help open doors for millions of people who are eager to conquer new challenges.

Mr. Speaker, once again, I extend my heartfelt thanks to the dozens of people who have made my tenure in Congress possible. Ensuring that some day every workplace in America will be able to respond to the special needs of employees in the same way is one of my top priorities in Congress. When that happens, we will all benefit from the remarkable talents and contributions of the millions of Americans with disabilities who are eager to pursue their dreams just as I have.

TRIBUTE TO BIRDIE KYLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, in the rush to greatness upon which many of us embark in this city, in the heat of the TV camera lights, in the chaos of clashing interests, it is important that we pause and take stock of those who brought us here, keep us here, and help make us. So this evening I thank and I pay respect to my long-time legislative director Birdie Kyle who passed away over our recent work period.

Birdie once wrote, ''I am a native West Virginian born in Fayette County at MacDunn but raised up on Cabin Creek in the coalfields. I was born in a one-room abandoned boxcar. When I was little, my older sister tormented me when she felt like it by calling me ''Old Boxcar Bill.' I do not remember which made me the madder, being reminded that I was born in a boxcar or being called Bill when I was a girl. Probably both.''

That was Birdie Kyle writing for West Virginia's Goldenseal Magazine in 1980.

Well, Boxcar Bill traveled far from her humble beginnings, but she never lost sight of the hills of home or the people there.

Birdie Kyle, a true coal miner's daughter, a native West Virginian in every sense, served West Virginia and our Nation in the Congress for more than 3 decades. Birdie served with me since 1989, and I appreciate deeply her loyalty and dedication. Before that, she spent most of her career with the late Senator Jennings Randolph.

Her mainstay of work for the Senator and for me was education. For Birdie, education was not a part of one's life. It was life itself. Teachers captivated her. Students compelled her.

Books were with her always, from her earliest moments to her latest nights. If books were her backbone, words were her blood. She was the mother of wordsmiths and, boy, could she make me sound good.

Birdie's letters, more often than not, prompted replies, and I got more kudos from her letters than anything.

Her list of legislative responsibilities in my office over the years reads like a record of the republic itself: Education to health care, the Postal Service to the Middle East. As one person who called to express their sympathy said, ''She knew everything and everybody.''

How true. She could converse on every subject, but that was not her most unique attribute. She did not care if one was king or commoner. She was going to sway you to her belief before you left the building, and most of the time she did.

Will there ever be another Birdie Kyle? No. Can one person fill her shoes? No.

Birdie was, in addition, the poet laureate of the office. Each Christmas and on my birthday she composed wonderful verses that not only made me feel special but it was so wonderful I started believing it.

She gave me my voice on many issues, issues of life and death, on wealth and poverty, on education and ignorance, health care and child care.

Her deep compassion infected us all. In a city where a lot of people can make a buck off an issue, Birdie poured her heart and soul into those issues and sought nothing in return.

Her family, her mother, her sisters, her children, and grandson all meant everything to Birdie. In fact, I think she would have liked to adopt me because sometimes she thought I needed a mom in town, and she was probably right.

Each time that she came in to see me in my office to offer her advice and wisdom, she would tap lightly on my door. No one else ever did that. I knew that I was either in trouble for a vote I had cast on the floor that day contrary to her suggestions, or I was in store for a witty argument on an upcoming vote in this body.

There will be many days and many nights ahead when I will miss that tapping at my door, but I will have many years of memories, many years of good counsel and many years of friendship upon which to reflect and rely.

Washington is a city of monuments hewn of stone and sewn with mortar. We can admire these great people and we should, but Washington is also the city that spreads forth the ray of hope for our Nation and our world. Birdie Kyle spent her life igniting that hope.

I was honored to know and work with Birdie. Without her, I would not have been as good a representative nor as good a person as I am. Many of us in this body can say that about our staff.

About right now, somebody up there in heaven is getting a morning briefing from Birdie, and I am sure it is not a pretty sight with all that needs to be righted in the world. We all know that heaven is in good hands with Birdie Kyle up there at the helm.

□ 1915

SALVATION ARMY DISCRIMINATING AGAINST GAYS AND LESBIANS

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this evening because of a shocking story that appeared on the front page of the Washington Post this morning about a secret deal between, of all people, of all organizations, the Salvation Army, to support charitable choice in exchange for the issuance of a White House regulation, OMB Circular No. A–102, that would deny assistance to States or localities that require religious charities to adhere to their nondiscrimination laws as they apply to gay men and women. Now, of course, these nondiscrimination laws have to do with the activities of these religious charities that do not relate to their religions.

A political deal should be beneath the dignity of the Salvation Army, given its long Christian heritage, not to mention the President of the United States. It is a deal to discriminate under the table.

According to the lead document, this cannot be done in the legislative process very easily, so they had to do it by regulation. Charitable choice already contains a fatal flaw, because, as put forward by the administration, it would allow a religious organization to discriminate using government money by requiring people it hires to do a government task to be of their religion. That is a direct violation of Title VI and of the Constitution of the United States.

I am a former Chair of the Equal Employment Opportunity Commission. I

strongly support an exemption in the law that I administered, Title VII, which allows a religious denomination an exemption to the antidiscrimination law in hiring people of their own religion with their own money. But we cannot give the Baptists and the Lutherans and the Catholics and the Jews our money and say you can discriminate when you perform services in our name. That is already a problem with the bill.

But in order to make it perfectly clear, in case that does not survive, that at least people who are gay and lesbian should not be discriminated against, this would be done by regulation.

Mr. Speaker, why the Salvation Army would engage in this deal is really perplexing. The Salvation Army already gets $300 million in funds from the Federal Government to do their wonderful work. They get it because they abide by government regulations that say when you use government money, you cannot proselytize, you cannot engage in religion, because this is America, and this is what we have stood for, for everybody. So they already get money, just like Catholic charities and just like Lutheran charities and just like Jewish charities all get money, and they have accepted it, and I hope they will continue to get it on the basis that everybody else who does the government's work accepts it, and that is as long as we are doing the government's work, then your money is the public money, and we cannot discriminate against anybody when giving those services.

This body has already a long history of discriminating against gays and lesbians in the District of Columbia, because whenever there is anything in our law that allows equal protection for people of a different sexual orientation, then somebody hops up here and tries, and often succeeds, in overturning the law. Now we are trying to do to do what you do to the District of Columbia to hundreds of localities and States in the United States.

I hope everybody understands what it feels like to intrude in the affairs of local jurisdictions in a federalist society, a society where we say, look, different strokes for different folks. Some of us behave one way with respect to our laws, others another way. Some people have chosen to protect gay men and lesbians against discrimination, and I say God bless them. In the 21st century we should not be discriminating against any Americans based on a characteristic that has nothing to do with performance. Sexual orientation has nothing to do with performance, and the last people, the last organizations who should be engaged in such discrimination are organizations that go by the name ''Christian,'' and the Salvation Army should be ashamed of itself that it has been caught red-handed on the front page of the Washington Post in the column where you put war and peace. Thank God that they were exposed.

NATURAL RESOURCES

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

Mr. MCINNIS. Mr. Speaker, I am a little surprised by the previous speaker and her unrelenting attack against the Salvation Army. She apparently got the merits for this attack from one newspaper article. I have heard the gentlewoman previously speak from here. I think she is well-educated. She comes generally with numerous sources when she speaks. That is why I am very surprised that she takes one newspaper article and launches an attack against the Salvation Army, which I would like to say to the gentlewoman has helped millions and millions of people throughout the history of this country. I think such an attack is unfounded, and I think you should hear the other side of the story.

I would advise the gentlewoman from the District of Columbia to immediately go to a TV, turn on CNN on the half-hour, or some other broadcast, and she will find that the other side of the story has come out. In fact, I just spent some time, I was not looking for the story, I was grabbing a snack and watching the other side of the story being played out, and once the gentlewoman sees that, she will moderate the comments against the Salvation Army.

I do not disagree with her point, I want to make this clear to the gentlewoman. I do not think any kind of secret deal should be made. But I do not think the Salvation Army went out and made a secret deal to discriminate against people, contrary to the laws of the United States. And I think that in all fairness to the Salvation Army, as well as the President of the United States, that both sides of the story should be read, both sides of the story should be analyzed, and then the concluding remarks that the gentlewoman has could then be made on the House floor.

Now, that is not the purpose of my comments this evening. My real focus this evening is on natural resources. But before we go to natural resources, I want to spend a couple of moments also on the comments of another speaker.

Unfortunately, as my colleagues know, we have one speaker at a time. We only have one speaker at a time that gets the opportunity up here. So I have heard some of these, and I heard another attack regarding the energy situation in the State of California. So I want to reiterate a couple of points that I think are important for the energy situation that we have in California.

Remember that the energy crisis that exists in California does not exist in 50 States. In fact, in 49 of the 50 States, they are not having the kind of problems that California is having. In other words, the problems in California are as a result of a combination of a number of different factors that have come into play, not the least of which is that the State of California has refused to help itself, has refused to help itself, by allowing power plants to be built over the last 10 years, by allowing natural gas transmission lines to go into their State, by allowing electrical transmission lines to go into their State.

California has paid a very dear price. Of all 50 States out there, of all 50 States, California has been the lead State opposing any kind of energy transmission in their State, opposing power plants. They are the ones where the old saying, ''Not in my backyard,'' it is out of that State that that came.

So I do not think a speaker, I do not think one should stand up here and make California look like some poor innocent victim in the Western United States who somehow is picked out of 50 States and is the only State in the kind of crisis they are in, and then have one stand up here and accuse the power companies of theft. I do not know whether there has been theft or not, but let me tell you, the problem is much broader than a power company like Duke Energy.

The problem that you have got out there is you have to face a couple realities. Number one, conservation is absolutely critical, and it is going to be a critical component about how California, and, frankly, the rest of the Nation, can avoid getting into the same spot that California got into by adopting some pretty simple methods of conservation.

Conservation does not mean you have to suffer in your life-style. There are a lot of very simple things that you can do in your life-style that do not give you a negative impact, that do not serve as an inconvenience for you. Just think of them: Shut the lights off when you leave the room; make sure your fan is turning in a clockwise fashion in the summer; make sure you change your oil when the owner's manual tells you to change the oil on your car, instead of being marketed into changing your oil every 3,000 miles by the quick-lubes. There are a lot of things we can consider. Conservation is very critical for California.

The second thing that is very critical for California is you have got to get over that habit, I guess you would say, or almost an idealism that you have locked into, and that is ''not in my backyard.'' In other words, let the other 49 States build the power plants,

let the other 49 States worry about electrical transmission lines, let the other 49 States worry about natural gas exploration and oil exploration, et cetera, et cetera. You cannot do that, California. California, you are going to have to help yourself. You are going to have to help pull yourself up by the bootstraps.

Now, let me say, I am a fan of California. I like the State of California, and California is a State. We have 50 States. We are unified like brothers and sisters. We should not abandon California. I do not think we should stand up here and bash California.

But we need to be frank with each other. California, quit pointing the finger at everybody else. California, quit saying it is everybody else's fault. You know what you need to do is help pull yourself up by your own bootstraps. And we should help, too. I do not think California should be left to die on the vine out there, so to speak.

California, after all, if it were a country, it would be the seventh most powerful country in the world. It is huge in economics for this country, and every State of the Union is dependent upon good economic health in the State of California. But I think it is grossly unfair for any of my colleagues to stand up here and make it sound like it is everybody's fault but California's, and that everybody ought to pitch in but California, and that California has been abused here and California has been abused there.

There are a lot of good minds in California, and a lot of those people will say, you know, we have to have conservation, number one; and, number two, we have got to have power plants.

The fact is we need electricity in our everyday lives. We need oil. We need gas. We need it in a balanced fashion. And, to California's credit, although in many cases they may have gone overboard, in many cases California has been the leading State in demanding that the energy production be clean production, in demanding that we have higher efficiencies, and, to California's credit, just here in the last month or 2 months, California is responding to conservation. My understanding is their conservation has resulted in about a 10 percent decrease in the demand for energy that that State is having.

So, the only reason I am making my comments, which are a little off the subject of which I wanted to talk about this evening, water, although when we talk about water, we are going to talk about energy and the renewable energy of water and its resource, my purpose in commenting is I just think somebody has to stand up here when some of my colleagues take this microphone and talk about ''poor old California'' and how it is everybody else's fault.

You know, California, what you try to do, I will tell you what got California in this mess. They had a new theory of deregulation, and they went out to the customers in California and said, we will keep your price the same, no matter what happens out here in the market. We will buy on the spot market, and, regardless of what happens, the average will always allow us, even though it goes up and down, the average line in there will always allow you to be sold power at the same price. Something for nothing. That is exactly what they promised, something for nothing.

For a little while it worked. Forty-nine other States did not adopt that policy. Forty-nine other States did not think they could get something for nothing. Forty-nine other States allowed power production to be built in their State. Forty-nine other States allowed electrical transmission lines. Forty-nine other States allowed natural gas transmission lines. But California thought they discovered something new, and that is by denial, by guaranteeing flat rates, and by shoving the obligations on the other 49 States, they thought they could sail through this, and they have not been able to.

Now, what is happening out there, I think that the Governor finally, I notice a couple of weeks ago he went over and cut the ribbon for a new power generation facility. Finally they are going to allow some generation to be built in that State. Finally this ''not in my own backyard'' is going to be adjusted, not eliminated, because I do not think it should be put in every backyard, but it is going to be adjusted, and California is going to get back on its feet.

I do not think California is in for the kind of crisis that some people on this floor think it is going to be in for. It has been a good lesson not just for the State of California, but a good lesson for all 50 States, that, look, we need to plan for our future. We have an obligation to have some kind of vision into the future, to talk about what the energy needs are not only of today's generation, but what we can do for energy for tomorrow's generation, and that means serious discussions on alternative energy, although, as you know right now, do not be led down the path that alternative energy today is the answer.

If you took all the alternative energy in the world, all of the alternative energy in the world, and devoted every bit of it to the United States, it only supplies 3 percent of our needs.

□ 1930

So do not exaggerate what alternative energy can do for us today. But we should focus on what alternative energy can do for us tomorrow. All 50 States should do this. What happened in California was a warning shot to the entire Nation, and that is, we need to have an energy policy. That is exactly what has been missing here in the last few years. During the Clinton administration we had zero energy policy.

I am very interested, by the way, to read the newspapers. I cannot find a newspaper, and maybe there is one out there, maybe the Wall Street Journal, but I cannot find much coverage or any kind of criticism of the Clinton administration for not having an energy policy for the last 8 years. But we can pick up any newspaper on a daily basis and see criticism against the current administration because they are trying to develop an energy policy.

We need to put all of these things on the table. We need to discuss and debate and analyze exactly what it is that we have put on that table. We need to add things or take things off. But in the end we need a product that is called an energy policy that will allow us and instill upon us a vision for the future of this country, that will allow us to avoid the very kind of crisis that California got into, that will allow us less dependency on foreign oil.

But we will not get that without some type of policy, and we will not come to that policy without some kind of debate. But instead, they are criticizing the debate; instead they are criticizing the administration in trying to put an energy policy together to put some ideas on the table and let us have discussions on this floor. Do not continually, colleagues, come to this floor and criticize. Everybody is to blame for California. Do not come to this floor, colleagues, and try and let all of us believe that the answer to this, the sole answer to this, is alternative energy or more conservation. All of those factors have to come together for the answer that we need.

As much as you want to deny it, the fact is we are going to have to have more electrical generations. I think we are going to be responsive to that. In fact, in the rest of the Nation, in the other 49 States we are going to have a number of States that will have an electrical glut in about a year. Part of the problem is we do not have the electrical transmission lines to move that electricity. But my point is this, and that is that it is unfair for my good colleague from the State of California to speak at this microphone and act as if California's problems belong to the energy companies in the other 49 States. This was a problem that was brought upon themselves. It is a problem that all of us should help them get out of, but they have got to lead. They have got to have a little self-help. They have got to pull themselves up by their own bootstraps. And for the rest of us, colleagues, we have to sit down and work with the administration and come up with an energy policy that gives us vision for the future.

Let me move from that subject to another subject. A subject that is near and dear to my heart. It is going to be a boring subject to my colleagues. I

know that many of you will probably find yourself snoring or not find this of particular interest, because it is about water.

Water is one of the most wonderful things of our life. It is one of the more wonderful creations of God, if one believes in God, which I do. It is something that obviously we all know sustains life. It sustains a number of different factors in life.

Water is pretty boring. Why? Because we have been blessed in most cases with plenty of water. As long as water runs out of the faucet, as long as the toilet flushes, as long as there is drinking water out of the sink it is not such a big issue. It is when it stops that all of the sudden it becomes a big issue.

Just the same as energy, I think we need to have a vision for water in the future. Frankly, we have had from the generations and generations of people that have preceded us, we have seen vision for water. We have seen different types of utilizations of water and different planning for water for future generations. But in order for us to continue that kind of vision, we need to understand what water is about and what it has that is so valuable to our everyday lives.

So I thought I would start out and visit just a little about the importance of our water.

Let me say, first of all, in the State capital, my district is obviously in Colorado, my district is the highest district in the Nation, so I am at the highest elevation in the Nation. Up in my district, it snows year-round up on top of those mountain peaks. It is cold up there. It gets high. That is where a lot of this Nation's water comes from, are off the mountain peaks in my congressional district. So I think I know a little about water.

In our State capitol of the State of Colorado, if any of my colleagues ever have an opportunity to go visit, go take a look at it. It is a beautiful building to start off with, but it has a number of different murals throughout the capitol building. Do you know what you see in every mural in the State capitol building in Colorado? Somewhere in that mural, you will see water, because water is the lifeblood in the West. Water is the lifeblood everywhere; but in the West, we are in a unique part of this Nation. There is a distinct difference between the eastern United States and the western United States.

Mr. Speaker, one-half of the Nation is blessed with a lot of water. In fact, in the eastern United States, you see lawsuits or disagreements about: hey, put that water on my neighbor's land. I do not want that water. In the West, the suits are just the opposite. In the West, there are range wars fought, not only over sheep and cattle, but over water. They say water out there in the West does run like blood, and it is fought over with blood, and that it is as valuable as blood. That is the importance of water in the West; and there is a distinction, as I said.

But in the State capitol there in Colorado, there is this language: ''Here is a land where life is written in Water. The West is where the Water was and is Father and Son of old Mother and Daughter following Rivers up immensities of Range and Desert, thirsting the Sundown ever crossing a hill to climb a hill still Drier, naming tonight a City by some River a different Name from last night's camping Fire. Look to the Green within the Mountain cup; Look to the Prairie parched for Water lack; Look to the Sun that pulls the Oceans up; Look to the Cloud that gives the oceans back. Look to your Heart and may your Wisdom grow to power of Lightning and to peace of Snow.'' That is Thomas Hornsby Ferril.

That is a saying in our capitol. That is why water is so critical.

Let us look over a few statistics that are important. First of all, the interesting thing that I found about water, if we look at all of the water in the world, all of the water in the world, 97 percent of the water is the salt water; 97 percent. So only 3 percent of the water we have in the world is drinking-type of water, is nonsalt water, is clear water. And of the remaining 3 percent, if we took 75 percent of that 3 percent, that is all tied up in the ice caps up in the polar ice caps. So when we take a look at the amount of water worldwide, without the technological advances that perhaps the future will bring us for salinity and desalinization, we find that there is not really a large amount of water that we can use out of that big pot of water out there.

When we take a look at our country, we can see that stream flow in the United States; and as I said earlier, there is a difference between the eastern United States and the western United States, but 73 percent of the stream flow in the United States is in the eastern United States. It is not in the western United States. So we have 73 percent in the East, and then in the Pacific Northwest we have another 12 percent, and then the rest of the West, which makes up over half of the Nation. Remember, the West is vast in quantity of land. If we take the West, minus the Pacific Northwest, which consists of more than half of the Nation, we have 14 percent of the Nation's water. So in other words, more than half of the Nation has 14 percent of the water to provide life. That is pretty amazing.

So we should understand that it is important that our water does not come on a consistent basis and it does not come in the same amount of quantity every year, year after year. In fact, day after day, the quantity of water that we have varies in the West, and it is not at all consistent. Some years we have great snowfall; but it gets too warm in the spring too early, and it runs off before we can use it. Some winters we do not get great snowfall, so we have drought. In much of the West right now we are facing drought conditions.

The critical issue to remember about the West when we talk about water is that in the West, we have to store our water. We are going to talk about the mighty Colorado River. The State of Colorado is called the ''Mother State of Rivers,'' and we will go into that. It has four major rivers that come out of Colorado. In fact, the Colorado River out of the State of Colorado provides drinking water for 25 million people, 25 million people. So my good friends in Phoenix or Las Vegas or Tucson, you are totally dependent upon the Colorado River. In Los Angeles, you are almost totally dependent on the Colorado River.

The thing to keep in mind is that in the West, since we do not have consistent rainfall, we have very low rainfall. In fact, in the State of Colorado, we get about 16 inches a year, 16 inches a year. In some of the communities here, they get 2, 3, 4, 5, 6, 18 inches in a heavy rain storm in a day, and that is pretty remarkable. So in the West, we have to be able to store our water, because when we do have a lot of water, we do have a lot of water during one period of time generally, and that is called spring runoff. When the high snows come into the mountains in the wintertime and it accumulates and accumulates and accumulates, and then in the springtime, when the flowers start to pop up, everything starts to green, the snow starts to melt, and very rapidly, and for about 30 to 90 days, for about 30 to 90 days, really probably 30 to 60 days, we have all the water we need in the West. It is called the spring runoff. We have all the water we need. But the problem is, for the balance of the year, we do not. That is in part one of the reasons we need to store our water in the West, why we need to have dams in the West.

Now, in the East there are some radical environmental organizations, Earth First and some of the groups like that. Frankly, the national Sierra Club, which has never supported a water storage project in the history of that organization, they would like to make people in the East believe that in the West, a dam is an abuse of the environment, that these dams are nothing but atrocious toys for construction companies. We are totally dependent in the West.

Mr. Speaker, any family or friends that we have in the West, they are totally dependent on our capability to store water. By the way, you know when the first dam was that we could find on the Colorado River? One thousand years ago. One thousand years ago the Anasazi Indians down at Mesa

Verde, Mesa Table, Verde Green, the Green Table, down in Mesa Verde we found proof that the Anasazi Indians were the first ones to come up with a dam; and they had reservoirs and they had canals, and then the Indian tribe, the Anasazis went extinct. We think the reason they went extinct was because they did not have enough runoff to store the water. So after hundreds of years, a period of time, the Anasazi goes out, we think the reason they became extinct was because of the lack of water.

So those are some very interesting things. Let us look very quickly here, I covered here pretty much, so I think this is the critical point here: there is only 14 percent of the total stream flow to be shared by 14 States which make up over half of the Nation's land use.

Now, let us talk, just for a moment, because I think this next chart I want to show really was stunning to me. I found it fascinating. I had no idea how much water is required in our everyday life. I am not talking about showers or using the restroom or drinking water. I am talking about water for agriculture.

□ 1945

This is about water for agriculture. I watched with some interest the fact that out in the West the Federal Government has shut down farmers because they need to protect the sucker fish. I do not know enough about the dispute to argue on either side of that, but it has been on the national news the last few days. Watch and see how critical that issue becomes. It is critical for life out there in the West.

Look at this chart. See if the Members are as interested in this as I am. Direct use of the water. This is water we would use every day. The average person uses two gallons to drink and cook in, two gallons of water.

Imagine, at the grocery store, we all have an idea what a gallon of milk jug looks like. Two of those are necessary just for the drinking and cooking. For flushing the toilet for one's own personal use, we need about five to seven of those gallons of water.

We have the grocery cart. We have two gallons for drinking and cooking. Now we have to put six, between five and seven, so say six more gallons for the use of the toilet. If we do wash that day we will have to put 20 more gallons into the shopping cart.

Now it is time for a second shopping cart. If we use the dishwasher that day, we will need 25 more gallons into that shopping cart. Then, if we take a shower because we sweated so much from putting all of that water into the shopping carts, it is another nine gallons.

Now take a look at what growing food takes, because growing food is what uses the most water. But what is the most beautiful aspect of water? What is the key ingredient of water? It is a renewable resource. One person's waste is another person's water.

I remember years ago in Colorado when they came out and said that what we need to do, they demand that we go and lay concrete in all the ditches; line the ditches, because that water seeping into the ground is a huge waste of water.

Do Members know what happens when we line a ditch and stop the seepage of the water within that ditch? We may be drying up a spring of somebody 3 miles away. Unfortunately, Mr. Speaker, we do not have the technology today to look underneath the Earth and see where every little vein of water goes and how it connects.

The generations that will follow us will find it fascinating, because they will have the technological apparatus to take a look and say, gosh, this ditch provides for this spring, which is 10 miles away, and this aquifer, which has been under the ground for thousands of years, it provides a stream to this aquifer which connects over here and pops up in a spring somewhere. Those are the kinds of things that this future generation will be able to see that we cannot see today.

But what we do know today is that water is, number one, renewable. It is not like gasoline, where we use a gallon of gasoline and it is gone forever. It is not like natural gas, where we turn on the heater and bring the natural gas through. It is gone forever. It is not like nuclear with uranium, it is gone. Water is renewable, and that is why it is so important.

Take a look. Most of the use of water is in agriculture. Now, it is interesting to me. In fact, I had the privilege, really the privilege, of being up in Jackson Hole, Wyoming. I happen to think I have the prettiest district in the Nation. I have resorts, Aspen, Durango, I have all the Rockies, almost all the mountains in Colorado, but Jackson Hole comes pretty close.

I was up in Jackson Hole. It was just beautiful, gorgeous. Of course, there is the national park, Yellowstone, the Teton National Park. I would love to discuss, and I intend to one of these nights soon, talk about the national parks and how important the national parks are for our Nation, and how many millions of people enjoy our national parks every year.

But what was interesting is that we were looking out at Jackson Lake, which is north of Jackson Hole. As we were looking out there, they have a dam on Jackson Lake. That is what created the lake was the dam. I was listening. Somebody said, ''Well, the unfortunate thing about this dam is that the Idaho farmers, the Idaho farmers get the top 36 feet. They get the first 36 feet of storage. It is let out into the Snake River and it goes to the farmers in Idaho. That is really bad.''

I thought, bad? This person is probably going to eat a potato for lunch. This person was probably going to eat lots of agricultural products during her day that were provided by water. Agriculture is not a bad thing, but we have to make the connection. We could not have a lot of agriculture in the West if we did not have the water storage to provide for it.

In fact, what we would do is have very, very little agriculture in the West, very little way to sustain life in the West. The same thing with the Anasazi 1,000 years ago. When they ran out of the capability to have water for storage, the storage would not hold enough for them, they became extinct. That is why water is so important. That is why, when we look at a dam, we should look at what all it provides.

Take a look at agriculture. This is amazing. One loaf of bread, I will bet Members did not know this, one loaf of bread, from the time we cultivate the soil to raise the wheat and to be able to process the wheat, to be able to turn it into a loaf of bread, we will have gone through 150 gallons of water, 150 gallons of water. That is what is necessary to have the final product of one loaf of bread.

One egg, this is almost unbelievable, 120 gallons for one egg. We have to raise the chicken, give the chicken water, the chicken has to have the water on a regular basis, the egg has to be cleaned and processed, there is water within the egg, et cetera, et cetera. It is 120 gallons.

To produce one quart of milk, we have to have 223 gallons of water; for one quart of milk, one quart, 223 gallons; for a pound of tomatoes, 125 gallons; a pound of oranges, 47 gallons; a pound of potatoes, 23 gallons.

So here is what happens, just so we have a comparison here. If we put 50 glasses of water, 50 of these glasses of water out, of these, how were they used? Forty-four glasses of that would be used for agriculture, for our food products, 44 of those 50 glasses. Three glasses would be used by industry, two glasses would be used by cities, and half a glass would be used in the country for rural areas. Water is critical. Mr. Speaker, this gives us somewhat of an idea of just how important it is for all of us in our everyday life.

Let me focus us back, Mr. Speaker, to the State of Colorado, because Colorado is a very unique State. As I said, it is the highest point in the Nation. It is also the only State in the Nation out of 50 States whereupon all of its water runs out. It has no incoming water for its use that comes into the State of Colorado. It all goes out. This gives an idea of the quantity of water that goes out of Colorado, the average annual outflow of major rivers through 1985.

Now, this chart is old, so these numbers are off a little, but they are not off by a lot. They are still pretty close. These are acre feet. An acre foot is how much water it would take to put one

foot of water on an acre of land for 1 year, 4,540,000 acre feet right out of the Colorado River.

Up here off the Yampa River in the green, 1,576,000. Every point that we see here, here is the South Platte that goes into Nebraska, almost 400,000 acre feet of water. Down here on the Arkansas River, 133,000 acre feet. Over here on the Animas River, 700,000 acre feet. Here, of course, is the mighty Colorado.

This chart right here, Mr. Speaker, gives us an idea of the State of Colorado, which is a critical State for the West. Of all of the States in the West, I cannot think of any State that is more important for the water supply of the West. Remember, this is not just water for agriculture but it is water for hydropower, hydroelectric, whether Lake Mead or Lake Powell, Glen Canyon or the Hoover Dam, water for recreation, et cetera. Here Colorado is the key State because of its high elevation, because of its snowfall, which provides the flow of water.

Colorado is really divided here into four major water basins: the Missouri; here we have the South Platte River; the Arkansas, we have the Arkansas River that goes through here. We also have down in here the Rio Grande, the Rio Grande River, which goes down near Alamosa, Colorado. Here on the Western side of the State we have the mighty Colorado River.

Remember that, regarding the rivers in the West, as well as in the East, in the old days we used to have to live close to the rivers, but as man has evolved with technology, we can live further and further away from the rivers. So while the Colorado River, of which 70 percent of the water within that river basin is provided by the State of Colorado, and by the way, the Colorado River is one of the longest rivers in the Nation, but because of the technology, that water is moved.

For example, in Colorado it is moved from the western part of the State, my district, which has 80 percent of the water resources. There is a good quantity of water that is moved from our part of the State to the eastern part of the State, which has 80 percent of the population.

It is the same thing in Arizona. We have the Central Arizona Water Project, where we move water away from the basin into the cities, like Phoenix and Tucson or Los Angeles. We have the water project down in Los Angeles. So we move water from these basins. We have to have the capability to divert.

This real quickly just gives us an idea. I mentioned that the Colorado River is one of the longest rivers in the Nation. This gives us an idea.

Now, out here we have the Gulf of California, but in actuality most of the water that is left, when it enters Mexico near Baja, it is used by the country of Mexico.

It is interesting that when the Colorado River was first divided up, they figured there were about 15 million acre feet of water a year that came down the Colorado River, 15 million acre feet. So they divided it, and in about 1922 they had what they called the Colorado River Compact. That is a very important compact for the West, and probably of all the water compacts in the West, that is the most critical. It divided what we called the Upper Basin States and the Lower Basin States. The Upper Basin got 7½ million acre feet, and the Lower Basin got 7½ million acre feet of water every year.

But unfortunately, when those calculations were made, they were made when we had a very unusual year. We had the highest flow in any number of years. They were recorded at the highest record of flow. So in fact, we really do not produce 15 million acre feet of water on an average year out of the Colorado, which means that a lot of the Colorado River water is overappropriated.

Now, on top of the 15 million acre feet, here is an interesting story for us. In World War II, the United States was concerned, as was the country of Mexico, that the Japanese would try and invade the United States through the country of Mexico. So the Mexican authorities and the United States, the American authorities, got together. Mexico wanted the defense of their country. The Americans did not want the Japanese in Mexico, so the Americans agreed to supply reinforcements or troops to the country of Mexico to defend Mexico if the Japanese invaded.

The Mexican government, being the better negotiator of the two, said that we should want to keep the Japanese out of their country, and it is nice of us to protect them, but we ought to give them something for it, like 1½ million acre feet of the Colorado River.

So that is exactly what happened. In 1944, the United States government agreed to give the country of Mexico 1.5 million acre feet, 750,000 from the Lower Basin States, 750,000 from the Upper Basin States, of the surplus waters. Of course, there is a dispute over ''surplus,'' which is going on between the Upper Basin States and Lower Basin States.

They are getting too technical right now, my comments, but suffice it to say that the Colorado River Compact is really the point I want to make here. That is what has taken one of the longest rivers of the Nation and has divided it between the States that benefit from it. The Colorado River supplies drinking water for about 25 million people.

One of the first people to explore, and we have all heard this name before, was John Wesley Powell. He explored. This, of course, had been discovered before by the Spanish, by the Anasazis, et cetera, et cetera, but John Wesley Powell and his party mapped and explored the Colorado River.

They used wooden boats, and Mr. Speaker, I am sure some of my colleagues have rafted in Colorado. We think we have some of the best rafting, if not the best rafting, in the Nation. It is pretty scary. Imagine before those rivers were controlled by dams, before we had flood control, imagine the kind of rafts back then. They were big wooden barges, as we would see them today. That is what he went down on.

Think of the disease and unknown territory. In fact, some of them probably still believed the Earth was flat. It was a pretty challenging thing. You died at a young age if you wanted to go out and explore the West. But John Powell and his parties did exactly that. In 1869 he described the roil and boil of the rivers that pass through the treacherous passages, like the Grand Canyon, and the hard labor of the boat crews just to keep it going.

But John Wesley Powell mapped the Colorado River, and talked in his journal, in his diaries, and explained much of what he saw in the Colorado River. The result of the Colorado River, by the way, is what has provided absolute beauty, the Grand Canyon and the canyons in Utah.

Mr. Speaker, if Members have never been out to the West, go to Colorado first, and of course spend money in the Third District, but go little further West and go into Utah and see those gorgeous canyons. Go into Arizona and see exactly what this mighty river has carved over all of these hundreds and thousands of years.

Here is a good example. The Colorado River carved many of the gorges and canyons in the Colorado plateau. Dead Horse Point State Park in eastern Utah preserves the natural state of Meander Canyon, aptly named for the fantastic twists and turns the river etched into the soft sedimentary rock of the plateau.

When Members stand from this position, where my pointer is, and they look out, these are huge canyon walls. We can see where the river is from the green that goes through, that cuts through all of this. This was all cut by the Colorado River.

□ 2000

It is a fabulous study, our history of this Nation and what it has provided for us. But it is also critical for the life-style of the people out there.

Now, my colleagues will find that there is focused attention on the West. Remember that almost all of the Nation's public lands are in the Western United States. They are not in the Eastern United States. Let me very quickly kind of give a brief history on how that occurred.

When we first settled our country, most of our population was on the eastern seaboard, and this country, this United States of America, wanted to grow. But back then, to grow, you had

to buy land. And if you bought the land, the title did not mean much. If you had a deed, you had a deed that said, hey, you own the State of Colorado or you own out there in the West this chunk of land, these millions of acres, but it did not mean much. The only way that you could obtain your land after you bought it was to get out there with a six-shooter on your side and possess the land. That is where the saying came from, the old saying that ''possession is nine-tenth's of the law.''

That is exactly what happened that created public lands in the West and almost no public lands in the East. Why? Because our leaders in Washington, D.C. knew we needed to settle the frontier. We had gotten the Louisiana Purchase, we had gotten a number of other lands, and we needed to somehow give incentive to the population in the east to go west. ''Go west, young man, go west,'' as the saying went. So they decided to have land grants. They decided to have the Homestead Act, where if a person went out to Kentucky, and that was west to them, Kentucky was west, or go out to Missouri and Kansas and even to eastern Colorado, 160 acres back then could provide for a family. So they gave this land to the citizens of the United States who would go out and occupy the land, or possess the land on behalf of the United States of America. And after so many years, 5 or 6 years of working that land, you would own the land.

Well, the problem was when they got to the Colorado Rockies, guess what happened? One hundred sixty acres did not even feed a cow. So they came back to Washington and said people are going west but when they hit the mountains they are going around trying to figure a way to get to the ocean side, the Pacific Ocean, but they are not staying in the mountains. How do we get them there? Somebody said maybe we should give them an equivalent amount of land. We give 160 acres in Kansas or even in eastern Colorado, let us give them what it would take, the equivalent amount of land, let us say 3,000 acres in the mountains. Somebody else said, no, no, we cannot politically do that. There is no way we could give out 3,000 acres to a particular individual and survive politically.

So somebody came up with the idea, well, let us just go ahead in the west and let us let the government go ahead and hold the title in our name, the government's name, and let the people use the land. Let us have a concept called multiple use, ''a land of many uses.'' Let us have the West be a land of many uses. That is how we can get around that. We can get people to settle there. We will say, look, you do not get to put the land in your name, but you get to use it for yourself.

Now, in recent times, that has been misinterpreted in many cases by some of the more extreme environmental radicals in the country, who say, look, the land in the West was intended to be set aside for all future generations. While we are comfortable here in the East, they should set that land, those public lands in the West, aside. And they are doing the same kind of thing for the water.

Clearly, we have to have a balance. And thank goodness we had somebody like Theodore Roosevelt, who took a look at Yellowstone and with awe and a great deal of thought and, frankly, a great deal of brilliance put that into a national park. We have wonderful national parks on those public lands. We are pretty proud of those public lands. My district has huge amounts of public lands. But we have to be able to utilize those public lands, and it is the same thing with our rivers.

We have to have dams in the West. My point in speaking tonight is not to just have my colleagues walk out of here with some book knowledge on the topic of water, but to understand the difference between the Western United States and the Eastern United States when it comes to water and the necessity of water resources and the necessity to store water and the necessity to use hydropower.

By the way, in all of our discussions, especially of the last few months, when we have had debates and so on about the energy crisis, remember the cleanest energy producer out there is water. We do not need fuel to put water into a hydroelectric facility. All we do is take the energy of the water as it drops, turn a turbine, and we create electricity and then we can move the electricity.

My real focus here this evening in front of my colleagues, especially those from the East, is to ask you to remember that life is different in the West. Sure, we are all American citizens and we are not saying we are being picked upon but we are saying there is a difference. There is a difference between night and day. A part of it is caused by the fact that most of the public lands are in the West. They are not here in the East. It is very easy, colleagues, to put regulations on us in the West, on public lands, because those in the East feel no pain. The East does not have any public lands. Well, there are the Appalachians, and a chunk down there in the Everglades, but, in essence, when we talk about public lands in the East, we are talking about the local courthouse or the property around the courthouse.

When we talk about lands in the West, we are talking about 98 percent of some of our States, like Alaska. In my State alone, in my district alone, now get ahold of this, in my district I have over 22 million acres of public lands. And there is water on there. And that water is absolutely essential, one, for diversion, and, two, for the protection of the environment that we have. But my focus here this evening is that I hope, as my colleagues leave and that as I conclude my remarks, that everyone understands how important water is in the West; that we are arid out there in the West.

We have over half of the Nation's land in the Western United States, over half of it, and we have 14 percent of the water. That means that I think my colleagues have to approach us with a little more open mind. When we talk about water storage projects in the West, when we are trying to stop a bill, for example, backed by the national Sierra Club, that we understand their number one goal is to take down Lake Powell. Now, Lake Powell and Lake Meade, those dams provide 80 percent of the water storage for the West, yet the national Sierra Club wants to take out almost half, almost half of our water storage in the West because they do not like dams.

That is their number one goal. I am not making this up. It is in their publications. Their president's number one goal is to tear down Lake Powell, the second largest recreational, just behind Lake Mead for recreation, the second largest recreational facility in the West, despite the hydropower that it produces, the amount of water it stores for us out there. So, colleagues, when the national Sierra Club comes and talks to you and wants you to sign on to taking down Lake Powell, please, please understand that life in the West, when it comes to water, when it comes to public lands is different than back here. Listen to our side of the story before you sign on to any of these bills that take fairly dramatic steps not in your area of the Nation but in our area of the Nation.

Before you sign on as a sponsor or cosponsor, take a look at the impact it creates on us. Take a look at what it does to your colleagues; take a look at the history of the Nation. I have 25 charts here that I can walk through depicting life in the West since the Anasazi Indians and since the Spanish explorers. We can walk through the time of John Wesley Powell and about how the West has managed those resources. And with all due respect, I would venture to say that many of us in this room, many of my colleagues in the room, especially those from the East, have no idea of the kind of lifestyle that is required in the West, and the natural resources and our use of the natural resources and our conservation of the natural resources.

So, please, colleagues, do not let some of these organizations convince you that all of a sudden you are an expert in western water law. Do not let these experts or groups like the national Sierra Club convince you that you should become an expert and cosponsor a bill to take down Lake Powell, which is exactly what they want to do, or to stop the Animus La Plata

water project, which was promised to the Native Americans 30 or 40 years ago. Those issues are critical for us out there. This is a Nation where the Eastern United States should understand the problems of the West and understand that the water situation here is different than our water situation back there in the West.

My whole point here tonight is to tell my colleagues that in the West, as they say, our life is written in water and water is so, so critical. It has all come together. It all comes together when we begin to understand the geographical conditions, the historical conditions, the political conditions. Then we begin to say, you know, there is another side to this story that is important for all of us to understand.

Mr. Speaker, let me wrap up this portion of my comments about water by just simply reiterating one point, and that is that there is a difference between the Eastern United States and the Western United States when it comes to natural resources. There is a difference between the Eastern United States and the Western United States when it comes to public lands. There are very few public lands in the Eastern United States. There are vast quantities of public lands in the West.

The concept of multiple use, a land of many uses, that is how I grew up. When you would enter the government lands, which we are completely surrounded in my district, I have over 100 communities, I have a district larger than the State of Florida, and every community except one is completely surrounded by public lands, and when we enter the national forest and so on, if any of my colleagues have ever been out to the national parks or public lands, it says something like, ''you are now entering the White River National Forest.'' And there used to be a sign under that that said, ''a land of many uses.'' A land of many uses.

Now we are seeing groups like the national Sierra Club or Earth First or more radical environmental groups coming out and saying they want to take that sign, ''the land of many uses,'' they want to take it off and put on a sign that says ''no trespassing.'' And it is the same thing with our water. The quickest way to drive people out of the West is to cut off their water. And it is not complicated. In the Eastern United States it would be very complicated to shut off the water. You have a lot of it. It rains all the time. In the West, all we have to do is take down a couple of dams.

Go ahead, let the national Sierra Club take down Lake Powell. You take down Lake Powell, and you will shut off a large portion of the west. You would take away life, the human population, and, by the way, a great deal of vegetation and animal population out there because we have been able to utilize that water and store that water so we can use it beyond the spring runoff. So keep in mind in the west life is written in water.

Let me use my final concluding remarks on a topic that is obviously totally unrelated, but I want to go back to my remarks at the beginning of this and that is on this energy thing. By the way, I heard some comments earlier today that we have no free market in the energy, that we need to have the government run the energy business in this country. Nothing would be worse than inviting the government into our front doors to begin running our energy companies for us. Nothing would be worse than allowing the government to intercede in the private marketplace.

Now, I am not speaking about stopping antitrust, where intercession is necessary. According to Adam Smith, and he is right, a monopoly is a dangerous tool to management. But to intercede and to actually become almost socialistic like, where we would have the government supply the power and the gasoline, and we would have the government guarantee it will all come at a reasonable price, we should not buy into this concept that the government is going to be able to give us something for nothing.

Take a look, for example, at the government's intercession in lots of other different programs. In almost every case, when the government takes over or begins to think that it can do better than the private marketplace, we end up with lots of regulation, we end up with subsidies, and we never get something for nothing. This energy is a problem that we all have to work through.

The way we work through it is we put several components together. One of those critical components is conservation. Now, not every citizen can go out and find natural gas, not every citizen is going to be able to build a transmission line out there, and not every citizen can build a generation plant, but one thing that every citizen in our Nation can do is to help conserve. And if we want to keep the government out of our lives, we only need to help conserve energy. Because the more energy that we waste, the more energy shortages we then have, the more temptation there is to have the government come in as a quick fix, as some kind of waving of the magic wand that the government is going to be able to deliver to us any kind of product at a cheaper price. The private marketplace does pretty good if we can all help.

So to conclude this portion of my remarks, let me say that I think it is incumbent upon every citizen in this country, and I speak through my colleagues, that we have to go out into our districts and encourage our constituents. Because if there is one thing that every citizen in this country can do to help alleviate the energy crisis, that exists primarily in California but is a warning shot to the rest of the Nation, it is to conserve.

□ 2015

And we can all do it by simply shutting off our lights, changing our car oil when the owner's manual says it instead of when the lube market tells you to do it. I am optimistic about future energy of this country. Slowly but surely we are building an energy policy, and conservation is going to be an important part of it. You cannot conserve your way out of the situation that we are in.

Alternative energy is an important part, but do not overplay it. As I said earlier, if you took all of the alternative energy in the world and delivered it all to the United States, it would only supply 3 percent. Certainly this young generation behind us, their brilliant minds will be able to make that much, much larger because they will find ways to take energy out of water.

The first and most immediate thing we can do is come up with an energy policy as a government. We can urge our constituents to conserve. But the worst thing we can do is propose that the government put on price controls, that they take over industries, that they seize power plants and the government becomes your local electric utility. It would be the most inefficient operation in the history of our government. Do not let them do it. You cannot get something for nothing out of this government. If it is the government running it, you usually pay a higher price than if you as a community can have the private sector with checks and balances. I have spoken primarily about energy, about water.

Mr. Speaker, one last shot on water and then I am done. That is keep in mind in the East and West of this Nation, there are differences in water and differences in public lands. I would urge all of my colleagues in the East and all of their constituents in the East to please take the time before signing on a petition to take on Lake Powell or kick people off public lands, take a look at both sides of the story. If you take a look historically, politically, environmentally at both sides of the story, I think you will have a better understanding of what I have said tonight and a much deeper appreciation for our message from the West.

HIV/AIDS

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CLAYTON. Mr. Speaker, oftentimes we act on perceptions rather

than reality, and when we discuss HIV and AIDS, indeed that has been one based on perception. Oftentimes we have felt, those of us who live in the rural South, have felt that AIDS was an issue of the North. Those of us who lived in small towns felt it was an issue of the big cities. Heterosexual persons thought this was only an issue for gays or that it was indeed white male gays. What we are finding is that those perceptions were ill-founded, and that the disease has affected all phases of the United States, particularly the South.

HIV/AIDS is becoming more prevalent in rural areas and in the South. AIDS cases in rural areas represent only about 5 percent of all reported HIV cases in 1995. Only 5 percent. However, the pattern of HIV infection suggests that the epidemic is spreading in rural areas throughout the United States. HIV in the rural South is growing at one of the fastest rates in the Nation. The Southeast as a whole has the highest number of those infected. The southern region of the United States accounts for the largest proportion; that is, 34 percent, 34 percent of 641,886 AIDS cases. The latest figures we have is for 1997, and 54 percent of the 56,689 cases are among persons residing in rural areas.

However, according to a Boston Globe article, which I include for the RECORD, according to this article it references that in six Southern States, including my State, North Carolina, and South Carolina, Georgia, Alabama, and Mississippi as well as Louisiana, 70 percent of those with HIV are African American, and 25 percent are women, according to a Duke University study.

But more importantly, here is what it says. Both of these figures are higher than the national average, but few are saying anything about it, keeping the disease nearly invisible as it spreads. It is a deadly, silent disease. It is the silence that worries many of the AIDS activists who are fearful that as the silence continues, the government will not know that they have a problem.

The text of the article is as follows:

[From the Boston Globe, June 1, 2001]

IN THE SOUTH, DEADLY SILENCE

SHAME AND FEAR CONTRIBUTE TO RAPID SPREAD OF HIV IN RURAL AREAS

(By John Donnelly)

SCOTLAND NECK, NC.—In the short, grim history of AIDS, this rural town surrounded by cotton and tobacco fields would probably go unnoticed. The virus hasn't killed people here in great numbers, as it has in Africa, nor has it devastated a whole sector of the population, as it did to gay men in the cities of America in the 1980s.

But as observers reflect on the two decades since the first public mention of a disease that was later named Acquired Immune Deficiency Syndrome, the overarching reality is that the virus has stealthily managed to infect roughly 60 million people all over the world, including here on Roanoke Street, inside the four-room house of the Davis family, in the person of one Jeff Davis.

And that remains, largely, a secret here.

''I keep it pretty quiet,'' said Davis, 26, his skinny 6-foot-3 frame sprawled out over a worn-out sofa as his mother hovered nearby. ''I'm not sure people would like being around people like me. If they find out I'm HIV-positive and their reaction was bad, I don't think I could take it.'' HIV in the rural South is growing at one of the fastest rates in the nation. The Southeast, as a whole, has the highest numbers of those infected. In six Southern states—North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana—70 percent of those with HIV are African-American and 25 percent are women, a Duke University study found. Both figures are higher than national averages.

But few say anything, keeping the disease nearly invisible as it spreads. It is this silence that worries many AIDS activists, who are fearful that as the US government grapples with the out-of-control pandemic in parts of sub-Saharan Africa, it will neglect the increasingly costly programs to treat infected citizens at home. In at least a dozen states, there are waiting lists of people infected with HIV who want to get the drugs.

At home, the Bush administration's initial position has been to put a lid on treatment funds. It has proposed no increase next year for the $1.8 billion Ryan White Care Act, which pays for AIDS cocktails for Americans not covered by Medicaid or other insurance programs. Abroad, the administration has put $200 million in additional HIV money into a newly created Global AIDS and Health Fund, a sum belittled by many advocates as a trivial response to a problem that Secretary of State Colin L. Powell calls a war without equal. ''It's our responsibility as a world leader to fight AIDS at home and around the world,'' said Ernest C. Hopkins, director of federal affairs for the San Francisco AIDS Foundation. ''Furthermore, the crime of someone in rural North Carolina not getting treatment is far more egregious than the reality of that happening in sub-Saharan Africa, where countries spend a few dollars per capita on health care. This is an incredibly resourced nation, and yet there are people here who are basically being written off.''

In the past 20 years, AIDS has killed 438,795 people in America, 23 million worldwide. In the United States, an estimated 1 million people are now infected with HIV or have full-blown AIDS, but only about a third of them are receiving treatment. The federal Centers for Disease Control and Prevention estimates that another third of a million have been diagnosed but either aren't medically eligible for treatment or can't pay for it, while the remaining third don't know they are infected or refuse to be tested.

AIDS has remained largely an urban epidemic in America, but infection rates have been rising rapidly in rural areas. Interstate highways act like spigots that flush the disease deep into the back country. Sex workers set up shop along the highways. And from rural Southern towns, as elsewhere, people like Davis travel to neon-bedecked bars or strip joints located near interstate highway ramps, pay for sex, and bring the virus back home. Some, like Duke public health specialist Kathryn Whetten-Goldstein, ''see echoes of Africa in HIV in the South,'' because of the barriers to care as well as the way the virus is increasingly transmitted through heterosexual contact. In the rural South, about 45 percent of women with HIV were infected by having sex with infected men, compared with 15 percent nationally; in Africa, as much as 80 percent of the transmission is heterosexual.

''When you think about the epidemics being similar,'' said CDC epidemiologist Amy Lansky, ''in the rural areas, particularly in the South, there is a lot more transmission occurring through heterosexual contact than you see as a nation as a whole.''

It is an outrage, in Whetten-Goldstein's thinking, because heterosexual transmission carries far less of a stigma than homosexual transmission. And yet, few talk about it, which she believes is rooted in racism.

''If the rates of heterosexual transmission were as high in middle-class white women and men as they are among African-American men and women, policymakers and power holders would be terrified and acting quickly,'' she said.

But Whetten-Goldstein believes the similarities between the rural South and Africa go deeper than the mode of transmission.

''There's a great stigma here attached to the disease, a sense of fatalism that it doesn't matter what they do and the great distances people have to travel to see a doctor,'' she said.

In both Africa and the rural South, a lack of education about how the virus is spread has allowed it to flourish. In North Carolina, for instance, state law forbids schools to teach that condoms can help prevent the spread of AIDS; teachers can only talk about abstinence.

And like many places in Africa, the stigma of living with HIV/AIDS is reinforced by attitudes of some fundamentalist Christians. Here, many fervently believe that God is punishing those with AIDS for their sins.

One woman in rural North Carolina who would be identified only as Sylvia said she travels 180 miles to see an AIDS doctor three times a month, even though there is an AIDS specialist 40 miles away. ''If you go to the local doctor, everyone knows you have HIV,'' said Sylvia, a local PTA president and a Cub Scout den mother.

''It's a modern-day leprosy here,'' said Dr. Mario G. Fiorilli, the only AIDS doctor in Halifax County in northeastern North Carolina. The great differences between the United States and Africa, of course, are that antiretroviral AIDS drugs are widely available here. But availability of drugs does not always guarantee access, and flat-funding of the Ryan White Care Act would mean that many newly infected Americans will be denied drugs, advocates say.

In interviews with several dozen AIDS caseworkers and patients in rural areas of North Carolina, many said that potentially thousands of people refuse to get tested for HIV, while others fail to adhere to the daily regimen of pills for a variety of reasons, including painful side effects. ''I have friends—and I don't agree with them—who are sleeping around with it,'' said a man who asked to be identified only as J-Ray, a now-celibate drag queen who adheres to the strict drug regimen. ''They're just spreading it. That's what's going on here. You have people who are either too scared to get tested, or find they have it and basically don't care at all. They're just angry.''

Like many interviewed, J-Ray did tell family members he had the disease. ''My mother hugged me,'' he said. My father looked at me, and said, ''Do you have life insurance?''

Beamon Vann's family reacted by kicking him out of the house. For 14 months, with no independent source of income, he lived in a leaky aluminum box 6 feet high and 8 feet wide behind his family's three-bedroom house, allowed in only twice a week for showers. His mother handed him meals out

the back door. She gave him a metal bucket for a toilet.

''It was because of her ignorance, her faith, her feeling that the disease was God's punishment,'' said Vann, 41, in his new three-room home, staring at a game of solitaire, three aces showing.

Vann, who is gay, began to weep. ''The first words out of my mother's mouth were, 'I told you God would get you one day for what you've been doing.'' Vann's caseworker is Terry Mardis, who is retired from the Army after 26 years in the special forces. He carried out secret missions in Vietnam, Nicaragua, and Panama. It's natural for him to use war metaphors in describing his work with AIDS patients.

''Are we making a dent? No,'' said Mardis, 53, who works for the Tri County Community Health Center in Newton Grove. ''I doubt it very seriously. People are afraid to get tested.''

On the road one day recently, in between visits to clients dozens of miles apart, Mardis said poverty often interferes with treatment. ''I have one woman whose daughter takes money from her. She has Social Security, which pays her bills and her phone, barely. Then family members run up $600, $700 in phone bills,'' Mardis said.

''We're concerned about her'' staying on her medication, he added. ''You're fighting a war here—on several fronts,'' Mardis said. ''You have families working against you. You've got communities working against you. I go and ask some businesses for donations to help those with AIDS, and they look at you like you're strange. Their idea of a crisis is the Red Cross helping you if you're burned out, not if you have AIDS.''

In Halifax County, HIV case manager Kathy W. Knight has worked hard to get African-American ministers to fight the stigma of the disease. ''People won't change their attitudes until it comes from the pulpit. If it doesn't come from the pulpit, it ain't the truth. If ministers think they can get it from eating at McDonald's, which is what one told us, then we're still going to have trouble here.''

Few say a kind word. One who won't is Bishop Moses Williams Jr., pastor of the Love of God Church of Christ. ''These diseases come upon people because they are not obeying the work of God,'' he said waiting in line at a Roanoke Rapids pharmacy checkout.

Jeff Davis, who believes he contracted HIV one night when he had sex with a stripper in Roanoke Rapids, just off interstate 95, is responding well to his combination of antiretroviral drugs. His weight rebounded to 164 pounds, from 142, but he is wary because his health has gone up and down before. ''There was a time when Jeff was falling away to nothing,'' said his father, Perry Lee Davis, 68. ''I felt like then just as I did when he was a small child. We all love him. How would I feel as a father if I turned my back on him because he has HIV? I would be less than a father.''

Jeff Davis, sitting on his father's bed, listened to him. ''I read my Bible every day,'' he said softly. ''I'm back in church. It's made me better. I think everyone in there knows about me. But no one says anything.''

Mr. Speaker, tomorrow we will be offering an amendment to make sure that sufficient food goes to those persons in Africa who are suffering from the AIDS pandemic and their children and families who are taking care of them.

But if we do not recognize here in the United States, and particularly in the South, that we have this disease, it is unlikely we will get additional funds. In fact, when we look at the budget, the Ryan White Care Act, which pays for AIDS cocktails, is maintained about where it was.

The Globe article further says that in the rural South, about 45 percent of women with HIV/AIDS are infected by having sex with infected men, again breaking one of the perceptions we have that heterosexual persons will not be subject to it. But, indeed, the infection rate is 15 percent above what it is nationally. The spread of AIDS in Africa is being spread through heterosexual transmission of the disease rather than homosexual. In fact, women and children are the ones who are most infected.

Again, one doctor in this area, and they are referencing North Carolina and referencing Halifax County, which is in my district, this doctor says, Dr. Fiorilli, the only AIDS doctor in Halifax County, ''This is like a modern day leprosy, no one wants to claim or talk about it.''

Mr. Speaker, the big difference between the United States and Africa are that the medications we have are more available here, but availability of drugs does not guarantee access because there are people failing to take the test to find out whether they are eligible, and then there are people who are failing to follow their prescription.

In interviews many said that potentially thousands of people refuse to get tested for HIV, and one person states she travels 180 miles to get treated twice a month when she could travel 40 miles and be treated, but everyone knows her in her area. This person is president of the PTA and very active as a leader, and so the culture of the area does not allow her to seek out medical care, and in some instances not even to tell their own family members. We have a problem in the Southeast and in those six States.

The number of new AIDS cases in the United States began to decline in the mid-1990s, but actually the rate went up in the South. While everybody else was kind of dealing with the problem and acknowledging that we had a problem, actually it went up. Particularly we find this happening in the South among black women as well as with children. It is true there are still more males than females, but the growth rate for women is extremely high in that area.

Mr. Speaker, from 1981 to 1999, 26,522 black women developed AIDS in 11 States of the former Confederacy. In Mississippi and in North Carolina, statistics show that more black women than white men have contracted HIV.

By region of the United States, AIDS incidence increased in all regions from 1994, with the most dramatic increases in the South. In 1996, however, AIDS incidence dropped in the Midwest, dropped in the West and the Northeast, and just began to level off a little bit in the South.

Now, again back to North Carolina, the HIV epidemic continues in North Carolina. Rates of infection continue to grow among adolescents and among women, with heterosexual contact as their primary mode of transmission. The minority population is disproportionately affected by the AIDS epidemic in all risk groups. The geographic distribution of cases for HIV/AIDS and bacterial STDs indicate the high correlation of STDs, which is sexually transmitted disease, and as a predictor of the risk of AIDS.

Mr. Speaker, this chart shows that persons living with HIV and AIDS, and this was as of the end of last year, the percentage by gender, 68.4 percent are male; 31.6 percent are females. And then when you begin to look at the ethnicity of it, 72.4 percent are African American or blacks; 23.9 percent are white non-Hispanic; 1.9 percent are Hispanic, and the Hispanic population is growing in our State, so that increase is in some way related to the growth. You see the proportion, that indeed it is growing.

Of the 20,525 individuals reported through December 2000, 10,329 have been reported with AIDS, including 8,189 adult adolescent males, 2,013 adult adolescent females, and 127 children.

According to figures from last year, North Carolina ranked 23rd among 50 States, including the District of Columbia, in terms of the number of AIDS cases. Most North Carolina HIV disease reports highlight the male population, African Americans 72 percent, falling within the age group between 30 and 39. Thirty and thirty-nine are our most active, productive citizens. This is the time when people are forming families and building careers. This is the time when people ought to be the most productive in their community; but at this time we are finding within the age group 30 to 39, 72 percent are African Americans.

□ 2030

In the First Congressional District as well as in eastern North Carolina, including the third district, African Americans accounted for as much as 87 percent of HIV/AIDS cases that were reported in this year alone, the new cases that were reported.

The House of Representatives and the General Assembly of North Carolina recently passed under the leadership of Representative Wright a resolution declaring HIV/AIDS as a public health crisis, that we need to acknowledge that and get our community involved, get our faith-based community involved and our education system involved, because without the public recognition, we are not going to deal with that.

While only 1 percent of AIDS cases are found among teenagers aged 13 through 19, an additional 18 percent are found among those who are in their early 20s, who may have acquired the infection while they were teens because many of them had the infection, but we are now just discovering it while they are in their early 20s. Likewise, we are finding infection of teenagers is increasing. Additionally, some 26 percent are found among those who are now in their 20s, assuming they might have been infected some years earlier.

As of December 31, 68 percent or 13,943 of all HIV disease reports in North Carolina were among those who were from 20 to 39, regardless of race. From 20 to 39. That is an astounding, large number of people. Let me repeat that: 13,943 were reported last year. Of those reported, 68 percent of those reported were between the ages of 20 and 39.

Now, earlier I had said that there was a correlation between STD, sexually transmitted disease, as a predictor of HIV.

I want to show you another chart as well. This is alarming because syphilis and gonorrhea and other transmitted disease, we thought those had been eliminated. In fact, I have a map that I do not have with me; but if you look at this map, it is almost completely eliminated, other than in the South and in one or two places in the Midwest. Completely eliminated. In fact, there is no reason why sexually transmitted disease should be growing. There indeed is a bacterium treatment for it, but it is growing in the South; and it is growing in my State in alarming numbers.

Although it cannot be said that the STDs cause HIV/AIDS, it can be said there is a correlation between them. Indeed, you can begin to see the large number of them growing in North Carolina. But also you see a high percentage of them being related to African Americans. Gonorrhea percentage, almost a relationship between what you see in gonorrhea and syphilis as the HIV chart. There is no reason for this. This is unexplainable why this is happening. One is a disease by a behavior pattern that we can correct, but also there is no public outcry in understanding this. One, we assign to the fact, well, this is their own doing and, therefore, we shouldn't be concerned.

There is a glaring racial disparity in North Carolina cases. Seventy-one percent of them are among African Americans. The infectious syphilis rate is almost 12 times greater for African Americans, 11 times greater for Native Americans, and eight times greater for Hispanics than the rate for non-Hispanic whites.

In 1998, half of all syphilis cases were confined to 1 percent, 1 percent now, of all the counties in the United States. These cases of syphilis were found in 28 counties, primarily located in the South, and three independent cities: Baltimore, St. Louis, and the District of Columbia. North Carolina had five nationally significant high syphilis morbidity counties: Guilford, not in my district, but certainly a large county in my State; Forsyth, again not in my district, but a large county in my State; Mecklenburg, which is our largest city; Wake County, which is our capital; and Robeson County, growing at significant rates higher than all of the other southern States.

The National Alliance of State and Territorial AIDS Directors, something called NASTAD, did a report. I have that report. This report is entitled ''HIV Services in Rural Areas.'' They studied New Mexico and South Carolina experiences.

Mr. Speaker, I include this study for the RECORD.

NATIONAL ALLIANCE OF STATE AND TERRITORIAL AIDS DIRECTORS, NASTAD MONOGRAPH, EXECUTIVE SUMMARY

HIV SERVICES IN RURAL AREAS

Introduction

AIDS cases in rural areas (less than 50,000 persons) represented approximately five percent of all reported AIDS cases in 1995. Patterns of HIV infection suggest that the epidemic is spreading in rural regions of the United States. Estimating the prevalence of HIV infection, based on AIDS cases, is complicated by the tendency of rural residents to go to urban areas for diagnosis and treatment, if possible. Research findings indicated that the majority of HIV infections in rural areas tend to occur in young adults (15–29 years), primarily females. Rates of heterosexual transmission are more prevalent than homosexual transmission and appear to be compounded by the presence of other sexually transmitted diseases and the use of crack/cocaine. Geographic areas with populations of 50,000 or fewer residents are considered rural. In 1997, over 54 million Americans lived in rural areas, composing 20 percent of the U.S. population (see Appendix A).

The HIV/AIDS Bureau (HAB) has set, as part of its policy agenda, an objective to document the experience of vulnerable populations and the changing nature of the epidemic. One population that has been historically under served is rural residents. In response, the National Alliance of State and Territorial AIDS Directors (NASTAD) developed this monograph on HIV Services in Rural Areas, as part of a cooperative agreement with the HIV/AIDS Bureau (HAB), Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services.

HIV Services in Rural Areas describes approaches that states are using to address the health care and social service needs of rural residents living with HIV/AIDS. NASTAD selected two states, New Mexico and South Carolina, to highlight in this monograph because they are located in regions of the United States that are considered rural. Additionally, these two states were selected because their populations include a disproportionately high number of rural communities of color—African, Hispanic, and Native Americans—who are very high risk populations for new HIV infections—living in areas with limited resources to address their health care needs (see Appendix B).

NASTAD conducted interviews with the state AIDS directors and program staff and local providers in both New Mexico and South Carolina in fall 1999. Based upon these interviews, NASTAD identified barriers to access to HIV health care and key program components that support and link HIV health services in rural areas.

Barriers to Providing HIV Services in Rural Areas

Long Distance Travel—Almost every service provider interviewed for this monograph identified transportation as a barrier to overcome in the provision of services for persons living with HIV/AIDS in rural areas. Providers acknowledged that travel options exist: (1) commercial transportation services; (2) volunteer drivers; (3) staff home visits, or (4) mileage reimbursement for the use of a personal vehicle. However, in cases of acute illness, the lack of an adequate transportation plan may make a critical difference.

Inadequate Supply of Health Care Providers with HIV/AIDS Expertise—Providers express frustration about the lack of physicians with expertise in HIV treatment, despite the wide availability of training and consultation opportunities. They also reported that it is difficult to monitor the quality of care that persons living with HIV/AIDS receive from local health care providers and that these providers, in turn, may not be highly motivated to monitor care due to small client caseloads. In the absence of local medical expertise, a social service provider, such as a case manager, may become the local ''HIV expert.'' In cases in which the provider has little or not medical training, serving as the local expert is a difficult and isolated job because clients living with HIV and their families rely on this individual for a breadth of information that she or he may or may not be able to provide.

Linking HIV Counseling and Testing with Care—Many of the providers reported having either formal or informal relationships with local counseling and testing sites. Despite these linkages, providers also reported that a large number of persons living with HIV/AIDS, as high as 50% for some, are referred to services either from hospitals or emergency rooms. While many of these clients are receiving their diagnosis for the first time, others are aware of their HIV status but have not sought services. Some providers report relying heavily on ''word-of-mouth'' to reach clients but acknowledged that stronger ties between testing sites and other organizations that may be in a position to refer clients need to be developed.

The Lack of Available Medical Facilities—Since the early 1980's, the number of rural hospitals and medical facilities has dwindled primarily due to financial cutbacks. Many facilities have closed or have been consolidated with other organizations or agencies, or the number of services has been drastically reduced due to managed care penetration, or the disappearance of an adequate supply of specialist, or the need to acquire new and expensive technology. Such trends have exacerbated the limited supply of comprehensive health care services needed by rural residents living with HIV/AIDS.

Limited Availability of Social Services—Rural areas, especially poor ones, may have few agencies to provide social or support services. The lack of available services restricts opportunities for agency and/or organization collaboration and prevents the formation of service networks. Linkages to community-based social service agencies have become more critical as HIV has become a chronic condition and clients' needs have become more diverse.

The Stigma Attached to HIV/AIDS—The stigma attached to HIV/AIDS may result in community-wide denial that HIV is a problem that needs to be addressed. Medical providers may resist treating persons living with HIV/AIDS. In contrast, clients may be reluctant to seek services in rural areas ''where being socially ostracized.

In addition, there may be a sense of mistrust of medical and related health care providers by individual clients and/or the community at large, especially if such service providers are unknown to the client or from outside the local community.

Client Adherence to Treatment—With improved HIV/AIDS care and treatment, treatment adherence may become a more important concern. Promoting adherence to antiretroviral treatment regimens can be difficult when clients are isolated and face-to-face contact between case managers, physicians, treatment educators and persons living with HIV/AIDS is limited. It also is difficult to assure client adherence to treatment on a regular schedule if the ability to refill prescriptions is problematic, or if the client has issues of stigma to overcome.

Substance Abuse—Several providers noted that the provision of long-term substance abuse services is a significant service delivery barrier in rural areas. Distance and limited client contact compound the challenge. Substance abuse treatment services may not be readily available outside of urban areas. There may be a sense of denial, both in the community and on the part of the clients who are using drugs and alcohol, because substance abuse is not identified openly as a problem in rural areas, resulting in little effort to secure treatment services.

Addressing the Special Needs of Communities of Color in Rural Areas—Communities of color, including Africans, Hispanic, Native, and Asian Americans, are at high risk for HIV infection. Rural communities of color, like other rural residents, experience the same barriers—stigma, poverty, and the absence of accessible care vulnerability of these communities to HIV is further compromised by additional factors: discrimination, distrust of the medical establishment and the health care system, diverse nationalities, language differences, severe poverty and unemployment, and social-cultural differences and isolation.

State Components that Link HIV Services in Rural Areas

The providers interviewed for this monograph have developed and described various strategies for providing HIV services to clients living in rural areas based on client needs and available resources. State strategies include:

Addressing Clients' Needs Beyond HIV—Service providers who address the entire range of client needs are more likely to maintain clients in care. Poverty, substance abuse, mental illness and other problems that are often associated with urban life also affect people living in rural areas. For example, the Palmetto AIDS Life Support Services (PALSS), in Columbia, SC, operates the Women's Resource Center. Approximately 25 percent of PALSS clients live in rural areas. The center provides a range of services that address the needs, both HIV-related and those not related to HIV, of their female clients. PALSS offers parenting classes, breast and cervical cancer screening, nutrition classes, exercise classes, social activities such as crafts and sewing classes, and a library with resources specific to women and HIV, creating a link between service provider and client.

Client-Centered Approach—It is not always practical to develop services targeting a specific population in a rural area. The caseload is often small and resources are extremely limited. These circumstances necessitate that staff be culturally sensitive and focus on the clients as individuals, since the client population, though small, may be very diverse. For example, one of New Mexico AIDS Services' (NMAS) case managers is Native American and works with the organization's Native American clients in Albuquerque. The case manager also understands the cultural importance of using Native American healing methods and administers NMAS's complementary medicine program.

Flexibility—Service providers stressed the importance of designing and administering programs that are flexible enough to accommodate the unique needs of individuals living with HIV/AIDS. Many agencies allow clients to designate where they will meet with their case managers, whether at their home, a local health department or library, or even for lunch at a local restaurant. Such arrangements require additional driving on the part of case managers and allows the client to identify a ''safe site'' in his or her community where individual confidentiality can be maintained. Limited clinic hours present another challenge for providers. If a person living with HIV/AIDS cannot schedule an appointment during regular clinic hours and needs to see a physician in between weekly clinics, several service providers reported that the physicians will frequently allow office visits, even though they are contracted to do so.

Working with Available Resources—It is important to identify and to link collaborative partners in rural networks, even with limited resources. For example, the Edisto Health Department in central South Carolina works with the Cooperative Church Ministries of Orangeburg (CCMO), a coalition of churches in the area that have combined their resources to offer some services such as a small food and clothing bank to persons living with HIV/AIDS, CCMO also administers the Housing Opportunities for People With AIDS (HOPWA) funds for the health department.

Fostering Informal Relationships—Service providers in rural areas stressed the importance of informal relationships that repeatedly prove to be invaluable in identifying resources and developing service networks. These relationships may develop unexpectedly. The ACCESS Network in Hilton Head, SC works closely with ''Volunteers in Medicine,'' a medical clinic staffed by retired health care professionals, who moved next door to ACCESS several years ago. Some ACCESS clients now receive services at the clinic. Case managers work closely with the clinic's staff to coordinate clients' care. They also provide clinic staff with information on HIV/AIDS treatment developments.

Providers reported fostering informal relationships between their own physicians and infectious disease (ID) specialists outside their service area who are available for phone consultation. Providers also cited the importance of working with local media to raise awareness about HIV/AIDS and the agency's services by running public service announcements (PSAs) or providing coverage of agency activities and events.

Conclusion

Both New Mexico and South Carolina have implemented strategies that seem to be working well for their respective residents who are living with HIV/AIDS. Both states also have found it necessary to remain flexible in implementing these strategies to meet the needs of specific group of residents who have unique challenges from one geographic area to another within each state. The selection of these two states in no way suggests that other states are not conducting exemplary work to assure positive outcomes for their respective residents. The selection of these states simply presents an opportunity to share information about HIV services in rural areas with other jurisdictions and stimulate national discussion among states on how best to meet the needs of persons living with HIV/AIDS.

HIV SERVICES IN RURAL AREAS: THE NEW MEXICO AND SOUTH CAROLINA EXPERIENCES

INTRODUCTION

AIDS cases in rural areas represent approximately five percent of the all AIDS cases in the United States. Long distances between residents and accessible health care services, social isolation as a result of social sigma related to HIV/AIDS, lack of adequate, if any, health insurance coverage, insufficient medical facilities, few medical specialists, and limited support services like transportation and child care challenge the efforts of rural communities (see Appendix A) to serve residents living with HIV/AIDS.

State health departments, in collaboration with local health agencies and organizations, are focusing on preventing new infections in rural areas, getting persons living with HIV into care (see Appendix B), and improving access to HIV health care services in rural areas. State health departments offer experienced insight, methodological research and analysis, and documented evidence of the success or failure of specific program strategies that collectively are designed to improve the quality of life for persons living with HIV/AIDS. State health departments also have the expertise to provide technical assistance and support for capacity building to local health care agencies and organizations that serve persons living with HIV/AIDS and to develop linkages between HIV/AIDS health care and related services in urban as well as rural areas.

HIV Services in Rural Areas is a monograph developed by the National Alliance of State and Territorial AIDS Directors (NASTAD), under a cooperative agreement with the HIV/AIDS Bureau (HAB), Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services. NASTAD conducted interviews with state AIDS directors and local service providers receiving Ryan White CARE Act funds in fall 1999. This monograph highlights activities in New Mexico and South Carolina, two states that have developed strategies to address the primary care and support service needs of people living with HIV/AIDS in rural areas. These two states were selected because they are located in regions of the United States that are sparsely populated and are characterized as rural with remote populations. Additionally, these two states were selected because their populations include a disproportionately high number of rural communities of color—African, Hispanic, and Native Americans—who are at high risk for new HIV infections.

NEW MEXICO

Total Population: 1,737,000.

Area: 121,593 sq. miles.

Population Density: 14 persons per sq. mile.

HIV/AIDS Cases (cumulative reported through June 1999) (HIV reporting was initiated in January 1998).

People living with HIV/AIDS (reported): 1,334.

AIDS cases reported in 1999: 125 (annual rate per 100,000 population: 7.2).

HIV cases reported in July 1998-June 1999: 318.

Cases of AIDS reported (Cumulative through June 1999): 1,866.

Ryan White CARE Act Title II Base Grant Award, FY 1999: $1,125,079.

ADAP, FY 1999: $1,351,076.

Total Title II Funds, FY 1999: $2,476,155.

Over 75 percent of the cases of HIV/AIDS reported in New Mexico are attributed to male to male sexual contact (MSM). Women compose only eight percent of reported cases of HIV/AIDS. Fifty-six percent of persons reported with HIV/AIDS are white, 35 percent are Hispanic, five percent are Native American, and four percent are African American. Over two-thirds of HIV/AIDS cases are reported in Bernalillo and Santa Fe Counties, where the cities of Albuquerque and Santa Fe are located. The number of cases reported in New Mexico's other 31 counties range from zero to 124.

In July 1997 the HIV/AIDS/STD Bureau of the New Mexico Department of Health (DOH) created the HIV/AIDS Medical Alliance of New Mexico (HMA). The HMA is a capitated system that provides medical care, case management, home care, support services including counseling, housing and nutritional assistance, and work re-entry programs through partnerships among regionally-based organizations.

Under the HMA system, the state is divided into four districts: Albuquerque, Santa Fe, Las Cruces, and Roswell. Each of the four HMAs is a self-contained, multidisciplinary provider or an association of providers, designed to provide cost-effective continuum of care including a prevention focus. Racial/ethnic distributions for HIV/AIDS caseloads in each of the four HMA districts is reported in Appendix D.

The HMA model resulted from a field review commissioned by DOH in November 1996. The review was conducted to identify and clarify shifts in the case and treatment of persons living with HIV/AIDS, such as the introduction of antiretroviral combination therapy and the impact of deeper penetration of managed care health care into both the urban and rural areas of the state. These shifts necessitated an examination of the statewide HIV/AIDS service system and consideration of new models of case management and service delivery.

The field review involved an inventory of existing services within each of the four districts. The review included: (1) an examination of each contract managed by the state HIV/AIDS/STD Bureau; (2) the identification of services provided through other agencies such as the Veterans Administration and the Indian Health Agency; and (3) a review of the HIV Coordinating Council's services guide. Epidemiological data was used to assess the density of client access to the available services.

In addition to the review, task forces were organized in each district. These task forces were composed of representatives from community-based organizations, clinical systems, regional DOH agencies, advocacy groups, and home care and prevention agencies. The insights from these groups on access to services, competence of service providers, completeness of service continuums, and gaps in services were invaluable to the process.

The findings of the review process identified needs in rural areas of the state. The final report states:

Access to adequate services diminishes the further away from Santa Fe or Albuquerque one lives. Taos, Los Alamos, Roswell, Las Cruces, and Farmington provide pockets of services that meet the immediate needs of many persons living with HIV/AIDS. The rural regions from the four corners of the state are underserved and force persons living with HIV/AIDS to relocate, to drive long distances, or to cross state lines to pursue adequate services. Many in the task forces reported that while there were physicians available to see persons living with HIV/AIDS, their knowledge about the disease was insufficient and resulted in misdiagnoses of opportunistic infections and inappropriate treatments. Physician HIV/AIDS competency is a serious issue in rural areas (Finney, 1999).

HMAs Respond to Local Needs

FUNDING FISCAL YEAR 1999

District	State funds	CARE Act funds	Total
District 1	$730,000	$115,000	$845,000
University Hosp.*	$270,000	$115,000	$385,900
District 2	$509,000	$115,000	$624,000
District 3	$170,000	$115,000	$285,000
District 4	$95,500	$115,000	$210,500

(* University Hospital has a separate contract to provide primary care in District 1.)

The HMA system allows HIV case management to be specialized within an agency and specific to the needs of persons living with HIV/AIDS. Before the HMAs, the state subcontracted with approximately 100 providers. Most of the providers did not specialize in HIV services and there was great variation in the case management services provided. The formation of the HMAs resulted in statewide availability of comprehensive case management and support services for persons living with HIV/AIDS.

Consolidation has been an important part of the HMAs. With the establishment of the HMAs, person living with HIV/AIDs enroll in and receive services from only one organization. Referral to services is facilitated because there is only one access point in each district and HMAs have publicized their services throughout their service area. Clients receive all necessary services from one provider, not various providers scattered throughout the region. Accessing services from several providers greatly increased the possibility of breaches in confidentiality, a major concern for persons living with HIV/AIDS in rural areas.

Service providers for each district were selected through a state request for proposal (RFP) process. The state review process identified services considered necessary for an integrated continuum of care for persons living with HIV/AIDS and their families. Findings from the state review process were used to develop the HMA model. Applicants are required to provide the identified services either directly or through contracts with other organizations. Providers have contracts for three years.

Key Factors in the Development of HMAs

According to Donald Torres, Section Head of the New Mexico's DOH, HIV/AIDS Bureau, the HMA model works well for low incidence, rural states where the number of service providers is relatively small. Under these conditions, the service delivery network is compact enough that adjustments can be easily made across the program.

At the time of model was being considered there were only a few HIV-specific providers in the state. DOH contracted with various organizations throughout the state to provide case management services but the contracts were not large enough to jeopardize the agencies' viability if funding was discontinued. Therefore, most service providers did not resist the formation of the HMAs because it would not negatively impact the well-being of individual organizations.

Clients also were generally in favor of some change to the existing system. The development of the HMAs paralleled the move toward Medicaid managed care in the state which created an environment where people expected change in the health care delivery system. As with any major change, the move toward HMAs created some concerns. The HMAs were caught up in the partisan political debate on managed care. Additionally, there were concerns that the HMAs would not be sensitive to the needs of people of color and that they might divert funds from HIM prevention programs.

Two Years Later * * *

Since their establishment, HMAs have become identified as the source of HIV care in New Mexico. Of the approximately 1,300 persons living with HIV/AIDS, 1,100 persons living with HIV/AIDS access case management services throughout the HMAs.

In New Mexico, anyone who tests positive for HIV is eligible for case management services. To be eligible for services through the HMA a person must: 1) have a documented diagnosis of HIV disease from a qualified licensed medical provider; 2) be a resident of the service area (district); and 3) have a documented income at or below 300% of the federal poverty level (FPL). Members may elect to enroll in a HMA other than the one providing service where they reside but HMAs do not recruit members from outside their service area.

Since their initiation, the HMAs have been integrated with other HIV services in the state. The DOH operates a health insurance continuation program. The program pays up to $400 per month for the premiums of a participating client's existing health insurance. The program also reimburses the patient's share (co-pays) for HIV medications under the New Mexico Medication Assistance Program (ADAP). The state will purchase health insurance for eligible clients through NMCHIP, the state's health insurance risk pool. This reduces the amount of money spent by the HMAs for health care services.

The University of New Mexico's Health Science Center (University Hospital), a Ryan White CARE Act (RWCA) Title III grantee, administers the ''Partners in Care Program.'' Medical services are provided at the hospital in Albuquerque and the grantee also recruits physicians across the state to provide services to persons living with HIV/AIDS. To be eligible for the program, physicians must treat a certain number of persons living with HIV/AIDS. University Hospital physicians are available for consultation and the hospital also operates a hotline that physicians may call with treatment-related questions. HMA clients, especially in three of the four districts, often access medical services through the Title III program.

Successful Cost Containment

The New Mexico DOH reports significant cost savings as a result of implementing the HMA model. The cost of providing HIV-related care and support services, including medications, to New Mexico's caseload of persons living with HIV/AIDS climbed from $5.2 million in 1995 to $8.2 million in 1996, a 37 percent increase. The increase was primarily due to the expense of antiretroviral combination therapy. Overall costs of care jumped significantly between 1995 and 1996, rose slightly in 1997, then in 1998 fell to the

1996 level. It is estimated that if the HMA system had not been implemented, the cost of HIV care in New Mexico would have increased between five percent and 20 percent in 1998. HMA implementation saved the state between $400,000 and $1.7 million. These cost savings resulted even as the number of people being served increased. The net number of clients served increased by an average of six percent each year.

In the coming year, DOH plans to more thoroughly integrate the Title III grant with the HMA program. Even though training is available for physicians in outlying areas, the HMAs report that care is still problematic and that some physicians lack the required expertise to provide quality HIV care. By integrating the Title III funds into the HMA system, HMAs will be able to select physicians in their districts who are motivated to treat persons living with HIV/AIDS and to develop their HIV-related expertise.

Additionally, these physicians are more likely to work with case managers and persons living with HIV/AIDS in the development of overall care plans.

The state's early intervention nurses also play a key role in linking persons living with HIV/AIDS with services. Five nurses are employed by the state. In post-test counseling, persons living with HIV/AIDS are linked with early intervention nurses who conduct an initial assessment, refer clients to the appropriate HMA, and follow-up clients who do not access care. The nurses also conduct partner notification services.

As of the end of 1999, DOH plans to expand the HMA system. A fifth, statewide HMA will be added that will serve Native American persons living with HIV/AIDS. It will be based in Albuquerque. The state also plans to contract with an agency to provide benefits advocacy services. The new contractor will help persons living with HIV/AIDS obtain benefits and also address emerging needs such as education and re-employment. Additionally, the contractor will provide advocacy services, including mediating grievances with HMAs. The contract will be awarded through a Request for Proposal (RFP) process.

Addressing Needs in Rural Areas

Each of the HMAs has developed a unique service delivery system based on available resources in the district and local challenges. All four districts serve clients who reside in rural areas. Albuquerque (District 1), Las Cruces (District 3) and Santa Fe (District 2) contain urban areas, where most clients reside, surrounded by rural areas. Roswell (District 4) is predominantly rural.

The New Mexico DOH has established different capitation rates for the HMAs based on the greater per client expense of serving clients in rural areas. The larger HMAs, Albuquerque and Santa Fe, are able to achieve some ''economies of scale'' because they serve a larger number of clients. Additionally, they have access to more resources, including more fundraising opportunities. In rural areas, the distance that clients and staff are required to travel also can escalate costs for mileage reimbursement and staff driving time. To facilitate access for clients in rural areas, all the HMAs reimburse clients for travel expenses (mileage) and all the HMAs have toll-free telephone numbers.

Quality Assurance Activities

DOH has adopted a variety of measures to assure the quality of services delivered by the HMAs. Contracts with the HMAs stipulate the number of clients to be served (a range is specified), the number of contacts with each client per reporting period, travel reimbursement, emergency procedures, and confidentiality and grievance procedures. HMAs are required to maintain records on member enrollment status, provision of covered services, and relevant medical information on individual members. DOH also is administering a client satisfaction survey to assess whether the HMAs are meeting clients' needs and to determine client satisfaction with the HMA service delivery system.

The New Mexico DOH initiated a process to identify statewide HIV/AIDS ''best practices'' guidelines to be used to direct the cost-effective design and delivery of HIV/AIDS services throughout the state. The guidelines are intended: (1) to support the management and, where appropriate, the elevation of the quality of HIV/AIDS care throughout the state, (2) to improve access to quality care in both urban and rural areas, (3) to provide a measuring device against which HIV/AIDS care system services might be objectively evaluated, and (4) to provide the HMAs with a product with which they might competitively position their services.

The state guidelines present an integrated ''care team'' process based on collaboration between primary care physicians, case managers, and the client in the development of an individualized care strategy to delay or reverse disease progression. The guidelines identify core services (clinical, prevention, practical support, educational support and mental health) and procedures for enrollment, assessment, chronic management, acute events and palliative care. To develop the guidelines, DOH held a retreat attended by the executive directors of two HMAs (one urban and one rural), two physicians, three case managers, three persons living with HIV, four early intervention nurses, and representatives of the DOH. Guidelines also have been developed to address case management in rural areas.

Challenges

Accessing Services Based at the Main Office—The HMA has developed alternative approaches for clients living in rural areas because it is not possible to provide all the services that are available at the main office and in the field office in Farmington. For example, clients in rural areas requested that the food bank services be made more accessible. Many were driving long distances (and getting reimbursed for the mileage) for a relatively small amount of food. Now, the HMA purchases gift certificates from the major supermarkets in the rural areas of the district and sends them to clients twice a month. Any client living more than 50 miles from the main office is eligible for the food voucher program.

Obtaining Client Feedback—Providing opportunities for clients to give feedback on their needs and the services they receive can be difficult in rural areas. To facilitate the process, the District 4 HMA holds their Community Advisory Committee meetings at six different sites throughout the service area. The meetings are open to all clients. Local physicians who treat clients also are invited. At the meetings, clients can raise concerns about services or other personal issues. To encourage attendance, dinner is served and incentives, such as grocery store vouchers, are provided. Twice a year, the HMA surveys clients about their needs. Based on the findings of the survey, the HMA will tailor information provided at the meetings to client needs and depending on the topics, the agency's nurse, therapist or other appropriate staff will attend. Treatment issues are always a popular topic at the meetings.

Lack of Medical Providers with HIV Expertise—According to many of the HIV service providers interviewed, local doctors do not take advantage of the availability of training opportunities to increase their knowledge of HIV treatment. In District 4, two physicians treat the majority of the clients. Approximately 12 other physicians see one or two clients. With a large number of physicians providing services and the informal nature of the relationship between the HMA and these physicians, it is difficult to monitor the quality of care clients receive.

The move to consolidate the Title III services with the HMA system will allow the HMAs to focus on a limited number of physicians in the region and build their expertise. Additionally, HMAs that do not have on-site medical services will be able to move toward a care team model with physicians, case managers and persons living with HIV/AIDS working together to develop a treatment strategy. Consolidation will improve the monitoring of clients' medical care.

For more information about the activities of each of the four districts in the New Mexico HMA system, please refer to Appendix D.

SOUTH CAROLINA

Total Population: 3,836,000.

Area: 31,113 sq. miles.

Population Density: 123 persons per sq. mile.

HIV/AIDS Cases (cumulative reported through June 1999) (HIV reporting was initiated in February 1986).

People living with HIV/AIDS (reported): 10,108.

AIDS cases reported in 1999: 984 (annual rate per 100,000 population: 25.7).

HIV cases reported in 1999: 877.

Cases of AIDS reported (Cumulative): 8,352.

Ryan White CARE Act Title II Base Grant, FY 1999: $4,968,208.

ADAP, FY 1999: $5,966,180.

Total Title II Funds, FY 1999: $10,934,388.

The HIV Epidemic in South Carolina—In rural areas of the southeastern United States, the HIV epidemic is increasingly concentrated in the heterosexual population and associated with high rates of sexually transmitted diseases (STDs), especially syphilis, alcohol abuse and crack cocaine use. In South Carolina, 71 percent of HIV/AIDS cases reported in 1998 were among men, 29 percent among women. African Americans made up 75 percent of reported HIV/AIDS cases. Twenty-seven percent of HIV/AIDS cases are attributed to male sexual contact (MSM), including MSM and injection drug use, 27 percent are attributed to heterosexual contact and nine percent to injection drug use (36 percent have no reported risk). One third (33 percent) of the people reported with HIV/AIDS in 1998 reside in rural areas.

Characteristics of Newly-Diagnosed People with HIV/AIDS: Urban vs. Rural—From January 1991—December 1998, the Department of Health and Environmental Control (DHEC) conducted the Supplement to HIV/AIDS Surveillance (SHAS) Project (supported by CDC). The project initially included Charleston County and the Edisto Health District (a three county area). A third county, Richland, was added in 1993. The project staff conducted interviews with newly reported/diagnosed people with HIV/AIDS, 18 years of age or older, who were residents in the study area. During the course of the project, 1,146 eligible persons were interviewed. Of these, 78 percent were from urban communities and 22 percent were from rural communities.

The Rural SHAS Project was implemented in Edisto Health District between January 1995 and December 1996. Seventy interviews

were completed as part of this study. The majority of respondents were male (72 percent) and African American (77 percent). Approximately 47 percent of the Rural SHAS participants had never lived outside of the county. The findings of the study include:

At the time of diagnosis, 28 percent of rural participants had AIDS, as compared to 34 percent in the urban counties;

Sixty-one percent of rural participants had 12 years of education or less, as compared to 69 percent in the urban counties;

Sixty-nine percent of rural participants were unemployed at the time of diagnosis, as compared to 57 percent in the urban counties; and

Sixty-nine percent of rural participants had household incomes of $10,000 a year or less, as compared to 39 percent in the urban counties.

The study also revealed that participants in rural areas were more likely to have used crack cocaine than those in urban areas (33 percent rural, 28 percent urban) but were less likely to have injected drugs (14 percent rural, 16 percent urban). Rural participants were more likely to have not used condoms with their steady sexual partner (48 percent rural, 38 percent urban) and were less likely to have received money or drugs for sex (12 percent rural, 18 percent urban).

The State Consortia—South Carolina relies primarily on eleven Title II-funded regional consortia to provide primary care and support services to persons living with HIV/AIDS. CARE Act-funded services also are provided by two Title III grantees and one Title IV grantee. The DHEC administers the Title IV grant on a statewide basis that provides mostly tertiary and specialty care and assures that primary care is easily accessible for infants, children, youth, and women infected and affected by HIV. The two Title III grantees that focus on outpatient early intervention and primary care services are based in Columbia, the state's capital, and in Ridgeland, in the southern section of the state. The Ridgeland Title III provider was first funded in fiscal year 1998, so it is still a relatively new component to the service network in this area (note: two new Title III grantees were funded in 1999—Greenville Community Health Center in Greenville and Low Country Health Care Systems in Fairfax. The addition of these two primary care providers brings additional federal resources to two rural consortia).

The state opted for the consortia system due to a lack of support service and medical providers, especially in rural areas. The statewide plan developed in 1990 identified primary medical care as the greatest need in the state. The formation of consortia was seen as a way to stimulate the development of local service networks.

Initially, the state funded consortia in four areas. By 1994, statewide coverage was achieved through the formation of seven more consortia. The consortia basically mirror the geographic boundaries of the state's public health districts to each consortia region also includes a local health department.

The consortia, which vary in size from three to six counties, are charged with assessing needs and resources in their region and developing and maintaining a service delivery network. Each consortium has developed a unique system of care based on existing needs and available resources in the service area. The following variables influenced the development service networks in the consortia:

Existence of AIDS service organizations (ASOs) prior to the formation of the consortium.

Ability of the lead organization to identify and recruit other providers into the services network,

Availability of primary care providers in the service area and their willingness to work with persons living with HIV/AIDS,

Availability of training opportunities and information sources on HIV treatment for primary care providers, and

Access to specialty providers.

Several providers stressed the role personality plays in developing service networks in rural areas. Many relationships between service providers are informal and are forged between staff members in various agencies. Service delivery systems must be flexible enough to allow staff to take advantage of these informal linkages that can provide access to necessary expertise or resources.

Currently, 39 percent of the state's Title II funds (including ADAP) go to the consortia. Funds received by each consortium are based on the estimated number of persons living with HIV/AIDS in the region, with some variance in the formula due to demonstrated need. Consortia are funded through a request for proposal (RFP) process and awarded funds on a five-year cycle. While the process is designed to be competitive, only a single applicant has applied for each region. Service and reporting requirements are outlined in the RFP and any necessary changes can be made in the annual contracts. DHEC meets quarterly with consortia contacts.

The consortia developed into one of three basic structures:

Lead agency and subcontractors,

Single lead agency providing both primary care and support services, and

Single lead agency providing case management with informal linkages to primary care.

The structure that evolved depended greatly on the resources available in the communities. For example, the Midlands AIDS Consortium, based in Columbia, SC serves both urban and rural areas. The consortium focused on establishing linkages through a system of subcontracts because there already were agencies providing HIV-related services. In other consortia regions, a single agency was identified and funded to provide HIV-related services that may or may not already have been available in the region.

Quality Assurance—The Ryan White CARE Act Peer Review Committee oversees the activities of Title II consortia in the state. It is made up of eleven members, one for each consortium, and DHEC representatives. When the committee was formed in 1996, each consortium completed a self assessment. The committee established a mission statement based on the findings of this process. For the last two years the committee was developing standards and guidelines that consortia can use as tools to assess services.

The committee has developed guidelines for case management services and is also developing outcome measures for primary care. To develop the guidelines for case management services, the committee surveyed all case managers in the state and held a series of meetings for additional input. Based on the findings of this process, the committee has developed standards for intake, assessment, and discharge.

State Efforts to Link HIV Services in Rural Areas—While the state relies primarily on the consortia to meet needs in their own regions, the state does conduct activities that assist in the provision of services in rural areas. The state has consolidated the ADAP program in a centralized pharmacy operated by DHEC which allows the state to administer the program in a cost-effective manner while rapidly dispensing medications. Medications are mailed to clients at their homes. Initially, medications were distributed through local health department pharmacies but increases in the number of persons living with HIV/AIDS soon exceeded the capacity of the regional pharmacies to carry out the necessary services.

A major advantage of the centralized pharmacy approach is that it allows DHEC to assess adherence to U.S. Public Health Service treatment guidelines through monitoring prescriptions for persons living with HIV/AIDS in rural areas. DHEC pharmacists review prescriptions for any deviation from the standard protocol. If an irregularity is identified, the physician is contacted to find out why the medications were prescribed and to discuss treatment decisions before the prescription is filled. This provides a training opportunity for physicians in rural areas who may not have treated a large number of persons living with HIV/AIDS and may lack expertise in HIV treatment.

Local providers frequently report the shortage of physicians with expertise in HIV treatment. The state employs a Title II-funded medical consultant who is available to consult with physicians. All physicians treating HIV are encouraged to develop an informal relationship with the medical consultant. For the Title III providers, the state plans to move toward a primary provider model, in which persons living with HIV/AIDS access medical services through a physician in their community who has access to specialty providers who can be contacted for either consultation or referral.

Challenges

Serving a Large Region—Initially, most of the services provided by the CARETEAM, the lead agency of the Waccamaw Care Consortium and based in Myrtle Beach, were concentrated in Horry County, near Myrtle Beach, and all staff members resided in this area. To meet with clients in the two southern counties required staff to make a round trip from the agency's office in the northern part of the service area. To alleviate some of this travel, case managers who reside in the outlying counties were hired. On days when case managers see clients in the southern part of the service area, these case managers do not go into the office to reduce driving time. Staff also may see clients at either the beginning or the end of the day, before or after they have been to the office.

Within a large service area, outlying areas may have access to fewer services and feel less connected to a service provider. In addition to improving services for clients, hiring staff from that area help to facilitate linkages with the community. CARETEAM found that as they increased their presence in the two southern counties, it was much easier to work within these communities in terms of raising awareness of HIV and of CARETEAM services.

According to Jeff Kimbro, Executive Director of CARETEAM, ''We have worked hard to make sure that Georgetown and Williamsburg Counties feel they have a stake in the organization and know that we are here to serve them. Even though these counties will never have the same level of resources as Horry County, as we've expanded our efforts in the area we have seen the community gradually become more involved in the response to the epidemic.''

Knowledge Level of Primary Care Providers—Because it does not have physicians on staff or have contracts with medical providers, the ACCESS Network has had to

work hard to assure that physicians in the service areas have access to information on the treatment of HIV. Located in Hilton Head and Hampton, ACCESS Network is the lead agency for the Low Country Care Consortium. According to Jerry Binns, President of ACCESS Network, physicians have become much more knowledgeable about HIV in the past few years but it is still necessary to provide educational opportunities.

ACCESS Network has used a variety of approaches. They regularly provide written materials on treatment developments to local practitioners. They also hold informal meetings between ACCESS Network staff and local practitioners, organize educational presentations by experts (sometimes done with support from pharmaceutical companies), and foster relationships between local practitioners and HIV experts in the state who are available for phone consultation. While knowledge level is important in terms of the quality of care, ACCESS Network acknowledged that the stigma attached to HIV is still a barrier in terms of physicians' willingness to treat persons living with HIV/AIDS. Other deterrents include a fear of being perceived as an ''AIDS doctor,'' the perception that HIV/AIDS needs to be treated by a specialist, the potential financial costs of treating people with HIV (low reimbursement rates), scheduling time to attend training activities and the distance providers must travel for training. For more information about each of South Carolina's consortium, please refer to Appendix E.

CONCLUSION

State Efforts that Support HIV Services in Rural Areas

Local providers in both states identified several ways that the state HIV/AIDS Program (Title II grantees) can support the delivery of HIV services in rural areas in program components that are often difficult to resolve.

Assistance in Diversifying Funding Sources—Although sources of financial support can be limited in rural areas, service providers expressed concern about being overly dependent on the state and the Ryan White CARE Act for funding. Rarely do rural areas have access to a fundraising base or grant opportunities from foundations and corporate donors as do service providers in urban areas. Providers also acknowledged that many do not possess the organizational capacity to conduct fundraising activities or prepare grant proposals and/or contracts. Providers suggested that states provide technical assistance on fundraising, grant writing, and financial and organizational capacity building. States may have the resources to hire a fundraiser who can focus on identifying new sources of funding for HIV services for rural areas. States can assist in identifying funding sources in the private sector and pass information about such sources to providers at the local level.

Identification of Outcome Measures—States can play a role in initiating and maintaining a process to develop outcome measures for rural medical and support services. While conducting this type of program evaluation can mean additional work for providers, it helps them to focus on the effectiveness of their services, account for funds, and demonstrate that they are improving the health status of persons living with HIV/AIDS in rural areas in which they provide services.

Fostering Ryan White CARE Act Cross-Title Collaboration—Especially in rural areas, service providers can be separated by significant distances making the establishment of linkages more difficult. The absence of established links, especially in areas in which other CARE Act providers (Title III, IV, and SPNS) are present, but are not participating in the state's Title II-funded activities, can lead to duplication of and/or significant gaps in service delivery. States can play a role in facilitating cross-title collaboration within service areas to assure more coordinated service delivery.

Strengthening Prevention Efforts—Rural areas can be more conservative than urban areas and more resistant to HIV prevention efforts. The lack of prevention efforts can result in less public awareness which, in turn, may reinforce the perception that HIV is not a problem in rural areas. This lack of awareness on the part of the public, especially in rural areas, may lead to increased spread of HIV and delays in accessing services. Since states administer HIV prevention funds as well, they can provide leadership in recommending or mandating HIV prevention programs at the local level and providing technical assistance in implementing such programs. Additionally, states can move to strengthen linkages between HIV counseling and testing services and HIV-related primary care and support services to facilitate access to care.

State Responses to the Challenges of Serving Persons Living with HIV/AIDS—Both New Mexico and South Carolina have implemented strategies that seem to be working well for their respective residents who are living with HIV/AIDS. Both states also have found it necessary to remain flexible in implementing these strategies to meet the needs of specific groups of residents who have unique challenges from one geographic area to another within each state. The selection of these two states in no way suggests that other states are not conducting exemplary work to assure positive outcomes for their respective residents. The selection of these states simply presents an opportunity to share information with other jurisdictions and stimulate national discussion among states on how best to meet the needs of persons living with HIV/AIDS in rural areas.

INTERVIEWS

NEW MEXICO

David Barrett, HMA Director, District 2, Southwest C.A.R.E. Center, Santa Fe, 505/986–1084.

Kathleen Kelly, HMA Director, District 1, New Mexico AIDS Services, Albuquerque, 505/266–0911.

Kari Maier, HMA Director, District 3, Camino De Vida Center for HIV Services, Las Cruces, 505/532–0202.

Jane Peranteau, HMA Director, District 4, Pecos Valley HIV/AIDS Resource Center, Roswell, 800/957–1995.

Donald Torres, Section Head, HIV/AIDS Program, Infectious Disease Bureau, Public Health Division, New Mexico Department of Health, 505/476–3629.

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Ann Driessen, Case Manager, Beaufort-Jasper Comprehensive Health Services, Ridgeland, 843/987–7458.

Midlands Care Consortium

Pat Derajtys, Nurse Practitioner, Department of Internal Medicine, University of South Carolina School of Medicine, 803/540–1000.

Carmen Julius, Executive Director, Palmetto AIDS Life Support Services (PALSS), 803/779–7257.

Nancy Raley, Executive Director, Midlands Care Consortium, 803/540–1000.

Michelle Rojas, Title III Project Coordinator, Richland Community Health Care Association, 803/799–8407.

Pee Dee Care Consortium

Karen Beckford, Executive Director, Help for the Pee Dee, 843/667–9414.

Tri-County Interagency AIDS Coalition

Carl Humphries, Communicable Disease Supervisor, Edisto Health Department, 803/533–7229.

Waccamaw Care Consortium

Jeff Kimbro, Executive Director, CARETEAM, 843/236–9000.

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APPENDIX A: FEDERAL DEFINITION OF A RURAL AREA

One of the challenges of addressing needs in rural areas from a policymaker's perspective is that the term ''rural'' is not easily defined. Of the various definitions, two of the most commonly used by federal programs were developed by the Office of Management and Budget (OMB) and the Bureau of the Census. Both of these definitions establish a quantitative measure to define rural.

The Bureau of the Census defines an urbanized area (UA) by population density. Each UA includes a central city and the surrounding densely settled territory that together have a population of 50,000 or more and a population density exceeding 1,000 people per square mile. A UA may cover parts of several counties. Additionally, places (cities, towns, villages, etc) with a population of 2,500 or more outside of a UA are considered to be an urban.

OMB designates Metropolitan Statistical Areas (MSAs) as one city with 50,000 or more inhabitants or an urbanized area (defined by the Bureau of Census) with at least 50,000 inhabitants and a total MSA population of at least 100,000 (75,000 in New England). Each MSA must include the county in which the central city is located and additional contiguous counties that are economically and socially integrated with the central county. Any county that is not included in an MSA is considered to be non-metropolitan. Periodically, OMB reclassifies counties on the

basis of Census data and population estimates.

It is generally agreed that in rural areas, unless additional encouragement or support is provided, easy geographical access to health and social services is lacking. However, the definitions start to get blurry when considering some metropolitan counties that are so large they contain small towns and rural areas. By one estimate, based on 1980 decennial census data, of the slightly over 32 million persons who live in large metropolitan counties, approximately two million lived in small towns and rural areas without easy geographical access to central areas (Goldsmith, 1993).

APPENDIX B: CHARACTERISTICS OF U.S. RURAL POPULATION

In 1997, over 54 million Americans lived in rural areas, making up 20 percent of the U.S. population. During much of the 1990s, the rural population grew faster than urban populations.

Race/Ethnicity—Eighty-three (83) percent of rural residents are white, as compared to 69 percent of urban residents. African Americans make up nine percent of the rural population and 14 percent of the urban population. Hispanics account for five percent of the rural population and 11 percent of the urban population.

Income Level—In 1996, real per capita income in rural areas was $18,527 as compared to $25,944 in urban areas. Sixteen percent of rural residents live in poverty as compared to 13 percent of urban residents. Poverty is especially high among rural minorities with 35 percent of African Americans, 33 percent of Hispanics, and 34 percent of Native Americans in rural areas living in poverty. In comparison, 27 percent of African Americans, 27 percent of Hispanics, and 29 percent of Native Americans living in urban areas live in poverty.

Unemployment—In 1997, unemployment in rural areas was 5.2 percent as compared to 4.9 percent in urban areas.

Health Insurance—In 1996, 46 percent of rural residents lacked private health insurance as compared to 38 percent of urban residents.

Access to Health Care Providers—Over 22 million rural Americans live in areas that are designated Primary Care Health Professional Shortage Areas (HPSAs).

Source: ''Facts about the Rural Population of the United States,'' Rural Information Center Health Service, August 1998.

APPENDIX C: CHARACTERISTICS OF COMMUNITIES OF COLOR AT RISK FOR HIV/AIDS

Although African Americans account for approximately 13 percent of the U.S. population, they represent 36 of all AIDS cases and 45 percent of all new HIV infections. Similarly, Hispanic Americans constitute approximately 8 percent of the U.S. population, but account for 18 percent of all AIDS cases and 22 percent of new HIV infections. Risk for HIV infection may be compounded by diversity in nationalities and cultural practices, language and poverty.

Native Americans often live in geographically remote areas in the United States. Native Americans represent less than one percent of the total United States population and comprise at least 557 federally recognized tribes with each tribe having its own traditions, beliefs, and cultural practices. Approximately 1,800 cases of AIDS have been reported among Native Americans through 1997.

Asian Americans have come to the United States from more than forty countries and territories and speak more than one hundred languages and dialects. Generally, Asian Americans live in more urban areas, as opposed to remote rural locations. As HIV/AIDS infections increase throughout South and Southeast Asia, the likelihood of a rise in new infections among Asian Americans accelerates as families traverse back and forth between their home countries and the United States.

APPENDIX D: NEW MEXICO AIDS SERVICES; DESCRIPTIONS OF FOUR HMA DISTRICTS

District 1, Albuquerque (Counties served: Bernalillo, Cibola, McKinley, Sandoval, San Juan, Socorro, Torrance and Valencia).

Caseload—495 clients.

Client Characteristics:

Male: 90%, Female: 10%.

African American: 4%, Hispanic: 37%, Native American: 7%, White: 50%.

Clients with a third party payer: 36%.

Rural clients: 14% (any client residing outside of Bernalillo County).

Capitation Rate:

Case Management: $221 per client/month.

Primary Care: $109 per client/month.

The state contracts with two agencies, both based in Albuquerque, to provide services in the District 1 HMA. Since initiation of the HMA, New Mexico AIDS Services (NMAS) and the University of New Mexico, Health Science Center, Infectious Disease Clinic have worked closely to coordinate case management services and primary care, even though services are provided at separate sites. In 2000, both case management/support services and clinical care will be available at one location in Albuquerque. The HMA also has a field office in Farmington, New Mexico. One case manager is based in Farmington and clients in outlying areas can either access primary care in Albuquerque or from local physicians funded through the Title III program. If a client does chose to travel to Albuquerque, mileage is reimbursed.

The case manager in Farmington will make home visits or meet clients at a designated location. The Farmington case manager carries a caseload of approximately 40 clients, in comparison to the 48–55 clients served by case managers in Albuquerque because of the additional travel time required.

Regional community task force meetings are held four times a year for clients, families, and rural providers. Two of the meetings are held in Farmington and two are held in other regions of the HMA. The meetings allow an opportunity for clients to provide feedback on services. Dinner is provided at the meeting to encourage attendance.

District 2, Santa Fe—(Counties served: Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, Taos, and Union)

Caseload—285 are enrolled in the HMA—the maximum stipulated in the contract with the state (of a total of 317 clients).

Client Characteristics:

Male: 90%, Female: 10%.

African American: 2%, Hispanic: 39%, Native American: 4%, White: 54%.

Clients with a third party payer: 94% (43% are on CHIP).

Rural clients: 43% (any client residing outside of the City of Santa Fe).

Capitation Rate:

Under 300% FPL: $305/mo.

Over 300% FPL: $50/mo.

The District 2 HMA is administered by the Southwest C.A.R.E. Center (SCC), an AIDS service organization (ASO) based in Santa Fe. SCC's clinic is staffed with physicians, nurses, and case managers and provides one-stop shopping for clients. Centralized services have allowed SCC to adopt a care team model, in which the case manager, physician and client work closely to determine an appropriate course of treatment and support for the client.

Many clients in outlying counties prefer to go to Santa Fe, if at all possible, because of the quality of primary care services provided at the Santa Fe clinic. Mileage is reimbursed to all primary care and case management appointments. For those who prefer not to or cannot go to Santa Fe, case management services are available in Taos. The two case managers in Taos have about half the caseload of those in Santa Fe due to the travel required to meet with clients.

District 3, Las Cruces—(Counties served: Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, and Sierra)

Caseload—90 clients.

Client Characteristics:

Male: 83%, Female: 16% (1% other).

African American: 3%, Hispanic: 52%, Native American: 2%, White: 43%.

Rural clients: 50% (any client residing outside of the City of Las Cruces).

Capitation Rate:

$387 per client/month.

Camino de Vida Center for HIV Services is based in Las Cruces, the second largest city in the state. The HMA employs two full-time case managers. A promotor, an additional staff member not funded through the HMA, works with case managers and focuses on trans-border services. The promotor sees clients who travel regularly between the United States and Mexico. Even though more than half of their caseload is Hispanic, neither of the HMA-funded case managers is bilingual. The agency would like to hire a part-time bilingual case manager. Currently, the client resource coordinator, who is bilingual, will travel to appointments with the case managers when it is necessary.

Case managers see most clients once per month, but the amount of contact depends on clients' need. Case managers make home visits but many clients from rural areas also travel to Las Cruces.

The agency's medical director sees clients at the Las Cruces clinic. Private physicians participating in the state's Title III program provide services outside of Las Cruces. Some clients see a physician in District 4 because it is closer to where they reside and some clients with private insurance go to El Paso for primary care since there is more access to infectious disease physicians there.

District 4, Roswell—(Counties served: Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Lincoln, Quay, and Roosevelt)

Caseload—82 clients.

Client Characteristics:cell 078

Male: 81%, Female: 19%.

African American: 10%, Hispanic: 36%, White: 54%.

Rural clients: 100%.

Capitation Rate:

$314 per client/month.

Pecos Valley HIV/AIDS Resource Center is an ASO that provides case management and support services and also conducts HIV prevention activities, including syringe exchange. The agency provides HIV counseling and testing, which serves as a direct link to services for newly diagnosed persons living with HIV/AIDS. However, approximately 50 percent of the HMA's clients first are diagnosed with HIV in the hospital or emergency room.

This HMA does not provide on-site medical services. The staff nurse handles most of the

assessment and referral of clients. For example, clients will call the nurse to see if a certain condition is severe enough to warrant a trip to the emergency room or if it can be addressed at their next medical appointment. This approach is more cost effective than having a physician on staff. The HMA has a memoranda of agreement (MOAs) to provide services to their clients with two physicians in the area that are funded through the Title III program.

One case manager is on staff and the agency also contracts with another agency to provide case management services. This agency was providing case management services before the HMA was formed and some of the clients preferred to remain with their original case manager. Case managers get to know clients personally and address their needs on an individual basis because the caseload is small. Contact with the case manager is dependent on client need. Approximately 30–40 percent of clients meet with their case manager at least once every two months. About ten percent of clients come into the office for appointments. The case manager travels to the remaining 90 percent of clients. Travel time can be as long as 3.5 hours one way.

APPENDIX E: SOUTH CAROLINA'S LEAD PRIMARY CARE AND SUPPORT SERVICE AGENCIES

Tri-County Interagency AIDS Coalition—(Counties served: Bamberg, Calhoun, and Orangeburg)

Caseload—355 clients.
Client Characteristics:
Male: 61%, Female: 39%.
African American: 93%, White: 7%.
Uninsured: 70%.
Rural: 100%.

The Edisto Health Department, based in Orangeburg, is the lead agency of the Tri-County Interagency AIDS Coalition. The health department estimates that there are between 500–700 persons living with HIV/AIDS in the service area and it plans to increase outreach efforts to bring more people into care.

The lead agency administers all the Title II funds received by the consortium. There are few service providers in the area and many support services, such as the local food and clothing banks, are provided on a very limited basis by the local churches. The churches have formed a coalition, called the Cooperative Church Ministries of Orangeburg (CCMO) and combined their resources for a more coordinated approach of helping the community. CCMO administers the Housing Opportunities for People with AIDS (HOPWA) funds for the consortium (writing the checks to the landlords).

The health department employs three nurses (two full-time and one part-time) as case managers. Due to the staffing at the health department, nurses were more readily available than social workers to fill the case manager positions. Case managers focus much of their time on treatment education and arranging access to prescriptions in addition to assuring that the other needs of clients are addressed.

Flexibility is an important element of the relationship between clients and their case manager. Case managers see clients during clinic visits and also maintain phone contact. Since many of the clients are isolated, home visits strengthen the provider/client relationship and the health department believes that face-to-face interaction is important in helping clients adhere to their treatment regimens. The case mangers can assess the client's environment and identify factors that may make adherence difficult. For example, a client may live with people who are not aware of his or her HIV status and feels that he or she cannot take medications without having his or her HIV status discovered.

The case managers also will meet with clients at other sites that the client may designate and will drive clients to appointments if they prefer to meet at the agency's office. The disease intervention specialist, who works for the same department that administers the HIV/AIDS program, will visit clients if they are in the area doing partner notification.

The health department provides both primary and specialty care. It contracts on an hourly basis (the most cost effective way for the health department to provide care) with four general practitioners and an Infectious Disease (ID) Physician (there is only a small number of IDs in the state and most are in Charleston and Columbia). The ID physician consults with the four other physicians.

The health department's clinic for clients is open every Thursday from 5–9 p.m. Each week it is staffed by three physicians, including the ID physician. The commitment of the physicians involved is a critical component. For example, some clients are resistant to attending the clinic, whether they fear loss of confidentiality or are just not emotionally prepared in their acceptance of their HIV status. The ID physician will see these clients in his office on a routine or emergency basis. One of the concerns about limited clinic hours is that clients may not have access to care when they need it. For example, if a client calls on Monday with a sore throat, they will have to wait until Thursday to see a physician. If the situation requires, the client is referred to the emergency room.

Once again, transportation can serve as a major barrier for clients attending the weekly clinic. The health department contracts with a transportation service. When they were considering the contract, it was discovered that if they paid by the mile they could only pay a contractor the health department's standard reimbursement rate. This was far too low for a professional provider. Instead, the health department pays the provider a flat fee per week (about $10,000 per year) to bring clients to the Thursday night clinic. The health department carefully monitors the contract to make sure it is cost effective.

Waccamaw Care Consortium, Myrtle Beach—(Counties served: Georgetown, Horry, and Williamsburg)

Caseload—350 active clients (will serve nearly 450 over the course of the year)
Client Characteristics:
Male: 60%, Female: 40%.
African American: 57%, Hispanic: 1%, White: 40%, Other: 1%.
Uninsured and underinsured: 80%.
Rural: 50%.

CARETEAM, based in Myrtle Beach, is the lead agency of the Waccamaw Care Consortium, which is composed of ten agencies. Horry County is primarily middle class and the other two counties are more rural and have fewer resources. The lead agency provides both medical care and support services. One of the challenges identified in service delivery in the region is that the service area is long and narrow, and the lead agency is located in the northern part of the region. It may take more than 1.5 hours, one way, to travel to the outlying areas because of the geographic configuration of the service area.

CARETEAM employs four case managers. Three have caseloads of about 90–100 clients. The Director of Case Management has a smaller caseload of about 40 clients because this caseload requires more intensive management. Case managers contact clients by phone at least once a month and meet with clients on a face-to-face basis at least once every three months (when applicable). Case managers will meet with clients at the office, clients' homes, or at a designated location.

The agency contracts with five physicians that have been recruited (either paid per month or per patient). Two of the doctors reside in the region. The other three are ID physicians that commute from Charleston. The clinics are operated all day Monday and half day on Tuesday and Wednesday. Limited clinic hours have not been a problem since clients can see a physician during off-hours if necessary. All clinics are held off-site at three physicians' offices located throughout the service area. A key component in the provision of primary care is the medical case manager, who is a medical technician. The medical case manager does all the administrative work, including scheduling appointments, lab work and prescriptions assistance (i.e. state, ADAP, pharmaceutical companies) for the phyisican to cut down on their work. The medical case manager is present at all the clinics.

Transportation is provided to medical visits by either volunteers or through contracts with individual drivers who are paid by the hour. CARETEAM has used taxis in the past but these proved to be too expensive. While some providers in rural areas have been reluctant to use volunteers to provide transportation, fearing clients will be resistant to riding with volunteers due to confidentiality concerns, this has not been the experience of CARETEAM. In the future, CARETEAM would like to acquire a van and hire a driver on a part-time basis to provide transportation to clients.

Pee Dee Care Consortium—(Counties served: Chesterfield, Darlington, Dillion, Florence, Marion and Marlboro)

Caseload—410 clients.
Client Characteristics:
Male: 65%, Female: 35%.
African American: 96%.
Uninsured: 96%.
Rural: 70%.

Hope for the Pee Dee, an ASO based in Florence, is the consortium's lead agency and the sole recipient of Title II funds. The agency provides case management services and onsite primary medical care. The agency's medical clinic is open three days a week and staffed by a general practitioner. The agency will contract with an ID physician in the near future who will be available for consultation.

The clinic employs three full-time case managers, each with a caseload of approximately one hundred twenty clients. Most of the clients (about 80 percent) come into the medical clinic at least once a month and meet with their case manager at the same time. Case managers contact clients by phone every six weeks. For the majority of clients, medical services are not the top priority. Instead, they are much more concerned with issues related to daily living such as access to benefits, housing, food, and job training.

In the consortium region, access to other community-based support services is limited. Lack of transportation can impact access but there are other challenges. For example, the local food bank recently experienced funding problems that could have jeopardized food services for persons living with HIV/AIDS. As the only agency of its kind in

the region, if it had to close, even temporarily, it would have been difficult to arrange an alternative source of food for the agency's clients.

Most clients can find some way to get to the clinic, such as the Rural Transit System, but this travel can be time consuming and inconvenient. The agency will help arrange local transportation and will pay when necessary. The agency would like to either establish a mobile clinic or find physicians in the region who would donate office space in which the agency could hold off-site clinics.

Low Country Care Consortium, Hilton Head—(Counties served: Beaufort, Colleton, Hampton, and Jasper)

Caseload—190 clients.

Client Characteristics:

Male: 58%, Female: 42%.

African American: 65%, Asian/Pacific Islander: 1%, Hispanic: 5%, White: 29%.

Uninsured: 85%.

Rural: 100%.

ACCESS Network, located in Hilton Head and Hampton, is the lead agency for the Low Country Care Consortium, which serves a four-county area in the southeastern section of the state. The service area is about the size of Delaware and Rhode Island combined and has a population of about 200,000. The consortium considers the entire service area to be rural in nature.

ACCESS Network is an ASO providing a full range of support services. In the service area, primary care is provided by various clinics, including Beaufort/Jasper Comprehensive Health Services, a Title III-funded provider, and private physicians. The Title III provider was first funded in 1998 and operates five local clinics serving Beaufort, Hampton and Jasper Counties. This additional funding for primary case services allowed the consortium to expand support services with Title II funds that had been previously used for primary care.

ACCESS Network employs two case managers, each serving a specific geographic area. One serves approximately 110 clients, the other 65–85. The case managers focus on the assessment of client needs through face-to-face interaction. Most meetings with clients take place off-site, requiring significant travel on the part of case managers. The agency utilizes support personnel to carry out the benefits management process and complete paper work in order to provide sufficient time for the case managers to meet with clients. Contact with case managers depends on the severity of the client's needs. Approximately 20 percent of the caseload requires intensive contact either daily or once a week. Other clients see their case manager every 6–9 months.

Case managers link clients with primary care providers in the service region. There are no formal linkages between ACCESS Network and these providers. Primary care is available from clinics operated by rural health services, private physicians and nonprofit health care providers. Since ACCESS is not formally linked to primary health care providers, case managers play an important role in assuring that clients access care. At intake, clients are asked if they already have a physician that they would like to continue to see and whether they have a source of payment. If the client does not have a physician, a referral is made based on geography and ability to pay. Low-income clients are treated in various local clinics that provide services on a free or sliding-scale basis to eligible clients.

Because the physicians in these clinics see more HIV-infected clients, they often have greater expertise in the treatment of HIV than other physicians in the community. Clients who are not eligible for these clinics (because of income level or they have private insurance) may end up seeing local physicians with less experience in treating HIV or having to drive to Savannah or Charleston to see an infectious disease specialist (anywhere from 50–110 miles one way). ACCESS provides some funds to primary care providers for services such as diagnostic tests, lab work or co-payments that are not covered by other payment sources. The primary care providers invoice ACCESS for these agreed upon services.

In the last eighteen months, ACCESS has been strengthening its ties with primary care providers and there has been greater coordination between physicians and case managers. Physicians and case managers consult about the clients' course of treatment and other factors impacting the client's overall wellbeing. Case managers also serve as a treatment advocate for the client.

As in many rural areas, informal linkages can be very important in obtaining a full range of medical and support services for clients. For example, situated next to ACCESS Network's Hilton Head office is ''Volunteers in Medicine,'' a clinic staffed by retired health professionals who provide free health care. While it was a coincidence that the clinic opened next door to ACCESS Network, it has resulted in a close collaboration between the two agencies and allows case managers to be much more involved in the care of clients receiving treatment at the ''Volunteers in Medicine'' clinic.

Mr. Speaker, what this report talks about, it kind of looks in depth at two rural States. They chose New Mexico because it had a high incidence of minorities and had a lot of rural cities with small towns in those areas and Hispanics and Indians were in New Mexico. They chose South Carolina again because of the smallness and the rural nature of the State and the high incidence of African Americans. What they found in both of those cases is that there were some challenges in both of those States.

In addition to all the things I talked about earlier, there is a lack of Federal dollars; there is a lack of public awareness, inadequate housing and unstable home environment. There is just a lack of community understanding, of family support, that they could not, in fact, have the kind of support that would enable people in the South to get it. Also there is a lack of transportation services in those areas, a lack of case management and services and a comprehensive program to respond to AIDS programs, a lack of services to assist people in understanding they need to stay on their drug treatment and have a management system, have a disciplined system where, indeed, they were under those areas, certainly a lack of mental counseling or religious counseling in these areas, and a lack of actually just an appreciation of the disease.

There are issues that indeed affect us in more ways than we would think. But my reason in bringing this, Mr. Speaker, is to have my colleagues to recognize that AIDS is an issue that is affecting the South and is going unnoticed. It is a silent disease killing people. We cannot work on those perceptions that we have had. We need to understand the fact. We really need to look and to see what we can do to curb and certainly the whole issue of sexually transmitted disease and it being a predictor for the likelihood of getting HIV, that ought to be addressed. Only 28 counties in more than 3,000 counties in the country really have any significant cases of sexually transmitted disease, and in North Carolina we certainly have it. There is a relationship. We can fight that. We can fight that only by education and awareness.

The final article I wanted to reference is indeed the impact it is having on women. Again, one of the misperceptions is that this is a disease of white gay men. That could not be further from the truth. As I have said, although men constitute more than female, but the rate at which the growth is going is happening much faster, as I said earlier, again this is North Carolina. And in North Carolina although 68 percent are male, roughly 32 percent are female, that rate is growing faster now for females than for males. And the rate is growing faster for African American females than it is for non-African American females. This article is from the New York Times. Again, Mr. Speaker, I include the article for the RECORD.

[From the New York Times, July 3, 2001]

AIDS EPIDEMIC TAKES TOLL ON BLACK WOMEN

(By Kevin Sack)

GREENWOOD, MISS.—Here is the rural South, the image of AIDS today looks very much like Tyeste W. Roney.

Not a gay white man. Not a crack-addicted prostitute. But a 20-year-old black woman with a gold stud in her nose, an orange bandanna covering her braids, and her nickname, Easha, tattooed on one leg.

In the back of her mind at least, Ms. Roney had known for years that she could contract H.I.V. by having unprotected sex. Her mother had been telling her so since Ms. Roney was 13, when she lost her virginity. But either the lesson did not stick, or Ms. Roney did not have the power to negotiate safer sex with older lovers. She says that many of the men she can count as partners did not use condoms.

In February, after enduring 10 days of bleeding, Ms. Roney went to a health clinic. First a nurse surprised her by telling her that she had been pregnant and had miscarried. Then the nurse asked Ms. Roney if she knew she was carrying the virus that causes AIDS.

''I said, 'Get out of here, that can't be so,' '' Ms. Roney recalled. ''I just broke down and cried. I thought I wasn't going to be here long. Maybe a month.''

It is a scene that has become all too familiar for poor black women here in the Mississippi Delta and across the rural south. Even as the AIDS epidemic has subsided elsewhere in the United States, it has taken firm root among women in places like Greenwood, where messages about prevention and protection are often overtaken by the daily struggle to get by.

Researchers say that in many ways the epidemic in the south more closely resembles the situation of the developing world than of the rest of the country. Joblessness, substance abuse, teenage pregnancy, sexually transmitted diseases, inadequate schools, minimal access to health care and entrenched poverty all conspire here to thwart the progress that has been made among other high-risk groups, particularly gay men.

While AIDS rates in the United States remain lower among women than men, women now account for a fourth of all newly diagnosed cases, double the percentage from 10 years ago. That growth has largely been driven by the disproportionate spread of the disease among heterosexual black women, particularly in the South.

For those who contract H.I.V. or AIDS in the rural South, life can become intensely isolated. Because of widespread misunderstandings about the ways H.I.V. is transmitted, the stigma facing those who are infected is often suffocating.

Many women are terrified to tell even their families, and they find their only comfort in the monthly meetings of a support group. One woman here, who lives with her son, is convinced that he would make her eat on paper plates and would keep her away from her grandchildren if he knew of her illness. Ms. Roney, who has informed only her family members, said she lost several neighborhood friends after they saw a health department van pull into her driveway to pick her up for a clinic visit.

Black women, who make up 7 percent of the nation's population, accounted for 16 percent of all new AIDS diagnoses in 1999, a percentage that has grown steadily since the syndrome was first identified 20 years ago. By comparison, black men made up 35 percent, white men 27 percent, Latino men 14 percent, and white and Latino women were each 4 percent.

While the number of new AIDS cases in the United States began to decline in the mid-1990's, the reversal started later for Southern black women, and the drop has been slower.

From 1981 to 1999, 26,522 black women developed AIDS in the 11 states of the former Confederacy. In Mississippi and North Carolina, statistics show that more black women than white men have contracted H.I.V. over the epidemic's course.

Unless a cure is found, the share of AIDS patients who are black and female is likely to rise. The trend is strikingly visible in Southern states with large black populations. Here in Mississippi, 28.5 percent of those reporting new H.I.V. infections in 2000 were black women, up from 13 percent in 1990. In Alabama, the number rose to 31 percent, from 13 percent. In North Carolina, it rose to 27 percent, from 18 percent.

''While the H.I.V. epidemic is also increasingly affecting men in the South and black men, the overall trends for women are distinct,'' concluded researchers with the Centers for Disease Conrol and Prevention in a paper published in March in The Journal of the American Medical Association. ''The H.I.V. epidemic in women initially centered on injection drug-using women in the urban Northeast, but now centers on women with heterosexual risk in the South.''

AN EXPLOSIVE INCREASE

In 1997, Dr. Hamza O. Brimah, a Nigerian-born physician who received training in AIDS care in London and New York, opened the Magnolia Medical clinic in a strip mall here in affiliation with the Greenwood Leflore Hospital. Dr. Brimah is the only AIDS specialist in a nine-county area. He started with fewer than 10 AIDS patients. Now he has 185. He assumes he is seeing only a fraction of those who are actually infected.

''In the beginning, I remembered everybody's name,'' Dr. Brimah said. ''Now I have a hard time. Who's this? Who's that? They're coming at me so fast.''

Sixty percent of Dr. Brimah's AIDS patients are women and 95 percent are black, in an area where 61 percent of the population is black. Almost all were infected through heterosexual transmission, and a majority, he estimates, came to him with a history of sexually transmitted disease.

Research has shown that people with sexually transmitted diseases like syphilis, gonorrhea and chlamydia have twice to five times the risk of contracting H.I.V., because the diseases cause ulcerations in protective mucous membranes. The South has consistently had the country's highest rates of sexually transmitted diseases. In 1999, for instance, 9 of the 10 states with the highest rates of gonorrhea and syphilis and 7 of the 10 with the highest rates of chlamydia were in the South, according to C.D.C. figures.

Dr. Brimah hears from his patients that H.I.V. is often the least of their worries. ''There are issues,'' he said, ''of looking after children, trying to get insurance, the lack of a father in the home, alcohol, drugs. They have so much going on.''

Because of that, he said, women rarely seek out H.I.V. testing for themselves or their partners. Many of his patients, like Ms. Roney, learn that they are positive only when they become pregnant.

The other thing Dr. Brimah hears repeatedly from his patients is that they understood before they were infected that H.I.V. could be transmitted hetrerosexually. Typically, they hold no misconceptions that H.I.V. victimizes only gay white men. And yet, like smokers, speeders and drug users, they place themselves knowingly at risk.

Dr. Brimah told of one patient who dutifully took annual H.I.V. tests for three years, who clearly understood the nature of the virus and who then tested positive in the fourth year. ''She was clued up, but she took the risk,'' he said. ''She really couldn't explain it.''

The women often struggle to explain their recklessness. They look down at the floor when asked to discuss their sexual behavior. Even those who have had many sexual partners will say they were choosy, that they had known their partners for years, sometimes for a lifetime and that they trusted them. Over and over, they say, they just did not think it could happen to them.

''I just wasn't thinking about no H.I.V., and I wasn't thinking about no AIDS and I wasn't thinking about no pregnancy,'' Ms. Roney said. ''I was just being hardheaded. I don't know any other way to break it down.''

Jean, a 44-year-old woman with AIDS who did not want her last name used, said she fell into a fast lifestyle after getting divorced in 1987. She said she might have had 30 to 35 partners over the last 10 years, and that they only occasionally used condoms.

''I guess I just blocked it out of my mind,'' she said. ''I thought I had a good heart so it wouldn't happen to me. I knew it could happen, I guess, but I was just being stupid.''

Health workers and researchers who hear these stories say that such high-stakes risk-taking may seem to make no sense, but that it must be viewed within the context of lives defined fatalism, faith and powerlessness. Often they say, there is little to break the tedium and despondency of life here, and certainly little that provides pleasure, other than sex.

''There's a sense that you don't control your life that much, and if God wants me to have H.I.V. I'll get it,'' said Kathryn Whetted-Goldstein, an assistant professor of public policy at Duke who has been studying AIDS in Southern states. ''All of their life experiences teach them that they have very little control over their future.''

Some girls start having sex at extremely young ages, almost always with older men, and find they have little ability to persuade their partners to use condoms.

''Most times I asked them to use one,'' ''said Ms. Roney, a ninth-grade dropout, ''but you know how guys are. They do their little sweet talk. 'It doesn't feel the same. Let's use one next time.' I just went along with it. I fell into that trap.''

POVERTY, DRUGS AND RISK

Often, though not always, drugs and money play a vital role as well. Indeed, Dr. Brimah said the desperate need for money had become an H.I.V. risk factor in the Delta in the same way that needle-sharing was in the cities.

The Mississippi Delta, where the young green cotton crop shares the summer landscape with immense catfish farming ponds, has for years been among the poorest regions in America.

The median income here in Leflore County was $21,027 in 1997, more than $7,000 below the state median, which is itself the second lowest in the country. Three of every 10 Leflore residents live below the poverty line. The unemployment rate in April was 7.1 percent (some neighboring counties have broken well into double digits) and the recent closing of several large plants has made work even harder to find than usual.

The poverty is apparent on the rough streets and unpaved alleys of black neighborhoods like Baptisttown and McLaurin, where men and women sweat out steamy nights on the porches of dilapidated shotgun shacks. Just across the Yazoo River lies another world of brick mansions and lovingly tended lawns, where the white people live.

As everywhere, some poor women here make ends meet through prostitution, But the more common practice is a less formalized sex-for-money exchange in which nothing is negotiated up front. Rather, several women and health workers explained, there is an unstated assumption that a woman who engaged in casual sex with a man will be rewarded with a little financial help, perhaps in paying the rent, perhaps in buying groceries. As one woman explained it to Dr. Brimah: ''You know how it is with men, doc. No honey, no money.

Gina M. Wingood, assistant professor of public health at Emory University who has studied AIDS in rural Alabama, said ''It's just trying to make ends meet, day-to-day survival. We sort of see it in terms of prostitution, but they see it as how they have to frame their lives, especially if they have children or elderly parents to care for.''

Jean, the 44-year-old AIDS patient, said she regularly operated that way. ''Some of them would pay for sex but it wasn't like I was out on the street,'' she said. ''The guy would just give me a little something sometimes. I had an apartment and had bills and I wasn't working.''

Jerome E. Winston, a health department worker who tracks the sexual networks of infected people in the Delta, said he had heard complaints from some women about other women who accepted insufficient compensation for their companionship.

''What we had said to us a couple of times by the other girls is that the younger girls are messing up the system because they're giving it away virtually for free,'' Dr. Winston said. ''They don't negotiate anything except for maybe a new CD or a pair of shoes.''

Sex is also sometimes exchanged for drugs, particularly crack cocaine, though this seems to be more common in larger towns in the southern part of the state.

Sharyn Janes, a professor of nursing at the University of Southern Mississippi, said she heard horror stories while conducting interviews with people considered at high risk of infection. One man, she said, told her that he once drove a woman out of town when she refused his demand for sex after he gave her crack. He told her that ''nobody gets a free ride'' and left her to walk home, Ms. Janes said.

TRACING SEXUAL NETWORKS

Because of the breadth and casualness of sexual networks here, an infection can be virtually impossible to track and control.

In the first half of 1999, for instance, health officials untangled a trail left by two H.I.V.-positive men in Greenwood who had had sex with 18 women over a three-year period. Two of the women had had sex with both men. Five were themselves infected with the virus, and they in turn had had sex with 24 other men.

A study of the cluster by the C.D.C. found that half of those interviewed had a history of other sexually transmitted diseases, that some of the H.I.V.-infected women were as young as 13, and that the median age of the infected women was 16, compared with 25 for the infected men.

''The teenager's concept is that this guy is older so he's going to know what he's doing and he will take care of me,'' said Dr. Shannon L. Hader, a Centers for Disease Control researcher who studied the Greenwood cluster. ''The reality is that older men have had more partners and are therefore more likely to have S.T.D.'s.''

Clearly, Dr. Hader said, messages about prevention are not getting through. The rural South is politically conservative, and prevention programs in the schools tend to be episodic and focused on abstinence. Parents of students in the Greenwood schools must grant written permission before their children can be taught about condoms. Many local pastors are also reluctant to encourage explicit discussions about sex.

Dr. Hader also found a lack of knowledge about H.I.V. treatment. Five of the seven infected members of the Greenwood cluster had no idea that those with H.I.V. could now live for long periods with the help of antiretroviral drugs. That misconception has made it difficult to get patients into care, where they could also receive information about not spreading the virus.

Those who do seek care have few options. Before Dr. Brimah opened his clinic here, AIDS patients had to travel more than two hours to Jackson or Memphis, a trip that many could not make. Sandra Moore, a 32-year-old Greenwood woman who first learned that she had AIDS in 1990, would sometimes drive as far as New Orleans for treatment. Ms. Moore had withered to 60 pounds when she first visited Dr. Brimah, and was seemingly weeks away from death. Now on medication, she has increased her weight to 105 pounds and talks of living to see her four young children graduate from high school.

The cost of treatment is also prohibitive for many here. The pills typically prescribed by Dr. Brimah can cost up to $1,200 a month. Medicaid covers many of the poorest patients, and other state and federal programs help. But the working poor often have trouble qualifying for the programs.

Last year, Dr. Brimah received a three-year, $1.2 million grant under the Ryan White Care Act, the primary source of federal money for AIDS treatment. He uses the money to pay staff members, to buy equipment, supplies and medication, and to provide transportation to needy patients.

But in general, many Southern states have received a disproportionately small share of Ryan White funds. The money is appropriated to states by a formula based on the number of people living with AIDS in that state. But the growth of the epidemic in the South has been relatively recent, and many of those infected have not progressed from H.I.V. to AIDS. Congress changed the formula last year so that money will eventually be based on H.I.V. counts, but the new system might not take effect for years.

The other factors obstructing treatment, and thus prevention, are denial and stigma. Many infected women here never tell family members and close friends for fear of being shunned and abandoned.

''A lot of people don't understand about it,'' said Jane Smith, who has only told her pastor and her mother-in-law since learning two years ago that she has AIDS. ''I guess they're scared they can catch it from being around people with it, if they cough on them or shake their hands.''

One married couple, both infected, said they were open about their status when they lived in New York but had told no one since moving to Mississippi, not even their friends at Narcotics Anonymous meetings. ''Everybody would scatter if they knew,'' said the wife.

Jean has lied to her family members, telling them that she has cancer, and has batted away their questions. Her joy, she said, is her grandchildren, and she is convinced that her son would not let her near them if he knew.

''I want to tell my family,'' she said, ''but I know they're not going to accept it, and I'm just not strong enough right now for them to reject me. It would just send me over the edge.''

This article is entitled ''AIDS Epidemic Takes Toll on Black Women.'' Let me just cite a couple of things from it.

It says: ''While AIDS rates in the United States remain lower among women than men, women now account for a fourth of all newly diagnosed cases, double the percentage from 10 years ago. That growth has largely been driven by the disproportionate spread of the disease among heterosexual black women, particularly in the South.'' Again, the South.

''Black women, who make up 7 percent of the Nation's population, accounted for 16 percent of all new AIDS diagnoses in 1999, a percentage that has grown steadily since the syndrome was first identified 20 years ago. By comparison, black men made up 35 percent, white men 27 percent, Latino men 14 percent, and white and Latino women were each 4 percent.'' Again, in women.

One of the doctors who looked at this says that he hears repeatedly by his patients in New York, and this is a doctor in New York who treats HIV patients, says that his women patients understand clearly, or they say they understand clearly, that they were infected or could be infected with HIV transmitted heterosexually, but nevertheless they go ahead and do it. It is almost like smoking. They say it is like smokers knowing indeed that the smoking is killing them, but they go ahead and do it. It is almost like a death wish. The issue is, is it drugs or is it the need for money? What is driving this kind of reckless behavior?

He says that women often struggle to explain this recklessness. They look down at the floor and they say, I know that what has happened to me is that I was not sure, I didn't protect myself, but yet I knew I should have. I trusted this person. I knew this person. And I just wasn't thinking about getting HIV. These are older women.

Health workers and researchers are struggling to know, How do you make sense of this? How is the relationship between poverty and drugs and risk often a part of this? We just have to find how we address those issues and make sure that as the life and the quality of life in these communities, that people are not walking into their own death trap. Poverty is apparently on rough streets and in the cities, and the exchange of sex for money or the exchange of drug needles that cause that has a strong part to play in it.

''Clearly,'' Dr. Hader said, ''messages about prevention are not getting through.'' We need to find a way to get those messages through. The rural South is politically conservative, and prevention programs in the schools tend to be episodic at best and more focused on abstinence rather than on protection. Parents of students in many of the schools must have written permission before anything happens. Yet those children are getting the wrong message from other places, many of them becoming pregnant and their children are likewise infected. Most local pastors are reluctant to encourage an explicit or a frank dialogue among their young people so they understand the choices they have. You see, in the South there is indeed, we are fighting not only the lack of infrastructure, we are fighting the issue of attitude.

Mr. Speaker, there is indeed an issue of AIDS across our country. There is an issue of AIDS across this Nation. Certainly there is a severe pandemic in Africa, but there is a creeping disease that is indeed affecting us in the South and in rural communities throughout the United States, particularly in the South. It has the deadly effect of a silent killer. Those of us who know better are charged with the responsibility of waking our citizens up to this horrific disease and making sure that there are programs of intervention, programs of nurturing, care and counseling, and that our communities indeed will respond to it.

□ 2045

OUTRAGEOUSLY HIGH DRUG PRICES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes.

Mr. GUTKNECHT. Mr. Speaker, I will later be adding some items to the RECORD.

Mr. Speaker, I rise tonight to talk about an issue that in some respects is a dirty little secret. Yet more and more of us in Washington and more and more seniors around the country know about this dirty little secret. It is about the outrageously high prices that Americans pay for prescription drugs.

Now, I think most Americans are appreciative to the pharmaceutical industry for the miracles they have created over the last number of years. We are all delighted that we have drugs today to treat diseases which just a few years ago were untreatable. We are not unappreciative to what the pharmaceutical industry has done. But the dirty little secret is that the Americans are paying the lion's share, in fact, I might even argue that the Americans are paying the entire share of the research and development costs for these miracle drugs for all the other consumers around the rest of the world.

Several years ago, I talked to some seniors back in Minnesota and they talked to me about going to Canada to buy prescription drugs. But they told me that when they came back after they had their little vials of whatever drug it was, whether it was Claritin or Coumadin or Glucophage or whatever the drug would be, when they would try to reorder that drug from the pharmacy up in Winnipeg or wherever they had bought the drugs in from Canada, when they tried to reorder the drugs and when the drugs came into the United States, they were stopped by the FDA. The FDA then sent a very threatening letter to those seniors saying that if they tried to do this again that, in effect, they could be prosecuted.

Now, if one was a 78-year-old grandmother getting a letter from the Food and Drug Administration in effect saying that she could be prosecuted, that what she is doing is illegal and if she tries to do this again, there are serious consequences, that is a very threatening thing to happen to a senior.

Now, they told me this story. They told me what was happening in their trips, their bus trips to Canada. I have to be very honest. It really did not register with me. In fact, it was not until almost 2 years later when a seemingly unrelated event occurred.

What happened was hog prices to our hog producers, to our farmers in Minnesota, the prices collapsed. In fact, they reached Depression-era prices. Hogs dropped to $8 per hundred weight. Now, today hogs in Minnesota are selling for about $69 to $70 per hundred weight. So now hogs are profitable again. But we had a tremendous collapse in the price of hogs.

Now, to make matters worse there was a packing plant up in Canada that was supposed to come online. There was some construction delays. For whatever reason the plant was delayed in being brought online. The net result was there were thousands of Canadian hogs, at perhaps the worst time in the history of hog production in the United States, thousands of hogs were coming across and making a disaster even worse.

Not surprisingly many of our hog producers complained about all of these Canadian hogs coming into our markets. Those of us who represent those districts, we brought those complaints and concerns to some of the Federal officials in Washington. The answer we got was relatively short and simple. ''Well, that is NAFTA, the North American Free Trade Agreement. That is what free trade is all about. You support free trade, do you not, Congressman GUTKNECHT?'' I had to say, ''Yes, I do.''

It was then that the light bulb really went on. Because I said if we are going to have free trade in terms of pork bellies, we ought to have free trade in terms of Prilosec.

I began to do some research. I feel sometimes like that little boy who came in and asked his mother a question. His mother was busy, and she said, ''Why do you not go ask your dad?'' And the little boy said, ''Well, I do not want to know that much about it.''

Well, I feel like that little boy sometimes because the more I have learned about this prescription drug issue, the more angry I become.

There is really something wrong with a system that says that American consumers on average pay $69.99 for a month's supply of Allegra 120 while our friends over in Europe enjoy exactly the same drug made in exactly the same plant under the exact same FDA approval, our friends in Europe can buy that same drug for $20.88.

If you look at this list, this is not a complete list, in fact, this is not even my list. These numbers were compiled by a group who have been studying this issue for more years certainly than I have, a group called the Life Extension Foundation, and just recently they sent us a listing. They had done a study between the United States and Europe, and here are some of the numbers.

I hope people will look at this. Let us look at commonly prescribed drugs for senior seniors. I know it is commonly prescribed because my 82-year-old father takes Coumadin. He is fortunate. He worked for a union employer all of his life. He has a pretty generous prescription drug benefit as part of his insurance package; and as a result, he does not pay the full price. But if he did, and millions of American seniors do pay full price for Coumadin, the average price in the United States for a month's supply of Coumadin is $37.74. That exact same drug in Europe sells for an average of $8.22.

Let us look at Glucophage. That is a drug that is taken principally by diabetics. If you are a diabetic in the United States and you are on Glucophage, you are probably going to be on it for the rest of your life. A 30-day supply here in the United States sells for an average of $30.12. That exact same drug made in the same FDA-approved facility in Europe sells for only $4.11.

Let me say that again. The price in the United States, $30.12. The exact same drug in Europe sells for $4.11.

As you look at some of the more expensive drugs, and this is where it becomes incredibly problematic, where you have seniors or you have other consumers that do not have prescription drug coverage, they are paying full bore for these drugs, and more and more we are seeing drugs coming on to the market like, for example, Zithromax 500, a 30-day supply in the United States sells for $486. That is the average retail price. But our friends over in Europe, and let us remember the European Union now has a gross domestic product almost equal to the United States, their standard of living is almost equal to the United States. At one time after World War II and we had the Marshall Plan, certainly it was important for Americans to help rebuild Europe and in effect to subsidize Europe; but today Zithromax 500 sells for $486 in the United States. The same drug in Europe sells for $176.19.

Mr. Speaker, this is indefensible. This is unsupportable. There is no one in this body, there is no public policymaker in America, that can defend this chart. What is worse, the pharmaceutical industry cannot defend this chart. We have had representatives of what we call PHRMA into our office. We have showed them this chart and said please explain this chart.

These are multinational companies. Many of them are based in Europe. Many of the big pharmaceutical companies now are based in Geneva or London or Paris. How is it that you are willing to sell these drugs so much cheaper in European Union countries than you are here in the United States? Now the interesting thing is they do most of the research here in the United States and we are happy for that. We want the research to remain here in the United States. But the dirty little secret is, we subsidize the starving Swiss.

All I am saying with the simple amendment that I intend to offer tomorrow is that it is time to level the playing field. I do not believe in price controls. I do not believe in more government regulations. I think in the long run both price controls and government regulations are the wrong way to go. If you doubt that, just do a brief study of the former Soviet Union, because for over 70 years there is an experiment that failed. They tried to set prices. They tried to control markets.

Mr. Speaker, markets are more powerful than armies. What the Soviet Union proved more than anything else is that you cannot hold back markets. We are in the Information Age, Mr. Speaker, and these kinds of numbers, these huge differences between what Americans pay and what Europeans pay for exactly the same drugs, that system could only survive before the Information Age. Now people can get on their computer, they can go online and they can get this information. And they can find out that in Switzerland they are able to buy Biaxin for half the price that we pay in the United States. Once Americans realize this, because information is power, once Americans realize the huge differences that they pay for the same drugs, they are not going to stand for it. They are going to start marching on this Congress and they are going to demand that we do something.

In fact, how many times do we hear at some of our town hall meetings, Congress needs to do something? Well, I am going to go back to the point I made earlier. I do not support price controls, and the truth is some of the countries in the European Union have price controls. I think it is a bad idea, and I do not want to join them. But some of the countries in the European Union do not have price controls. Switzerland does not have price controls. Germany does not have price controls.

A German can go in and buy drugs in Switzerland or a German can go in and buy drugs in France or in any other country. The European Union allows free markets within that area.

It is interesting, because just a few years ago we passed the North American Free Trade Agreement and so pork bellies can go across the borders, and fruits and vegetables can go across the borders and lumber can go across the border. There is nothing to stop one of my constituents from going to Winnipeg, Manitoba and buying a Chevrolet. As a matter of fact, I do not think there is anything that would stop that consumer from going online and on the Web and ordering almost any product they want from Winnipeg, Manitoba; or Paris, France; or Rome; or Frankfurt, Germany; or anywhere else. There is only one product which we for some reason have singled out and said American consumers do not have access to world market prices, and those are pharmaceuticals.

Now I am not here tonight to beat up on the pharmaceutical industry. As I said earlier in the discussion, I am appreciative to what the pharmaceutical industry has done. Almost every one of us has a relative, a neighbor, a parent, a child, that has benefited from the research that the pharmaceutical industry has done.

Before I yield to my friend, the good doctor, the gentleman from Des Moines, Iowa (Mr. GANSKE), I want to talk about the three ways that we as Americans subsidize the pharmaceutical industry, because this is not largely understood. The truth of the matter is, we subsidize the pharmaceutical industry in three different ways. First of all, we subsidize them through the Tax Code. What the pharmaceutical industry is saying today is well, we spend billions of dollars on research and most of it is done here in the United States. I said earlier in my discussion I am delighted that they do the research here in the United States. The numbers that we have, the latest numbers, is that the pharmaceutical industry in the last year that we have numbers for spent about $12 billion here in the United States on research, and that is good.

What they do not say is that on the tax forms, most of these corporations are so profitable that they are at the 50 percent tax bracket, that at least half of that gets written off on their Federal income tax form. More of that gets written off on their State income tax form. Now what they are also eligible in some circumstances for is an investment tax credit. So we subsidize the pharmaceutical industry and the research that they do through the Tax Code.

Secondly, this year we will spend close to $14 billion through the NIH and other various government agencies, including the Defense Department, on basic research, most of which is available to the pharmaceutical industry free of charge. In other words, we are putting all this money into NIH and through NIST and other science agencies, also through the Department of Defense, and most of that information, once a discovery is found, is made available to the public and to the pharmaceutical industry free of charge. So there is about $14 billion worth of public research that is paid for by the American taxpayers. That is the second way we subsidize the research that they do.

The final way that we subsidize them is in the prices that we pay. These are outrageous. These are indefensible. Again, I am not here to really beat up on the pharmaceutical industry, because they are only doing what any industry, what any business, would do in terms of exploiting a market opportunity that we have given them. We give them a 17-year patent in which they can sell these drugs in the United States and really no one can compete against them. In other words, we give them a monopoly and on balance I think that is a good idea. They are exploiting this market opportunity. No, it is not ''shame on the pharmaceutical industry for creating this kind of an environment.'' It is shame on us. It is shame on our own FDA for allowing this system to develop whereby Americans are paying for all of the research and most of the profits of the large pharmaceutical companies, many of which are not even based here in the United States.

□ 2100

I am delighted to have joining us today one of the physicians who serves here in the House, the gentleman from Des Moines, Iowa (Mr. GANSKE), a former wrestler and Iowa Hawkeye, a good friend, and one who is not afraid to take on giants.

I have to tell the gentleman, I reread the story from the Book of Samuel tonight of David and Goliath, and it was a powerful story. And sometimes when I think about the huge pharmaceutical industry and the simple little amendment, I feel like David, who went out on to that field, and he took from his sack a small stone, and he slung it at Goliath, and that is sort of where we are with this small amendment.

But I want to welcome the gentleman from Iowa (Mr. GANSKE), who is one, as I say, who we do not always agree, but, I will tell you, I have always admired and respected, and we are delighted to have the gentleman here tonight to talk a little bit about pharmaceuticals. I will yield to the gentleman.

Mr. GANSKE. I thank the gentleman from Minnesota and would like to enter into a colloquy with him.

I think the gentleman is pointing out an important difference in the price in the United States for some of those drugs and the price in Europe. Now, correct me if I am wrong, but most of those European countries do not have price controls; is that correct? Some do, some do not.

Mr. GUTKNECHT. Some do, some do not. We do not want to get into a debate, because, in truth, I do not support price controls. I think the best way to break the backs of price controls is to have open markets, because once the pharmaceutical industry and European countries realize that American consumers are going to be buying from them at their prices, I think it is going to force the European Union and the pharmaceutical industry to come to a better agreement so we level the playing field. That is really what I am trying to say.

Yes, some have price controls, some do not. Every country has a slightly different regimen in how they deal with monopolies.

Mr. GANSKE. But it is a fair statement that the prices are significantly

lower for the very same prescription drugs that are made in the United States that are sent overseas, that they are significantly lower, sometimes half as much or even a quarter as much, in some countries, as they are in the United States. Is that not a fair statement?

Mr. GUTKNECHT. That is absolutely correct. As I say, these are not my numbers. This was an Independent Life Extension Foundation study done just recently between the United States and countries in the European Union.

Let me point out, and the gentleman is more familiar with some of these drugs than I am, that Glucophage, which is a drug that I understand that once many diabetes patients take, they take it daily, in fact I guess they have given them a new patent now. Instead of a twice-a-day tablet, there is a once-a-day tablet, which gives them an extra 17 years on their patent.

We are talking about seven times more. You talk about a patient who is going to have to take that perhaps for the next 30 years, you start multiplying that difference, we are talking about thousands and thousands and thousands of dollars, multiplied by, I do not remember the exact number, but something like 35 percent of all Medicare expenditures are in one way or another related to diabetes-related illnesses.

I believe the amendment we are talking about ultimately, when fully implemented, when consumers have access and understand how it works, could save American consumers $30 billion a year.

Mr. GANSKE. I want to just pin this down. The gentleman would say it is fair to say that there are many countries in the world where the prices are significantly less than they are in the United States; even though the drugs are exactly the same, they are made in the United States, they are shipped overseas, where they do not have price controls in those countries, but that the price is set by what the market will bear. Would the gentleman say that is a correct statement?

Mr. GUTKNECHT. That is a correct statement based on all of the evidence and research that I have received from independent agencies. That is correct. In fact, we even have an independent study of Canada, where they do have price controls, but they are not as firm as some people think. But a study done by the Canadian Government suggests that they are saving Canadian consumers upwards of 50 percent.

Mr. GANSKE. Now, the difference, the reason that we have these very high prices in United States, as versus, say, Switzerland, is because we cannot reimport those drugs from Switzerland into the United States because we have a Federal law that prevents that from happening. Is that the correct story?

Mr. GUTKNECHT. There again, the FDA holds that, yes, we have that law. Now, last year in Congress we passed legislation by overwhelming votes, it was something like 376 to 25 here in the House, it was 90-some to 3, I think, in the Senate, essentially going on record that we want to make it clear that law-abiding citizens should not be prevented from bringing legal drugs back into the United States, especially for personal use. So, the law, in my opinion, today is not clear.

What we want to do with the amendment that I intend to offer tomorrow is clarify the legislative intent so there is no misunderstanding between the pharmaceutical industry, the FDA and American consumers that law-abiding citizens who have a legal prescription from a physician do have the right, using mail order, using the Web, using other methods, the telephone, they can call a pharmacy in Ireland or Geneva and be able to order that drug and have it brought back in the United States, so long, again, as it is a legal, non-narcotic drug. That is the amendment I intend to offer. That, I believe, will ultimately level the playing field between the prices that Americans pay and what consumers in other countries pay, regardless of whether or not they have price controls.

Mr. GANSKE. That would mean, for instance, that a citizen in Minnesota could cross the border into Canada with a prescription and get it filled there, or a citizen in Texas or Arizona or New Mexico could cross the border and get a prescription filled there, and that would not be illegal. They could bring that back into the United States. That is the gist of the gentleman's amendment; is that correct?

Mr. GUTKNECHT. That is correct.

Mr. GANSKE. Okay. Now, then, we had hearings in my committee, the Committee on Energy and Commerce, talking about how there are some counterfeit drugs that get into the market. These hearings primarily focused on some very expensive drugs, like growth hormones, that are used for body building and other types of uses and sometimes can cost as much as $2,000 a vial. It has been reported in the press that some of that medicine is not real, that there has been adulteration or false packaging.

Now, my understanding is that this has happened within the United States. Is that the gentleman's understanding?

Mr. GUTKNECHT. Absolutely. The counterfeit drugs that some of these people are talking, or adulterated drugs, first of all, I want to make it clear, my amendment does not make them legal. We are only talking about drugs that are otherwise legal in the United States, where people have a legitimate prescription from a doctor. Principally what we are talking about, where this really happens, is when people travel.

For example, let me give you a story from one of the ladies at one of my town hall meetings. She has a skin condition, I think called eczema or psoriasis, but, anyway, she has a skin condition, and to deal with that and manage it, her doctor in Rochester, Minnesota, has prescribed a particular ointment only available with a prescription, and in Minnesota it sells for about $130 for one tube.

She was traveling in Ireland a couple of years ago and began to run out of this cream. She went to a pharmacy in Ireland, she had her prescription with her, she went into the local pharmacy, took her prescription, they had exactly the same drug, in exactly the same tube, made by exactly the same company, and it was $30.

Now, when she got back to the United States, she said to herself, because she needs about a tube of this ointment every month, so $130 times 12 versus $30 times 12 is a saving of $1,200 per year to this one individual.

She looked at the tube, and on the tube or on the box that it came in, it had the name of the pharmacy, and it had the phone number. Now, she did what a lot of American consumers would do to save $1,200 a year. She picked up the phone, made a $2 phone call to Ireland and said, could I get that prescription refilled? The pharmacist over there said, absolutely. So he shipped her another supply.

Mr. GANSKE. But there is nothing in the gentleman's amendment that would prevent the FDA from intercepting that shipment, that drug that she had ordered, and testing it, just like they would do if she had ordered it from a retailer in the United States and had it shipped to her home, is there?

Mr. GUTKNECHT. No. In fact, if the FDA wants to test it, and, frankly, I want the FDA to enforce laws against illegal drugs. But can I just show the gentleman another chart, because I think it talks to this very point.

The problem with the FDA is not that they do not have the power to inspect; it is that they spend all of their time chasing legal drugs and law-abiding citizens. They are focusing on the wrong end.

Last year, for example, instead of stopping illegal drugs imported by illicit traffickers, some of the people the gentleman heard testimony about, what they have done is spent most of their effort going after approved drugs with law-abiding citizens. Last year the FDA detained 18 times more packages coming in from Canada than from Mexico.

We do not have a problem with Canada. We know a lot about the pharmacies in Canada. They have strong and stringent regulations in Canada. So why is the FDA detaining 90 times more packages from Canada? This was last year. Last year the FDA detained 90 times more packages from Canada than from Mexico.

They are chasing law-abiding citizens bringing legal drugs in. What they need to do is focus on the traffic that the gentleman was talking about, where you have adulterated drugs, where you have got illegal drugs, where you have got all kinds of mischief going on, which, incidentally, the gentleman and I both know that as long as we try to play by the rules that the FDA has set in place now, you are going to get more of. Because more and more consumers who cannot afford some of these very expensive drugs, as we talked about before the gentleman arrived, Zithromax 500, $486 in the United States, $176 in Europe, what you are going to do is get more and more law-abiding citizens trying to figure out, how can I get those drugs, either legally or illegally, in the United States? Because the truth of the matter is that a drug somebody cannot afford is neither safe nor effective.

Mr. GANSKE. So let me get this straight. What the gentleman would like is he would like the FDA to have enhanced enforcement to make sure that not only drugs coming into the United States from other countries are checked to make sure they are valid, but also to make sure that shipments that originate within the United States are not adulterated and are real drugs, too. And I believe at the bottom of the gentleman's other thought, the gentleman points out that we appropriated additional millions of dollars for border enforcement last year.

Mr. GUTKNECHT. And the FDA refused to use it, and that is why we need this amendment this year, is to clarify what we said last year, stop chasing law-abiding citizens with legal drugs and legal prescriptions.

Let me just suggest this: I do not know how many of our colleagues have gotten a package recently from UPS or Federal Express, I believe even the Post Office does it now, but they put a bar code on those packages. The truth of the matter is I believe that within a matter of months, if the FDA was serious about this and did not want to pursue law-abiding American citizens who are trying to save a few bucks on their prescription drugs, they could create a bar coding technology to know where that package came from, when it was shipped, and, frankly, they could even put what is in it.

In fact, we now have the technology, and it is used in most hospitals, the software was developed in Minneapolis, Minnesota, I can put them in touch with the people that developed it, in virtually every hospital now, when you go in the hospital, they put a bar-coded bracelet around your arm, and when they dispense prescription drugs in the hospital, when they bring them in, they take the wand across your bracelet and a wand across the bar code on the package so that they know, they can literally go back to their computer and know that at 3:10 p.m. this afternoon, you were given two tablets of Tylenol, or whatever the drug happened to be.

That kind of technology is not science fiction. This is available today. And if the FDA is serious about this, we can help them solve the problem.

The real issue is I do not think the FDA wants to solve this problem. They continue to commingle illegal drugs with legal drugs, and they continue to pursue the law-abiding citizens bringing in legal drugs, and yet there are literally millions of dollars of illegal drugs not only coming in from outside the United States, but, as the gentleman suggested, they are originating in the United States, and little or nothing is being done about that.

□ 2115

Mr. GANSKE. Mr. Speaker, I think this is a very, very important point; and I hope that some of our colleagues are in their offices working tonight, listening to the gentleman's presentation, because for sure, when the gentleman's amendment comes up, we are going to hear tomorrow all kinds of horror stories about how an adulterated drug or a fake substance could be imported from the United States so the patient would not be getting the medicine that they need, or even worse. But the real point is that that can happen within the United States just as easily, and that what we really want is we want the FDA to do its job, both on drugs that would come back into this country, but also on drugs that would be moving within this country, from one State to another State.

It is easy to think, if we have a drug that could cost $2,000 a vial, that we could have organized crime create some labels in New York, put some substance into that vial, and ship it over to California and have a big scam operation going on. I mean, that is happening within the United States.

But what the gentleman is talking about for the vast majority of our senior citizens or others who need medicines are not that that vial of growth hormone that costs $2,000, but the difference in, if the gentleman would put the other chart up with some of the examples of the prices, let us take, for example, Coumadin. That is a blood thinner. In the United States, it is going to cost $37 for a 30-day supply; in Europe it will cost $8.22. It does not make sense for organized crime to get involved with changing labels for a drug of that price range when it is going to an individual.

Now, if we are talking about wholesale, larger shipments, then I think it is a legitimate concern; but it is also one that I would answer just like we did last year, by appropriating more money for the FDA to step up its surveillance and make sure that it does not happen. But I will tell the gentleman something. If we take that drug that costs $500, the Zithromax, $486 for a 30-day supply, we can have just as big of a problem with a fake drug within the United States as from anything coming from overseas.

So I believe that these issues are being mixed up in an effort to basically defeat what I see as a free market approach to helping bring drug prices down in the United States. We have very high prices here because there is protection for the high prices here when we cannot introduce competition with lower-priced drugs, the same drugs from overseas. If we would allow our constituents to be able to order that drug from Pharmaworld in Geneva, Switzerland, at half the price, we know what would happen here. We know that the competition would drive the prices down at our pharmacies in this country too.

Mr. GUTKNECHT. Mr. Speaker, as I said earlier, markets work.

Mr. GANSKE. Or, for example, someone's local pharmacist would be able to order that drug from the wholesaler at the lower price and would be able to pass those savings on to the consumer. That is why this idea passed the House of Representatives with 350-plus votes just a year or so ago. But I believe, then, that the opponents to that legislation brought forward this issue of the fact that there are fake drugs that are occasionally found and then used that to try to knock down the whole idea of increased competition from overseas.

Really, the solution is simply, both within the United States and from drugs that could come in from abroad, making sure that the FDA does its job. This is part of a bill that I introduced on prescription drugs. The other main aspect of that bill is that for low-income seniors, we would allow them to utilize the State Medicaid drug programs up to 175 percent of poverty and get a Medicaid card and be able to go to their local pharmacist; and I believe that there is a way to work with the pharmaceutical houses on that issue and avoid a national drug pricing mechanism. That is a little different issue, but the idea that the gentleman from Minnesota (Mr. GUTKNECHT) has, I think, is a legitimate one, and it basically is a free market approach. It just makes the market a little bigger. It makes it more global than a protectionist policy that stops at our borders that prevents the very same drugs made in the United States, made in New Jersey and shipped overseas as versus consumed here, the very same drugs, from coming back in at a somewhat less price.

So tomorrow, when we debate this, we will probably not have that much time. It will probably be a time-limited amendment. There have been a lot of opponents that have been putting newspaper ads into newspapers around the country or even running television

and radio ads on this issue; but I will tell the gentleman, I have a lot of constituents back in Des Moines, Iowa, who, when they go down to Texas for the winter, they take their prescriptions, they go across, they look at the labels, they see it is made in the United States, the same drug, they bring it back for half price. The gentleman's amendment tomorrow would allow them to continue to do that. I think that it would be somewhat difficult for many Members of this House to switch their vote from supporting that idea last year to voting against it this year.

I yield back to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I agree with the gentleman. I think Members understand this issue, and it really is a choice between are you going to stand with your seniors who are having a difficult time affording their prescription drugs, or are you going to defend the FDA bureaucracy and the pharmaceutical industry. I think that really is the vote. At some point, if they vote, particularly if they change their vote this year, they are going to have to explain this chart to their constituents. They are going to have to explain why they should have to pay $30.12 for Glucophage in the United States when their European friends can buy it for $4.11.

Let me just talk briefly, if I can, about the whole issue of safety because frankly, that is an area where our opponents have really focused in and there have been a lot of scare tactics, as the gentleman mentioned, running newspaper ads and radio ads and television ads. But the interesting thing is at least in my area, my seniors are a whole lot smarter than those ads, because most of the calls that are coming in are saying absolutely, this is the right way to go. They understand these price differences, they understand safety, they understand that they are willing to take a slight risk. The most important thing is when they go down to the local pharmacy, they might get the wrong medication. It might get in the wrong bottle. There is always some element of risk.

Out there in New York Harbor, it is called the Statue of Liberty, it is not called the Statue of Security. We always take some risk. I cannot say that my amendment is risk-free, but as the gentleman indicated, the system today is not risk-free. But here is the interesting thing. In all of the advertising, they do not mention any people who have ever been injured by bringing legal drugs into the United States with a prescription. Not one. There is no known study that demonstrates that public health has been injured by patients importing legal medications with a prescription under the order of their doctor.

What is more, millions of Americans have no prescription drug coverage. And as I said earlier, a drug that one cannot afford is neither safe nor effective. That is when people start cutting up their pills. That is when they start looking to back-street vendors or people who may be selling adulterated drugs. Let us just talk about safety, because when we mention the FDA, we talk about drugs and medical devices and so forth, but we forget that part of the reason this amendment is in order to the agriculture appropriations bill is because it is the Food and Drug Administration. They get their money through the agriculture appropriation bill.

I asked my staff a few weeks ago, I said, now, wait a second. We import literally hundreds of thousands of pounds of raw meat every day. We import millions of pounds of fruits and vegetables. There must be some studies that people get sick, because I remember a couple of years ago, there were some kids who had gotten sick, about 200 kids who got sick from eating strawberries imported from Mexico. Maybe the gentleman remembers the story, that somehow, some pathogen had gotten on the strawberries and they got sick. Well, what did the FDA do about that? The truth is, almost nothing.

Mr. GANSKE. Mr. Speaker, if the gentleman would yield, in that situation, what Congress responsibly does is it provides the resources to the USDA to do those inspections at the border. That is why, for instance, we have increased our funding for making sure that Foot and Mouth Disease does not get into the United States. That is why last year we appropriated $23 million extra dollars for the FDA to do its appropriate job with monitoring to make sure that drug shipments that will come back in are the real thing.

But still, I just have to get back to this point, and that is that one can go down to the local pharmacy, they have their medicine from somewhere in California or New Jersey or Florida. What is their level of confidence? Their level of confidence is that we have an FDA that monitors that every so often. But every so often, once in a while, very rarely, especially with this particularly very, very high-priced drugs, they have found that there have been some fraudulent drugs. They are doing their job when they find that. And they will do their job if Congress appropriates the appropriate amount of money to monitor any medicines coming back into the country from Switzerland or Germany or Ireland or Canada. I mean, it is not a problem that cannot be solved.

Mr. Speaker, I would tell the gentleman, the savings to the individual that we are talking about is the difference between, as the gentleman has already said, is the difference between many times their having the drug at all for their heart failure or for their high blood pressure or for other serious conditions. There is no question. We would not be dealing with the issue of high cost of prescription drugs in this Congress, it would not have been such a big issue in the last presidential campaign if this were not a real problem.

So I commend my colleague from Minnesota for talking about this. I look forward to the debate tomorrow on this amendment. I do think that the gentleman's amendment is well thought out because, correct me on this, but there is nothing in the gentleman's amendment that would prevent any funding for the FDA to do its job; is that correct?

Mr. GUTKNECHT. No, it just simply says you cannot use the money to pursue law-abiding citizens who have a legal prescription.

Mr. GANSKE. But there is no decrease in the funding overall for the FDA's surveillance.

Mr. GUTKNECHT. No. We have made it clear to the FDA, as we did last year, you tell us what you need to do this job, and we will see that you get the funding. They asked for $23 million. We appropriated $23 million. Then after we had appropriated the $23 million and literally let them write the language, they reneged on the deal. So this year, in effect we are saying, and we really mean it.

Now, in conference committee I am willing to work with them to get this done.

Mr. Speaker, I do want to come back briefly, and I know the gentleman has to go; but I want to come back to the safety issue. There is another secret that the FDA does not want to talk about, and I started to mention how many tons of raw meat and fruits and vegetables come into the United States. There has been concern about pathogens and what they can do. The gentleman is a physician; and I might just ask him, if someone gets salmonella, what can happen?

□ 2130

Mr. GANSKE. Well, one can die.

Mr. GUTKNECHT. One can die. In fact, I had a friend who got salmonella. He was virtually blinded. He can still see, and I do not know what his vision level is, but he almost died, and he ended up with a severe loss of vision from salmonella.

I did not know until this particular episode how serious it was, and that one of the consequences can be a loss of vision. This is a study done by the FDA in 1999. They analyzed 1,003 samples of produce items coming into the United States from other countries. I have the numbers here in terms of how much we import from different countries.

From Canada, for example, the latest year we have, we imported 335,000 metric tons of beef into the United States. We imported 322,000 pounds of pork. We imported from Mexico a grand total of 3.1 million metric tons of fruits and

vegetables from Mexico. We imported from South America over $742 million worth of fruits and vegetables from South America.

Now, we import a lot of food into this country every single day. Here are the numbers. According to their study, the total percentage of food that was contaminated with either salmonella, shigella, and I am probably not saying that right, or E. Coli, the total percentage of that sample that they took was 4.4 percent.

Now, we know people get sick every single day in the United States. I have had food poisoning twice in my life. We know there are thousands of people who get sick from food poisoning, from salmonella. We know that is serious. What is the FDA doing to inspect every single piece of produce, every pork belly, every carcass of beef that comes into the United States?

Do Members know what they are doing? It would not be fair to say nothing, but it would be almost fair. Almost nothing is done.

I just want to make one last point, and it is this. What the FDA is doing in terms of prescription drugs is they are going to build a wall about a mile high. Yet, when it comes to food that we eat every day, of which, by their own study, 4.4 percent is contaminated with salmonella and other dangerous pathogens, there is almost no inspection, almost none. It comes right across the border.

If we are going to say we have to be absolutely certain of every single package of pharmaceuticals, then by golly, should we not say the same for fruits, for vegetables, for pork bellies? That is all I am saying. I am willing to work with them, and with new technology I think we can have a system that will be far safer than it is today, but they do not want to work with us.

Mr. GANSKE. Continuing the gentleman's analogy, Mr. Speaker, what the gentleman is saying is that there is not anyone in this House who is going to propose that we cut off all imports of beef or vegetables or fruits that come into the United States. Nobody is proposing that. If there is a problem related to pathogens in meat or in some of those vegetables, that is why we have a USDA. That is why we have an inspection process. That is why we appropriate a certain amount of money.

If there is a problem, then we will appropriate more funds for the inspection to make sure that our food and vegetables coming into the United States are safe. But as the gentleman has pointed out on prescription drugs, there is no known scientific study demonstrating a threat of injury to patients importing medications with a prescription from industrialized countries.

When we went to the Food and Drug Administration last year, we said, ''If there is an increase in the flow of reimported drugs, what do you think you need to do to adequately inspect those to make sure there is not a problem?'' They told us, and we appropriated that. We can continue to do the same.

The real question is, do we allow some competition to help lower the cost of prescription drugs. I think it will be a very interesting vote here on the floor tomorrow on this amendment, because I think that the opponents to last year's legislation have seized upon a red herring. They have seized upon the fact that even within the United States there have been a few examples of exceptionally high-priced drugs where there has been fraud. Then they say, ''Well, see, if there have been a few cases here in the United States, that could happen from drugs imported from abroad.''

I think my response and the gentleman's response to that would be that that is even more reason why we adequately fund the FDA, but it can happen in the United States just the same as it could happen on a reimported drug. That is not a reason per se to argue against reimportation.

Mr. GUTKNECHT. Mr. Speaker, here is another chart that basically says we have to do something to bring our prices into line. Last year the average senior in the United States, well, seniors in the United States got a cost of living adjustment in Social Security of 3–½ percent. Total expenditures on pharmaceuticals went up 19 percent. We cannot continue this. This will eat us out of house and home. This kind of thing, this is what is causing consumers to look at ways that they can save some money.

This chart, as I say, when our colleagues vote tomorrow, and I have prepared this and I will make this available to any Member who wants a mailing in a sense explaining, A, the problem, the chart, the differentials, and it also answers the four most commonly asked questions or arguments against this simple little amendment. Anybody who wants a copy can get a copy of the amendment. It is a very simple amendment.

Mr. GANSKE. Mr. Speaker, I wonder if the gentleman would mind reading that amendment.

Mr. GUTKNECHT. I would be happy to. It is now in the CONGRESSIONAL RECORD, ''Amendment to H.R. 2330 as reported offered by Mr. GUTKNECHT of Minnesota.''

''At the end of Title VII, insert after the last section preceding any short title the following section, section 7: None of the amounts made available in this act to the Food and Drug Administration may be used under Section 801 of the Food and Drug and Cosmetic Act to prevent an individual who is not in the business of importing prescription drugs within the meaning of Section 801(g),'' and I am not a lawyer, but we had three very smart ones help write this, ''of such act from importing a prescription drug that, 1, appears to be FDA approved; 2, does not appear to be a controlled substance,'' and we do not even allow codeine under my amendment, we are not talking about any controlled substances or narcotics, ''or, number 3, and appears to be manufactured, prepared, propagated, compounded, or processed in an establishment registered pursuant to section 510 of such act.''

In other words, it has to be made in an FDA-approved plant. It has to be sold through FDA-approved channels. It has to be sold with a legal prescription.

Again, simply put, this says the FDA cannot spend its resources chasing law-abiding citizens who are bringing in legal drugs with a legal prescription. That is all we are saying in this amendment. We are not talking about bulk reimportation.

Mr. GANSKE. If the gentleman will yield further, Mr. Speaker, there is nothing in the gentleman's amendment that reduces the amount of funding to the FDA?

Mr. GUTKNECHT. No. It just says they cannot spend the money chasing law-abiding citizens. Go after the people who really are the problem.

More importantly, I would love to see the FDA do a better job of policing the fruits and vegetables, and the pork bellies and all the beef and raw meat that comes into this country every day.

I do not want to scare people, but that was a scary number to me. Does it not bother the gentleman that 4.4 percent of the samples that they tested had either salmonella, shigella, or other dangerous pathogens present on the product? That bothers me.

The gentleman has a pretty good solution to some of this. It is electronic pasteurization. That is the term I like to use. Frankly, I think we need to move down that path. But this is the scary thing. If the gentleman has ever had food poisoning, in some respects I think it is far more dangerous than people trying to save a few bucks on coumadin by buying it through a pharmacy in Winnipeg, Manitoba.

Mr. GANSKE. If the gentleman will yield further, Mr. Speaker, speaking from personal experience, I have had a life-threatening experience with food poisoning, which became a case of encephalitis. It is a serious problem.

I believe that the USDA is doing a pretty good job on its inspection of meat and vegetables, fruit. I would certainly be in favor of additional funding for that, and I am in favor of additional funding to help the FDA do its job of monitoring the validity of drugs in this country, as well as that that would be imported or reimported.

I just want to commend my colleague, the gentleman from Minnesota, for bringing this important issue to the attention of our colleagues.

Mr. GUTKNECHT. I thank the gentleman from Iowa (Mr. GANSKE) for

coming down to visit with us tonight. This is a very important issue.

Ultimately, if we open up the markets and we allow American consumers to have access to prescription drugs at world market prices, I believe that this simple little amendment, once fully implemented, could save American consumers $30 billion.

I may be wrong, it may be $28 billion, it may be $31 billion, but even here in Washington, that is a lot of money. If one is a consumer that needs a drug, like that lady with that ointment, and one can save $1,200 a year buying the same drug that comes from the same manufacturer from the same FDA-approved facility simply by picking up a phone and making a $2 phone call to Ireland, I do not think we as public policymakers should stand idly by and allow our own FDA to stand between American consumers, and particularly American senior consumers, we should not and cannot stand idly by and allow our own FDA to stand between those people and lower prescription drug prices.

I just want to close with a few other points. Some say a Medicare drug benefit will eliminate the need for importation and open markets. Mr. Speaker, if we think about that argument for even a moment we will realize that simply shifting high drug prices to the government only transfers these huge pharmaceutical bills to the American taxpayers.

Moreover, Medicare coverage will not help the millions of Americans who currently have no prescription drug benefit. So simply shifting the burden of $300 billion, or whatever the number we ultimately come up with, and I support expanding the Medicare program. In fact, I think the gentleman from Iowa (Mr. GANSKE) has the best program in doing it through the Medicaid systems that every State already has in place.

But it is not an answer to just create a new entitlement funded by the Federal Government. If we do not get control of prices of prescription drugs, if we continue to allow what really amounts to unregulated monopolies, where American consumers, through the Tax Code, through the research dollars that taxpayers pay for and ultimately through the prices that they pay for, if we stand idly by and say, well, I guess American consumers have to pay for all of the research of all of the governments and all the other people of the rest of the world, then shame on us. Shame on us. We have an opportunity tomorrow to set the record straight.

We do not necessarily want price controls in the United States. We do not want a huge bureaucracy and more regulations. But we do want to have access to markets.

In a couple of weeks, we are going to have another great debate about free trade. The President of the United States, I have supported giving the President what used to be called fast track trading authority. Now I think we have a somewhat different name, advanced trade authority or trade promotion authority. There is some other term for it.

Basically, I support giving the President more lattitude to negotiate trade agreements. I support that idea. I support free markets.

However, Mr. Speaker, I support free markets when it comes to American consumers, too. We cannot just have free markets when it benefits large corporations, we have to have free markets when they benefit consumers, too.

This idea that we are going to stand idly by and allow American consumers to pay three, four, five, six, seven times more for the same prescription drugs in the Information Age, as they say back home, that dog will not hunt.

I do not know if we are going to win this debate tomorrow on the amendment or not. I do not know what is going to happen. We have given every good argument. We have talked about free trade, about safety, about prices, about how we can help American consumers.

I do not know whether we are going to win this amendment tomorrow, but we are going to fight a good fight. We are saying to the administration, it is time for them to decide, are they going to stand on the side of the big pharmaceutical industries? Are they going to defend an FDA bureaucracy which cannot even protect American consumers all that well from food-borne pathogens? Or are they going to stand with American consumers, stand with seniors?

I will say this, if the FDA decides that they want to take Grandma to court for trying to save an extra $35 on a three-months' supply of coumadin, some of the people in this room are going to be there on the courthouse steps to meet them.

This is an important issue. It amounts to billions of dollars. It is the right thing to do. It is good policy, and ultimately, it means good things for American consumers.

Frankly, I think in the long light of history it will be good for the pharmaceutical industry, because it will force the Europeans to rethink their pricing structures. It will level the playing field. That is what we want to do, and we hope tomorrow, with the support of the Members of this Congress, we are going to get that done and send a clear message that we stand with American consumers, we stand with free markets.

It is time for us to say the subsidization of the starving Swiss must end.

RECESS

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

Accordingly (at 9 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2149

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 9 o'clock and 49 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of attending a funeral for a family member.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. PUTNAM (at the request of Mr. ARMEY) for June 25 and the balance of the week on account of attending the birth of his first child.

Mr. PAUL (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

Mr. TOOMEY (at the request of MR. ARMEY) for today on account of travel delays.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. WICKER (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. CANNON (at the request of Mr. ARMEY) for today on account of family medical issues.

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. FILNER, for 5 minutes, today.

Mrs.MALONEY of New York, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes,today.

The following Member (at the request of Mr. FLAKE) to revise and extend his remarks and include extraneous material:

Mr. SIMMONS, for 5 minutes, July 12.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. SMITH of Michigan, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until Wednesday, July 11, 2001, at 10 a.m.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JUNE 26, 2001

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable J. RANDY FORBES, 4th Virginia.

EXECUTIVE COMMUNICATIONS, ETC.

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

2743. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Establishment of Marketable Quantity and Allotment Percentage; Reformulation of Sales Histories and Other Modifications Under the Cranberry Marketing Order [Docket Nos. FV01–929–2 FR and FV00–929–7 FR] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2744. A communication from the President of the United States, transmitting the District of Columbia Fiscal Year 2002 Budget Request Act and Fiscal Year 2001 Supplemental Budget Request, pursuant to Public Law 105–33 section 11701(a)(1) (111 Stat. 780); (H. Doc. No. 107–94); to the Committee on Appropriations and ordered to be printed.

2745. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James C. King, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2746. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald L. Peterson, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2747. A letter from the Under Secretary, Department of Defense, transmitting the Department's revisions to both the Fiscal Year (FY) 2001 and FY 02 Annual Materials Plan (AMP); to the Committee on Armed Services.

2748. A letter from the Secretary, Department of Defense, transmitting the Department's review of policy on payment of claims; to the Committee on Armed Services.

2749. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule—Resolution Funding Corporation Operations (RIN: 1505–AA79) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2750. A letter from the Assistant General, Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Mortgage Insurance Premiums in Multifamily Housing Programs [Docket No. FR–4679–I–01] (RIN: 2502–AH64) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2751. A letter from the Acting Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Federal Housing Administration's (FHA) Annual Management Report for Fiscal Year 2001, pursuant to 31 U.S.C. 9106; to the Committee on Financial Services.

2752. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's Annual Report for calendar year 2000, pursuant to 12 U.S.C. 1827(a); to the Committee on Financial Services.

2753. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–B–7415] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2754. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final—National Flood Insurance Program (NFIP); Clarification of Letter of Map Amendment Determinations (RIN: 3067–AD19) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2755. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final—Final Flood Elevation Determinations—received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2756. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Electronic Submission of Securities Transaction Information by Exchange Members, Brokers, and Dealers [Release No. 34–44494; File No. S7–12–00] (RIN: 3235–AH69) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2757. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

2758. A letter from the Deputy Assistant Secretary for Policy, Planning and Innovation, Department of Education, transmitting Final Regulations—Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2759. A letter from the Deputy Director, National Institute on Disability and Rehabilitation Research, Department of Education, transmitting Final Priority—Improving Vocational Rehabilitation Services for Individuals who are Blind or have Severe Visual Impairments and on Improving Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2760. A letter from the Deputy Director National Institute on Disability and Rehabilitation Research, Department of Education, transmitting Final Priority—Strategies for Promoting Information Technology (IT)-based Educational Opportunities for Individuals with Disabilities, Strategies for Promoting Information Technology (IT)-based Employment and Training Opportunities for Individuals with Disabilities, and Wayfinding Technologies for Individuals Who Are Blind, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2761. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—American Indian and Alaska Native Education Research Grant Program—received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2762. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, and Special Leveraging Educational Assistance Partnership Program—received June 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2763. A letter from the Chairperson, National Council on Disability, transmitting the Council's Report entitled, ''The Accessible Future''; to the Committee on Education and the Workforce.

2764. A letter from the Secretary, Department of Commerce, transmitting the third annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998; to the Committee on Energy and Commerce.

2765. A letter from the Secretary, Department of Commerce, transmitting the Department's report on the effectiveness of delivery of electronic records to consumers using electronic mail as compared with the delivery of written records via the US Postal Service and private express mail services, pursuant to Section 105(a) of the Electronic Signatures in Global and National Commerce Act of 2000; to the Committee on Energy and Commerce.

2766. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

final rule—National Research Service Awards (RIN: 0925–AA16) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2767. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—State Child Health; Revisions to the Regulations Implementing the State Children's Health Insurance Program [HCFA–2006–IFC] (RIN: 0938–AL00) received June 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2768. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 00F–1482] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2769. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection: Craig Station Requirements [CO–001–0055; FRL–7005–8] received June 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2770. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Ozone Nonattainment Area Vehicle Miles Traveled Offset Plan [TX 28–1–7382a; FRL–7008–3] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2771. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval Of Section 112(I) Program of Delegation; Ohio [FRL–7009–6] received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2772. A letter from the Program Analyst, Federal Communications Commission, transmitting the Commission's ''Major'' final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 2001 [MD Docket No. 01–76] received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2773. A letter from the Chairman and Secretary, Federal Trade Commission and Department of Commerce, transmitting a joint report entitled, ''Electronic Signatures in Global and National Commerce Act: The Consumer Consent Provision in Section 101(c)(1)(C)(ii)''; to the Committee on Energy and Commerce.

2774. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS –24P and –52B Revision (RIN: 3150–AG75) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2775. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 107–95); to the Committee on International Relations and ordered to be printed.

2776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden [Transmittal No. DTC 073–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Netherlands [Transmittal No. DTC 072–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 062–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective June 17, 2001, the Central African Republic has been designated as a 20% danger pay location, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2780. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Solicitation for Proposals: To Promote the use of Market Based Mechanisms to Address Environmental Issues—received June 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2781. A letter from the Secretary, Department of Education, transmitting the twenty-fourth Semiannual Report to Congress on Audit Follow-Up, covering the period from October 1, 2000 to March 31, 2001 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app; to the Committee on Government Reform.

2782. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2783. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2784. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2785. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2786. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2787. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2788. A letter from the Acting Chairman, Postal Rate Commission, transmitting the FY 2000 annual report on International Mail Volumes, Costs, and Revenues; to the Committee on Government Reform.

2789. A letter from the Acting Associate Deputy Administrator for Management and Administration, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2790. A letter from the General Counsel, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2791. A letter from the Chairman, Federal Election Commission, transmitting a copy of the report entitled, ''Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1999–2000,'' pursuant to 42 U.S.C. 1973gg–7; to the Committee on House Administration.

2792. A letter from the Public Printer, Government Printing Office, transmitting the Annual Report for Fiscal Year 2000; to the Committee on House Administration.

2793. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Spruce-fir Moss Spider (RIN: 1018–AG38) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2794. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for Wintering Piping Plovers (RIN: 1018–AG13) received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2795. A letter from the Deputy Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Regulations under the DNA Analysis Backlog Elimination Act of 2000 [OAG 101I] (RIN: 1105–AA78) received June 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2796. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's report Regarding Merger Review Procedures, required by Public Law 106–533, section 630(c), 114 Stat. 2762 (2000); to the Committee on the Judiciary.

2797. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Fee for Services to Support FEMA's Offsite Radiological Emergency Preparedness Program (RIN: 3067–AC87) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2798. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Supplemental Property Acquisition and Elevation Assistance (RIN: 3067–AD06) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2799. A letter from the The President Of The United States, transmitting notification of his intention to add the Republic of Georgia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP), pursuant to Public Law 104–188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 107–96); to the Committee on Ways and Means and ordered to be printed.

2800. A letter from the Deputy Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury,

transmitting the Department's final rule—Delegation of Authority [T.D. ATF–450] (RIN: 1512–AC19) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2801. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting the Department's final rule—Volatile Fruit-Flavor Concentrate Shipments and Alternation With Other Premises (2000R–290P) [T.D. ATF–455; Ref: Notice No. 823] (RIN: 1512–AB59) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2802. A letter from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Changes in Procedures for Florence Agreement Program [Docket No. 000331091–0177–02] (RIN: 0625–AA47) received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2803. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001–39] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2804. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance on Implementation of Withholding and Reporting Regulations [Notice 2001–43] received July 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2805. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Removal of Federal Reserve Banks as Federal Depositaries [TD 8952] (RIN: 1545–AY10) received June 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2806. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Amendment of Qualified Plans for the Economic Growth and Tax Relief Reconciliation Act of 2001 [Notice 2001–42] received June 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2807. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit Sharing and Stock Bonus Plans [Rev. Rul. 2001–30] received June 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2808. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nondiscrimination Requirements for Certain Defined Contribution Retirement Plans [TD 8954] (RIN: 1545–AY36) received June 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2809. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notional Principal Contracts—received July 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2810. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of Expiration Dates for Several Body System Listings (RIN: 0960–AF59) received June 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2811. A letter from the Assistant Secretary, Department of Defense, transmitting notification that the proposed plan for the U.S. Army Communications—Electronics Command (CECOM) Research, Development, and Engineering Community (RDEC), have been approved under authority of the National Defense Authority Acts for Fiscal Years 1995 and 2001; jointly to the Committees on Armed Services and Government Reform.

2812. A letter from the Board Members, Railroad Retirement Board, transmitting the Annual Report required by the Railroad Retirement Act of 1974 and Railroad Retirement Solvency Act of 1983, pursuant to 42 U.S.C. 231u(b)(1); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2813. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, ''Medicare Contracting Reform Amendments of 2001''; jointly to the Committees on Ways and Means and Energy and Commerce.

2814. A letter from the Board Members, Railroad Retirement Board, transmitting the 2001 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2815. A communication from the President of the United States, transmitting an account of Federal expenditures for climate change programs and activities; jointly to the Committees on Appropriations, International Relations, Science, Energy and Commerce, and Ways and Means.

2816. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2001, and for other purposes; jointly to the Committees on Armed Services, International Relations, Energy and Commerce, Education and the Workforce, Veterans' Affairs, the Judiciary, Transportation and Infrastructure, Resources, Government Reform, the Budget, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 271. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center (Rept. 107–122). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 695. A bill to establish the Oil Region National Heritage Area; with an amendment (Rept. 107–123). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1628. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rept. 107–124). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2215. A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes; with an amendment (Rept. 107–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2137. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure (Rept. 107–126). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1892. A bill to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked; with an amendment (Rept. 107–127). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 807. A bill for the relief of Rabon Lowry of Pembroke, North Carolina (Rept. 107–128). Referred to the private calendar and ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe) (Rept. 107–129). Referred to the private calendar and ordered to be printed.

Mr. HEFLEY: Committee on Standards of Official Conduct. In the Matter of Representative Earl F. Hilliard (Rept. 107–130). Referred to the House Calendar and ordered to be printed.

Mr. NEY: Committee on House Administration. H.R. 2356. A bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform (Rept. 107–131 Pt. 1); adversely.

Mr. NEY: Committee on House Administration. H.R. 2360. A bill to amend the Federal Election Campaign Act of 1971 to restrict the use of non-Federal funds by national political parties, to revise the limitations on the amount of certain contributions which may be made under such Act, to promote the availability of information on communications made with respect to campaigns for Federal elections, and for other purposes; with an amendment (Rept. 107–132). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Energy and Commerce and the Judiciary discharged from further consideration. H.R. 2356 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2356. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than July 10, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of June 28, 2001]

By Mr. GEORGE MILLER of California (for himself, Mr. LANTOS, Ms. ESHOO, Ms. PELOSI, Mr. BACA, Mr. FILNER, and Ms. SANCHEZ):

H.R. 2404. A bill to authorize Federal agency participation and financial assistance for programs and for infrastructure improvements for the purposes of increasing deliverable water supplies, conserving water and energy, restoring ecosystems, and enhancing environmental quality in the State of California, and for other purposes; to the Committee on Resources.

[Submitted July 10, 2001]

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. ISAKSON, and Mr. SESSIONS):

H.R. 2435. A bill to encourage the secure disclosure and protected exchange of information about cyber security problems, solutions, test practices and test results, and related matters in connection with critical infrastructure protection; referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. TAUZIN, Mrs. CUBIN, Mr. THORNBERRY, Mr. OTTER, and Mr. CALVERT):

H.R. 2436. A bill to provide secure energy supplies for the people of the United States, and for other purposes; referred to the Committee on Resources, 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. SMITH of Michigan:

H.R. 2437. A bill to deem hospitals in Hillsdale County, Michigan, as being located in the Kalamazoo-Battle Creek, Michigan, Metropolitan Statistical Area for purposes of reimbursement under the Medicare Program; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 2438. A bill to elevate the Environmental Protection Agency to Cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mr. ROSS (for himself, Mr. BERRY, Mr. PICKERING, Mr. THOMPSON of Mississippi, Mr. SHOWS, Mr. FORD, Mr. SANDLIN, Mr. CARSON of Oklahoma, Mr. THOMPSON of California, Mr. TURNER, and Ms. HARMAN):

H.R. 2439. A bill to amend the Agricultural Marketing Act of 1946 to require retailers of farm-raised fish inform consumers, at the final point of sale to consumers, of the country of origin of the commodities; to the Committee on Agriculture.

By Mr. TOM DAVIS of Virginia:

H.R. 2440. A bill to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts'', and for other purposes; to the Committee on Resources.

By Mr. BAKER:

H.R. 2441. A bill to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRUCCI:

H.R. 2442. A bill to provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. LAMPSON:

H.R. 2443. A bill to promote the development of the United States space tourism industry, and for other purposes; referred to the Committee on Science, 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 Mrs. MYRICK:

H.R. 2444. A bill to suspend temporarily the duty on 9,10–Anthracenedione,1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-); to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2445. A bill to suspend temporarily the duty on Colbaltate(2-), [6-(amino-.kappa.N)-5-[[2-(hydroxy-.kappa.O)-4-nitrophenyl]az o-.kappa.N1]-N-methyl-2-naphthalenesulfonamidato(2-)][6-(amino-.kappa.N)-5-[[2-(hydroxy-.kappa.O)-4-nitrophenyl]azo-.kappa.N1]-2-naphthal nesulfonato,(3-)]-, disodium; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2446. A bill to suspend temporarily the duty on Chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)azo]phenyl]azo-kappa.N2]-2-naphthalenolato(2-)-.kappa.O]-, disodium; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2447. A bill to suspend temporarily the duty on Benzenesulfonic acid,2,2'-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2448. A bill to suspend temporarily the duty on a mixture of 2-Naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylm ethylamino) sulfonyl]phenyl]azo]-4 -hydroxy-, monosodium salt, 2-Naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethy)phenyl]azo]-4-hydroxy-, monosodium salt, and 2-Naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 2449. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to primary health providers who establish practices in health professional shortage areas; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. TOM DAVIS of Virginia, Mr. STUPAK, Mr. SOUDER, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. MCKINNEY, and Ms. ROYBAL-ALLARD):

H.R. 2450. A bill to authorize grants for the construction of memorials to honor men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on Resources.

By Mr. SHAYS (for himself, Mrs. LOWEY, Mr. ROTHMAN, Mr. LIPINSKI, and Mr. PASCRELL):

H.R. 2451. A bill to require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish a President's Advisory Council on Recreational Camps, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SIMMONS (for himself and Mr. NEAL of Massachusetts):

H.R. 2452. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to provide for implementation of the management plan for the Corridor to protect resources critical to maintaining and interpreting the distinctive character of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. MORAN of Virginia, Mr. GREENWOOD, Mr. ROEMER, Mr. BROWN of Ohio, Mrs. ROUKEMA, and Mr. ROHRABACHER):

H.R. 2453. A bill to amend the Foreign Assistance Act of 1961 to improve injection safety in immunization and other disease control programs administered under that Act; to the Committee on International Relations.

By Ms. WATSON:

H.R. 2454. A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office Building''; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. SMITH of Michigan, Mrs. MORELLA, Mr. SCHAFFER, Mr. MCGOVERN, Mr. PETERSON of Minnesota, and Mr. MORAN of Virginia):

H. Con. Res. 183. A concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; to the Committee on Education and the Workforce.

By Mr. DELAY (for himself, Mr. HALL of Ohio, Mr. LEWIS of Georgia, Mr. WOLF, Mr. BLUNT, Mr. BISHOP, Mr. SOUDER, Mr. TURNER, Mr. SHOWS, Mr. PITTS, Mr. PETERSON of Minnesota, Mr. HOSTETTLER, Mr. TANCREDO, Mr. MCINTYRE, and Mr. PICKERING):

H. Con. Res. 184. A concurrent resolution providing for a National Day of Reconciliation; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

123. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 403 memorializing the United States Congress to pass legislation reforming the Federal Freedom to Farm law and the sugar support program to correct the current inequities; to the Committee on Agriculture.

124. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 11 memorializing the United States Congress to call for a repudiation of the agreement reached last year to allow the Navy to resume firing training on the island of Vieques; to the Committee on Armed Services.

125. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 140 memorializing the United States Congress to study the feasibility of insurance coverage for loss, damage, or diminution in value to property caused by drought; to the Committee on Financial Services.

126. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 214 memorializing the United States Congress to fully fund its obligations under the

Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

127. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 385 memorializing the United States Congress to ensure ethanol and biodiesel are included as part of any lasting energy policy; to the Committee on Energy and Commerce.

128. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 405 memorializing the United States Congress and the Environmental Protection Agency to increase Illinois' nitrogen oxide emission allowances budget; to the Committee on Energy and Commerce.

129. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 92 memorializing the United States Congress to offer condolences to the people of the State of Israel and especially to the families of those victims who suffered losses in the terrorist attack of June 1, 2001, in Tel Aviv; Strongly condemn that attack and any use of terrorism in order to achieve political gains or for any other reason; and, Reaffirm the desire of the people of the United States to assist the parties in their efforts to achieve a full and lasting peace; to the Committee on International Relations.

130. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 76 memorializing the United States Congress to direct the Minerals Management Service of the United States Department of the Interior to develop a plan for impact mitigation relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico; to the Committee on Resources.

131. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 50 memorializing the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented; to the Committee on Resources.

132. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 230 memorializing the United States Congress to make the $1.5 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; to the Committee on Resources.

133. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 93 memorializing the United States Congress to ratify the Southern Dairy Compact; to the Committee on the Judiciary.

134. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 75 memorializing the United States Congress to repeal mandatory minimum sentences; to the Committee on the Judiciary.

135. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 370 memorializing the United States Congress to support reform of our Federal immigration laws to allow the many hard working immigrants in Illinois to work towards becoming citizens through a legalization program; to the Committee on the Judiciary.

136. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 340 memorializing the United States Congress to initiate an investigation of possible collusion among petroleum companies resulting in rapid unexplained price increases in motor fuel throughout the Midwest; to the Committee on the Judiciary.

137. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 86 memorializing the United States Congress to support, with funding, the expeditious implementation of the proposed Maurepas Swamp diversion from the Mississippi River; to the Committee on Transportation and Infrastructure.

138. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 24 memorializing the United States Congress to urge the United States Army Corps of Engineers to replace the proposed St. Claude Avenue Bridge and the Claiborne Avenue Bridge in Orleans Parish with tunnels or fixed high-rise bridges in conjunction with a project to replace the Inner Harbor Navigation Canal lock; to the Committee on Transportation and Infrastructure.

139. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 124 memorializing the United States Congress to enact legislation to provide for government-furnished markers for the graves of all veterans; to the Committee on Veterans' Affairs.

140. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 36 memorializing the United States Congress to take certain actions to increase efforts to halt the illegal dumping of foreign steel in this country; to the Committee on Ways and Means.

141. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 238 memorializing the United States Congress to fully fund and deploy as soon as technologically possible an effective, affordable global missile defense system, including a sea-based system to intercept theater and long-range missiles, space-based sensors and ground-based interceptors and radar, to protect all Americans, United States troops stationed abroad and our nation's allies from ballistic missile attack; jointly to the Committees on Armed Services and International Relations.

142. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution No. 651 memorializing the United States Congress to support significant reforms to our nation's voting system; jointly to the Committees on House Administration and the Judiciary.

143. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 167 memorializing the United States Congress to fully fund the Estuary Restoration Act of 2000; jointly to the Committees on Transportation and Infrastructure and Resources.

144. Also, a memorial of the House of Representatives of the State of Missouri, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

145. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 10 memorializing the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

146. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 137 memorializing the United States Congress to enact the Steel Revitalization Act of 2001; jointly to the Committees on Financial Services, Education and the Workforce, and Ways and Means.

147. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 129 memorializing the United States Congress to fully implement the Gulf Hypoxia Action Plan in cooperation with the Gulf of Mexico/Mississippi River Watershed Nutrient Task Force; jointly to the Committees on Science, Resources, and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. QUINN introduced a bill (H.R. 2455) to authorize the Secretary of Transportation to convey the vessel U.S.S. *SPHINX* to the Dunkirk Historical Lighthouse and Veterans Park Museum for use as a military museum; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. BROWN of Florida, and Ms. JACKSON-LEE of Texas.

H.R. 31: Mr. CULBERSON.

H.R. 35: Mr. GREEN of Wisconsin.

H.R. 64: Mr. FATTAH and Mr. SHUSTER.

H.R. 65: Mr. BERRY.

H.R. 91: Ms. ROYBAL-ALLARD, Mr. HORN, Mr. CUNNINGHAM, Mr. FILNER, Ms. MCKINNEY, and Mr. MURTHA.

H.R. 147: Mr. BRADY of Pennsylvania, Ms. MCKINNEY, Mr. CUMMINGS, Mrs. MEEK of Florida, and Mr. RAHALL.

H.R. 162: Mr. KIRK.

H.R. 175: Mr. LARGENT.

H.R. 183: Mr. WATT of North Carolina and Mr. ABERCROMBIE.

H.R. 236: Mr. NUSSLE.

H.R. 239: Mr. PASCRELL, Mr. MARKEY, and Ms. JACKSON-LEE of Texas.

H.R. 257: Mr. LATHAM and Mr. BURTON of Indiana.

H.R. 267: Ms. HARMAN, Mr. TIAHRT, Mr. NUSSLE, and Ms. WATSON.

H.R. 269: Mr. BAIRD.

H.R. 281: Mr. TOM DAVIS of Virginia.

H.R. 303: Mr. SMITH of Michigan.

H.R. 335: Mr. NUSSLE.

H.R. 389: Ms. LEE.

H.R. 415: Mr. BACA.

H.R. 425: Mr. RANGEL.

H.R. 439: Ms. MCKINNEY, Ms. ROYBAL-ALLARD, and Mr. WU.

H.R. 440: Mr. INSLEE and Mr. GEORGE MILLER of California.

H.R. 443: Mr. BAIRD.

H.R. 448: Mr. WAMP.

H.R. 471: Mrs. JONES of Ohio, Mr. FROST, Ms. MCKINNEY, and Mr. WALSH.

H.R. 500: Mr. ANDREWS.

H.R. 506: Mr. HILLIARD.

H.R. 536: Mr. BOSWELL, Mr. ISRAEL, Mrs. TAUSCHER, and Mr. BAKER.

H.R. 537: Mr. REYES.

H.R. 548: Mr. LEWIS of Kentucky, Ms. BALDWIN, Mr. GOODLATTE, Mrs. CLAYTON, Mrs. KELLY, Mr. CLYBURN, Ms. DELAURO, Mr. EHRLICH, Mr. BISHOP, Mr. UDALL of Colorado, Mr. LAMPSON, Mr. HALL of Texas, Mr. BERRY, Ms. BERKLEY, and Mr. LANGEVIN.

H.R. 595: Mr. NETHERCUTT.

H.R. 599: Mr. GUTIERREZ.

H.R. 632: Mr. SMITH of New Jersey.

H.R. 663: Mr. EHRLICH and Ms. ROYBAL-ALLARD.

H.R. 664: Mr. DOOLITTLE.

H.R. 677: Mrs. THURMAN, Mr. POMBO, Mr. MCGOVERN, and Mr. FILNER.

H.R. 687: Ms. ESHOO.

H.R. 701: Mr. PAYNE, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. SPENCE, Mr. GALLEGLY, Mr. PORTMAN, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. HILL, Mr. BACA, and Ms. SLAUGHTER.

H.R. 702: Mr. BLUMENAUER.

H.R. 703: Mr. LEWIS of Georgia and Mr. RANGEL.

H.R. 781: Mr. CARDIN, Mr. BERRY, Mr. BISHOP, Mr. CLYBURN, Mr. FORD, Mr. OWENS, Mr. PHELPS, Mr. SAWYER, Mr. SNYDER, Mr. HILLIARD, Mr. ISRAEL, and Mr. WEINER.

H.R. 782: Mr. KUCINICH and Ms. HARMAN.

H.R. 794: Mr. BACA.

H.R. 817: Mr. SHOWS and Mr. BUYER.

H.R. 827: Mr. MCINTYRE and Mr. REYES.

H.R. 848: Mr. BERMAN, Mr. DEFAZIO, Mr. WATKINS, Mr. HILLIARD, Mr. HEFLEY, Ms. MCKINNEY, and Mr. DAVIS of Illinois.

H.R. 854: Ms. WATERS, Mr. LEWIS of California, and Ms. SOLIS.

H.R. 866: Mr. HYDE.

H.R. 932: Mr. GUTIERREZ.

H.R. 937: Mr. KENNEDY of Minnesota.

H.R. 952: Mr. RAHALL and Mr. CROWLEY.

H.R. 964: Ms. PELOSI.

H.R. 978: Mr. HINCHEY.

H.R. 1004: Mrs. JONES of Ohio.

H.R. 1011: Mr. FORD and Mr. PICKERING.

H.R. 1070: Mr. CROWLEY, Mr. HOEKSTRA, Ms. KILPATRICK, Mr. ROGERS of Michigan, Ms. KAPTUR, Mr. DINGELL, Mr. KILDEE, Mrs. JONES of Ohio, Mr. PASCRELL, and Mr. LATOURETTE.

H.R. 1090: Ms. KILPATRICK, Mr. BAKER, Mr. FRANK, Mr. SMITH of Washington, Mr. GUTIERREZ, Mr. FILNER, and Mr. DEFAZIO.

H.R. 1109: Mr. STUMP, Mr. BRADY of Texas, Mr. PORTMAN, Mr. TIBERI, and Mr. BILIRAKIS.

H.R. 1110: Mr. CUMMINGS, Mr. SAWYER, Mr. BARR of Georgia, Mr. UPTON, and Mr. PICKERING.

H.R. 1112: Mr. CAPUANO, Mr. FILNER, and Mr. TIERNEY.

H.R. 1129: Mr. GUTIERREZ.

H.R. 1143: Mr. CAPUANO and Mr. MATSUI.

H.R. 1150: Mr. GREEN of Wisconsin.

H.R. 1162: Mr. GUTIERREZ.

H.R. 1170: Mr. BORSKI, Mr. ALLEN, Mrs. MALONEY of New York, Mr. DINGELL, Ms. RIVERS, Mrs. TAUSCHER, Mr. UDALL of New Mexico, and Mr. HOYER.

H.R. 1177: Mr. BENTSEN.

H.R. 1191: Mr. MCNULTY.

H.R. 1192: Mr. BAIRD.

H.R. 1198: Mr. MATHESON, Mr. TAUZIN, Mr. TRAFICANT, Mr. GEORGE MILLER of California, Mr. CRENSHAW, Mr. TURNER, Mr. LATHAM, Mr. PETERSON of Pennsylvania, Mr. KING, Ms. DUNN, and Mr. VISCLOSKY.

H.R. 1254: Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, and Mr. FARR of California.

H.R. 1266: Ms. PELOSI and Mr. VISCLOSKY.

H.R. 1276: Ms. ROYBAL-ALLARD.

H.R. 1293: Mr. STUPAK, Mr. SHIMKUS, and Mr. ALLEN.,

H.R. 1305: Mr. TAYLOR of North Carolina and Mr. REYES.

H.R. 1330: Ms. LEE.

H.R. 1338: Mr. CAPUANO.

H.R. 1348: Mr. BOSWELL.

H.R. 1354: Mr. CAPUANO, Mr. NEAL of Massachusetts, and Mr. HASTINGS of Florida.

H.R. 1360: Mr. ALLEN.

H.R. 1367: Mr. MCGOVERN.

H.R. 1371: Ms. PELOSI.

H.R. 1377: Mr. PRICE of North Carolina, Mr. NETHERCUTT, Mr. WOLF, Mr. PENCE, Mr. RAMSTAD, Mr. LUCAS of Oklahoma, Mr. PICKERING, Mr. ROHRABACHER, and Mrs. ROUKEMA.

H.R. 1382: Mr. MCDERMOTT and Mr. THOMPSON of California.

H.R. 1388: Mr. SOUDER, Mr. COOKSEY, Mr. GREENWOOD, and Mr. HOEFFEL.

H.R. 1431: Mr. GREENWOOD and Mr. MCGOVERN.

H.R. 1452: Mrs. JONES of Ohio.

H.R. 1464: Mr. WATT of North Carolina.

H.R. 1465: Ms. PELOSI, Mr. SCHIFF, and Mr. MCDERMOTT.

H.R. 1485: Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. FROST, and Ms. JACKSON-LEE of Texas.

H.R. 1486: Ms. ESHOO.

H.R. 1487: Mr. MOORE and Mr. SHAYS.

H.R. 1488: Mr. MANZULLO.

H.R. 1520: Mr. MCGOVERN, Mr. MCDERMOTT, Ms. NORTON, Mr. BISHOP, Mr. WATT of North Carolina, and Ms. WATSON.

H.R. 1522: Mr. DAVIS of Illinois.

H.R. 1553: Mr. WU, Mr. GORDON, Ms. HARMAN, Mr. BOUCHER, Mr. PENCE, and Mr. UPTON.

H.R. 1556: Mr. PETERSON of Minnesota, Mr. LARSON of Connecticut, Mr. RUSH, Mr. BORSKI, Mr. FORD, Mr. COSTELLO, Mr. SHIMKUS, Mrs. NAPOLITANO, and Mr. FILNER.

H.R. 1581: Mr. WHITFIELD.

H.R. 1582: Mr. FILNER, Mr. FARR of California, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. BROWN of Florida, Mr. FRANK, Mrs. MINK of Hawaii, Ms. MCKINNEY, and Mr. CLAY.

H.R. 1592: Mr. DOOLITTLE.

H.R. 1609: Mr. JONES of North Carolina, Mr. COSTELLO, Mr. HINOJOSA, Mr. BORSKI, Mr. SHIMKUS, and Mr. EVANS.

H.R. 1624: Ms. WATSON, Mr. LATHAM, Mr. WEXLER, Mr. PASCRELL, Mr. BOEHLERT, Mr. MALONEY of Connecticut, Mr. LEACH, Mr. CUNNINGHAM, Mr. HUTCHINSON, and Mr. BURTON of Indiana.

H.R. 1644: Mr. THUNE.

H.R. 1672: Mr. BACA and Ms. SCHAKOWSKY.

H.R. 1673: Mr. BALDACCI, Ms. MCKINNEY, and Ms. CARSON of Indiana.

H.R. 1694: Mr. HEFLEY and Ms. HART.

H.R. 1700: Mr. GEORGE MILLER of California, Mr. TIAHRT, and Ms. ROYBAL-ALLARD.

H.R. 1701: Mr. REYES, Mr. SHAYS, Mr. MEEKS of New York, Mr. NEY, and Mr. CARSON of Oklahoma.

H.R. 1718: Ms. WATSON, Mr. BRADY of Pennsylvania, Mr. CLEMENT, Mr. CROWLEY, Mr. DOGGETT, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. BACA, Mr. GREEN of Texas, Mr. WYNN, Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. GONZALEZ, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. BECERRA, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. POMEROY, Mrs. MCCARTHY of New York, Mr. FOLEY, Mr. SCOTT, Mr. ROSS, Mr. REYES, and Mrs. JONES of Ohio.

H.R. 1726: Mr. BONIOR, Ms. MCKINNEY, Mrs. CLAYTON, Mr. MEEKS of New York, Mr. TOWNS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, and Mr. HASTINGS of Florida.

H.R. 1733: Mr. BRADY of Pennsylvania, Mr. OLVER, and Mr. RUSH.

H.R. 1744: Mr. FROST, Mr. FRANK, and Mr. HUTCHINSON.

H.R. 1750: Mr. MCDERMOTT and Mr. FROST.

H.R. 1751: Mr. MCDERMOTT and Mr. FROST.

H.R. 1759: Mr. KINGSTON, Mr. SCHIFF, Mr. RANGEL, and Mr. SMITH of Washington.

H.R. 1770: Mr. TAYLOR of North Carolina and Mr. SESSIONS.

H.R. 1773: Mr. PETERSON of Pennsylvania and Mr. GREEN of Wisconsin.

H.R. 1790: Mr. MCHUGH.

H.R. 1795: Mr. SHAYS, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Ms. HARMAN, and Mr. FROST.

H.R. 1810: Mr. RUSH, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mr. WEXLER, and Mr. FILNER.

H.R. 1822: Mrs. CHRISTENSEN.

H.R. 1841: Mr. HINCHEY, Mr. PASTOR, Mr. STRICKLAND, Mr. TIERNEY, Mr. PAYNE, and Mr. PALLONE.

H.R. 1847: Mr. POMBO.

H.R. 1882: Mrs. MEEK of Florida.

H.R. 1891: Mr. BARRETT, Mr. BALDACCI, Mr. HOLDEN, Mr. RYAN of Wisconsin, Mr. BOSWELL, Mr. HUTCHINSON, Mr. CANNON, Mr. PRICE of North Carolina, and Mr. NORWOOD.

H.R. 1896: Mr. LANTOS, Mr. BONIOR, Ms. WATERS, Mr. PAYNE, Mr. ROSS, Mr. HILLIARD, and Mr. STUPAK.

H.R. 1908: Mr. LATHAM.

H.R. 1909: Mr. MATSUI.

H.R. 1911: Ms. MCKINNEY.

H.R. 1930: Ms. MCKINNEY, Mr. WATT of North Carolina, and Mr. ROSS.

H.R. 1939: Mr. WOLF.

H.R. 1948: Mrs. CAPPS, Mr. BISHOP, and Mr. EHRLICH.

H.R. 1954: Mr. MCINTYRE, Mr. RYAN of Wisconsin, and Mr. GREEN of Wisconsin.

H.R. 1972: Mr. LATHAM.

H.R. 1973: Mr. DEFAZIO.

H.R. 1975: Mr. DEAL of Georgia, Mrs. NORTHUP, Mr. SOUDER, Mr. KNOLLENBERG, Mr. LARSEN of Washington, Mr. WATKINS, Mr. KERNS, Mr. NUSSLE, Mr. FLAKE, Mr. ISTOOK, Mr. HOSTETTLER, Mr. SMITH of New Jersey, Mr. LAHOOD, Mr. WHITFIELD, and Mr. PAUL.

H.R. 1990: Mr. HINOJOSA, Mr. OWENS, Mr. GUTIERREZ, and Ms. NORTON.

H.R. 2009: Mr. BACA and Ms. WATERS.

H.R. 2013: Ms. HOOLEY of Oregon and Ms. ESHOO.

H.R. 2018: Mrs. MALONEY of New York, Mr. DELAY, Mr. BRADY of Texas: Mr. HOSTETTLER, Mr. REYES, Mr. ROGERS of Michigan, and Mr. LEWIS of Kentucky.

H.R. 2029: Mr. PETERSON of Minnesota.

H.R. 2036: Mrs. JOHNSON of Connecticut and Ms. ROYBAL-ALLARD.

H.R. 2057: Mr. PETRI, Mr. BALDACCI, Mr. SAWYER, Mr. OWENS, Mr. WELDON of Florida, Ms. HART, Mr. BROWN of Ohio, Mr. WOLF, Mr. PLATTS, and Mr. HONDA.

H.R. 2058: Mr. WEXLER.

H.R. 2059: Ms. ESHOO, Mr. FARR of California, Mrs. MALONEY of New York, and Mr. FROST.

H.R. 2074: Ms. LEE, Ms. WOOLSEY, Mrs. JONES of Ohio, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, Mr. RANGEL, and Mr. HINCHEY.

H.R. 2079: Mr. STARK.

H.R. 2080: Mr. STARK.

H.R. 2081: Mrs. MALONEY of New York.

H.R. 2088: Mr. LATHAM.

H.R. 2095: Ms. BROWN of Florida and Mr. BOUCHER.

H.R. 2107: Mr. COSTELLO, Mr. GUTIERREZ, Mr. KUCINICH, Mr. MENENDEZ, Mr. DEFAZIO, Mr. EVANS, Mr. MEEKS of New York, Mr. DINGELL, Mr. FILNER, Mr. RAHALL, Ms. KAPTUR, Ms. BROWN of Florida, Mr. LATOURETTE, Mr. SAWYER, Mr. NADLER, Mr. QUINN, Mr. SANDERS, Mr. CLEMENT, Mr. FROST, Mr. BOSWELL, Mr. DUNCAN, Mr. EHRLICH, Mr. PETRI, Mr. CARSON of Oklahoma, and Mr. PASTOR.

H.R. 2109: Mr. DIAZ-BALART.

H.R. 2117: Mrs. JOHNSON of Connecticut, Mr. COSTELLO, and Mr. WAXMAN.

H.R. 2122: Mr. GREEN of Wisconsin, and Mr. GOSS.

H.R. 2125: Mr. SMITH of New Jersey, Mr. JONES of North Carolina, Ms. CARSON of Indiana, Mr. MANZULLO, Mr. BISHOP, Mr. GORDON, and Mr. HOSTETTLER.

H.R. 2134: Mr. PAYNE.

H.R. 2145: Ms. VELÁZQUEZ.

H.R. 2148: Mr. COYNE, Mr. KIND, Mr. CROWLEY, Mr. CLAY, and Mr. HALL of Ohio.

H.R. 2154: Ms. SOLIS, Mr. ACEVEDO-VILÁ, Mr. BONIOR, and Mr. KUCINICH.

H.R. 2158: Mrs. DAVIS of California, Ms. MCKINNEY, Ms. LEE, Mr. GEORGE MILLER of California, and Mr. FRANK.

H.R. 2163: Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. FILNER, Mr. HOYER, Mr. KILDEE, and Ms. KILPATRICK.

H.R. 2166: Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, and Mr. GUTIERREZ.

H.R. 2173: Mr. MCDERMOTT, Mr. FROST, Mr. BERRY, Mrs. EMERSON, Mr. PASCRELL, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Mr. STARK, Ms. KAPTUR, and Mrs. MINK of Hawaii.

H.R. 2174: Ms. BALDWIN and Mr. MCKEON.

H.R. 2175: Mr. SCHROCK, Mr. LAHOOD, Mr. BUYER, Mr. STUMP, Mr. CRENSHAW, Mr. RYUN of Kansas, and Mr. SHIMKUS.

H.R. 2178: Mr. BRADY of Pennsylvania and Mr. RANGEL.

H.R. 2200: Mrs. JOHNSON of Connecticut.

H.R. 2230: Ms. MCKINNEY.

H.R. 2233: Mr. FILNER, Ms. LEE, and Mr. FROST.

H.R. 2240: Mr. CRENSHAW and Mr. WEXLER.

H.R. 2263: Mr. SANDERS, Mr. MCGOVERN, and Mr. MCDERMOTT.

H.R. 2277: Ms. LOFGREN.

H.R. 2281: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2294: Ms. JACKSON-LEE of Texas and Mr. MCGOVERN.

H.R. 2319: Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. HILLIARD, Ms. MCKINNEY, and Ms. CARSON of Indiana.

H.R. 2323: Mr. LUCAS of Kentucky, Mr. BRYANT, Mr. LAHOOD, and Mr. HOLDEN.

H.R. 2327: Mr. GIBBONS, Mr. WELDON of Florida, Mr. BALLENGER, Mr. BARR of Georgia, Mr. HULSHOF, Mr. FLAKE, Mr. DOOLITTLE, Mr. CULBERSON, and Mr. SENSENBRENNER.

H.R. 2328: Ms. SOLIS, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. LANTOS, and Mr. BAIRD.

H.R. 2331: Mr. OSE.

H.R. 2338: Ms. CARSON of Indiana and Ms. PELOSI.

H.R. 2339: Mrs. JO ANN DAVIS of Virginia, Mr. GORDON, Mr. MASCARA, and Mr. PALLONE.

H.R. 2340: Mr. GEORGE MILLER of California, Mr. BALDACCI, Mr. FROST, Ms. SCHAKOWSKY, and Mr. STARK.

H.R. 2348: Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. FILNER, Ms. MCKINNEY, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. TOWNS, Mr. MCDERMOTT, Mr. TRAFICANT, Ms. ESHOO, and Mr. THOMPSON of Mississippi.

H.R. 2349: Mr. MCGOVERN.

H.R. 2360: Mr. PORTMAN and Mr. FORBES.

H.R. 2375: Ms. MCKINNEY, Ms. LEE, Mrs. MINK of Hawaii, Ms. DELAURO, Mr. BROWN of Ohio, and Mr. GRUCCI.

H.R. 2392: Mr. BARTLETT of Maryland.

H.R. 2412: Mrs. CHRISTENSEN and Mr. ACEVEDO-VILÁ.

H.R. 2413: Mr. RUSH and Mrs. THURMAN.

H.J. Res. 42: Mr. TIAHRT, Mr. CUNNINGHAM, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. SMITH of Michigan, Mr. CALVERT, Mr. GOODE, Mr. BRADY of Pennsylvania, and Mr. THOMPSON of Mississippi.

H. Con. Res. 17: Mr. SAWYER, Mr. FARR of California, Mr. LARSEN of Washington, Mr. HORN, Mr. Frost, Mr. MARKEY, and Mr. OLVER.

H. Con. Res. 36: Mr. WAXMAN, Mr. HALL of Ohio, Mr. COYNE, Ms. ESHOO, Mr. BARRETT, Ms. LOFGREN, Mr. BAKER, Ms. KILPATRICK, Mr. PASCRELL, Mr. FROST, Mr. HOLT, Mr. CUNNINGHAM, Mr. SHAYS, Ms. NORTON, Mr. PALLONE, Ms. SANCHEZ, Ms. JACKSON-LEE of Texas, Mr. OSE, Mr. SHERMAN, Mr. ENGEL, Mr. NADLER, Mr. SANDLIN, Mr. SERRANO, Mr. TIERNEY, Mr. WYNN, Mr. EDWARDS, Mr. UPTON, Mr. TAYLOR of Mississippi, Mr. ISAKSON, Mr. BLAGOJEVICH, Mr. DEFAZIO, Mr. DAVIS of Illinois, Mr. MENENDEZ, Mr. MCGOVERN, Mr. WICKER, Mr. HILLEARY, and Mrs. ROUKEMA.

H. Con. Res. 42: Mr. GEORGE MILLER of California.

H. Con. Res. 89: Ms. ROS-LEHTINEN and Mr. SCHIFF.

H. Con. Res. 102: Mr. POMEROY, Mrs. CAPPS, Mr. NADLER, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. KILDEE, Mr. RUSH, Mr. SCHIFF, Mr. CLEMENT, Mr. GILMAN, Mr. FARR of California, Mr. LAMPSON, Mr. EVANS, and Mr. SHIMKUS.

H. Con. Res. 104: Mr. VISCLOSKY.

H. Con. Res. 121: Mr. GREEN of Wisconsin.

H. Con. Res. 164: Mr. MCDERMOTT, Mr. LEVIN, and Mr. MCINTYRE.

H. Con. Res. 170: Mrs. ROUKEMA.

H. Con. Res. 174: Mr. HONDA.

H. Res. 75: Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Mr. EVANS, and Mr. HULSHOF.

H. Res. 152: Mr. SAWYER, Mr. EVANS, Mr. FARR of California, and Mr. MOORE.

H. Res. 154: Ms. BROWN of Florida, Mr. SANDERS, Mr. HILLIARD, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. HARMAN, Mr. LEVIN, Mr. NEAL of Massachusetts, Ms. ESHOO, Mr. STARK, and Ms. KILPATRICK.

H. Res. 159: Mr. TURNER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2330

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 30: Add before the short title at the end the following new section:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who permit the payment limitation specified in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) to be exceeded in any manner (whether through payments in excess of such limitation, permitting repayment of marketing loans at a lower rate, the issuance of certificates redeemable for commodities, or forfeiture of a loan commodity when the payment limitation level is reached), except, in the case of a husband and wife, the total amount of the payments specified in section 1001(3) of that Act that they may receive during the 2001 crop year may not exceed $150,000.

H.R. 2360

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: Insert after title III the following:

TITLE IV—MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS

SEC. 401. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) INCREASED LIMITS FOR INDIVIDUALS.—

(1) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(A) in subsection (a)(1), by striking ''No person'' and inserting ''Except as provided in subsection (i), no person''; and

(B) by adding at the end the following:

''(i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

''(1) INCREASE.—

''(A) IN GENERAL.—Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator or Representative in or Delegate or Resident Commissioner to the Congress exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the 'applicable limit') with respect to that candidate shall be the increased limit.

''(B) THRESHOLD AMOUNT.—

''(i) STATE-BY-STATE AND DISTRICT-BY-DISTRICT COMPETITIVE AND FAIR CAMPAIGN FORMULA.—In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

''(I) $150,000; and

''(II) $0.04 multiplied by the voting age population.

''(ii) VOTING AGE POPULATION.—In this subparagraph, the term 'voting age population' means—

''(I) in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)); or

''(II) in the case of a candidate for the office of Representative in or Delegate or Resident Commissioner to the Congress, the voting population of the district the candidate seeks to represent (as certified under section 315(e)).

''(C) INCREASED LIMIT.—Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

''(i) 2 times the threshold amount, but not over 4 times that amount—

''(I) the increased limit shall be 3 times the applicable limit; and

''(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

''(ii) 4 times the threshold amount, but not over 10 times that amount—

''(I) the increased limit shall be 6 times the applicable limit; and

''(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

''(iii) 10 times the threshold amount—

''(I) the increased limit shall be 6 times the applicable limit;

''(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit

of subparagraph (A) during a period in which the candidate may accept such a contribution; and

''(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.

''(D) OPPOSITION PERSONAL FUNDS AMOUNT.—The opposition personal funds amount is an amount equal to the excess (if any) of—

''(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over

''(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

''(2) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

''(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

''(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

''(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

''(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

''(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

''(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

''(j) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate who incurs personal loans made after the date of enactment of the Bipartisan Campaign Reform Act of 2001 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.''.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

''(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

''(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term 'expenditure from personal funds' means—

''(I) an expenditure made by a candidate using personal funds; and

''(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

''(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator or Representative in or Delegate or Resident Commissioner to the Congress, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State and District-by-District competitive and fair campaign formula with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 with—

''(I) the Commission; and

''(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

''(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

''(I) the name of the candidate and the office sought by the candidate;

''(II) the date and amount of each expenditure; and

''(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

''(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

''(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

''(21) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

''(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

''(i) legal and rightful title; or

''(ii) an equitable interest;

''(B) income received during the current election cycle of the candidate, including—

''(i) a salary and other earned income from bona fide employment;

''(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

''(iii) bequests to the candidate;

''(iv) income from trusts established before the beginning of the election cycle;

''(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

''(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

''(vii) proceeds from lotteries and similar legal games of chance; and

''(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.''.

H.R. 2360

OFFERED BY: MR. ROEMER

AMENDMENT NO. 2: Insert after title III the following:

TITLE IV—REQUIRING CANDIDATES USING CORPORATE AIRCRAFT TO REIMBURSE CORPORATION AT CHARTER RATE

SEC. 401. REQUIRING CANDIDATES USING CORPORATE AIRCRAFT TO REIMBURSE CORPORATION OR UNION AT CHARTER RATE.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c)(1) No candidate, agent of a candidate, or person traveling on behalf of a candidate may use an airplane which is owned or leased by a corporation for travel in connection with a Federal election unless the candidate, agent, or person in advance reimburses the corporation an amount equal to the usual charter rate for such use.

''(2) Paragraph (1) shall not apply with respect to the use of an airplane which is owned or leased by a corporation which is licensed to offer commercial services for travel.''.

SENATE—*Tuesday, July 10, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Gracious Father, almighty Sovereign of our beloved Nation, and loving Lord of our lives, our hearts overflow with gratitude. Thank You for the privilege of living in this land You have blessed so bountifully. You have called this Nation to be a demonstration of the freedom and opportunity, righteousness and justice You desire for all nations. Help us to be faithful to our destiny. May our response be spelled out in dedicated service.

Dear God, empower the women and men of this Senate as they seek Your vision and wisdom for the problems we face as a nation. Proverbs reminds us that ''When the righteous are in power, the people rejoice.'' We rejoice in the Senators in both parties who seek to be right with You so they will know what is right for our Nation. You have told us, ''Righteousness exalts a nation.''—Proverbs 14:34.

Lord, we live in times that challenge faith in You. As a nation, secularity often replaces spirituality and humanistic materialism substitutes for humble mindedness. Bless the Senators as they give dynamic leadership. Grant them wisdom, grant them courage, for the facing of this hour. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON 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, July 10, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1077, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1077) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Reid (for Schumer) amendment No. 862, to rescind $33,900,000 for the printing and postage costs of the notices to be sent by the Internal Revenue Service before and after the tax rebate, such amount to remain available for debt reduction.

Reid (for Feingold) amendment No. 863, to increase the amount provided to combat HIV/AIDS, malaria, and tuberculosis, and to offset that increase by rescinding amounts appropriated to the Navy for the V–22 Osprey aircraft program.

Craig (for Roberts) amendment No. 864, to prohibit the use of funds for reorganizing certain B–1 bomber forces.

Voinovich amendment No. 865, to protect the social security surpluses by preventing on-budget deficits.

Byrd (for Conrad) amendment No. 866 (to amendment No. 865), to establish an off-budget lockbox to strengthen Social Security and Medicare.

Conrad amendment No. 867, to provide funds for emergency housing on the Turtle Mountain Indian Reservation.

Stevens (for McCain) amendment No. 868, to increase amounts appropriated to the Department of Defense.

Stevens (for McCain) amendment No. 869, to provide additional funds for military personnel, working-capital funds, mission-critical maintenance, force protection, and other purposes by increasing amounts appropriated to the Department of Defense, and to offset the increases by reducing and rescinding certain appropriations.

Stevens (for Hutchinson) amendment No. 870, to provide additional amounts to repair damage caused by ice storms in the States of Arkansas and Oklahoma.

Stevens (for Craig) amendment No. 871, regarding the proportionality of the level of non-military exports purchased by Israel to the amount of United States cash transfer assistance for Israel.

Bond amendment No. 872, to increase amounts appropriated for the Department of Defense.

Reid (for Hollings) amendment No. 873, ensuring funding for defense and education and the supplemental appropriation by repealing tax cuts for 2001.

Reid (for Wellstone) amendment No. 874, to increase funding for the Low-Income Home Energy Assistance Program, with an offset.

Reid (for Johnson) amendment No. 875, to amend the Higher Education Act of 1965 to make certain interest rate changes permanent.

AMENDMENTS NOS. 866 AND 865

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of concurrent debate, equally divided, in relation to the lockbox amendments, Nos. 866 and 865.

The Senator from Nevada.

Mr. REID. Mr. President, I ask the time I consume not be charged against either Senator CONRAD or Senator VOINOVICH.

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

SCHEDULE

Mr. REID. First of all, as has been announced, we have now resumed consideration of the supplemental appropriations bill. The majority leader indicated that both Senator STEVENS and Senator BYRD have every intention of finishing this bill today so we can go on to the Interior appropriations bill tomorrow. The majority leader has authorized me to state it is his wish we could complete that legislation sometime on Thursday—Interior appropriations. If we did that, the majority leader said there would be no votes on Friday. So it would be really good if we could do that. It will take a lot of cooperation from everyone.

The majority leader has also asked me to express his appreciation to everyone for the cooperation on the Patients' Bill of Rights. It was a very contentious issue. Both sides worked, offered very difficult amendments for everyone to consider. It was done. It was done in an expedient way, and we arrived at a conclusion at an earlier time than people expected.

There are 14 amendments today. We have every expectation that some of them will be accepted by the managers of the legislation. Others, perhaps, can be worked out. The two managers of the bill have asked that we work to try to get time agreements on each of the amendments, and we will do that.

We hope we can arrive at a situation today where there can be votes at 2:15, as has been announced earlier. We expect, with the cooperation of Senator VOINOVICH and Senator CONRAD, that can be done, and we will work toward that end.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask the time be equally charged against both sides.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, how much time remains on the Conrad amendment as a result of the quorum call?

The ACTING PRESIDENT pro tempore. There is 47½ minutes on each side.

Mr. REID. For the edification of Members, we have had a general agreement that we will try to put in writing that we will complete this debate on these two amendments in approximately 90 minutes. They have agreed and consented to having a vote at 2:15 on Conrad first and Voinovich second, with 6 minutes equally divided between the two before the vote. We will write that up. I have explained to the Senators that when we get that written up, we will interrupt them so people will know definitely when the votes will occur.

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

Mr. VOINOVICH. Mr. President, one of the primary reasons I wanted to serve as a U.S. Senator was to have an opportunity to bring fiscal responsibility to our Nation and help eliminate the terrible debt with which we will surely burden our children and grandchildren. As my colleagues know, for decades successive Congresses and Presidents spent money on things that, while important, they were unwilling to pay for or do without. In the process, we ran up a staggering debt and mortgaged our future.

Today, our national debt is at $5.6 trillion, which costs us over $200 billion every year in interest payments. From the time I arrived in the Senate, I have been working to rein in spending and lower our national debt. Over the past 2½ years, I have sponsored and cosponsored a number of amendments designed to bring fiscal discipline to the Federal Government.

For instance, in 1999 and 2000, we offered an amendment to use the entire on-budget surplus to pay down the debt. Also, in an effort to bring spending under control, Senator ALLARD and I offered an amendment in June of 2000 to direct $12 billion of the fiscal year on-budget surplus toward debt reduction. The amendment passed by an overwhelming margin of 95–3 and committed Congress to designate the on-budget surpluses to reduce the national debt, keeping those funds from being used for additional Government spending.

Our amendment provided the mechanism to assure that Congress will begin the serious task of paying down the debt. Further, this past April, Senators FEINGOLD, GREGG, and I offered an amendment to the fiscal year 2000 budget resolution designed to tighten the enforcement of existing spending controls. Our amendment created an explicit point of order against directed scoring and abuses of the emergency spending. Given this commitment to fiscal responsibility, the huge spending increases we have seen in the past 2 years have been troubling for me and for a lot of other Members of this body. I am worried that they will lead us back to our deficit spending and debt accumulation.

I was encouraged, however, with the budget that the President sent to us this year. The President's budget relies equally on three primary principles. I refer to them as the ''three-legged stool.'' They are tax cuts, restrained spending, and debt reduction; all three of them fit together. This isn't just what the President proposed. It was what Federal Reserve Chairman Alan Greenspan called for in his groundbreaking testimony before the Senate Budget Committee earlier this year. Chairman Greenspan said that he hoped the recent increases in Federal spending was only an aberration. He went on to say that we needed a tax reduction because surpluses were accumulating so fast that they were overwhelming our ability to repay the national debt without having to pay a premium. This is precisely what the President's tax cut did.

The President's proposal to cut taxes was responsible precisely because it was coupled with two other legs of this budgetary stool. Without limits on spending and maximum efforts to pay down the debt, I could not have supported in good conscience the proposed tax cuts.

Ultimately, Congress passed the budget that achieves all three objectives of the three-legged stool. It cuts taxes, restrains spending to a responsible level, and pays down the available publicly held debt over a 10-year period. Little did we know how the tax cut would be needed to jump start the economy and restore consumer confidence. I don't think we knew that until recently when we saw what has been happening to our economy.

Hopefully, with the tax reduction, lower interest rates, and action by Congress to curb energy costs, we will see an improvement in the economy and a restoration of the public's confidence in the economy.

We have taken the first step to implement the budget agreement by enacting the President's proposed tax cuts with a large bipartisan majority. Tax cuts are now law and are a done deal. I know some Members of this body believe that those tax cuts were too much. But the fact is that a majority of us felt they were reasonable and less than what the President asked for.

But our work is not yet finished. We still need to enact legislation to lock in the other two legs of the budgetary stool. We need a mechanism to restrain spending and pay down the debt. That is precisely what our amendment does. It is the teeth that ensures that we will pay down the debt and limit spending. Lockboxing the Social Security surplus is the key to protecting our accomplishments thus far and enforcing our budget agreement.

I want to call your attention to this chart, which basically shows that all during the 1990s we had the deficit, but that deficit would have been much larger than was reported because we used the Social Security surplus to pay for things that Congress was unwilling to pay for or to do without. So as you can see, all the way up until the year 2000, we had a real deficit; there was no surplus whatsoever. It was only until 2000 that we saw a real on-budget surplus, and it wasn't until 1998 that we weren't using the Social Security surplus. The point is that we do not want to return to what we were doing in the past, and that is using the Social Security surplus.

I think that my colleagues can see on this chart, and so can the American taxpayers, that the Social Security surplus, if you can see this, is significant all the way during this next decade. What my amendment would basically do is to make sure that all of this money is used to pay down the debt and to restrain spending by the Members of this Senate.

I have every reason to believe if we don't pass this amendment, there is a good chance this money will be used to pay for spending.

Mr. President, as you can see, Congress has not been able to resist spending Social Security. I was an earlier supporter of the Abraham-Domenici Social Security lockbox that was first offered in 1999.

I voted in favor of the lockbox on several occasions. Laying out a thoughtful and well-reasoned budget plan is not enough to guarantee we do not stray back to spending the Social Security surplus. Good intentions are not enough.

Our lockbox strengthens the existing point of order against spending the Social Security surplus. Our lockbox makes it out of order to use the Social Security surplus in any one of the next 10 years, contrasted with the current budget resolution.

This is an important improvement. The existing point of order is written so it is possible to use the Social Security surplus in the future and is not possible to call a point of order. My amendment would prevent that.

Most important, my amendment contains an automatic enforcement mechanism. If OMB reports that the Federal Government will spend the Social Security surplus, an automatic across-

the-board sequester will be put in place by OMB, and the size of the sequester will offset the use of the surplus.

This is the ultimate enforcement mechanism. If the Social Security surplus looks as if it will get spent, OMB stops it from happening. This mechanism is our safety valve which will ensure we stay on course to limit spending and pay down our debt.

Spending cuts under my amendment would cut into both discretionary and mandatory spending. Mandatory spending for the most needy in society would not be affected by these cuts. My amendment would exclude Social Security, food stamps, and other programs that are excluded from sequesters under the Deficit Control Act of 1985, and to prevent an inadvertent sequester, my amendment builds in a margin of error. This margin is equal to one-half of 1 percent of outlays. Because it is so hard to calculate the aggregate level of spending from year to year, I think this is a reasonable measure and OMB supports it. It would prevent inadvertent sequesters.

My amendment is straightforward and relies on existing law. I primarily build on existing budget process and mechanisms. We all know Social Security is off budget, and my amendment reinforces that position.

My amendment does not modify any budgetary conventions or pretend Social Security is something that it is not. Everyone knows the Budget Act points of order have their limitations. Someone has to call them, and too often no one does call them.

Take the use of Budget Act points of order against appropriations bills. The appropriations bills that pass early in the session can contain outrageous spending increases, and they are immune from the Social Security point of order because they do not threaten the Social Security surplus. It is only when we take up the last appropriations bills that it is obvious that the cumulative effect of our actions might cause a problem.

Until we take up the last appropriations bill, it is pure conjecture as to whether we might spend the Social Security surplus. The use of omnibus appropriations bills makes this all the more problematic. By the time we reach that last appropriations bill around here, it is too late. Large spending increases could have already been done, and we all know how bad Congress wants to get out of town when that last bill rolls around. For this reason, no one is willing to call a point of order that threatens to derail the train or a carefully worked out compromise needed to pass the last appropriations bills.

This is the shortcoming of points of order, and that is why we need an automatic enforcement mechanism to protect the Social Security surplus. The existence of an automatic Social Security sequestration will force Congress to act. I am no fool, however. I know that if Congress wants to spend money, it will. With 60 votes, we can do just about anything here, and just as we raise the discretionary spending caps and the debt ceiling, we can vote to undo this mechanism, but it will force Congress to act and will put Congress on record as violating the Social Security surplus. People of America should know that is what we are doing. It should not be hidden.

My colleague across the aisle, on the other hand, relies exclusively on points of order to enforce his lockbox which we will be hearing more about and, in my opinion, this is a serious weakness.

We in Congress spend and spend. For fiscal year 2001, with strong encouragement of the Clinton administration, my colleagues in Congress increased nondefense discretionary spending by a staggering 14.3 percent. I want everybody to hear that—14.3 percent. Think of it, a 14.3-percent growth in nondefense discretionary spending, and we increased overall spending by 8 percent. We grew the size of the Federal Government by 8 percent. We spend, and we spend.

As we begin to consider spending for fiscal year 2002, the President presented a modest, responsible budget that called for a 4-percent growth rate. Congress tacked on more spending and passed a bipartisan budget that called for a 4.7-percent increase in Federal spending. We spend.

We then took up an education bill intended to reform schools in an effort to ensure we were properly preparing our children for the 21st century, a goal I wholeheartedly support. Unfortunately, reform in Congress means more spending. We passed an education bill that authorized an incredible 62-percent increase in Federal spending on education—62 percent. Again, we spend.

If I can refer to this chart, my colleagues can see just what has happened to spending in Congress in the last couple of years. The budget caps that were put in place in 1997 in the budget agreement were supposed to cap spending in 1998 at 52.7, in 1999 at 53.3, in 2000 at 53.7, and in 2001 at 54.2. The red line is what we actually spent. Look at this increase. Starting in 1997, we increased spending.

From looking at that, one can see that walling off the Social Security trust fund from spending is something that has to be done. We have proven time and again that we are very good at one thing: spending other people's money. I remind the President and others that prior to 1999 we were spending that Social Security surplus regularly. This amendment ensures we will not spend that money. It ensures it will go where it belongs: paying down the national debt and providing a firewall against irresponsible spending. We must make sure history does not repeat itself.

If, however, the economic prosperity this Nation has enjoyed recently continues to fade—and I hope it is just a temporary situation—any surplus projections are likely to be revised downward and that Social Security surplus will, again, be in the crosshairs. It will be in the crosshairs because Congress's yearning for spending has not abated, for example, as I mentioned, the 62-percent increase in education. The President now is asking for more money in defense spending.

Given the spending trajectory and the possibility of continued economic softness and that the surplus will not be as large as projected, we could be bumping against the Social Security trust fund. We cannot let that happen. There is a real risk of it happening. We need to rein in the spending and protect Social Security from these spending threats. We need to lockbox it. Once lockboxed, the Social Security surplus will go to our debt reduction as our budget and the President's original plan intends and Federal Reserve Chairman Alan Greenspan has recommended.

It is Congress's irresponsible record of spending that has accumulated the $5.6 trillion in debt that now hangs over our children and our children's children. Paying off the debt will free up the 11 percent of the Federal budget which currently goes to debt service so we can focus on other needs such as Social Security reform.

There is what at first appears to be an alternative to my amendment, and that is the amendment offered by my colleague from North Dakota, the chairman of the Budget Committee. Unfortunately, I do not think it measures up to the amendment I have offered. I would like to take a moment to address the second-degree amendment of my colleague from North Dakota.

Its enforcement measure, in my opinion, is not as tough as mine. Therefore, my colleague's measure can easily be dodged by a Congress under pressure to spend more or which simply lacks the same commitment to debt reduction and spending restraint we have shown in our budget resolution.

The Senator's amendment purports to lockbox the Medicare surplus, but there is no such surplus. There is no Medicare surplus. It is money that does not exist. The Part B deficit exceeds the so-called Part A surplus. For fiscal year 2002, the net position of the Medicare Program, when we combine Part A and Part B, we have a negative $52 billion that is coming from the general fund. Medicare is an on-budget account, unlike Social Security, which is currently in a huge deficit and which relies upon direct infusions from the general fund.

I note that some tried harsh words to differentiate between Parts A and B, but the fact is we are still talking about the same program. Considering

them separately and pretending they are off budget are simply not intellectually honest deductions and are a faulty premise on which to base legislation. If you want the appearance of action, coupled with the security of inaction, don't vote for my amendment, vote for the amendment of the Senator from North Dakota.

I want to be frank with the President and my colleagues in the Senate. Many gave thought to the idea of ''lockboxing'' Part A of Medicare. I think our colleagues know there is a Part A and Part B. Part A is funded by deducting money from people's Social Security check and by everyone paying into the Medicare trust fund. We take in more money than is spent out for Part A.

However, Part B, which is the nonhospital portion of Medicare, does not take in enough money. The Medicare Part A surplus projected for the year 2002 is $36 billion; Medicare Part B deficit is $88 billion. In effect, we are taking $52 billion out of the general fund of the United States to support Medicare. I am sure a lot of people getting Medicare today think the money coming out of their Social Security, the money sons and daughters are paying into the Medicare fund, is taking care of it. That is not the case. That is not the case.

When you combine Part A and Part B, the taxpayers of the United States subsidize Medicare. There is not enough money in the Medicare fund from the money coming in every year and the money being taken out of people's Social Security and the money they pay in for Part B. We are subsidizing it. To talk of a Medicare surplus when you see these numbers, is not being truthful. The surplus projected for the next 10 years shows the Medicare surplus for Part A is $393 billion. Whoopee. Part B, the deficit is $1.36 trillion. The overall subsidy coming from the general fund of the United States is $643 billion. For us to talk about lockboxing this, to me, really does not make sense. I know some talked about doing this last year, but the only reason it was brought up was the concept it would help restrain spending. When you see the total budget picture, the Medicare surplus is part of the on-budget surplus. It is in deficit. We ought not talk about locking off something that is not there.

I urge my colleagues to reject the Conrad second-degree amendment because I don't think it will be enacted. In my opinion, it is a poison pill. It pretends there is a sacrosanct Medicare surplus which does not exist and which was never walled off. I predict today if the second-degree amendment is passed by the Senate, the entire provision will be removed from the conference report of this bill. That money is going to be needed to pay for spending in the budget we now have, particularly if we increase education 62 percent, as some colleagues would like to do, and we entertain the President's request for more money for defense.

On the other hand, if you want to make sure the money is there to follow through on what we promised the American people, if we want to pay down the debt as we promised—we said we want to pay down the debt and we want to restrain spending—if we want to do that without gimmicks, the pure Social Security lockbox that will do that, I request my colleagues support this amendment.

I am not proposing this today for political reasons. It is popular. I want to lockbox Social Security. I want to lockbox Medicare. The fact is, this is very serious business. I testified before Congress in 1985 as president of the National League of Cities. At that time, spending was out of control. What happened was during the Reagan years—some of my colleagues might not like to hear it—we reduced taxes, but at the same time we reduced taxes which was supposed to stimulate the economy, at the same time we increased spending astronomically. What President Reagan received was money for the defense initiative, and what the other colleagues received was money for domestic spending. It was during that period of the 1980s where we saw the national debt skyrocket, and we gobbled up Social Security.

We need to be fiscally responsible. The way to do that is lockbox Social Security so it can be used for deficit reduction; lockbox it so it can not be used for spending. I think we can leave here with our head high and it will be something we may very well need by the end of this year if things do not work out as well as we hoped.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Ohio and I see the same problem, but we have a different approach to solving the problem.

The Senator from Ohio says the Social Security is endangered. I agree. I say not only is the Social Security trust fund endangered but so, too, is the Medicare trust fund. Despite the words from the Senator from Ohio, there really is a Medicare trust fund. It really is in surplus. We know that. That is from the reports from this administration. Those are what the reports from the Congressional Budget Office make very clear.

Here is the ''Medicare Budget Outlook,'' from chapter 1, from the CBO, table 1–7 ''Trust Fund Surpluses.''

Under ''Medicare, Hospital Insurance (Part A),'' the trust fund is in surplus each and every year of the years under consideration.

Part B, referenced by the Senator from Ohio, is in rough balance.

What the Senator from Ohio has confused with his charts, is that Part A has always been funded in one way, under one formula, and Part B has been funded under a different formula. Part A is funded by deductions from payrolls of employees all across the country. As I indicate, Part A is in surplus.

Part B is funded by premiums paid by Medicare beneficiaries and by general fund contributions. That is not in deficit as asserted by the Senator from Ohio. That is incorrect. Long ago, Congress determined Part B would be funded in part by contributions from the general fund, in part by premiums. We decide that level of contribution from the general fund as a matter of law. We make that determination. It has nothing to do with the Part B trust fund being in surplus or deficit. In fact, the reports of the Office of Management and Budget and the reports of the Congressional Budget Office show that the Part B trust fund is in rough balance because of that funding mechanism. It is not in deficit. That is an inaccurate statement. Part A is in surplus. So I believe the proper policy here is to give protection to both the Social Security trust fund and the Medicare trust fund, not just the Social Security trust fund, because the truth is Medicare is headed for insolvency even sooner than Social Security.

I believe we ought to save the Social Security surplus and save the Medicare surplus; we ought to provide protection to both. It is critically important that we do so.

The amendment I have offered in the second degree to the amendment of the Senator from Ohio protects the Social Security surpluses in each and every year, takes the Medicare Part A trust fund surplus off budget, just as we have done with Social Security, and gives Medicare, the same protections as Social Security and contains strong enforcement for both. This is an amendment that received 60 votes on the floor of the Senate last year. Sixty Members voted for protecting both Social Security and Medicare. I hope we will do that again.

To go to the specific comparison of the two amendments I think would be useful to our Members.

First, on the question of taking Medicare off budget, my amendment does so, to provide the same protection we have provided to Social Security. The basic idea is a simple one. Should we be using Medicare trust fund money or Social Security trust fund money for other purposes? Should we be using that money to fund the other operations of Government? My answer would be that at a time of economic growth we simply should not. We should not be raiding trust funds, retirement funds, health care funds, to pay for other functions of Government. We should not be using Medicare trust fund money to pay for national defense. We should not be using Medicare trust fund money or Social Security

trust fund money to pay for education. We should not be using trust fund money to pay for tax cuts. We should not be using trust fund money to pay for the park system. The fundamental reason not to is we need that money to make the funds solvent.

We have the baby boom generation coming along. If we use that money for other purposes, it is not available to pay down debt or to address the long-term liability in those programs. The fundamental effect is we dig the hole deeper before we start refilling it.

My amendment would take the Part A trust fund off budget and protect it just as we do Social Security. The Voinovich amendment does not. He does not protect Medicare like Social Security.

The second question is, Does it protect Medicare surpluses? My amendment, the Conrad amendment, does. It creates supermajority points of order against any legislation that would decrease the Medicare trust fund or increase trust fund deficits in any fiscal year. The Voinovich amendment has no such provision.

On the third question of protecting Medicare against cuts, yes, on the Conrad amendment. We exempt Medicare trust funds from mandatory sequesters. We do not think those funds that are dedicated to Medicare should be used to cover up the deficit in other places in the budget. We do not think Social Security funds should be used for that purpose. We do not believe Medicare funds should be used for that purpose. We have already separately taxed people for Medicare and Social Security. They are in surplus. To take their funds to pay for other functions of the Federal Government is just wrong. No private sector entity could do that. There is not a private sector entity in America that could raid the retirement funds of their employees to pay the operating expenses of the company. There is not a private sector firm in America that could take the health care trust funds of their employees and use them to fund the other operations of the company. That is illegal. It would be illegal under Federal law if any private sector organization tried to do it.

Why don't we apply the same principle to ourselves? Why don't we say: Look, trust fund money? That is a different category. It is a different category from other spending. If we are going to do that, we have to treat the Social Security trust fund and Medicare trust fund in the same way. My amendment does. The amendment of the Senator from Ohio simply does not. In fact, the amendment of the Senator from Ohio would require Medicare to be cut. Under his sequester, Medicare could be cut, defense could be cut, any other part of Federal spending could be cut; it is undifferentiated. It doesn't matter whether it is a trust fund or other operations of Government; under the amendment of the Senator from Ohio, they could all be cut.

I do not think that is right. I do not think it is right to treat the Medicare trust fund the same way as other Federal programs when there is a shortfall in Social Security—to cut Medicare to make up for it? I don't think so. I do not think that is the right principle at all.

The fourth question: Do we protect on-budget surpluses? Yes, under the Conrad amendment we create a supermajority point of order against the budget resolution or other legislation that would cause or increase an on-budget deficit for any fiscal year; in other words, taking out Social Security and Medicare, treating them as trust funds. That is what they are supposed to be, that is what they are designed to be, and we ought to treat them as such. The amendment of the Senator from Ohio is the same as my amendment in that regard.

Protecting Social Security? The two are the same.

On the final question, providing for cuts in Medicare, education, defense, and other programs, no, my amendment does not provide new sequesters beyond existing mandatory and discretionary sequesters under the Budget Enforcement Act. The amendment of the Senator from Ohio amends the Budget Enforcement Act to sequester spending in any year the estimated on-budget spending exceeds one-half of 1 percent of total estimated outlays, regardless of what caused the deficit—regardless of what caused it.

Under his proposal, even if it was a tax cut that caused the shortfall, you have to go out and cut Medicare; you have to go out and cut defense; you have to go out and cut education, even though it was not a spending increase that caused the problem. If it was, instead, a shortfall in revenue or if, instead, it was some other provision that created the problem—a tax cut, for example, that caused the shortfall—his answer is the same in every case: You cut spending. It doesn't matter what the cause of the problem is; you treat them all the same. I do not think that makes sense or stacks up.

Under the amendment my colleague from Ohio is offering—I call it the Republican broken safe because there is not a penny reserved for Medicare—you are protecting Social Security, which my amendment does as well, but he does nothing for Medicare. I do not think that is the way we want to go.

I will go back to my colleague from New Mexico, who I see is on the floor now. This was his statement back in 1998:

> For every dollar you divert to some other program you are hastening the day when Medicare falls into bankruptcy, and you are making it more and more difficult to solve the Medicare problem in a permanent manner into the next millennium.

He was exactly right when he made that statement. That is why I offer this amendment today, to protect Social Security and Medicare, to treat them as trust funds, because that is the way they were designed, that is the way they were set up, and that is the way we ought to treat them.

This chart shows we are already in trouble. Under the budget that was passed, with the tax cut that was passed, with the economic slowdown that is occurring, in the fiscal year 2001, the year we are in right now, you can see we started with a $275 billion forecasted surplus, but $156 billion of that is Social Security money and $28 billion is Medicare trust fund money. When you take those out, you have $92 billion left. Then you take out the tax bill. That is $74 billion. If you take out what is in the budget resolution that passed both the Senate and the House, that is another $10 billion out of this year—most of it in the bill that is before us right now, the supplemental appropriations bill. Then when you look at the interest associated with the first two, we are down to a margin of only $6 billion this year.

Now we have been told by the administration we can anticipate—to be fair, this is Mr. Lindsey, Larry Lindsey, the President's Chief Economic Adviser, who did a back-of-the-envelope calculation and said when we adjust the number that he used for the different baselines, we would lose another $20 billion this year because of the economic downturn. That puts us in the hole this year by $17 billion. That puts us into the Medicare trust fund by $17 billion.

That is before any appropriations bill has passed. No appropriations bill has passed. There is no spending beyond what is in the budget, and we are already in trouble. And for next year you can see the same pattern, but it is more serious in that we are using all of the Medicare trust fund next year, plus we are even using some of the Social Security trust fund—only $4 billion but, nonetheless, the numbers show that with the economic slowdown this year, we can anticipate lower receipts next year. If you look at all of the numbers and you look at how much of the money is in the trust funds, you find that we have a problem this year and next year.

If we go even further and look at the next 10 years, what we see is that we have problems in the Medicare trust fund in the first 4 years. Every year we are into the Medicare trust fund just based on the budget that has passed, based on the tax cut that has passed, based on the economic downturn we see so far. And that is before we consider the President's request for billions more for national defense. We are in trouble already. We are into the trust funds already before we consider the President's defense requests, before we consider any new money for education.

Remember, we just passed an authorization bill with over $300 billion of new money for education. This is before we have any money for natural disasters. And we typically have $5 to $6 billion for natural disasters every year. This is before the tax extenders are passed. Those are popular provisions. The research and development tax credit—does anybody believe we are not going to extend the research and develop tax credit? Does anybody believe we are not going to extend the wind and solar tax credits? If we do, it is not in the budget. And it just makes the problem more severe.

I say to my colleagues, we are into the trust funds before any of these additional measures, before the President's defense requests, before any new money for education, before money for natural disasters, before the tax extenders are provided for, before the alternative minimum tax problem is fixed. And I am not talking about a total fix to the alternative minimum tax; I am just talking about a fix to the problem created by this tax bill that has been passed. Just fixing that matter is a $200 billion cost. This is before any further economic revisions. And we have been alerted by the Congressional Budget Office to expect a further downward revision to the long-term forecast because of the weakening economy.

Colleagues, what could be more clear? We have a responsibility to deal not just with the short term but with the long term as well.

Mr. REID. Will the Senator yield for a unanimous consent agreement?

Mr. CONRAD. I would be happy to yield.

Mr. REID. Mr. President, these unanimous consent requests have been cleared by both leaders and both managers of the bill that is now before us.

So, Mr. President, I ask unanimous consent that there be 90 minutes for debate equally divided between Senators VOINOVICH and CONRAD—and this would go back to the time when they started their debate earlier today, which there is probably——

Mr. DOMENICI. Reserving the right to object.

Mr. REID. Pardon me.

Mr. DOMENICI. I am reserving the right to object.

Mr. REID. If I could complete the request—on the subject of both the Voinovich amendment No. 865 and the Conrad amendment No. 866, that at 2:15 p.m. there be 2 minutes for debate equally divided between Senators VOINOVICH and CONRAD prior to a vote in relation to the Conrad amendment; that following the disposition of his amendment—that is, the Conrad amendment—there be 6 minutes equally divided between Senators VOINOVICH and CONRAD followed by a vote in relation to the Voinovich amendment, as amended, if amended.

I want to make sure it is clear, all time already consumed by Senator VOINOVICH and Senator CONRAD be charged against the 90 minutes. I also say, to alleviate any questions anyone might have, there will be points of order raised against both amendments.

The PRESIDING OFFICER (Mr. CARPER). Is there objection?

Mr. DOMENICI. Reserving the right to object, and I will not object—maybe I didn't hear it—did you reserve some time for the Senator from New Mexico to speak?

Mr. REID. Senator VOINOVICH has some time. I assume that is where your time will come from, because we are already working under a time agreement that was entered into yesterday.

How much time remains for Senator VOINOVICH?

The PRESIDING OFFICER. Twenty-four minutes.

Under the unanimous consent request, there would be 21 minutes remaining.

Mr. REID. Twenty-one minutes.

I ask Senator VOINOVICH, would you yield some of that time to the ranking member of the Budget Committee?

Mr. VOINOVICH. I would be more than happy to.

Mr. DOMENICI. You said you would?

Mr. VOINOVICH. Yes. Absolutely.

Mr. DOMENICI. I will not use over 10 minutes, I say to the Senator. It would be 7 to 10 minutes.

Mr. VOINOVICH. Fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Thank you.

Mr. President, I ask unanimous consent that with respect to the Feingold amendment No. 863, there be 30 minutes for debate divided as follows prior to a vote in relation to the amendment: 20 minutes under the control of Senator FEINGOLD, 10 minutes equally divided between the chairman and ranking member, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Further, Mr. President, I ask unanimous consent that with respect to the Hollings amendment No. 873, there be 40 minutes for debate divided as follows prior to a vote in relation to the amendment: 20 minutes under the control of the Senator from South Carolina, Mr. HOLLINGS; 20 minutes equally divided between the chairman and ranking member of the Appropriations Committee, with no second-degree amendments in order prior to the vote; further, that this debate commence upon the conclusion of the debate on the lockbox amendments this morning—that is, the Voinovich and Conrad amendments—and that, further, a vote in relation to the Hollings amendment occur upon disposition of the Voinovich amendment, as amended, if amended, with 4 minutes for debate equally divided prior to the vote. And to clarify, the chairman and the ranking member of the Appropriations Committee or their designees would control the 20 minutes.

The PRESIDING OFFICER. Is there objection to this unanimous consent request?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, let me, through you, to my friend from North Dakota, express my appreciation for his courtesy in yielding the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me just pick up where I left off and point out that while we are in a period of surpluses now with respect to Medicare and Social Security, we all know what is to come. The Congressional Budget Office has alerted us. The Comptroller General of the United States has alerted us. The Social Security Administration has alerted us. Medicare has alerted us. And they all have told us the same thing: That when we get past this decade—in the next decade when the baby boomers start to retire—these surpluses turn to massive deficits. That is what happens. The cash deficits begin in the year 2016, and then they grow geometrically as more and more baby boomers retire.

That should warn us, that should alert us that we should not be using the trust funds for other purposes. We should not be using the Medicare and Social Security trust funds to fund other operations of Government. Yet we are poised to do that this year. We are poised to do it to an even greater degree next year. And we are poised to do it for the next decade even in a time of strong economic growth.

Let's think about that. Let's think about it soberly. The administration is not forecasting an economic slowdown next year or the years thereafter; they are forecasting strong economic growth. In that context, the numbers reveal we will be using trust fund monies to fund the other operations of the Federal Government. I do not think that is right.

Mr. Novak said, in a column yesterday, that I am—what did he say?—an antique fiscal conservative.

Whatever name one applies to it doesn't make much difference to me. It doesn't have anything to do with antique. It has to do with common sense. You don't take trust fund money to pay for other programs when you know what is to come, and there is no one in this Chamber who doesn't know what is to come. We know we are facing a demographic tidal wave unlike anything we have ever seen in our Nation's history. We are going to go from a time of surpluses in these trust funds to deficits.

One of the ways to deal with it is not to use the money in the trust funds for

other purposes. That is the heart and soul of my amendment. We ought to pass it.

Does that mean you are forced to have a tax cut in a time of economic slowdown? No, absolutely not. We have an economic slowdown now. I proposed $60 billion of tax cuts, of fiscal stimulus this year. That was part of the proposal I put before my colleagues—far more fiscal stimulus than the President proposed. That isn't the correct suggestion, that somehow we would force tax increases or spending cuts at a time of an economic slowdown.

They are not forecasting an economic slowdown for this year or next year or the year thereafter. They are forecasting strong economic growth. We see from the numbers that their plan has put us into the trust funds of Medicare and Social Security even at a time of economic growth. That doesn't make sense to this Senator. I don't think it makes any sense at all.

My colleague on the other side put up a chart suggesting that spending is out of control, that that is the problem. I have to give the other side of the story. That may be the popular view, but it doesn't match the facts.

This chart shows Federal spending as a share of the economy has gone down each and every year for the last 9 years. There hasn't been some big spending splurge. He talks about one part of Federal spending. That is the chart he had. The chart he had was not all Federal spending. No, the chart he had was one part of Federal spending that has shown significant increases. He didn't tell Members that he was showing a chart that has just one-third of Federal spending. He didn't say that. He made people believe that was all of Federal spending on that chart. He knows and I know that is not the case.

He knows and I know that the proper way to compare Federal spending is as a share of our gross domestic product because that takes out the effects of inflation. That is the way to make the best comparison.

What do we see when we do that? We see that Federal spending in 1992 was 22 percent of gross domestic product. Federal spending in this year, 2001, is going to be 18 percent of gross domestic product. There has not been some big spending explosion. That is not an accurate characterization to the American people.

The fact is, the share of money out of national income going to the Federal Government has gone down dramatically, from 22 percent of gross domestic product to 18 percent of gross domestic product today. That is about a 20-percent reduction, not some big spending binge. That has been a reduction in the share of national income going to the Federal Government for spending. That is a fact.

Under the budget we passed, spending is not going up as a share of gross domestic product or as a share of our national income; Federal spending is going to continue to decline. It is going to go down to 16 percent of gross domestic product. That will be the lowest level since 1951.

Facts are stubborn things. The fact is, we do not have runaway Federal spending. We have Federal spending going down and going down sharply as a share of our national income, which every economist asserts is the appropriate way to measure so that we take out the effects of inflation and show real trends, what is really happening.

This is what has happened to Federal spending. Right now it is at the lowest level since 1966 on a fair comparison basis, measured as a share of gross domestic product. We can see we did have sharp increases back in the 1980s. That is true. He was correct on that. But since then we can see Federal spending as a share of GDP has gone down and gone down sharply, gone down to the lowest level since 1966. We are poised, with the budget under which we are operating, to go down to the level last seen in 1951.

This is an important subject. We do have a growing problem of dipping into the trust funds to finance the other operations of Government, even in a time of economic growth. It is economic growth that is forecasted next year. Those are all the numbers that are being used to make these analyses. The problem is significant and growing.

I urge my colleagues to take a stand and vote to protect not only the Social Security trust fund but the Medicare trust fund as well. That is common sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota has 17 minutes remaining. The Senator from Ohio has 21 minutes remaining.

The Senator from Ohio.

Mr. VOINOVICH. I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not here in the Chamber to discuss the economics of the next 4, 5, 6, 10 years, nor am I here to conduct an argument with the Budget chairman with reference to the status of the economy, what we are getting versus what we projected. In due course, we will get some projections that are authentic and we will be down here to talk about the shortfall, which perhaps is a shortfall in revenue, but we have nothing official. We have a statement out of the White House. There is a formula that could be applied if the economy comes down by *x* amount or the tax take could be reduced by a certain amount. My good friend Senator CONRAD is building a proposed set of hearings around that. I look forward to them.

For now, let me say the biggest thing that has happened with reference to the surplus is, No. 1, the Congress, led by the Senate, decided to increase the stimulus this year in this remaining part of the budget cycle. We decided in conference and then voted, with very large votes, that $72 billion would be given back to the American people during the remainder of this year. That is a very large sum. It is the most prudent thing we could have done.

Looking back, I am very glad we did it. The only thing we have going governmentally that might help this economy is to get some of these tax dollars back into the hands of taxpayers to see if it will build on their confidence as consumers or if they will use it to purchase items that are currently under the rubric of heavy inventories that are driving the economy down.

No. 1, the only big thing we have done is put in place a tax cut of around $72 billion in the first year, this year, and about $30 billion plus next year. To the extent that that reduced the surplus, I guess one would have to ask: Should we now undo that tax measure?

I understand somebody is going to propose as an amendment that we reduce the tax cuts. I don't know if it is in the first year or what, but the Senate followed our good friend, Senator HOLLINGS, here in the Chamber while we were doing the budget resolution and said we should do more in the first and second years, and essentially the conference on the tax bill gave in to the proposals coming forth from this body.

The second thing that has happened is even though the Congressional Budget Office had dramatically reduced the expectation of growth, they went from about a 5.1 growth to an estimate for the relevant year of 2.5 percent, so we were operating on a rather conservative set of economics, but what has happened is a shortfall in the American economy, or the downturn, which has gone on pretty long—much longer than many expected—is apparently going to cause some diminution, some lessening of the taxes coming into the coffers than was expected. We don't have the exact information from how or from whence.

So we have a tax cut that is our best hope of bringing this economy back and causing this downturn to be minimum, at its minimal duration, and to start back up as early as possible. I did not promote that tax package with enough enthusiasm about it being needed for the economy because I didn't believe we had the shortfall coming and it would last this long. I spoke of that tax cut to make Government smaller and leave money in the hands of the people. Other people thought it was an antirecessionary measure, and I am grateful they did it because it turns out to be right.

The $70 billion this year and the $30 billion-plus next year are probably as close to what the economic doctor

would have prescribed to us if he were looking at the veins of our economy and saying we better make some of them a little more robust. So that happened. The economic estimate went from 5.5 plus to 2.5 by the CBO. Apparently, it is coming down beyond that, but for how long and how much, I don't know. We will be getting our numbers together and we can have a very interesting debate. What do we do if, in fact, this recession, this downward trend, lasts a little longer than expected? What do we do with reference to the shortfall in revenues? Do we increase taxes? Of course not. Do we just cut everything in the Federal programs 10 percent or 8 percent? Of course not. We won't do that.

Today, we have an amendment by the new chairman of the Budget Committee that, I regret to say, I cannot support. I don't think it is the right thing to do. First of all, this amendment is the same amendment that was offered in the Senate and defeated by the Senate on the Bankruptcy Act. The amendment the distinguished chairman is offering now, he offered then. Approval of it was denied by the Senate.

The second thing is, if we look at the entire Medicare Program instead of just Part A, we will see that Medicare is already running a deficit of $58 billion in 2002 and nearly a trillion dollars over 10. For what does that cry out? It cries out for reform of the Medicare system, and it cries out loudly for a different delivery system and prescription drugs.

Incidentally, there is $300 billion sitting in this budget to be used for prescription drugs if and when we get a bill. But we have said all of the moneys that are part of Medicare should be used to reform this, and certainly Medicare money should be used as part of a reform measure, including prescription drugs.

The second point is that it was voted down in the Senate on a point of order. This splits Medicare in half. For the first time, we had half of Medicare off budget, half of Medicare on budget. That doesn't mean anything to anyone out there. But it is just totally the wrong way to help solve the long-term problem in Medicare. Doesn't everyone in this Chamber hope that as part of prescription drugs we actually reform Medicare so that it can deliver more for less? It is a 25- or 30-year-old regime, in terms of what is paid for and deducted and all of those things. Those should be made modern in the reform package.

This amendment won't permit that because it says the portion of the trust fund that is for Medicare Part A is totally off budget, but Part B is on budget.

From my standpoint, we are going to just encourage more gimmicks when we do this kind of thing. We are all aware that the surpluses were generated because we shifted home health services from Part A to Part B in 1997—a charade of sorts because that was a way of saying Medicare looks better—but at the same time we took one of the biggest components of their responsibility away from them. Anybody can do better on money if they have five mortgages and somebody says: Well, don't count three of them; we will put them somewhere else and you can run around and say all you owe are two mortgages and the other three are sitting over there somewhere and you are not going to do anything about them.

I believe the most important thing we can do—and everybody has priorities—the most important thing we can do this year—and I think the President is taking the first step tomorrow—is to get started on Medicare reform. My concept would be that the money in Medicare, Part A and Part B—and the $300 billion in this budget for additional prescription drugs—we package all that and pass a Medicare bill this year. I think that is the right thing to do.

I could talk a lot longer about trust funds and how they relate to the budget of the United States. But, for today, I believe the chairman of the Appropriations Committee, or the ranking member, whose bill is on the floor, will make a point of order. The distinguished majority whip has said a point of order will be made. I think it will be made in each case by a different Senator, one from each side of the aisle. This violates the Budget Act and therefore a point of order lies against it. I don't think anybody who votes for that is going to make it stick that they are against Medicare.

As a matter of fact, one might make the argument that if the Conrad amendment is adopted and made law, which is a long way from now, you might make it harder to get reform in prescription drugs because you will be working off some arbitrary lines that took part of it off budget and left part on budget. So we need reform, not just shuffling money around.

I look forward to many days of discussions with my friend, the new chairman. I look forward with enthusiasm to discussing what is happening to the American economy. What should we do since the lull is a little longer? I think we ought to start talking about that.

I yield the floor and thank the Senator from Ohio for yielding time to me.

The PRESIDING OFFICER. The Senator from Ohio has 10 minutes remaining. The Senator from North Dakota has just over 17 minutes.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, we always welcome the sage observations of the former chairman of the Budget Committee and, probably not surprisingly, we disagree. There is nothing in my amendment that precludes reform of Medicare. I not only serve on the Budget Committee, I serve on the Finance Committee. I have been part of every reform effort on Medicare that has occurred. So I am in favor of Medicare reform, and there is nothing in my amendment that prevents further Medicare reform.

In fact, I believe this amendment is part of Medicare reform because it recognizes that the trust funds of Social Security and Medicare both deserve protection. That is the reality. That is what is at the heart of this discussion and debate today.

Make no mistake, this talk about Medicare being in deficit is just erroneous. Let's review the Congressional Budget Office report.

Here is Medicare. Under the table that is headlined ''Trust Fund Surpluses,'' Medicare Part A, which is financed out of payroll deductions, is in surplus each and every year of the 10 years of the forecast period.

Medicare Part B is in rough balance over the 10 years. In some years, it is down $1 billion and then it is in surplus by $3 billion, $2 billion, $2 billion. The fact is Part B is in rough balance over the 10 years.

The Senator says it is a deficit. It is not a deficit. It is a funding mechanism we decided on in Congress for Medicare Part B. Part of the money comes from premiums. Part of the money comes from the general fund. It is not in deficit.

The report of the Congressional Budget Office shows very clearly it is in rough balance. Part A is in clear surplus.

If you allow the money that is in surplus in the trust funds of Medicare to be used for other purposes, which we are now poised to do because of an unwise fiscal policy that has been put in place, guess what happens.

What does that mean? I do not think we want to force the Medicare trust fund to go broke faster. It does not make sense to me.

The Senator from Michigan is seeking time. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. I thank the Chair.

Mr. President, I thank our Budget Committee chairman for his leadership on this issue. I am proud to be cosponsoring the amendment he has offered to protect Medicare and Social Security.

I ask unanimous consent to add my name as a cosponsor of the amendment.

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

Ms. STABENOW. Mr. President, this is a very simple, straightforward debate: Are we going to protect Social Security and Medicare trust funds for their intended purpose, or are we going

to allow them to be used for other purposes?

My friend from Ohio speaks about Social Security trust funds, and I share his concern about protecting them, but that is not enough without including Medicare. I find it so interesting that in the Budget Committee we have heard testimony from the Secretary of the Treasury about protecting Social Security, and we have heard from the OMB Director about protecting Social Security, but nowhere do they talk about protecting Medicare.

Then we turn around and review over 30 years of reports regarding the Medicare trust fund, the solvency of the Medicare Part A trust fund. For over 30 years, we have acted as if there is a Medicare trust fund.

Now we are being told magically this year, with the new administration, that there is no trust fund. I find that quite amazing. In fact, there is a Medicare Part A trust fund. It is in surplus. It goes for important health care purposes. Just ask our hospitals. It is important we protect those dollars for those who receive health care through Medicare.

I also find quite interesting the logic that if, in fact, there is not a Medicare trust fund, there is no surplus; then rather than putting money into Medicare in order to strengthen it, we should spend it for other items. That is basically what we are hearing; that it is all right to spend Medicare for something other than health care for seniors and the disabled because somehow, through accounting mechanisms, we decided there is no trust fund.

The Conrad amendment, which is so fundamental and so important to the people of our country, simply says we will not spend Social Security and Medicare trust funds for something other than the intended purpose. This is absolutely critical. Those of us who stood in this Chamber and expressed concern about the budget resolution, expressed concern that, in fact, Medicare and Social Security would be used to pay for the tax cut that passed, to pay for other spending, the reason Senator EVAN BAYH, Senator OLYMPIA SNOWE, I, and others offered something called a budget trigger during that debate was simply to say we did not want to be in this situation and that phase-in of the tax cuts would be suspended if we were dipping into Medicare and Social Security.

That received 49 votes, not quite enough for adoption. We now move on throughout the year, and we find ourselves, as our Budget chairman has indicated, poised to spend Medicare health care dollars for other purposes, not in the future but this year and every year until 2010.

The Conrad amendment simply says we will not do that; we will protect the sacred promise of Social Security and Medicare; we will not spend Social Security or Medicare for other than the intended purpose.

This is what we ought to make sure we put into place and protect for the future, for those who are counting on us, who are paying into Medicare as well as Social Security and are counting on us to make sure that health care is available to them when they need it.

I believe Medicare and Social Security are great American success stories and we ought to do everything in our power to guarantee that both of those trust funds are strengthened and protected, not weakened. The Conrad lockbox amendment protects those promises and those trust funds for the future, and I urge my colleagues on both sides of the aisle to strongly support the Conrad amendment.

I yield back any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio controls 9 minutes 40 seconds. The Senator from North Dakota controls exactly 9 minutes.

The Senator from Ohio.

Mr. VOINOVICH. How much time does the Senator from North Dakota have?

The PRESIDING OFFICER. Nine minutes forty seconds.

Mr. VOINOVICH. How much time do I have remaining?

The PRESIDING OFFICER. Nine minutes forty seconds, and the Senator from North Dakota controls 9 minutes exactly.

Mr. VOINOVICH. Mr. President, I will make a couple of remarks and let the Senator from North Dakota finish up on his time, and then I want to give Senator GRAMM of Texas the last part of my time, if that is acceptable to the Chair.

The PRESIDING OFFICER. The Senator from Ohio may proceed.

Mr. VOINOVICH. Mr. President, we have a saying in Ohio, especially north of Route 40, that you cannot make a silk purse out of a sow's ear. We are talking about a Medicare Part A surplus, and to not also recognize that we have a Part B Medicare responsibility and argue that we have a surplus when the figures show that when we put A and B together they are in deficit some $52 billion—there is no such thing as a Medicare surplus, if you are looking at Medicare as it really is, and that is Part A and Part B.

In this budget, we are going to have about $36 billion more than what we expected in Part A, but on Part B—that is the out of hospital—we are going to be in deficit some $88 billion. When we put the two of them together, we are in deficit $52 billion.

How can one talk about a Medicare surplus when we are in debt $52 billion? If we take the next 10 years, we are going to take in $393 billion more in Part A, but in Part B we are going to have to subsidize $1.36 trillion, and it all works out to be a deficit of $643 billion.

The point I am making is this: There is no Medicare surplus; it is a fiction. If we are to go along with the amendment of the Senator from North Dakota, in fact, what is going to happen is it will be used to pay down debt, and we will not have it to reform Medicare, which we need to do. We will not have it to pay for the prescription drug benefits that the American people are demanding we provide, and hopefully we are going to do something about it this year. I urge my colleagues to vote against that amendment and to support the real pure lockbox of Social Security that I suggest today.

I point out to the Senator from North Dakota that the sequester does not take Medicare or Social Security. It exempts those under the Budget Act of 1985 so you don't have to worry, if the sequester goes into force, taking anything—Social Security, Medicare, and some of the other things to which the Senator made reference. It is written in my amendment and references the 1985 budget agreement.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, my staff says the Senator is incorrect when he says his amendment protects Medicare from the sequester, protects Social Security. They assert after examining the amendment that it does not protect Medicare from a sequester.

More importantly is the question of whether there is a trust fund surplus. I ask the Senator from Ohio, does he dispute the report of the Congressional Budget Office? The report of the Congressional Budget Office is as clear as it can be on page 19. I refer the Senator to ''Trust Fund Surpluses.''

Here is Social Security. We all know it is in surplus. Medicare, hospital insurance, Part A, is in surplus every single year. Part B is in rough balance over the 10 years.

The Senator from Ohio has confused the funding mechanism for Part B. The funding mechanism is part of the cost, for Part B is premiums paid by those who are Medicare eligible and the other part is a general fund contribution. It is not in deficit. It is a choice made by Congress as to how to fund Part A, which are payroll deductions. That is how it is funded. It is in surplus. Part B is funded by premiums for part of the costs and by general fund contributions for the other part. It is not in deficit. It is a funding decision made by the Congress. Part A is in surplus; Part B is in rough balance.

To suggest there is no surplus, I ask the Senator, what is his conclusion, this money doesn't exist? There is no surplus in Part A year by year? I don't think so. It is as clear as it can be.

If one says there is no surplus and make it a jump ball, make this money

available for other purposes, that is what will happen around here. That is the implication of the Senator's position. I don't think that is a wise position. I don't think it is a prudent position. It is certainly not a conservative position. It is a position that says we can use this money for any purpose; it doesn't matter. It doesn't matter that we have a trust fund. It doesn't matter that these moneys are supposed to be protected. We will use them any place.

That is exactly what got us back into trouble in the 1980s. We raided every trust fund in sight and put this in the deficit ditch and exploded the deficits and exploded the debt. I don't want any part of repeating that process.

I yield the floor.

Mr. VOINOVICH. I yield time to the Senator from Texas.

The PRESIDING OFFICER. There remains 6 minutes 24 seconds controlled by the Senator from Ohio.

Mr. GRAMM. I thank the Senator from Ohio. There is only one person in this Congress who has done anything to control spending thus far, and his name is GEORGE VOINOVICH of Ohio. He got 35 Members of the Senate to sign a letter urging the President to veto spending bills that were over budget, that threatened the viability of Social Security and Medicare, and threatened the surplus. I congratulate him on that. He has proposed a mechanism to be sure we do not spend the Social Security surplus.

First of all, let me make it clear there is not a Medicare surplus. If ever there has been a fraud, this is it. It is true that one part of Medicare has a surplus of $29 billion. But it is also true that the other part of Medicare has a deficit of $73 billion, so Medicare in terms of taking general revenue, losing money, is running a deficit of $44 billion.

Even the surplus in Part A is the product of a gimmick from the Clinton administration where we took the fastest growing part of Part A, home health care, and ''saved'' $174 billion by paying for it out of Part B rather than Part A.

I am tempted to vote for the Senator from North Dakota's amendment because it makes it harder to spend money. I rejoice in that. But don't act as if there is a real surplus in Medicare and it is equivalent to the genuine surplus which exists in Social Security.

There is an additional problem in that the Senator from Ohio has a sequester to enforce the protection of the Social Security surplus which does not exist under the amendment of the Senator from North Dakota.

Let me outline what this is about. This is not about solvency of Medicare. It is not about solvency of Social Security. There are not real trust funds for either. Both of these programs have phony IOUs that the Federal Government prints, but it is a debt of the Federal Government to the Federal Government. It is like writing yourself an IOU and putting it in your left pocket and saying: I am richer by that amount. The problem is you have to take money out of the right pocket to pay for it.

We are not using either one of these surpluses to provide for these programs in the future. If the money were being invested in the name of the people who are paying these taxes and those investments could be sold in the future to pay benefits, this would be a real debate about protecting Social Security and protecting Medicare.

I am very interested in this debate because it is about protecting freedom. It is about stopping a runaway spending machine. In the last 6 months of the Clinton administration, we increased spending by $561 billion over the next 10 years, in a 6-month period. There has never been anything comparable to that in American history. There is still a mentality in this Senate that we can afford to do everything anybody wants to do. In fact, in the supplemental appropriations bill before the Senate, we have half a dozen amendments that simply add more spending for little pork barrel projects and for great big programs, for important items such as defense, for unimportant items such as somebody's pet project. But the point is, we are still spending money as if it is water.

I am for both these amendments because they both make it harder to spend money. I would have to say that the distinguished chairman of the Budget Committee has a power that no other Member of the Senate has because under the budget resolution he unilaterally controls $423.8 billion worth of reserve funds, and simply by saying ''no,'' that money cannot be spent. No one is in a better position than the distinguished chairman of the Budget Committee to deal with the crisis that he has talked about.

When Senator DOMENICI was chairman, we had a surplus. We were not spending any of the so-called surplus in Medicare. We were not spending a penny of the Social Security surplus. We had general surplus in the rest of the budget. Now that the Senator from North Dakota has taken control and apparently things have almost spontaneously gone to hell, it seems to me he has a lot of explaining to do. I look forward to hearing it.

But the bottom line is, we have a proposal before us that sets up a process to make it much harder to spend the Social Security surplus. Then, if we spend it, it has an enforcement mechanism through a sequester. Every Member of the Senate that means it when they say anything about Social Security ought to vote for the amendment of the distinguished Senator from Ohio.

In my opinion, the case for the amendment of the Senator from North Dakota is a much weaker case. There is not a Medicare surplus. There is a surplus in one part of it, there is a deficit in the other, and we created the surplus by taking the fastest growing part out of it during the Clinton administration and putting it into Part B. So the whole thing is kind of a fabrication. On the other hand, if we actually did not allow this surplus to be—quote—spent, it would be harder to spend money. But there is another paradox, and that is you could not even spend it for Medicare.

So whatever you do on the amendment of the Senator from North Dakota, I urge you to support the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Time controlled by the Senator from Ohio has expired. The Senator from North Dakota has 5½ minutes remaining.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Texas is wrong about the amendment of the Senator from Ohio.

I just say this. Some of what the Senator from Texas says I agree with. I really do think we have a circumstance that requires us to think very carefully about how we are going to deal with requests for additional spending, requests for additional tax reductions, because, as I calculate it, the cupboard is bare. We are already into the trust funds or are poised to be if the items in the budget resolution are enacted. We are into the trust funds, just based on the tax cut that has passed, based on the budget resolution that has passed, and based on reductions in revenue because of the economic slowdown.

Tongue in cheek, the Senator from Texas suggests it is my ascension to chairman of the Budget Committee that has somehow led to these events. I can assure the Senator from Texas that it was not my becoming chairman of the Budget Committee that led to the economic slowdown, and it was not my ascension to the Budget Committee chairmanship that led to the passage of the budget resolution. I opposed it. It wasn't my position as Budget Committee chairman that led to the passage of the tax bill. I opposed it because I predicted then we would face the circumstance I believe we face now. That is, we have just done too much and the result is we have a problem.

I am not for raising taxes at a time of economic slowdown. I am not for cutting spending at a time of economic slowdown because that would counter fiscal stimulus, and we need fiscal stimulus. But looking ahead to times when the administration projects strong economic growth, it does not seem wise to me that we use the trust funds of Social Security and Medicare for other purposes. That just does not seem to be a wise thing to do. My amendment would prevent us from doing it.

It would not absolutely prevent us because you could get around it with 60

votes. That is always true here. The Senator from Texas talks about the power that I have. The power I have is actually rather limited. The power I have is to release reserve funds that are in the budget, but any action I take can be overcome by 60 votes in the Senate.

I have sent the very clear signal to the Secretary of Defense and the administration with respect to their request for additional spending for defense. By the way, I believe we need more money for defense. But, given our fiscal situation, the question becomes, Will it be taken out of the trust funds of Medicare and Social Security, or will it be paid for by spending cuts elsewhere, or will it be paid for by additional revenue? I do not believe it should come out of the trust funds of Medicare and Social Security. I think that is wrong. I think that is a mistake.

I think the amendment of the Senator from Ohio is deficient. No matter what the cause of the shortfall is, he has only one answer. His answer is: Cut spending everywhere else, other than Social Security. I do not think that is the right answer. I think everything has to be on the table, revenue and spending cuts, especially if the problem is caused by tax cuts that were too big.

No matter what the cause, whether it is economic downturn, whether it is a tax cut that was too big, he has only one answer: Cut all spending other than Social Security. I do not think that is a balanced response. I do not think that is a balanced response.

Let me go again to the question of spending. I ask the Chair how much time is remaining on my side?

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator has 55 seconds.

Mr. CONRAD. Again, the Senator from Texas talked about spending being out of control. I just beg to differ. I do not think that is what the record shows. As a share of GDP, Federal spending has gone down each and every year for the last 9 years, from 22 percent of GDP to 18 percent this year. Under the budget resolution that passed, Federal spending as a share of gross domestic product is going to continue to decline, from 18 percent of GDP down to 16.3 percent, the lowest level of GDP since 1951. Discretionary spending, domestic discretionary spending is going to be at the lowest level in our history.

So, please, let's not be telling the American people there is some big spending binge that has been going on here and put up a chart such as the one the Senator from Ohio has up there that has just one part of Federal spending.

AMENDMENT NO. 873

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senate will now debate the amendment of the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair. Madam President, I want to yield to the distinguished ranking member of our Finance Committee because he has a conflict. We want to try to accommodate that.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield myself such time as I might consume. I will not consume all the time that has been allocated to our side. I will not be here to allocate other time, so anybody who wants to speak in opposition to the Hollings amendment is free to yield themselves what time I might have remaining.

Even though Senator HOLLINGS has not discussed his amendment—he is going to do that very shortly—I have strong opposition to his amendment because his amendment would repeal the retroactive marginal rate cuts enacted on June 7, this year, barely 1 month ago. My opposition to the amendment of the distinguished Senator from South Carolina is based both on procedural and substantive grounds. First, procedural problems with the amendment: It is a tax amendment. As a tax amendment, it obviously falls within the jurisdiction of the Finance Committee. The bill before the Senate is an appropriations bill, not a finance bill. As the senior Finance Committee Republican, I must oppose this tax amendment on an appropriations bill.

Furthermore, if Senator HOLLINGS were to prevail, this appropriations bill would become a Senate-originated revenue bill and, as such, it would be blue-slipped when sent to the other body. In other words, this amendment, if added to the underlying supplemental appropriations bill, would kill the appropriations bill we are now considering, a bill that is so badly needed.

As bad as this amendment is procedurally, it is even worse substantively. This amendment would repeal all the retroactive marginal rate reductions in a recently passed tax bill. Those tax rate cuts are based principally on the new 10-percent bracket for the first $6,000 of income for single taxpayers and $12,000 of income for married taxpayers. The retroactive, new tax percent bracket is the basis, then, for the advanced refund checks of $300 for single people and $600 for married couples that will soon by mailed out by the Treasury Department starting July 23. So the Hollings amendment, then, would stop these checks dead in their tracks. A vote for the Hollings amendment is a way to say no to American taxpayers who now expect to receive the refund checks.

These checks and the other retroactive rate cuts are, of course, a stimulus in the tax legislation that we just enacted. Just when the economy is slowing down and when the economy, then, is in need of a stimulus, the Hollings amendment would pull the rug out from under our attempt to stimulate it. Frankly, I cannot think of a proposal more damaging to the potential return to economic growth than the amendment on which we will soon vote.

Soon, in a separate speech, I am going to discuss in some depth the tax legislation just enacted. Let me point out one important fact for one to chew on in the meantime. According to the Congressional Budget Office, Federal taxes are at an all-time high of 20.6 percent of the economy. That is higher than taxes were even in World War II. Individual income taxes are at record levels as a percentage of the GDP. The tax legislation returns this overpayment—which is dragging down American workers, investors, businesses, and collectively the American economy—to the people.

What the Hollings amendment really says is, return taxes to their record levels. The Hollings amendment says high taxes are no problem and should be ignored in a slowing economy. Think about this, my fellow Senators. This amendment, in effect, raises taxes at a time we have a slowing economy.

Madam President, I yield the floor and thank Senator HOLLINGS for yielding to me to make these remarks at this point ahead of him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished then-chairman of the Finance Committee, when they reported out the tax cut, did not include a rebate, did not include a tax cut for this present fiscal year, 2001. But to not have it in all of a sudden has become, in his words, dangerous: Oh, this is a dangerous thing. I am just doing what he, as the chairman of the Finance Committee, reported out.

I have said: Look, let's not have a tax cut for the year 2001. That is exactly what President Bush said when he submitted his tax cut: Let's not have a tax cut for 2001. We will begin in 2002. That is what the House of Representatives said when they passed the tax cut. They said: Don't have it for 2001. Let's begin in 2002.

Now, all of a sudden, to do that has become dangerous? a constitutional question? I originated this particular rebate, which I ask now to be repealed, in the Senate. The Senate did not raise a constitutional point of order that it was a revenue measure that should derive in the House. Every one of the Republicans voted for it, without question, without point of order, without constitutional question. They did not blue-slip it when it got over to the House of Representatives.

Now where are we? They talk about campaign finance in the morning paper and say the House is debating it and they are only going to have 1 day of debate. But we are only going to have 15

minutes of debate here this morning on campaign finance because that is all this is. Nobody thinks now the minimal, too late, too little rebate is going to work. I have not found anybody who really thinks mailing somebody $300 or $600 is all of a sudden going to trigger a recovery in a $10 trillion economy—let me emphasize this. When it got to be about February and March, and I really began to worry about the economy, wondering if there was anything that could be done, yes, there was a rebate being discussed. So I went to the financial minds on Wall Street and the economists—because I am a former chairman of the Budget Committee, and I know whom to call and whom to talk to—and I said: Look, do you think a rebate will work? They said: It's 50–50, a flip of the coin. It might, but probably will not. To make sure it works, they told me the rebate ought to be at least 1 percent of the gross domestic product of $10 trillion, which is $100 billion. And it certainly ought to cover as many taxpayers as possible.

So we set out with $100 billion, and we included the 95 million income-tax payers and the 25 million payroll-tax payers, and do you know what those rascals did? Listen to this. They gimmickly said: The corporate taxes due in September—namely, fiscal year 2001—we are going to move that over to October so we will have enough money for the campaign next year.

Talk about campaign financing. Where are we going to take it away? We are going to take it away from, of all people, Dicky Flatt.

The Senator from Texas is always talking about little Dicky Flatt who pulls the wagon and pays the taxes and builds the country and sits around the kitchen table. Poor Dicky Flatt gets nothing. And what does this amendment say? Let's put everybody in Dicky Flatt's shoes. If he and the 25 million payroll-tax payers are not going to get anything, then let's not give it to anybody because we can save $40 billion. To pay for what? To pay for the defense, the $18 billion increase that Secretary Rumsfeld says we are going to need. To pay for what? The distinguished Senator from Iowa re-allocated $250 million over 10 years for education.

Everybody is asking: Where is the money? Instead of sobering up and looking at it in a judicious fashion and saying, wait a minute, what we are really doing is borrowing, we will have to borrow some $40 billion to distribute around when we know it is not going to do the job.

Let me emphasize why I say borrow. Here in my hand is the debt to the penny. The U.S. Department of the Treasury publishes this on the Internet. The national debt now is up to $5.710 trillion. At the beginning of the fiscal year it was $5.674 trillion. So, a surplus? Come on. The debt has gone up. We have a deficit, as of this minute, of $36 billion and it is going up.

I will take another bet if the distinguished former chairman of the Budget Committee, the Senator from New Mexico, will come out. I will still jump off the Capitol dome. He wants me to, I know. But I will jump off that dome if the deficit is less than $50 billion by the end of September. You watch. It is going up, up, and away.

Here are the CBO figures. These are my realities. You can see here, we have ended the fiscal year 2000 with a $22.7 billion deficit, and at the beginning of this year, CBO was projecting a $26 billion surplus for 2001.

Then in May, they verified that $26 billion by saying: We are going to have to adjust it down by $6 billion. So it went down to $20 billion. You can see that we Democrats have been fiscally responsible. When President Clinton came in office, he came in with a $403.6 billion increase in the debt—a deficit of $403.6 billion. We have been going down, down, down in the red, and we lost the Senate. Yes, because we voted for an increase in taxes, a cut in the size of Government—over 300,000 slots—and a cut in spending of over $350 billion. And what did that do? The market and technology boomed for 8 years, and for 8 years straight we have been reducing into the black and going right into surplus. As of April 3, we had a $102 billion surplus.

Now, today, July 10, we are already back in the red. I voted for a balanced budget under Lyndon Johnson, but I haven't been able to for the past 34 years. I thought I could have until they came with the tax cut. And now they insist on it when they are going to give it to the rich. A stimulus was not even contemplated by President Bush, not contemplated by Chairman GRASSLEY of Finance, not contemplated by the House of Representatives. And it was certainly not contemplated for Dicky Flatt, not for the 25 million payroll tax payers who really need the relief. I had to put it in on the Senate side.

Oh, yes, they are buying the vote. That is all this is, campaign finance. It is a sad thing because we thought we could stay on course financially.

You can see on the chart how at 22.7, we started going down in the red. Then we started back up, and now we are headed down to 75 and staying. If we had stayed on course, we were going to remain in the black, surplus, surplus, surplus. And that is what we heard from President Bush. Now he talks about stimulating, stimulating, when he had no idea of stimulating. His tax cut included nothing for this particular fiscal year.

I do not touch his tax cut. I lost on that particular vote. They still have their tax cut beginning next fiscal year. But they put in, rather than a rebate, as I had it, of $500 and $1,000 and going to 120 million taxpayers in America, a rebate of just $300 and $600. They also left out the most important of all taxpayers, the payroll tax payers, some 25 million, who get nothing.

All I am saying is, wait a minute, let's save the money. Let's don't go out and borrow it because we don't have it. Go over to the Treasury Department. And don't let them give you the doubletalk, either, when you get over to Treasury. When I mention doubletalk, this is what I mean. Let me explain to my colleagues. They talk about private debt and public debt, unified budget deficits and all this; we have had this gamesmanship for 34 years now. Debt held by the public has gone down $137 billion, but the debt held by the Government has gone up $173 billion. That is where you get the deficit of $36 billion. So we are borrowing now.

I don't want to get into it with my distinguished chairman who is doing an outstanding job trying to save Social Security and Medicare. I can tell him, according to the Treasury records, as of this minute, they have spent $173 billion of trust funds. You have a computer. Just look up this information on the Internet.

I don't know where they got the $173 billion. I have my ideas where they get it. They continue to spend. We passed 13–301. You have a Secretary of the Treasury running around, Secretary O'Neill, saying there never has been any money in the Social Security trust fund. The Greenspan Commission, section 21, said put Social Security off budget. On November 5, 1990, George Herbert Walker Bush signed it into law, 13–301, to put Social Security off budget in the sense that the President and the Congress were forbidden to report a budget that included the Social Security trust funds. Everybody voted for it, 98–2 here in the Senate. But they totally ignore it. And now we have the Secretary of the Treasury saying there never has been a trust fund.

That is how run amok this Government has become. It is time we sober up and stop spending money we don't have. Everybody is talking about paying down the debt, paying down the debt. A vote against this is to increase the debt. I am saying let's hold the tax schedule where it is and, in short, do away with the rebate because it is not going to do any good. Everybody knows there is no chance of it. And in time, Madam President, we might find some money to take care of defense, take care of education, take care of the $6.5 billion for this supplemental bill. That was never contemplated. We are looking for money as a way to pay it, and rather than going out and borrowing it, we are distributing it around to buy the vote. That is all it is going to do politically. It is not going to do anything economically. Maybe we can get back to some rational approach to our fiscal affairs.

Mr. Greenspan can do all he will with respect to the monetary policy, but it

is up to us to take care of the fiscal policy, the long-range interest rates and everything else.

A headline from the Financial Times reads, ''Hard Landing Alert Sounded for U.S. Economy.'' And again, Mort Zuckerman, editor in chief of U.S. News and World Report, says that consumer spending, capital spending, and exports are declining rapidly, that the economy is in worse shape than it looks.

With that confronting us, why are we running around borrowing some $40 billion to mail around knowing it is not going to do any good, confronting funding Social Security, funding Medicare, funding the education increase of $30 billion a year, funding the increase that Secretary Rumsfeld wants of $18 billion?

I retain the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. REID. I have spoken to Senator HOLLINGS. He has no more time he wishes to use. The opposition has used some of his time. I don't think we have any more time. The hour of 12:30 is quickly approaching. I ask unanimous consent that we recess for our Tuesday morning conferences of the parties at this time.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:16 p.m., when called to order by the Presiding Officer (Mr. CLELAND).

SUPPLEMENTAL APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 866

The PRESIDING OFFICER. There will be 2 minutes equally divided before the vote on the Conrad amendment.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the amendment I am offering today is an amendment I offered last year that got 60 votes on the floor of the Senate. Earlier this year, it got 53 votes on the floor of the Senate. It says we should protect both the Social Security and the Medicare trust funds. We already provide some protection of the Social Security trust fund. It would strengthen those protections. We would also provide those same protections to the Medicare trust fund. Both of these trust funds deserve protection. If we don't provide it, the money will be used for other purposes.

I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. May I ask, how much time do we have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. VOINOVICH. Thank you.

Mr. President, I urge my colleagues to vote against the Conrad amendment. In fiscal year 2002, the overall Medicare Program would require over $50 billion in general tax revenues. Over the next 10 years, the Medicare Program would require over $600 billion in general tax revenues. We can't lockbox something that simply does not exist. It is a fiction.

This amendment, in my opinion, will harm our ability to reform Medicare and also harm our ability to provide a prescription drug benefit that is so long due for the American people.

Furthermore, the Conrad amendment does not contain any real teeth in terms of a Social Security lockbox. It lacks any automatic enforcement mechanism to protect Social Security. I urge my colleagues to vote no on the amendment and against the waiver of the point of order.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, on behalf of myself and the chairman of the Appropriations Committee, Senator BYRD, I raise a point of order that this amendment violates section 306 of the Budget Act.

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

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act for the purpose of the pending amendment, and 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 assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), and the Senator from North Carolina (Mr. EDWARDS) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SANTORUM), is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—42

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Miller
Biden	Graham	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hollings	Reid
Cantwell	Hutchinson	Rockefeller
Carnahan	Johnson	Sarbanes
Carper	Kennedy	Smith (OR)
Cleland	Kerry	Specter
Conrad	Landrieu	Stabenow
Corzine	Leahy	Torricelli
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

NAYS—54

Allard	Ensign	Lugar
Allen	Enzi	McCain
Bennett	Feinstein	McConnell
Bond	Fitzgerald	Murkowski
Breaux	Frist	Murray
Brownback	Gramm	Nickles
Bunning	Grassley	Reed
Burns	Gregg	Roberts
Byrd	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Jeffords	Thompson
DeWine	Kohl	Thurmond
Dodd	Kyl	Voinovich
Domenici	Lott	Warner

NOT VOTING—4

Clinton	Santorum
Edwards	Schumer

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EDWARDS. Mr. President, I was unavoidably detained during this vote on the motion to waive the Budget Act with regard to the Conrad amendment, vote No. 221. Had I been present I would have voted ''aye.''

AMENDMENT NO. 865

The PRESIDING OFFICER. Who yields time on the Voinovich amendment?

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to add Senators ALLARD, FITZGERALD, and HAGEL as cosponsors, and I also thank Senators SESSIONS, HELMS, and CRAPO for their help on this amendment.

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

Mr. VOINOVICH. I ask my colleagues to vote to support our Social Security lockbox amendment. Our lockbox strengthens the existing point of order against spending the existing Social Security surplus. Our lockbox makes it out of order to use the Social Security

surplus in any single year of the next decade. More important, our amendment contains an automatic enforcement mechanism. If OMB reports the Federal Government will spend the Social Security surplus, an automatic across-the-board cut in spending, a sequester will be put in place. The size of this sequester will offset the use of the surplus. This is the ultimate enforcement mechanism. If the Social Security surplus looks like it will get spent, the OMB stops it from happening. This will ensure we stay the course on limiting spending and pay down the national debt as we promised when we passed the budget resolution.

Spending cuts under this amendment would impact both discretionary and mandatory spending. Mandatory spending for the most needy in society would not be affected by these cuts. My amendment would exclude Social Security, food stamps, and other programs that are excluded from sequesters under the Deficit Control Act of 1985. In reality, about $33 billion of mandatory spending is subject to sequester. Hopefully, we would never have to use the sequester.

This amendment is straightforward. It relies largely on existing law. It primarily builds upon the existing budget process. We all know Social Security is off budget and my amendment reinforces that position. Our amendment does not modify any budgetary conventions, nor does it pretend Social Security is something it is not. We must make sure history does not repeat itself. For years the Social Security surplus has been an all too readily available source of cash for Congress to spend. However, since 1999, there has been a political consensus not to return to spending of the Social Security surplus, in large part because we have had an on-budget surplus that supplied the extra money.

If, however, the economic prosperity that this Nation enjoyed recently continues to fade, although I hope this is a temporary situation, and surplus projections are likely to be revised downward, then the Social Security surplus will again be in the crosshairs. It will be in the crosshairs because of Congressional yearning for more spending.

If you want to make sure money is there to follow through on what we promised the American people, if you want to pay down the debt, if you want to control spending, and if you want to do it in an accountable, enforceable way, without gimmicks, vote for this amendment. I think everyone in this room knows this is the right thing to do. I urge my colleagues to vote for this amendment and urge them to vote for waiving the point of order that will be raised against it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Voinovich amendment does nothing to protect Medicare. Just a few short months ago, every member of the Republican caucus voted for protection for both Medicare and Social Security. What has occurred that would lead them now to forget Medicare?

This is not a wise course. In the name of protecting Social Security, this amendment would cut Medicare. The sequester that is provided for in this amendment says, if we are on the edge of going into Social Security, cut Medicare, cut defense. It is a one-trick pony. It does not matter whether the deficiency was caused by a tax cut, by an economic downturn, or by excessive spending, the answer to each and every one of them is the same: cut spending. It does not matter if the problem was caused by too big a tax cut: cut spending. It does not matter if the problem was caused by an economic downturn, the answer is cut spending. It is not a balanced approach.

The assertion that there is no Medicare surplus simply does not fit the facts. This is the report of the Congressional Budget Office. On page 19, under the table ''Trust Fund Surpluses,'' it shows Social Security in surplus, it shows Medicare Part A in surplus, it shows Medicare Part B in rough balance.

The argument that the Senator from Ohio is making is that because we have chosen, as a Congress, to fund Part B, in part by general fund transfers, that that means Medicare is in deficit. That is not the case. That is not the definition of the Congressional Budget Office; that is not the definition of the Office of Management and Budget. All of them assert there is a surplus in Part A and rough balance in Part B.

We, as a Congress, have made the determination to finance Part B, by premiums in part, by general fund transfer in part.

This is not an amendment we should adopt.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we already have a Social Security lockbox. The pending amendment contains matter within the jurisdiction of the Senate Budget Committee; therefore, I raise a point of order against the amendment pursuant to section 306 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I move to waive the applicable provisions of the Budget Act and 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. REID. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SANTORUM) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—43

Allard	Gramm	Murkowski
Allen	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Sessions
Campbell	Harkin	Shelby
Collins	Hatch	Smith (NH)
Craig	Helms	Smith (OR)
Crapo	Hutchinson	Snowe
DeWine	Hutchison	Specter
Ensign	Inhofe	Thomas
Enzi	Kyl	Thompson
Feingold	Lott	Voinovich
Fitzgerald	Lugar	Warner
Frist	McCain	
Graham	McConnell	

NAYS—54

Akaka	Corzine	Levin
Baucus	Daschle	Lieberman
Bayh	Dayton	Lincoln
Bennett	Dodd	Mikulski
Biden	Domenici	Miller
Bingaman	Dorgan	Murray
Bond	Durbin	Nelson (FL)
Boxer	Edwards	Nelson (NE)
Breaux	Feinstein	Reed
Burns	Hollings	Reid
Byrd	Inouye	Rockefeller
Cantwell	Jeffords	Sarbanes
Carnahan	Johnson	Stabenow
Carper	Kennedy	Stevens
Chafee	Kerry	Thurmond
Cleland	Kohl	Torricelli
Cochran	Landrieu	Wellstone
Conrad	Leahy	Wyden

NOT VOTING—3

Clinton	Santorum	Schumer

The PRESIDING OFFICER. On this vote, the yeas are 43 and the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 873

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided before a vote in relation to the Hollings amendment. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, in the first part of April when we passed my amendment authorizing a rebate, we had a $102 billion surplus. Now, as of 3 o'clock this afternoon, according to the Secretary of the Treasury, the public debt to the penny—and anybody can read it on the Internet—the debt now, instead of being a surplus, has increased since the beginning of the fiscal year to $36 billion in the red. In

other words, we don't have the $41 billion for a rebate. We have to go out and borrow it.

Common sense says that rather than going out and borrowing money and throwing it to the winds, increasing the debt, the public would prefer that we pay down the debt. At least that is what we tell them we are doing.

If you look on the screen on channel 2, the Republican channel says ''abolishes a tax rebate.'' ''President Bush and Congress promise to the American people. . . .''

They didn't promise it. It was my amendment. I promised, as the financial world advised me, that it should apply to all taxpayers. What they have done is broken my promise. Nothing is in this bill for the 25 million payroll-tax payers. In other words, you and I, Mr. President, will get a rebate, unless you vote for my amendment. But the payroll-tax payers, such as Dicky Flatt—I don't know where the Senator from Texas is, but Dicky Flatt, the fellow who ''pulls the wagon and pays the taxes, and builds the country, and sits around the kitchen table'' gets nothing.

Now, come on. If there is a conscience around here, let's talk sense. Save that $41 billion. We need it for defense. We need it for education. We have increased education spending to $25 billion a year, $250 billion over 10 years. We need it for prescription drugs. Let's don't throw the money around and then cry the rest of the year here that we don't have the money.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I rise in strong opposition to the Hollings amendment. The Hollings amendment would repeal the retroactive marginal rate cuts enacted on June 7th of this year. That is barely over 1 month ago.

My opposition to the amendment is based on both procedural and substantive grounds.

On the first problem the amendment's procedural problems, it is clear that, if adopted, this amendment will cause the underlying supplemental appropriations bill to violate the origination clause of the U.S. Constitution. If sent to the House, the bill would certainly be ''blue slipped.'' So, this amendment, if adopted, kills the supplemental.

The second problem is the substance of the amendment. This amendment would repeal all of the retroactive marginal rate reductions in the recently passed tax bill. Those rate cuts are based principally on the new ten percent bracket for the first $6,000 of income for single taxpayers and $12,000 of income for married couples.

The retroactive new ten percent bracket is the basis for the advance refund checks of $300 for a single person and $600 for a married couple. The Hollings amendment stops these checks dead. A vote for the Hollings amendment is a way to say no to American taxpayers who now expect to receive refund checks. A vote for the Hollings amendment is a vote against the stimulus in the tax bill we just passed.

Mr. LIEBERMAN. Mr. President, I will vote for the Hollings amendment and wish to explain my reasoning. The amendment focuses on the consequences of the massive tax cut, namely that we are facing a Hobson's choice—either raid the Social Security and Medicare HI trust funds or forgo needed spending on defense, education and other priorities. This is a choice that will bedevil us for years to come until we come to our senses regarding a tax cut we can afford.

The Hollings amendment seeks to avoid this Hobson's choice by rescinding a portion of the excessive tax cut. I would prefer that he rescinded aspects of the tax cut other than the rebates. I was an early advocate of rebates to help us with the current economic slowdown. I was disappointed in the rebate that was finally adopted in the tax bill because it is not being paid to tens of millions who filed tax returns, but I still support rebates.

If we don't face reality regarding the tax cut, however, we will be faced again and again with the Hobson's choice regarding the trust funds. We have urgent priorities to modernize our defense establishment and to fund the education reform initiative, both issues where I have expended considerable effort over the years. The problem we will face is that so much of the government's revenue base has now been spent that any national priority that requires more support, like defense or education, will have to be shelved or funded at the expense of the trust fund surpluses.

As Chairman CONRAD has explained, the President's budget plan means we may well raid these trust funds this year even if we do not go forward with these urgent priorities. We won't know for sure until the new budget estimates are provided in August and at the end of the fiscal year, but we may spend down these trust funds even if we do not exceed the budget resolution limits.

I applaud Senator HOLLINGS for raising this issue, and for seeking to avoid this Hobson's choice. While this amendment affects rebates that I support, it brings needed attention to the overall box the Administration has placed us in and the difficult choices we will have to make. This amendment attempts to avoid our dipping into the trust fund surpluses. There are other ways to accomplish the same goal and I will be exploring them as we struggle with the consequences of the tax bill, the need to defend the trust funds and fund urgent defense and education reforms. This is a Hobson's choice we did not have to face and that is why I voted against the tax bill and will vote for the Hollings amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. Mr. President, I have 2 minutes. I yield 1 minute to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, with deep reluctance, I oppose my good friend from South Carolina. I must say that I compliment him because it was earlier that he suggested to me the stimulus to get the economy going. He was foresightful of that fact, and because of that recognition, we now find that the economy does need to be stimulated a little bit. I compliment him for that.

I must oppose him on this amendment, however. This is a revenue measure. It has not been before the Finance Committee. In fact, it has in a certain sense been before the committee because it was part of a larger bill and the committee voted against it.

Second, this is a revenue provision on an appropriations bill. Under the Constitution, it will be blue-slipped by the House. The House will automatically reject it.

Beyond that, we just passed a tax bill. Let's not have a yo-yo, up-and-down tax bill. We can modify it later.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the American people should understand that if this amendment is adopted, it will stop the rebate checks in their tracks. It is almost as if we want to take the money back from the people before we ever give it to them.

They are saying: Congress did something right. And those who look at the American economy say: Hey, they did something right. It is about the right time to have a big tax cut.

I do not believe you will find one economist of renown and repute in the United States who will say in the middle of this downturn we should increase taxes. Ask somebody. I asked a bunch of them. They said this might not be the greatest tax plan, but cut the taxes and leave it alone.

I say to my friend, Senator HOLLINGS, he did a good thing when we had the budget resolution before us. He was ahead of us. He said put more of it in the early years. We went off to conference and followed his admonition. Now he thinks that is too much.

The checks that are in the mail, if they could get at them, knowing the post office, could even be stopped in a week if we adopted this amendment.

It is the wrong thing to do to the people; it is the wrong thing to do for the American economy, and certainly for

the Congress it is absolutely the epitome of moving in the wrong direction when the country has problems.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 873. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SANTORUM) is necessarily absent.

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

The result was announced—yeas 3, nays 94, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—3

Hollings	Lieberman	Mikulski

NAYS—94

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
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	Sarbanes
Byrd	Harkin	Sessions
Campbell	Hatch	Shelby
Cantwell	Helms	Smith (NH)
Carnahan	Hutchinson	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inhofe	Specter
Cleland	Inouye	Stabenow
Cochran	Jeffords	Stevens
Collins	Johnson	Thomas
Conrad	Kennedy	Thompson
Corzine	Kerry	Thurmond
Craig	Kohl	Torricelli
Crapo	Kyl	Voinovich
Daschle	Landrieu	Warner
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—3

Clinton	Santorum	Schumer

The amendment (No. 873) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the following amendments, they be considered with the following limitations, with no second-degree amendments in order prior to the vote in relation to the amendment: Wellstone amendment No. 874, there will be 60 minutes equally divided and controlled in the usual form; on the Schumer amendment, No. 862, there will be 30 minutes equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I suggest the absence of a quorum so we may examine this amendment for just a minute.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I have no objection.

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

The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I say to my friend from Minnesota, we almost have this worked out so that everyone will know what is happening until the end of the day. I know my friend from Minnesota is anxious to offer his amendment. We have imposed upon him to offer his amendment out of order. If we wait another 2 or 3 minutes, everything could be done. I ask if my friend objects if we go into a quorum call for a couple more minutes.

Mr. WELLSTONE. Mr. President, I was trying to accommodate Senators.

I suggest the absence of a quorum.

Mr. BYRD. Will the Senator yield before he puts in the quorum call?

Mr. WELLSTONE. I yield.

Mr. BYRD. I merely want to say, in explanation, that the Senator from Minnesota was about to proceed at my request. I did not know the state of the situation. I apologize for that. But I thank the Senator for yielding.

Mr. REID. I say to my friend, before we go into a quorum call, that very efficient staff have typed up a couple different versions of a unanimous consent request, the final one of which should be here momentarily. I have been conferring with the minority manager, and we should have it just about wrapped up, I say to my friend from West Virginia.

Mr. BYRD. Mr. President, if the Senator would yield, in the words of Alexander Pope: ''Thou art my guide, philosopher, and friend.''

Mr. WELLSTONE. Mr. President, has my colleague suggested the absence of a quorum?

The PRESIDING OFFICER. No.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the following be the only first-degree amendments remaining in order to S. 1077; that any votes ordered with respect to these amendments occur in the order in which the amendment is debated, and that no second-degree amendment be in order prior to a vote in relation to the amendment: Wellstone amendment No. 874; Bond amendment No. 872, with 30 minutes equally divided and controlled in the usual form; McCain amendment No. 869; Feingold amendment No. 863; Schumer amendment No. 862; a managers' amendment, with 5 minutes equally divided; provided further that there be 30 minutes of general debate on the bill, with Senators MCCAIN and GRAMM of Texas controlling 5 minutes each, and the remainder equally controlled by the two managers, Senators BYRD and STEVENS; that upon the use or yielding back of all time, the Senate proceed to vote in a stacked sequence, with 5 minutes equally divided and controlled between each vote, and that the votes, after the first vote, be 10-minute votes, and that the first vote in the sequence not occur prior to 7:45 this evening.

Madam President, we are hopeful and confident we can make the 7:45 time. We have spent a little time trying to come up with this agreement. This has been gone over with Senator BYRD.

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. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Madam President, reserving the right to object, the 30 minutes equally divided between Senator BYRD and myself includes the 10 minutes for Senators GRAMM and MCCAIN, but we are at liberty to yield that to any person on the other amendments, if necessary; is that correct?

Mr. REID. That is correct.

Mr. STEVENS. I have no objection.

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

The Senator from Nevada.

Mr. REID. Madam President, I express my appreciation to my friend from Minnesota who is his usual courteous self. He has been very patient. I

yield the floor for the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 874

Mr. WELLSTONE. Madam President, I call up amendment No. 874.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WELLSTONE. I thank the Chair.

Madam President, this amendment would increase funding for what is called the LIHEAP, the Low Income Energy Assistance Program. It would provide $150 million in emergency funding for this fiscal year for the LIHEAP program.

The amendment would be offset directing the Secretary of Defense to rescind $150 million in fiscal year 2001 funds out of administrative costs.

There have been many General Accounting Office Inspector General studies of the Pentagon budget that have talked about administrative waste going far beyond $150 million. Out of the whole budget, we are just saying take $150 million from all of the administrative waste—talking about tens of billions of dollars—and transfer that to the Low Income Energy Assistance Program.

This is a safety net program which provides essential heating and cooling assistance to almost 5 million low-income people, many of them senior citizens, many of them disabled, many of them working poor, many of them working poor families with children.

Let me explain why I bring this amendment to the floor. Right now, national estimates show—and this is shameful—that only 13 percent of the households eligible for the Low Income Energy Assistance Program actually receive any assistance at all. That is because since 1985, accounting for inflation, the truth is, the funding has declined by 70 percent. For many low-income families, the energy costs are as much as 20 percent of the monthly budget.

The Low Income Energy Assistance Program is a lifeline program that provides additional grants of money to people when they are in dire need of such assistance. When they don't get this help, if they are elderly, they don't buy the prescription drugs they need. They don't eat what they should be eating.

They don't have enough money for food. I am not exaggerating.

I am also talking about cooling assistance. While I come from a cold-weather State, we also have emergency cooling assistance, but for many States that is not unimportant. There are poor people, many of them elderly, who run into a lot of difficulty. We have had some summers when they died from exposure to the heat, struggling with asthma and whatnot and without any cooling assistance whatsoever.

I recognize the hard work that has been done by the Senate Appropriations Committee. In his supplemental request to the Congress, President Bush requested only $150 million of additional money for LIHEAP emergency funding. I am sorry. I have to say it: This does not represent ''compassionate conservatism.'' It was inadequate. The President's request would not even have been enough to assist low-income families who are currently in arrears from this past year's devastating winter.

Chairman BYRD and Chairman STEVENS, recognizing the inadequacy of the administration's request, doubled it. They deserve the credit for doing so. However, while the $150 million requested by the President was inadequate, the $300 million certainly does a better job, but it is far from adequate. It doesn't meet the needs of millions of working families and seniors who are facing unbelievable energy costs no matter where one goes in the United States.

In addition, all of the LIHEAP funds appropriated for this year have been released, and nearly half the States have already exhausted or nearly exhausted their funding.

It is clear that we are currently nearing a crisis situation. A study was just completed by the National Energy Assistance Directors Association, and they found that 28 States and the District of Columbia were either out of funding or had very low balances; States reporting that they were out of funds: The District of Columbia, Iowa, Kansas, Maine, Minnesota, Montana, New Hampshire, New Mexico, Rhode Island, Washington, and Wisconsin; States reporting very low balances: Alabama, Colorado, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New York, North Carolina, Texas, Vermont, Virginia, and Utah.

This survey also found that arrearages and threats of shutoffs increased to 4.3 million households. This past winter was a living hell for a lot of low-income people. Energy costs in the State of Minnesota went up 40 percent. We have this deadly combination of our not providing the funding that is needed over the years, so that only about 15 percent, 14 percent of the people who are eligible get the help, and in addition, with the dramatic increase in energy prices, it is an even far worse situation.

Let me be specific. Alabama needs an additional $5 to $6 million for summer cooling, especially if the State experiences the severe summer that has been predicted. Colorado may have to discontinue its summer crisis intervention program and the summer fan distribution program for lack of funding. Georgia needs an additional $1 million for summer cooling and to provide assistance to the 20,000 households that owe approximately $80 million in natural gas bills alone.

The Illinois program estimates it needs $15 to $20 million for a statewide summer program and $15 million for arrearage shutoff avoidance assistance. Kansas has had to resort to prorated benefits for winter heating assistance to compensate for the higher number of applicants and fuel costs. Kentucky needs $7 million to operate a cooling program. Minnesota needs an additional $13 million to cover the applications received this year and provide the same level of services as last year. New Hampshire has responded to the increased demand for assistance this winter season. It goes on and on.

Madam President, many States need the help and, as I said before, it is the cooling assistance. It also provides the money right now over this critical period for the cold-weather States to purchase energy at a lower price than they would be able to do later. It also provides resources for States to help low-income people pay some of the bills they have not been able to pay so that they are not shut off, because right now they can be shut off by the utility companies. Again, many Senators come from States where home heating prices went up by 40 percent this past winter.

I also want to make clear to my colleagues that this emergency funding will carry over to the next fiscal year. Advance appropriations were eliminated in last year's appropriations cycle. As of October 1, 2001, States will have totally exhausted their LIHEAP funds. The carryover of this amendment will ensure that many States will be able to pre-buy heating fuels for the next heating season, and summer purchases have greatly benefited low-income households, providing them with more fuel for their money.

This amendment could be offset again by directing the Secretary of Defense to transfer $150 million from the whole Pentagon budget in administrative expenses for fiscal year 2001. I want to remind colleagues that the President has requested $343 billion for the defense budget in the next fiscal year, at a time when the Department can't even complete an internal audit. I am just saying transfer $150 million in administrative expenses.

Now, again, let me be really clear. This is a successful program. It is a lifeline program. It is for the most vulnerable citizens in our country. We have not provided the funding and the assistance that is necessary, and it is the reason I bring this amendment to the floor—recognizing the good work of the Appropriations Committee. As a Senator from Minnesota, I listed all sorts of other States that are in trouble right now either for cooling assistance or in trouble as they look to this next year.

We ought to be providing the funding. This is just one vote that calls on us to try to get our priorities straight.

The President's $150 million was hardly compassionate conservatism; doubling it was good work, but it doesn't come close to meeting the needs over the next 3-month period, doesn't come close for what is needed for cooling assistance, doesn't come close for what use States can make to provide assistance to people so they don't get cut off by utilities. It doesn't provide advance funding for States such as Minnesota that are going to wind up in a real financial crunch next year because the home heating costs are going to be high and we are not going to provide the necessary funding.

At the very minimum, can't we take $150 million in administrative costs from the whole Department of Defense budget, which is well over $300 billion, and put it into emergency low-income energy assistance for poor people, working poor people, for children, for the elderly, and for the disabled?

I say to my colleagues that we know right now this has been a successful program. We also know that the program has continued to be underfunded, and we know firsthand that over half the States in the United States of America are out of money. I gave you a report on which States are almost out of money. We have a hot summer month coming up. I do not believe we should pass this opportunity to utilize the supplementary emergency vehicle, which is for emergency purposes, to bring additional relief to vulnerable citizens in this country. This amendment is a modest step in this direction, and I urge my colleagues to support it.

Also, because I know that the chairman and the ranking minority member want to continue to move things forward, I believe I have made my case, but I also want to kind of put this into a broader context. I really worry about where we are heading. We pass these tax cuts, we pass this budget resolution, and every day you read editorials and articles and you are looking at the figures which Senator CONRAD and Senator BYRD have laid out for us, and it is becoming crystal clear that what we have done is we have not been very intellectually rigorous.

We are not going to have the funding on present course. We had these Robin-Hood-in-reverse tax cuts. It is really over $2 trillion over the next decade, and it is only going to get worse. And now, at the very time when I thought we were going to have additional resources to work with, we are being told that soon we are going to be dipping into Medicare trust funds, Social Security trust funds, and that we don't have any funding. We can't help, in the year 2001, people who need lifeline assistance, low-income people who need emergency assistance.

And then I say to the ranking member, who has been such a leader on education, we were told during this debate about the ESEA that there would be the funding. Where is the funding going to come from? Where will we get the money to fully fund the IDEA program? Where is the money coming from for title I?

Then there is the prescription drug benefit. Everybody who campaigned for office campaigned on this issue. Are we going to say we have actually so little money, that the copays are so high—I don't know about the State of Washington, but I bet it is the same. The income profile of senior citizens in Minnesota is not high at all. You have too high a copay and people—if you don't deal with the catastrophic expenses, you are not providing the help. Are we going to be told again we can't afford to do it?

Are we going to be told we can't do anything on affordable housing? Barbara Ehrenreich wrote a book called ''Nickle and Dimed.'' She is a fine writer. She went incognito and lived in different communities trying to find out what you do. She worked at Wal-Mart. She had a chapter about Minnesota, and there is a paucity of affordable housing, rental or home ownership. For many, it is just not there. But we can't do anything. We are in a straitjacket. So we have amendments proposed that will add to the Pentagon budget and take away from workforce development, take away from dislocated worker funds. On the Iron Range in Minnesota, LTV just shut down; 1,400 workers are out of work.

I say to my colleague from West Virginia, take away from the steel loan fund. What kind of tradeoffs are we getting into? This is becoming a zero-sum game. We have a strong defense, but we don't help people who are out of work. We don't help rebuild industries that are so critical, as a matter of fact, to our national defense. We put more money into education, and we don't have money for prescription drugs or for job training.

We passed the Patients' Bill of Rights. I am proud of this piece of legislation. The whole question of health security for all is still out there.

Affordable child care: We all say we are for the children. Where is the funding for Head Start, and for affordable child care, and for affordable higher education?

What about veterans? Who is going to make the commitment to a decent health care budget for veterans? Who is going to do anything about homeless veterans?

I am just telling you that this is a small amendment, but this small amendment tells a larger story. I am not raiding Medicare or Social Security. I am not doing any of that. This is just a transfer. I am just saying, out of the whole Pentagon budget—the huge, over $300 billion budget—$150 million in administrative costs can be transferred to this program so that we can do a little bit better by way of helping vulnerable citizens in our country.

That is the amendment. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Madam President, I yield time in opposition to the distinguished Senator from Hawaii, Mr. INOUYE.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, the Wellstone amendment, dealing with the Low Income Home Energy Assistance Program, is a very noble goal. I have no quarrel with this goal but, most respectfully, this matter has been addressed in this bill.

The amendment that is proposed would cut funding for the Department of Defense by $150 million at a time when we are trying our best to increase funding. The amendment would allow the Secretary of Defense to choose which programs under his jurisdiction would be curtailed.

None of us wants to curtail readiness, but this blank check to administrative programs would force the Secretary to identify those that he considers of lower priority. I always ask myself: In a Senate of 100 Members, can we ever agree upon what is of more priority?

Most respectfully, I inform my colleagues that the Secretary could take funding from several items that this body has supported over DOD's reluctance, and we have done this for many years.

For example, we have a fund for the Youth Challenge Program which takes high school dropouts and turns their lives around. It is a most successful program that is under the auspices of the National Guard. It has saved our Nation countless millions of dollars. We have kept these young students out of prison. We have kept them out of crime. I do not think any one of us would want to cut off that program.

This amendment could very well force the Secretary to stop programs to clean up the environment. One may ask: In what environmental program is the Defense Department involved? Over the years, we have been closing bases, and all of our military bases, because of the nature of the work, are polluted. We have unexploded ordnance in the target ranges. There is oil pollution all over the place because we have had oil dumps. If the communities want to use these bases, how can they go about it under our laws? They have to be clean before people of the United States can utilize the bases that have been closed by the action of Congress. Do we want to stop that program?

Then we speak of our cultural heritage. The Department of Defense now has a Legacy Program which protects cultural heritage.

There is a program I am certain the author of this measure wants to see

continued, and that is the program which supports Native American tribes. For example, at this moment, we are closing clinics and hospitals, not only here but in Europe. We constantly find that our Native Americans do not have proper hospital facilities, and so we get these old, secondhand beds, old secondhand operating tables, and old secondhand x ray machines to help the first citizens of this land. Is that high priority or low priority?

Then we come to the National Guard. This has been a battle from day one. Is the National Guard of low priority or is it of high priority?

These are the types of programs the Secretary is likely to curtail or cut out to carry out the intent of this amendment.

I argue that we are already underfunded in the Department of Defense. That is why we are hopeful this Senate will approve this measure which will add $5.5 billion to the Department.

This amendment is a noble one, but I believe it aims at the wrong target. Others can speak more knowledgeably about the adequacy of funding. I know it is a worthwhile program, but understand, it is already fully funded for this fiscal year.

I have had people ask me: Why is the Department of Defense spending money for defense when we do not use an aircraft, when we do not use the carriers, when we do not use the submarines? Thank God, Madam President, we do not use the submarines. Thank God we do not have to use the bombers. Thank God we do not have to use the carriers because if we were using them, we would be at war. But since we are prepared, potential adversaries think twice before they decide to get into action with us.

Much as I admire the purpose, much as I admire the noble goal, I urge my colleagues to vote against the amendment.

I yield back any time remaining.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 12 minutes 20 seconds.

Mr. WELLSTONE. I will take 3 minutes, I say to my colleague. I want to respond to my good friend from Hawaii by saying three things. First, there is not a better person in the Senate. I hate disagreeing with him.

I listened carefully, and I want him to know in the language of this amendment, we make it clear:

> In determining the accounts to specify, the Secretary of Defense shall take into consideration the need to promote efficiency, cost-effectiveness, and productivity within the Department of Defense, as well as to maintain readiness and troop quality of life.

We do not talk about taking money out of any of the programs. We are not talking about cutting programs that are especially important for youth or especially important for Native American people. We are certainly not talking about anything that goes away from readiness and troop quality of life.

The only thing we are talking about is administrative expenses. The Pentagon has not even been able to complete its internal audit. We all know there is way more than $150 million in administrative waste in an over $300 billion budget. I am saying do not take it out of programs, and I am certainly saying do not take it out of anything that deals with troop quality of life or readiness. I am simply saying take it out of the administrative waste and put it into the Low Income Home Energy Assistance Program.

The vote is about whether or not we want to take some money out of administrative expenses from over a $300 billion budget and put it into this program.

My colleague talked about this program being fully funded, but the fact is, we have only 14 percent of the families who are eligible who are able to benefit because it has been so underfunded over the years. We just went through a 40-percent increase in heating costs this past winter which has thrown everything helter-skelter with States not having the money, with not enough cooling assistance, people in arrears, people faced with utility shutoffs, with States worrying about next year. I don't think anybody from any of these States can make a point that we don't need more funding for this program. If I thought we already had the funding we need, I would not bring this amendment to the floor. I believe it is quite to the contrary.

I reserve the remainder of my time.

Mr. INOUYE. How much time do we have?

The PRESIDING OFFICER. The Senator from West Virginia controls 23½ minutes.

Mr. BYRD. Would the distinguished Senator from Hawaii yield me 3 minutes?

Mr. INOUYE. I yield 3 minutes.

Mr. BYRD. Madam President, this amendment would add another $150 million for the Low-Income Home Energy Assistance Program, in addition to the $300 million already included in the bill. The additional LIHEAP funds are offset by an administrative cut in the Department of Defense to which Mr. INOUYE has very ably addressed his remarks in opposition thereto.

I am a strong supporter of LIHEAP; it helps many low-income households facing rising fuel costs, pay to heat their homes. However, both the House-passed and the Senate committee-reported version of this supplemental already recommend an additional $300 million for LIHEAP, which is double the amount recommended in the President's budget request. The committee-reported bill brings the fiscal year 2001 LIHEAP appropriation to $2 billion, and with the carryover funds from the prior year, funds available for LIHEAP would total $2.155 billion in fiscal year 2001. This compares to $1.844 billion in fiscal year 2000—an increase of $311 billion.

I commend the distinguished Senator from Minnesota. He makes a very compelling argument. Ordinarily I would want to support him in the position he has taken. However, the committee-reported supplemental, as I have already indicated, is a balanced bill; it is a fair bill. While I would like to provide additional resources for energy assistance to low-income people in the country, I believe the best way to quickly get supplemental LIHEAP funding to members in need is to approve the committee bill without this amendment so that the bill can be more immediately sent to conference and on to the President for his signature.

If I have any time remaining, I yield it back.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. On behalf of the committee, I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur in a stacked sequence later this evening.

The Senator from Missouri.

AMENDMENT NO. 872

Mr. BOND. I call up amendment numbered 872.

The PRESIDING OFFICER. The amendment is pending.

Mr. BOND. Madam President, in recent years we have witnessed some very serious and troubling discussions in the Appropriations Defense Subcommittee. We have noticed how American fighting men and women are being committed to engagements of all kinds all around the world. We know that the budget for the Defense Department has come down dramatically.

I was one saying when the Berlin Wall fell we could probably save 30 percent or more of our military budget because we could cut back and still maintain the force we needed. We were in a position where we were supposedly able to pursue two major regional contingencies at once. That was the theory.

Unfortunately, as we went farther and farther into more assigned missions, it became very questionable whether we could even do that. We asked questions from both sides of the aisle in our Appropriations Defense Subcommittee hearings about the resources we were providing for the Department of Defense. I believe it was

about 2 years ago about this time of year we had then-Secretary of Defense Bill Cohen before our committee, a former member of this body. We all respect him greatly.

I asked point blank: Mr. Secretary, do we have the money that is necessary to support our fighting men and women?

I believe his answer was something like: We do not have the resources available for the missions we have been assigned.

That was the beginning of the realization we had grossly underfunded the Department of Defense.

I am very pleased we have a defense supplemental before the Senate. I know these are tight times. There has been an effort to work with the administration, with the bipartisan leadership of both bodies, to find how we can provide vitally needed resources for the Department of Defense. My personal view is we may not have provided enough. That is why I have offered this amendment.

On May 24 of this year, the Associated Press ran a story on cannibalization, the lack of military spare parts. According to a GAO report, the Pentagon system for dispensing spare parts for airplanes, tanks, and other equipment is broken and officials are not sure how to fix it. At least 154,000 times a year a military mechanic takes a part from one airplane and puts it on another because a new spare part is not on hand, according to the GAO.

This cannibalization is a very questionable process. It is a waste of time and money. It costs 1 million extra work hours a year and risks damaging the aircraft, as well as the morale of the mechanics doing the work, several testified. Once cannibalized, a multi-million-dollar aircraft can sit idle for months or years, said Neal Curtin, GAO Director of Defense Issues. In one case, about 400 parts were removed from a plane that eventually had to be shipped by truck to the maintenance depot to be rebuilt. Witnesses said the cannibalization is widespread because the services are trying to maintain readiness on an aging fleet in a time of increased deployments.

LTG Michael Zettler, Deputy Chief of Staff for Air Force Installation, said cannibalization is only used when it is absolutely mission critical, and acknowledged in a prepared statement that it is done more than is desirable but blames some of it on design problems showing up years after abuse, resulting in a widespread need for more parts than specified, and fewer companies are making fewer parts—having left the market during the Pentagon 1990 downsizing.

Pentagon spokesman RADM Craig Quigley said: You do what you need to do given the availability of parts. It is largely an issue of funding. I use the family car as a good example. The older it gets, the more repairs you will do, but it is expensive to buy a new car.

This GAO report follows an earlier report that said the Department inventory management is ineffective and results in excessive stocks of some parts more than others. Though the problem has been under scrutiny since 1990 and the services have formed committees, study groups, and programs to fix it, no one has the statistics on how big the problem is, according to the GAO Director. Because they view cannibalization as a symptom of spare part shortages, they have not closely analyzed other possible causes or made concerted efforts to measure the full extent of the practice.

The Pentagon has been unable to document how many times it is done, the reasons, or how much time and money it has cost. It also cannot determine which cannibalizations are necessary, what alternatives are available, what improvements or changes need to be implemented, to what extent morale would be increased by reducing the workload.

My point in going through that article is simply to note that we are in a sorry situation where we are preparing to send our air men and women into combat without the spare parts we need. We grab a part from a Hangar Queen, another aircraft that is increasingly disabled, and take that one part to keep the planes flying. That means the planes we are cannibalizing are less and less able to carry out their assigned mission.

My amendment is, I believe and I hope, a responsible amendment which adds $1.430 billion for the fiscal year to the Defense Department. I believe the money is desperately needed by forces and can be spent in what remains of the fourth quarter of the current fiscal year. The amendment is operative only if and to the extent that the President declares it an emergency. The President would have control over whether to spend these funds. They could only be spent in the current fiscal year on problems which are very serious and which we understand from our sources are in dire need.

This amendment includes funds that will be directed exclusively to operations and maintenance and personnel accounts of each of the four services. This is money the Pentagon, in our view, needs right now to ensure that critical repairs and training are not delayed further. Our troops need to believe there is truth behind our words and that help is, indeed, on the way.

Consider this pressing challenge, the parts shortages and cannibalization from other pieces of equipment to which I just referred, specifically to aircraft. It is required throughout the military to keep our aging equipment going. To give an idea of the impact of the shortages, the GAO report found that shortcomings in spare parts increase maintenance costs by forcing maintainers to do things such as cannibalize needed parts from other aircraft, taking parts from one airplane to another to get one operational, meaning it takes two airplanes to get one ready to go. That essentially doubles the maintainer workloads, turning one repair into two.

Parts swapping also pushes costs up by increasing part failure rates. Components are more susceptible to breakdown when they are removed from one unit to another. Previously-installed parts have shorter in-service life than new parts.

When maintainers cannot do what they have been trained to do—that is, to fix airplanes—that leads to lower retention rates. The people who are in the job of doing the very critical work—making sure we provide the very best machines for our pilots—leave and go into the private sector. It is demoralizing to watch the mission-capable rates of airplanes drop due to a lack of spare parts. The maintainers want nothing more than to be provided the equipment and parts they need to do their jobs.

I applaud and thank the President for his initiative in submitting this supplemental, but I do differ with the administration's view that the funding currently provided is sufficient. Saying we will solve the problem in fiscal year 2002 is not going to help the problems we currently face as a result of the circumstances we have created. Our troops are tired of hearing us say help is on the way, only to be disappointed when it never comes.

It is time for us to show them that we, indeed, want to provide them the resources they need efficiently and safely to do the missions we give them. There are far too many examples of services being forced into situations where they must borrow from operations and maintenance accounts just to keep operations going and to purchase much-needed spare parts and equipment. Meanwhile, infrastructure continues to deteriorate at an alarming rate.

I will have printed in the RECORD excerpts from testimony of our most senior military personnel before the House Armed Services Committee in September of last year. For the benefit of my colleagues, allow me to read just a few.

From Admiral Vern Clark, Chief of Naval Operations, Department of the Navy:

> I currently have a backlog of . . . $5.5 billion in infrastructure. . . . We are currently not funding this account sufficiently so that we arrest the growth in critical backlog and we have to do better.

General Shelton had this to say:

> We can ill afford to take away from the current readiness accounts today. In fact, in some cases I think you've heard the Chiefs say they've still got shortfalls. . . . We have

got to find a way—and that means more money to be able to modernize the force.

Madam President, there are quotes from other members of the Joint Chiefs, and others, pointing out just how far we have come and how much further we need to go. This amendment before us provides $27 million for the Marine Corps. During last month's testimony, General Jones, the Marine Corps Commandant, told me he would have to find this money elsewhere by reprogramming funds if he did not receive it prior to the end of the fiscal year.

Real property maintenance shortfalls remain incredibly high. Just consider a recent report that two-thirds of the Army National Guard installations will maintain a status of C–4, which means ''significantly impairs mission performance.'' Installations continue to deteriorate because the funding we are providing is not sufficient to halt the decline.

Madam President, the current supplemental does not begin to reverse the slide in real property maintenance, and we cannot be sure future budgets will either. My colleague from Delaware, Senator BIDEN, refrained from offering an amendment to this supplemental that would have added $204 million for additional Blackhawk helicopters, but he made the point our Army aviation program is in deep trouble and is in dire need of additional funds if we are to get it back on track.

I came to the floor a month or so ago to point out that in the National Guard in Missouri, 75 percent of the helicopters are not operational. If we were running a museum, that would not be bad. But we expect our National Guard to be ready to be called on in a national emergency, and I can guarantee in our State of Missouri, and every other State, when there is a natural disaster, whether it is a flood, tornado, fire, or some other disaster, we want to be able to call on the National Guard. Three out of four planes in the Missouri National Guard are not airworthy. That means not only are they not ready, but the men and women who are supposed to fly them cannot train in them.

This is a serious situation that affects all branches of the Active and Reserve and the Guard. No matter where we turn, we find pressing needs both in our readiness accounts and in our modernization accounts. That is why I think it is essential we plus-up the current supplemental. Every dollar counts. I hope we can find support for it. I know the Members of this body understand the situation. I have been assured by people at the Pentagon that funding I seek to add could and would be used to fund current needs, and therefore I ask my colleagues to support this amendment that adds slightly more than $1.4 billion to the supplemental.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Madam President, I yield myself just a couple of minutes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have great respect for the Senator from Missouri. I am constrained to advise him, Senator BYRD and I gave our word to the Director of the Office of Management and Budget that we would not include any emergency funds in this supplemental appropriations bill this year. We did so because we were informed that there was, in fact, a substantial increase request to be presented by the President for the year 2002. We have, as all Members of the Senate know, received that request. It is substantial—over $18 billion. This money that is in the amendment of the Senator from Missouri could not be spent before that would be available anyway.

So I hope the Senator might consider relying upon us to work with him in the future and help us honor our commitment to the Director of the Office of Management and Budget.

I see my good friend from Hawaii seeks some time. Would he like to comment also?

Mr. INOUYE. Yes, if I may.

Mr. STEVENS. I yield to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I wish to advise my colleagues that in crafting this supplemental bill we considered two criteria, and both of them were requested by the Republican administration, requested by the Department of Defense.

First, any program receiving supplemental funding must be able to execute this funding during the current fiscal year. The current fiscal year ends in 2½ months, just a few days away. Second, that the funding could not wait until fiscal year 2002. It is the view of President Bush that the supplemental request has satisfied this objective.

I believe the modest changes made by the committee have improved this measure, increasing readiness and health care funding by $229 million.

I will remind the Senate that from fiscal year 1994 to fiscal year 2001, the Congress added $49 billion to the DOD budget, much of it for various programs that concern the distinguished Senator from Missouri, in some cases operation and maintenance funds appropriated for the same activities identified in the supplemental request, such as spare parts, base operations, and depot maintenance.

My point is, the Defense Subcommittee has a demonstrated record of considering both the funded and the unfunded requirements of the Department before marking up a piece of legislation. The funding provided in this bill, most respectfully, I believe meets the urgent needs of the military within the funding constraints set by the budget resolution for fiscal year 2001 approved by this body.

This act avoids emergency spending to demonstrate fiscal restraint. Much of the funding proposed by this amendment could not be spent responsibly in 2½ months. The Department would struggle to obligate the funds before the end of the fiscal year. Some would even be obligated to cover workload at the maintenance depots that would carry over to next year in violation of the Department's own restrictions.

I point out to the Senator from Missouri that the Appropriations Committee has addressed programs that he seeks to fund with his amendment. Specifically, runway repairs for the Masirah Airfield in Oman are addressed in the military construction section. The committee has addressed the Army's second destination transport costs. Those funds were reduced in the bill passed by the House. It seems that the unfunded requirement list submitted to the Senator is currently outdated.

So for all the above reasons, Madam President, I therefore must oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Madam President, I wonder if the Senator from Missouri would yield 2 or 3 minutes to the Senator from Arkansas.

Mr. BOND. Madam President, I would be happy to yield.

The PRESIDING OFFICER. The Senator from Missouri controls 36 seconds.

Mr. BOND. How much?

The PRESIDING OFFICER. The Senator from Alaska controls 10 minutes in opposition.

Mr. BOND. How much in support?

The PRESIDING OFFICER. The Senator from Missouri controls 36 seconds.

Mr. BOND. Thirty-six seconds. I would like to reserve the 36 seconds.

Mr. STEVENS. I yield the Senator from Arkansas 4 or 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Madam President, I thank the Senator from Alaska for yielding a brief period of time out of order.

I express my gratitude and my appreciation to Senator STEVENS for his willingness to accept into the managers' amendment an amendment I had proposed that provides $24 million in emergency funding that is offset in the amendment but is essential for cleanup from devastating ice storms in the States of Arkansas and Oklahoma.

I also express my appreciation to the chairman, Chairman BYRD, for his cooperation in this very vital funding.

I will make my comments brief. I know there are many desiring to speak and many amendments we are considering. But while December of 2000 has

come and gone, and many have forgotten those many months ago, it will not be a time that is quickly forgotten in the State of Arkansas. It is certainly a time I will never forget.

For many, it was anything but a merry holiday season. On December 12, and again on December 26, Arkansas was hit by two major winter storms. The Arkansas Department of Emergency Services said: ''These two storms combined created the most widespread and financially devastating disasters in our state's history.''

Life in most parts of Arkansas came to a halt as snow, sleet, and 2 to 4 inches of ice covered much of my State for weeks. To the Senator from Alaska, that may not sound like much, but I will tell you, the damage, the devastation that was done was unparalleled and unprecedented in Arkansas history.

As a result of the December 12 storm, more than 250,000 Arkansans lost power. At the time, that was considered the worst storm in 70 years.

By the time the first storm passed, more than 40 counties in Arkansas had been declared disaster areas. FEMA officials came in and said they would be in the State to do preliminary damage assessments on December 26, but they could not do it on December 26 because on Christmas morning Arkansans awoke to sleet, which turned to freezing rain by late afternoon and continued for 3 days. Western Arkansas was covered with more than 3 inches of ice. Power lines were down, homes and vehicles were damaged by falling limbs, and over half a million electrical customers lost their power just at the time many of them had their power restored from the first storm.

Arkansas received a Federal disaster declaration on December 29. Eventually, 65 out of 75 Arkansas counties were declared disaster areas.

Despite the recovery efforts, many scars are going to remain in Arkansas for years and years to come. It is July and the Forest Service personnel are still working to remove damaged timber, reopen roads and trails, and repair facilities.

The Ouachita National Forest in western and central Arkansas took the brunt of the damage. The weight of the ice brought down an estimated 500 million board feet of timber. Now that Forest Service personnel have fought their way into many of the most remote areas of the forest, that estimate may increase to as much as 800 million board feet.

I personally visited the forest this spring. I was shocked at the extent of the damage. All 1.8 million acres of the Ouachita National Forest were damaged to some extent. Twenty-six hundred miles of roads and six hundred and twenty-five miles of trails were closed or blocked. Roads, trails, and recreation areas in the heaviest damaged areas remain closed even to this day.

Now fire experts have evaluated the fuel loading in the forest and found that it is more than 10 times normal levels. Normally, there is about 5 tons of timber lying on the forest floor per acre. After the storms, that number jumped from 40 to 60 tons per acre. And in the hardest hit areas you get a little idea of it: The hardest hit areas have 80 tons of fuel per acre.

Wildfires on a 1.8 million-acre forest are difficult to respond to under normal conditions, but roads and trails into the most remote parts of the Ouachita are still impassable.

So as the threat of fire grows with each passing summer month, my main concern is for the 843,000 Arkansans living along and around the Ouachita National Forest. And that doesn't include the three ranger districts in Oklahoma that are of interest to Senator NICKLES and Senator INHOFE as well.

The Forest Service is doing everything it can, but if this situation does not change, in the next two summers we will see uncontrollable wildfires in the Ouachita National Forest.

So I appreciate this $24 million being included in the managers' amendment. I repeat the words of the Arkansas Department of Emergency Services: ''These two storms combined created the most widespread and financially devastating disasters in our state's history.'' It is now impacting tourism. It is impacting our entire economy.

I have been working with the Forest Service, and I believe this $24 million will provide the kind of relief to ensure the proper cleanup of that fuel in the Ouachita National Forest.

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

Mr. HUTCHINSON. I thank Senators STEVENS and BYRD and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

AMENDMENT NO. 872, WITHDRAWN

Mr. BOND. Madam President, I claim the remaining time I have.

I appreciate very much the very strong statements made by the chairman and the ranking member of the Defense Appropriations Subcommittee. These are men of great experience, dedication, and understanding. I look forward to working with them to achieve what we think is vitally important in filling the readiness gap.

Madam President, I would like to have been able to pass the amendment that I have introduced, but having learned to count in third grade and having some experience counting in this body, I defer to the greater wisdom of the senior Members and request that my amendment be withdrawn.

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

The Senator from Wisconsin.

AMENDMENT NO. 863

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senate now turn to my amendment, No. 863.

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

Mr. FEINGOLD. Madam President, I ask unanimous consent that Senator MCCAIN be permitted to offer his amendment upon completion of debate on the Feingold amendment.

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

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, and the Senator from Massachusetts, Mr. KERRY, be added as original cosponsors of the amendment.

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

Mr. FEINGOLD. Madam President, this amendment strengthens America's contribution to the Global Fund for HIV/AIDS, Tuberculosis, and Malaria, the plagues of the 21st century, and some of the foremost threats to security in the world. To pay for this funding increase, my amendment would make additional rescissions in procurement funds for the troubled V–22 Osprey program.

The global HIV/AIDS pandemic threatens security and stability around the world in a chillingly comprehensive way.

As Dr. Donald Berwick movingly wrote last month in the Washington Post:

> The earth has AIDS; 36.1 million people at the end of the year 2000. In Botswana, 36 percent of adults are infected with HIV; in South Africa 20 percent. Three million humans died of AIDS in the year 2000, 2.4 million of them in sub-Saharan Africa. That is a Holocaust every two years; the entire population of Oregon, Iowa, Connecticut or Ireland dead last year, and next year, and next. More deaths since the AIDS epidemic began than in the Black Death of the Middle Ages. It is the most lethal epidemic in recorded history.

The International Crisis Group, or ICG, is a well-respected private, multinational organization founded to build international capacity to prevent and contain conflict. Many of my colleagues are familiar with their reports on international hot spots from Macedonia to Burundi.

The ICG recently released a report entitled ''HIV/AIDS as a security issue.'' This report states:

> Where it reaches epidemic proportions, HIV/AIDS can be so pervasive that it destroys the very fibre of what constitutes a nation: individuals, families and communities; economic and political institutions; military and police forces. It is likely then to have broader security consequences, both for the nations under assault and for their neighbors, trading partners, and allies.

The report goes on to note that the crisis also affects personal security. As was noted on this floor recently, some reports indicate that if current trends continue, 15-year-olds in some of the most severely-affected countries will actually be more likely than not to die of AIDS.

The crisis affects economic security. Analysts predict that in Botswana, the pandemic will reduce government revenues by 7 percent, while the costs of fighting the disease increase by 15 percent.

The crisis affects communal security. In Lusaka, Zambia, I visited an orphanage, of sorts, where committed volunteers worked by day with nearly 500 children orphaned by AIDS. But by night, there was space for only fifty of these children. The rest were on the streets.

By 2020, some 40 million African children will have lost one or both parents to the disease. In Zimbabwe, even the healthy find it increasingly difficult simply to attend the many funerals of their families and friends and still fulfill their job responsibilities.

The crisis affects national security. According to UNAIDS, in sub-Saharan Africa, some military forces have infection rates five times higher than those of their civilian populations.

The crisis affects international security. Sub-Saharan Africa is in the midst of an urgent crisis. Infection rates are on the rise in Eastern Europe, Central Asia, South Asia, and the Caribbean. The consequences of this pandemic at all societal levels poses a serious threat to international peace and stability. Our country's prosperity and progress cannot be divorced from the global context in which we live.

That HIV/AIDS is a security issue is no longer revolutionary thinking. In January of last year, the National Intelligence Council produced an intelligence estimate entitled ''The Global Infectious Disease Threat and Its Implications for the United States,'' a report which framed the issue in much the same fashion.

Secretary of State Colin Powell said recently that he ''know[s] of no enemy in war more insidious or vicious than AIDS, an enemy that poses a clear and present danger to the world.''

But while many have absorbed the astounding—in many ways terrifying—statistics about this crisis, and many, including our Secretary of State, appear to have grasped its terrible implications, the U.S. policy response remains woefully inadequate.

We have all talked about the need to do more. Today we have an opportunity actually to do it.

Of course, addressing AIDS takes leadership, and as the chairman of the Committee on Foreign Relations Subcommittee on Africa, I am aware of the difference that energized leadership, such as that exhibited in Uganda and Senegal, makes and that it makes a critical difference when countries take on in a meaningful manner the fight against AIDS.

But America's leadership is required as well. UN Secretary General Kofi Annan has called for a global fund to fight AIDS, tuberculosis, and malaria. This is a true emergency affecting national security. The United States must answer the call.

My amendment would increase funding for this vital effort by $593 million. And the funding in this amendment is completely paid for. According to the Congressional Budget Office, this amendment is budget neutral. The amendment offsets the increased funding, dollar for dollar, with reductions in procurement of the troubled V–22 Osprey program.

Over the last 2 decades, HIV/AIDS has infected 60 million people, killed more than 20 million people, slashed life expectancies, and has left millions of orphans in its wake. We now know to a certainty the national security reality of the AIDS pandemic. But even after 20 years of research, development, and testing, we still don't know if the V–22 Osprey will work.

This amendment would not endanger the integrity of the Osprey production line, nor would it affect money that has been obligated as of April 2001.

But serious questions and concerns continue to cloud the Osprey program. Thirty Marines have died in Osprey crashes since 1991. Unanswered questions remain regarding the validity of maintenance records and the safety and viability of this aircraft.

The final report of the blue ribbon panel appointed by former Secretary of Defense William Cohen to review the program recommended a ''phased approach'' to proceeding with the Osprey program. The blue ribbon panel concluded that the Osprey ''is not ready for operational use.''

I agree with that conclusion. I also concur with the panel's recommendation that procurement should be reduced to the minimum necessary to maintain the production line until the myriad design and safety problems are addressed and further testing is done to ensure that this aircraft is safe. My amendment does just that.

The underlying bill rescinds $513 million in Osprey procurement funds—$150 million from the Navy and $363 million from the Air Force. While I am pleased that the underlying bill zeros out the Air Force procurement budget for the Osprey, it still leaves about $944 million in the Navy's aircraft procurement account for a program that has been grounded indefinitely and that is headed back into the research, development, testing, and evaluation stage for the foreseeable future.

The committee report accompanying this bill says that this funding will be used to procure eleven of the Marine Corps version of the aircraft, the deeply flawed MV–22. This is five fewer Ospreys than were authorized for fiscal year 2002, but in my view, it is still eleven more than we should build this year.

My amendment would rescind an additional $594 million intended for the Osprey from the Navy's aircraft procurement account. It leaves enough funding in place to maintain the integrity of the production line, and it does not affect the funding that the Navy has obligated for this program as of April 2001.

Based on the formula that was used when the Navy suspended production on two other troubled aircraft programs, the T–45A and the SH–60F, the minimum required to sustain the production line for the MV–22 is about $350 million. In the case of the T–45A, the Navy maintained the production line with 28 percent of its original funding; 34 percent of the funding was maintained for the SH–60F. The $350 million that my amendment would leave in place is the average of what the Navy left in place to maintain the production lines for these two programs.

We know the Osprey is broken. The Navy and Marine Corps are working on ways to fix it. And we should allow that process to move forward. But, we should not spend scarce taxpayer resources on building new Ospreys that will require costly and extensive retrofitting later.

So I think this is a great example of where we have to make a choice, and I think the choice is clear.

My amendment would scale back funding on a troubled program that plainly needs a thorough review. And it would increase our response to the world's greatest urgent threat to human life, the AIDS pandemic.

AIDS is a security issue, but it is also unquestionably a moral one. Our response is a measure of our humanity. We are not civilized, we are not just, and we cannot lay claim to common decency, if we simply accept millions of deaths and dismiss them as simply the problem of another continent.

Sadly, we are living in a time of plague. We have an obligation to fight it. History will judge us all.

Last month, the UN General Assembly conducted a special session on the pandemic. Let us begin today to match our response to our rhetoric. This amendment is fiscally responsible, it is the right thing to do, it is in the U.S. interest, and it reflects our national values. I urge my colleagues to support it.

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

The PRESIDING OFFICER. Who yields time to the Senator from Arkansas?

Mr. BYRD. How much time do we have, I ask the Chair?

The PRESIDING OFFICER. There are 5 minutes each under the control of the managers, and 8½ minutes is under the control of the Senator from Wisconsin.

Mr. BYRD. How much time does the Senator from Arkansas want?

Mrs. LINCOLN. If either the Senator from Alaska or the Senator from West

Virginia will yield it, I will need about 3 or 4 minutes.

Mr. BYRD. I yield 4 minutes to the Senator.

Mrs. LINCOLN. Madam President, I am simply here to extend my heartfelt thanks to the chairman of the Appropriations Committee and to Senator STEVENS from Alaska for the people of Arkansas.

Right before we broke for the Fourth of July recess, I joined with my colleague, JIM INHOFE from Oklahoma, in writing to both the chairman and the ranking member to express to them our concern on behalf of our constituents. During the winter of 2001, our home States of Arkansas and Oklahoma suffered through some of the most devastating storms in recorded history. On December 29, 2000, President Clinton declared a major disaster for our States, triggering the release of Federal funds to help people and communities recover from the severe ice storms that had blanketed our home States.

Unfortunately, the assistance provided to date has not been sufficient in getting our communities back on their feet. Farmers, ranchers, and timberland owners have been hardest hit. These ice storms added more than 10 times the normal amount of downed timber on the ground in Arkansas' Ouachita National Forest.

This year, Arkansas and Oklahoma have the potential to have one of the worst fire seasons in our history. With the massive amount of fuel on the ground, wildfires will burn extremely hot and fast, which will make it difficult to control or to contain. With the funding outlined in the emergency supplemental bill, our residents can complete the cleanup effort while also working to prevent massive forest fires this fall.

It would not be possible without the wonderful bipartisan working relationship of these two gentlemen who have worked steadfastly with both of our delegations to make sure we can provide our residents with what they need in order to keep our families, our forests, and certainly our communities safe. I thank both of these Senators on behalf of my constituents in Arkansas for the work they have been willing to put into this effort.

I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Arkansas for her exceedingly kind remarks concerning my efforts and the efforts of my distinguished colleague, Senator STEVENS from Alaska. There need not be any doubt in anybody's mind that the Senator stands up for her constituents and ably represents them. This is just another example of that.

Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 2½ minutes. The Senator from Alaska has 5 minutes. The Senator from Wisconsin has 8½ minutes.

The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Senator from West Virginia for allowing me to proceed on this amendment. I do oppose the amendment Senator FEINGOLD has offered. I do so because of my great interest in this system.

The V–22 represents the best new technology in aeronautics adapted by the military air system that I have seen in my time in the Senate. Unfortunately, it has had some bad circumstances, and we all regret deeply the difficulty it has had.

I have spent a considerable amount of time with the Marines, in particular, on this system and have discussed them personally with the Commandant of the Marine Corps. I will be very brief in saying that I believe this amendment is untimely and it is not in the best interests of our Marine Corps system.

I do believe, as the Commandant has written to me today, that the V–22 Osprey is the Marine Corps' No. 1 aviation priority. I think we should be very slow to terminate or disturb such a system which is being developed in the best interests of our men and women in the Marines.

In particular, if it proves successful, as I pray it will, it will take our men and women across the beach. We will not see visions again in any war of our people hitting the beach and being slaughtered at the edge of the water. They will be able to fly from smaller ships and all over the place and enter into any battle zone by air, and they will have a better opportunity of survival and success in defending our Nation's interests in a time of war. It is a military asset of great value to our Department of Defense.

I intend to oppose the amendment.

I ask unanimous consent that the letter sent to me today by General James L. Jones, Commandant of the Marine Corps, be printed in the RECORD.

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

JULY 10, 2001.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS, the restructuring of the V–22 program as recommended by the Panel to Review the V–22 resulted in proposed changes to the FY01 funding profile. Those changes were presented in the Administration's FY2001 Supplemental request. Your committee subsequently marked the program, making adjustments to the Navy funding and zeroing the Air Force procurement funding. While the Marine Corps would prefer that the Air Force remain an active participant at this stage of the V–22 program restructure, we understand your Committee's mark. That mark does allow the program to remain viable.

Unfortunately, Amendment 863 of S. 1077, currently being considered on the floor of the Senate, so radically reduces aircraft procurement funding that the resultant effect is termination of the V–22 program in FY 2001.

As you know, Senator Stevens, the V–22 Osprey is the Marine Corps' number one aviation priority. It will revolutionize combat assault in a manner not seen since the introduction of the helicopter more than 50 years ago. The V–22 Osprey is the only vertical lift, assault support aircraft that provides the combination of range, speed, and payload which fulfills the Marine Corps' medium lift requirement. The Osprey met or exceeded all Marine Corps' key performance requirements and is projected to meet or exceed all Air Force/SOCOM key requirements. It carries three times as much, five times as far, twice as fast as the Vietnam era CH–46 Sea Knight it is replacing. The V–22 Osprey is a key enabler allowing Marine expeditionary forces to rapidly respond to unpredictable, unstable situations throughout the world. Additionally, the V–22 is also the only vertical lift aircraft that can rapidly self-deploy to meet USSOCOM's mission requirement—completion of the critical long-range infiltration/exfiltration mission in one period of darkness.

Senator Stevens, a better course of action would be to support the Review Panel's recommendation to restructure the V–22 program that uses a phased approach to a return to flight and tactical introduction. However, the amendment currently under consideration by the Senate would cause a production line shut down and any remaining FY01 funding would be used to terminate the contract. Other potential impacts include:

Labor rate increases due to business base reduction;

Production loss of learning due to potential layoffs (loss of experience, going back up the curve);

Inflation cost increases due to moving quantities to the right;

Material burden increases;

Material cost increases due to economies of scale impacts (quantity reductions);

Vendor elimination causing loss of learning for materials and re-qualification costs;

Obsolescence costs and other non-recurring cost;

Increased manufacturing inefficiency; and

Personnel layoff.

Should quantities change for V–22, labor wrap rates for other Bell and Boeing Programs would also be adversely impacted.

Senator Stevens, clearly these negative impacts were not intended by the Panel to Review the V–22, the Administration's restructuring of the program or your Committee mark-up of the FY2001 Supplemental bill. In a world that is often chaotic and unpredictable, the V–22 Osprey provides the Nation with an aircraft that can deal with any situation—from humanitarian relief to full combat operations. I request your support to keep this critical program viable as the FY2001 Supplemental request proceeds through the Senate.

I have provided a similar letter to Chairman Inouye, requesting his support.

Semper Fidelis,

JAMES L. JONES,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

Mr. STEVENS. I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I realize that time is limited. If I may, I will quote from the letter dated July 10, 2001, from the Commandant of the U.S. Marine Corps, GEN James L. Jones. I believe this one paragraph, the third paragraph, says it all:

As you know, Senator Stevens, the V–22 Osprey is the Marine Corps' number one aviation priority. It will revolutionize combat assault in a manner not seen since the introduction of the helicopter more than 50 years ago. The V–22 Osprey is the only vertical lift assault weapon aircraft that provides the combination of range, speed, and payload, which fulfills the Marine Corps' medium lift requirement. The Osprey met or exceeded all Marine Corps' key performance requirements. . . . It carries three times as much, five times as far, twice as fast as the Vietnam era CH–46 Sea Knight it is replacing. The V–22 Osprey is a key enabler, allowing Marine expeditionary forces to rapidly respond to unpredictable, unstable situations throughout the world.

Mr. INOUYE. Madam President, this amendment will wipe out the V–22 program, and if at a later time we find it necessary to revive that program, it will cost billions.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, of course, I have enormous regard for both speakers in opposition, the Senator from Alaska and the Senator from Hawaii, but I want them to know how carefully we crafted this amendment to avoid the consequence they both mentioned.

This amendment does not kill the Osprey program. It is not inconsistent with the statement of the Senator from Alaska that this may well turn out to be the best new technology. It is not inconsistent with the Commandant's letter where he says this is the No. 1 priority of the Marines. We do not contradict that at all.

In fact, I respect the fact there is a real effort out there to try to fix the problems with the Osprey. This does not kill the Osprey program. I understand some of our people sadly have died in these helicopters, but I also know yesterday there was an unfortunate accident involving the helicopters they want to replace.

I want to be candid about this. There may well be a need for an improved helicopter. This amendment does not kill the Osprey program, and that is the only argument that has been made against the amendment.

The amendment is carefully crafted. What this amendment allows is to have the research and the consideration that needs to be done on the Osprey actually completed, to have the tests done, to make sure people are going to be safe in this helicopter, and at the same time allow Senators to vote to do what they must do: To enhance the international effort against the AIDS pandemic. It is truly a win-win proposition that does not threaten the Osprey.

Specifically, in response to the Commandant's letter that was just printed in the RECORD, it simply is incorrect in terms of the budget implications. This amendment does not shut down the production line. That is what is being suggested, but it does not. There are still Ospreys in various stages of construction that are being built with both fiscal year 1999 and fiscal year 2000 resources. We do not impact those Ospreys. They will continue to be produced on the production line.

More important, the experts at the GAO have specifically stated a very different conclusion. According to the GAO, the Osprey production line is currently being maintained with the completion of between four and seven planes per calendar year. Four planes were delivered to the Marines in 1999; five were delivered in 2000; six planes have been completed since December 2000 but have not yet been delivered because the fleet remains grounded and no flight testing of those planes can take place.

Each Osprey costs about $83 million to produce. This amendment carefully leaves in place—it does not wipe out the program—$350 million in fiscal year 2001 money, plus the $102 million the Navy has already obligated, for a total of $452 million remaining in the program.

At $83 million per aircraft, this $452 million would purchase five Ospreys, and given the current production rate, as I just pointed out, no more than seven Ospreys have been delivered in any one calendar year anyway.

In my view and in the view of the blue ribbon panel, this program should be reduced to the minimum necessary to maintain production until the aircraft undergoes redesign and further testing. It is still unclear how much retrofitting will need to be done on the existing Ospreys and how much it will cost or if it will be cost-effective or even possible to retrofit the existing Ospreys. The Department of Defense has said it will take about 1 year to do the additional research and testing needed to determine the status of the Osprey program.

Clearly, if we are talking about budget prudence and caution and making sure we do not waste millions of dollars, this amendment is the way to go. It is prudent to wait and see what the results of the tests are, obviously, before we increase the rate of production above the current five to seven per year.

I reiterate, we do not kill the Osprey program. We do not stop it. We simply make sure we only use it at the minimum level that it is currently at and maintain the production line so it can be studied and so the additional resources that would have gone to it make a serious contribution to the fight against HIV/AIDS around the world.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. FEINGOLD. Madam President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senator. I hope my colleagues who are following this debate in their offices will pause for a moment to consider what we are about. How many times have we come to this Senate Chamber and voted for resolutions, voted for ideas that say we are pledged to fighting the AIDS epidemic in Africa? Sadly, it has almost become commonplace here.

We voted for amendments and budget resolutions because, frankly, they are messages we send out for the world to read. But this amendment from the Senator from Wisconsin is real. It is an amendment which comes up with millions of dollars to deal with a crisis that faces the world; not just a crisis facing the United States, it faces the world.

This crisis is the AIDS epidemic in Africa. The Senator from Wisconsin visited Africa a week or two before I did last year. We both talked about it. It was a profound, transforming experience to visit a continent that is consumed with disease and to realize that people with whom you are having casual conversations are likely to be the casualty of those diseases. Whether it is AIDS, tuberculosis, or malaria, Africa is dying.

The question for all of us who live in this prosperity and wealth in the rest of world is whether we care, and if we care, it is not enough to pass a resolution saying we care. The important test is whether we will put our money on the table. That is the test not only for this President and this administration, it is the test for all of us.

I support this amendment. I believe the Senator from Wisconsin is showing real leadership, and if all of the Senators who have voted for the resolutions expressing their heartfelt concern about this epidemic in Africa will come forward and vote for this amendment, I think we will have shown that we are prepared to put our money where our mouths have been.

I still think back to those moments in Africa when I was visiting. I just read on the way over here some of the things I had written and about which I had forgotten. I thought about going to a clinic in Mbale, Uganda, and listening to a beautiful choir of Ugandans who were all dying from AIDS, who set up in front of us and sang a song entitled, ''Why Me, Why You, Why Him, Why Her, Why Me.''

As I looked into their eyes, I thought: I will never forget this, ever, the courage I saw in that clinic.

Their courage should be matched by our commitment. This disease, this epidemic is not just destroying Africa; it is a test for the rest of the world. Will we respond to this holocaust of the 21st century or will we turn away and say the most prosperous nation in the world cannot come up with a singular symbolic contribution to end this scourge?

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

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Illinois not only for his tremendous eloquence but for his genuine compassion and commitment on this issue. It is moving to me to see a Senator stick to this effort and be willing to race down to the Chamber and speak in such a moving way. I thank him and hope we get the kind of vote this clear choice deserves.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, in 1983, at my request, we started the Army's infectious disease section to determine whether there could be a cure for AIDS or prevention of its transmission. Since that time, we have spent more money than all the world put together in trying to defeat AIDS. The way to help our great friends in Africa is to find a way to cure AIDS but not to take money from a system that needs protection under the Department of Defense.

Mr. BYRD. Does the Senator have anything further?

Mr. FEINGOLD. If the other Senators yield their time, I will yield mine.

Mr. BYRD. I have a brief statement.

Mr. FEINGOLD. I reserve my time.

Mr. BYRD. I intend to move to table if the Senator would like to speak prior to that motion.

Mr. FEINGOLD. If the Senator wants to proceed, I have no objection.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I oppose the amendment proposed by the Senator from Wisconsin, Mr. FEINGOLD. This amendment provides funding to address the AIDS epidemic, which is a problem of astounding proportions affecting millions in the world today. There is a very laudable purpose behind the amendment. Unfortunately, in my opinion, the committee-reported bill which contains $100 million for the Global AIDS Program is a fair and commendable approach under the present circumstances and at the present time. The $100 million for the Global AIDS Program was included in the committee bill at my own request. I made the request at the urging of the distinguished majority leader, Mr. DASCHLE. The President did not request supplemental funds for this purpose, but we worked in committee to identify noncontroversial offsets for this important program.

I believe the committee has produced a fair bill, a responsible bill, a balanced bill. I believe the most effective way to get this essential aid to the people who need it is to approve the committee bill, without this amendment, so the bill can be taken to conference and sent to the President for his signature.

I shall move to table and I do so with apologies to the distinguished Senator from Wisconsin, who is, as I have already indicated, offering an amendment that is laudable. I think we have responded in the committee, and under the circumstances I think the committee bill should be approved as is with respect to this amendment.

I move to table the amendment, and I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered. The vote will be delayed until later this evening under the previous order.

Under the previous order, the Senator from Arizona is recognized to debate his amendment numbered 869, with 2 hours equally divided. The Senator from Arizona.

Mr. McCAIN. Madam President, I am not quite ready with the amendment so I suggest the absence of a quorum. I understand the time will be taken from my allotted time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arizona.

AMENDMENT NO. 869, AS MODIFIED

Mr. McCAIN. Madam President, I ask unanimous consent to send a modification to my amendment to the desk.

The PRESIDING OFFICER. Is there objection to the Senator's modification of his amendment?

Mr. BYRD. Madam President, reserving the right to object—I have no intention of objecting—if we may just study the modification momentarily?

Mr. McCAIN. Yes.

Madam President, I suggest the absence of a quorum, the time to be taken from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, I remove my reservation.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 869), as modified, is as follows:

After section 3002, insert the following:

SEC. 3003. (a) In addition to the amounts appropriated to the Department of Defense for fiscal year 2001 by other provisions of this Act or the Department of Defense Appropriations Act, 2001 (Public Law 106–259), funds are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to the Department of Defense for the fiscal year ending September 30, 2001, for purposes under headings in the Department of Defense Appropriations Act, 2001, and in amounts, as follows:

(1) Under the heading ''MILITARY PERSONNEL, NAVY'', $181,000,000, of which $1,000,000 shall be available for the supplemental subsistence allowance under section 402a of title 37, United States Code.

(2) Under the heading ''MILITARY PERSONNEL, MARINE CORPS'', $21,000,000.

(3) Under the heading ''RESERVE PERSONNEL, NAVY'', $1,800,000, which shall be available for enhancement of force protection for United States forces in the Persian Gulf region and elsewhere worldwide.

(4) Under the heading ''OPERATION AND MAINTENANCE, ARMY'', $103,000,000.

(5) Under the heading ''OPERATION AND MAINTENANCE, NAVY'', $72,000,000, of which $36,000,000 shall be available for enhancement of force protection for United States forces in the Persian Gulf region and elsewhere worldwide.

(6) Under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'', $6,000,000.

(7) Under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', $397,000,000.

(8) Under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', $21,000,000.

(9) Under the heading ''OTHER PROCUREMENT, NAVY'', $45,000,000, to remain available for obligation until September 30, 2003, which shall be available for enhancement of force protection for United States forces in the Persian Gulf region and elsewhere worldwide.

(b) The amount appropriated by chapter 10 of title II to the Department of the Treasury for Departmental Offices under the heading ''SALARIES AND EXPENSES'' is hereby reduced by $30,000,000.

(c) The matter in chapter 11 of title II under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION HUMAN SPACE FLIGHT'' shall not take effect.

(RESCISSION)

(d) Of the unobligated balance of the total amount in the Treasury that is to be disbursed from special accounts established pursuant to section 754(e) of the Tariff Act of 1930, $200,000,000 may not be disbursed under that section.

(RESCISSIONS)

(e) The following amounts are hereby rescinded:

(1) Of the funds appropriated to the National Aeronautics and Space Administration under the heading ''HUMAN SPACE FLIGHT'' in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), the following amounts:

(A) From the amounts for the life and micro-gravity science mission for the human space flight, $40,000,000.

(B) From the amount for the Electric Auxiliary Power Units for Space Shuttle Safety Upgrades, $19,000,000.

(2) Of the funds appropriated to the Department of Commerce for the National Institute

of Standards and Technology under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–553), $67,000,000 for the Advanced Technology Program.

(3) Of the funds appropriated to the Department of Commerce for the International Trade Administration under the heading ''OPERATIONS AND ADMINISTRATION'', $19,000,000 of the amount available for Trade Development.

(4) Of the funds appropriated by chapter 1 of the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Public Law 106–51, $126,800,000.

(5) Of the funds appropriated to the Department of Labor for the Employment and Training Administration under the heading ''TRAINING AND EMPLOYMENT SERVICES'' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), the following amounts:

(A) From the amounts for Dislocated Worker Employment and Training Activities, $41,500,000.

(B) From the amounts Adult Employment and Training Activities, $100,000,000.

(6) Of the unobligated balance of funds previously appropriated to the Department of Transportation for the Federal Transit Administration that remain available for obligation in fiscal year 2001, the following amounts:

(A) From the amounts for Transit Planning and Research, $90,000,000.

(B) From the amounts for Job Access and Reverse Commute Grants, $116,000,000.

Mr. MCCAIN. I want to explain the modifying amendment removes the offsets of title XI of the maritime subsidies and also the cut in the Export-Import Bank subsidy. So the remaining offsets will remain. I will go through those in a few minutes, but I want to emphasize that both the Export-Import Bank rescission and the Maritime Guaranteed Loan Program have also been removed. There have been increases in the amounts of offsets for transit planning and research to $90 million and job access to $116 million. So I will now be glad to discuss that with the managers of the bill, if they have any additional questions.

I am pleased to have the support and cosponsorship of Senators LIEBERMAN, LANDRIEU, KYL, and CARNAHAN as cosponsors to this amendment.

Basically what it does is it adds a total of $847.8 million in additional spending, all of it for personnel, operations and maintenance, and a very small amount, $45 million, for procurement. So virtually all of this—$800 million of the $847 million—is for the men and women in the military, the Reserve personnel, including funds to remove sailors and Marines from food stamps, and operations and maintenance, which, as we all know, is very badly underfunded.

This amendment funds the bare minimum that the military services have said they need. We must prioritize our spending and, in my judgment, fully funding the readiness of our forces must be our first obligation. This amendment will add $847.8 million to the defense portion of the supplemental appropriations bill for fiscal year 2001, yet it will not exceed the budget resolution caps because it is fully offset by 12 separate rescissions from non-defense programs. This amendment will increase the President's supplemental budget request from $5.5 billion to $6.34 billion. Most of the funding offsets in the amendment were added last year by Congress in the fiscal year 2001 appropriations bills and will not be obligated by this October, according to various agency heads. In other words, much of the money I propose to rescind will not be spent this year—no matter how seemingly worthy the cause.

Later this month, the President will send to Congress the Pentagon's Omnibus Reprogramming Request for Fiscal Year 2001. I am told that the reprogramming request is about $850 million. The services will have to reprogram or transfer critical money from other key readiness and modernization accounts to adequately pay and train our service men and women. Our military services, stretched thin and overworked, are raiding Real Property Maintenance readiness funding—already $16 billion underfunded—and other key accounts, just to ensure that they can pay much-needed bonuses to retain servicemembers.

We have sailors, soldiers, airmen, and marines—some still on food stamps—living in very old, dilapidated homes because the military services keep reprogramming critical funds to shore up other equally urgent needs. In Arizona, for example, there are marines at Yuma Marine Corps Air Station living in World War II-era barracks. Base Commanders tell me that they have deferred maintenance for the past 10 years because they need to fund higher priorities—and who can blame them. We should fund the services adequately, instead of forcing them to make a Hobson's choice.

Recent terrorist threats have clearly demonstrated the dangerous impact of the military funding shortfalls. In late June, U.S. Navy 5th Fleet warships in ports of the Persian Gulf, the Red Sea, and the Gulf of Oman, were ordered to sea, after several reports that Osama Bin Laden, the world's most notorious terrorist, was said to be planning a comprehensive attack on U.S. and Israeli targets in the Mideast.

The U.S. ships had to leave port, since the U.S. Coast Guard—which had primary responsibility for protecting U.S. Naval ships after the USS *Cole* attack—had to pull out its port security forces due to lack of adequate funding or reimbursement from the U.S. Navy, whose budget already is underfunded. The U.S. Navy then had to implement an emergency Presidential recall of Navy Reservists, resulting in a nearly $2 million unfunded liability not addressed in this supplemental. This amendment pays for these critical force protection efforts.

In 1998, the service chiefs confirmed many of the alarming readiness deficiencies that had been identified by countless sources.

The imperative for increasing military readiness and reforming our military is as strong today as it was then, It is my firm belief that as elected officials, providing for a strong national defense is our most serious obligation. Anyone who dismisses our readiness problems, our concerns with morale and personnel retention, and our deficiencies in everything from spare parts to training is blatantly ignoring the dire reality of this situation.

Too often in the last century, we ignored warnings from the military that our armed forces were too weak to meet the many grave challenges they face. Today, we must listen to our commanders, so as not to repeat the mistakes of the past.

The service chiefs have indicated that they need at least $30 billion more per year for modernization and readiness accounts. Listen to detailed testimony before the House and Senate Armed Services Committees on September 27, 2000—just eight months ago—by our current Joint Chiefs on the underfunded needs of our military services, and the dramatic, harmful consequences likely to occur if we fail to adequately fund these requirements.

General Henry H. Shelton, Chairman of the Joint Chiefs of Staff:

> [C]ontinuing to improve our current readiness posture to desired levels while preparing for tomorrow's challenges will require additional resources. . . . The $60 billion projected by the QDR [for procurement] will not be enough to get the job done.

General Shelton continues:

> [O]ur long-term ability to sustain our [military] equipment is slipping. One cause is due to the negative effects of a higher than planned tempo of operations on our aging equipment. This high tempo and the associated wear-and-tear require more frequent maintenance and repair, further highlighting the need for recapitalization and modernization of our forces. Moreover, we have not been able to procure enough new equipment to reduce the average age of our force structure. It is also important to note that we believe this higher maintenance tempo has also had a deleterious effect on the hardworking troops attempting to maintain this aging equipment, which directly impact retention of our quality force. At posts, camps and stations, such items as housing, fuel lines and water lines, as well as facilities where people work and live, have outstripped their useful life. . . . and this directly impacts our ability to provide a decent quality of life for our troops. . . . How much more funding is needed? . . . Well in excess of $60 billion is needed to maintain our readiness.

Gen. Eric Shinseki, U.S. Army Chief of Staff, testified that $30 billion more per year is a move in the right direction, but even that does not take into

account Army transformation costs or shortages in critical ammunition needs:

We have training shortfalls in institutional training, training support, training range modernization, and combat training center modernization. Real Property Maintenance is currently funded at 75 percent of requirement, a funding level that will not slow or prevent the ongoing deterioration of existing Army facilities. . . . At this rate, it will take the Army about 157 years to fully revitalize our infrastructure.

Any of my colleagues who read the recent study conducted by the U.S. Army about the personnel situation in the U.S. Army today should be appalled and deeply disturbed by the findings of the U.S. Army about the lack of confidence amongst the young men and women about their leadership, about their future, about their lack of desire in retention. We are losing captains in the U.S. Army at a greater rate than at any time in the history of the U.S. Army.

Adm. Vern Clark, Chief of Naval Operations, concurred in testimony that $30 billion more in total each year is required:

I am concerned about the inventory levels of Precision Guided Munitions. . . . We are still below the current warfighting requirement. The shortfall of precision munitions is a major risk driver for our forces . . . with our current inventory, execution of a second MTW will rely more on the use of non-precision munitions, thereby increasing the risk to our pilots and the potential for collateral damage.

Madam President, I have a lot of quotes.

Admiral Clark continues:

It is critical that we begin to fund 100 percent of our manning, maintenance, ordnance, modernization, recapitalization and training requirements. . . . We have not been doing that. Improving the quality of our workspaces requires a commitment to both Real Property Maintenance and MILCON, both of which are seriously underfunded.

Admiral Clark continues:

[M]anpower is our most urgent challenge. . . . In retention we remain below our goal. [T]oday—

He is talking about last September—

I am 14,000 people short: almost 8,000 at sea, and 6,000 ashore. That has to be redressed soon. We are at war for people. It has to be reflected in our budget. . . . [A]nd we will need the help of Congress.

Gen. Michael E. Ryan, Air Force Chief of Staff, testified that the Air Force needs at least $11 billion more per year:

[A]ir Force readiness has not turned around—at best these efforts have leveled off the decline. . . . The overall combat readiness of our combat units is down 23 percent since 1996. Because we must assure the readiness of our engaged forces overseas, we have done it at the expense of our stateside units. The reasons for these readiness declines have their basis in operations tempo, past underfunding of spares, dealing with older and aging systems, and a workforce that is less experienced because of retention declines.

General Ryan also contends:

[T]he Mission Capable (MC) rates of our aircraft have continued to decline by over 10 percent since 1991. Mission Capable rates are directly proportional to how much time an aircraft is not available because of not having parts in supply or because maintenance work needs to be done on the aircraft to make it ready. Some of our units are not getting as much flying as they should get, because of our inability to generate the aircraft because of mission capability rates. We have not had enough funding to do that adequately.

He continues:

[T]he overall retention rate remains a serious concern. We fell below our end strength authorization of 361,000 active duty members by 5,300. . . . And that is probably 5,000 under what is required. So a total of 10,000 short right now.

Madam President, I am again reminding my colleagues, I am talking about testimony that was given last September to the Armed Services Committee.

Enlisted retention levels are below goal. . . . A shortage of 1200 pilots exists today, the additional bonuses have made an impact. [Moreover,] [b]ecause of funding shortfalls, we have significantly under-invested in base operating support, Real Property Maintenance, family housing, and military construction. We cannot continue to mortgage this area of our force readiness without significant long-term effects. Over the past six years we have averaged an investment in infrastructure at a 250-year replacement rate. Industry standard is 50 years. We have a $4.3 billion Real Property Maintenance backlog.

The Commandant of the Marine Corps, Gen. James L. Jones, testified that the Marine Corps needs at least $1.5 billion more per year for modernization alone, including $220 million for basic ammunition:

We are at a point where failure to rectify modernization and readiness shortfalls can no longer be ignored. . . . It is readily apparent that we are fast running out of short-term fixes for budget shortfalls. One-time increases in defense spending are not the solution. A sustained period of increased funding is required in order to ensure the future readiness of your Corps.

He continues:

[T]he countless hours of maintenance on our aging ground systems directly impacts the life of our Marines. Many of our aircraft are approaching block obsolescence. The majority of our key aviation equipment is older than the Marines who use it. . . . Since 1995, the direct maintenance man-hours per hour of flight increased by 33 percent and there has been a 58 percent increase in our ''cannibalization'' rate.

''Cannibalization'' means stealing parts from one airplane to make another one operationally capable.

During the same time period the full mission capable rate, though still within acceptable parameters, has decreased by 9.45 across the force. These statistics represent data for all Marine Corps aircraft and show a declining level of readiness.

General Jones also maintained that:

[W]e continue to have a deficit of approximately 10,000 family units. Our backlog of Maintenance and Repair . . . amounts to over $600 million. Budget limitations force us to make hard choices that result in funding only our most critical construction requirements. Although we have reduced our MILCON—

Military construction—

replacement cycle to approximately 100 years, it is still twice the industry standard.

The testimony of the service chiefs is alarming. It underscores the rationale for this amendment. It seeks simply to respond to basic requirements of our military services just until the end of this fiscal year, which occurs in fewer than 75 days from now.

The amendment will help our service men and women recognize their Government's firm commitment to: Adequately provide for modernization; ensuring equipment maintenance—including reversing the deficiency in spare parts availability—is adequately funded; sufficiently funding critical training needs, including flying hours; beginning to resolve the broad pay and benefits disparity that affects our service men and women; starting to reverse the high rates of attrition across the services; continuing to take service members off the food stamp rolls; and ensuring at least minimum force protection efforts to help prevent further U.S.S. *Cole*-type terrorist attack.

I urge your support for this critical amendment.

Madam President, I outlined shortfalls and deficiencies within the Department of Defense that far exceed—far, far exceed—this $847 million amendment.

But I would point out that this administration, with my wholehearted support, and this Secretary of Defense are doing everything they can to restructure and reorganize the military and impose necessary savings. I believe a very good faith effort is being made on the other side of the river at the Pentagon. I am proud of the efforts Secretary Rumsfeld is making. I look forward eagerly to supporting him in whatever conclusions and recommendations they make because he has gathered together some of the best military minds in America to come up with these proposals.

But they have not been forthcoming yet. We have some very deep and severe short-term needs. I was fully expecting—fully expecting—when this administration came in that there would be significant increases, including in this supplemental appropriations bill. I appreciate the efforts of the managers. But I say to the managers, it is not enough, nor is this amendment enough. But I cannot imagine why these urgent needs, which are being addressed on a personnel and operations and maintenance basis, would be rejected.

There may be some questions about the offsets.

There is a $30 million offset from the Department of the Treasury ''Salaries & Expenses'' for the 2002 Winter Olympics security. In this rescission we only

cut half of the money added for the Olympics by the Senate Appropriations Committee during markup of the supplemental bill. We still leave $30 million for this program, adding to the $220 million in total Federal funding in the fiscal year 2002. It is difficult to understand why the need for Federal funding for safety and security purposes for the Olympic games has more than quadrupled since the 1984 Summer Games in Los Angeles and more than doubled since the 1996 Summer Olympics in Atlanta.

Compared to the 23 venues spread over a 500-square-mile area used for the Los Angeles Olympic Games and the 31 venues located in 8 cities that spread from Miami, FL, to Washington, DC, for the Atlanta Games, the Salt Lake Games will utilize only 14 venues located within a significantly smaller geographical perimeter. Yet the current total of Federal funding for safety and security purposes, which includes this $60 million in supplemental funding, is $220 million. The total funding for safety and security for Los Angeles, $68 million, and Atlanta, $96 million, combined was far less than what will be spent on the Salt Lake Winter Games. Last year's GAO report demonstrated that taxpayers have shelled out $1.3 billion in subsidies for Salt Lake City alone.

As to the NASA shuttle electric auxiliary power units, $19 million: This amendment would rescind the remaining $19 million of FY 2001 funds for this program, whose implementation NASA has chosen to terminate. According to NASA, the anticipated remaining funding for FY 2001 is $19 million. Following the results of the EAPU review process that found technical flaws and cost overruns in the program, NASA has determined that the prudent action at this time is to terminate EAPU implementation while NASA formulates a plan on how to proceed with this upgrade project. The electric auxiliary power unit, EAPU is one of the several upgrade programs that NASA is developing for the Space Shuttle program.

As to the NASA life and micro-gravity research, $40 million: The FY 2000 VA/HUD appropriations bill earmarked $40 million for a space shuttle mission, R–2 for life and micro-gravity research. Due to delays in overhauling the Shuttle *Columbia* the shuttle mission has been delayed and will not be launched in 2001. The supplemental appropriations bill would broaden the use of the $40 million for life and micro-gravity research that was earmarked for a special shuttle mission and other Space Station research in FY 2001. This amendment would rescind this earmark.

As to the Commerce Department's ''Advance Technology Program,'' known as ATP, $67 million: This amendment would rescind the funds that the Commerce Department carried over from last fiscal year and again and expects to be left over again at the end of this fiscal year. The President's FY 2002 budget request has requested no funds for the program. Historically, I have fought this program as corporate welfare, because it has given awards to Fortune 500 companies such as General Electric, Dow Chemical, the 3M Company, and Xerox.

As to the Labor Department unspent balances in worker employment training activities, $141.5 million: This is the same amount rescinded by the other body for this program. The House supplemental appropriations bill rescinded $359 million from the $1.8 billion in advanced funding provided in the FY 2001 Labor/HHS Appropriations Act for adult and dislocated worker employment and training activities. The Senate bill only rescinded $217.5 million from these employment and training activities. We increase the amount rescinded by $141.5 million from these same activities so that we merely do the same thing as the House did and rescinded $359 million in total. Even with the rescission, States will still have $5.1 billion available to support these activities in 2001—$455 million over amounts available in 2000. The reason for this rescission is that when the advance appropriations were provided, it was not anticipated that there would be such high levels of unspent balances in these programs.

As to the Transportation Department Job Access Reverse Commute Grants Program, $76 million: This offset in the amount of $76 million represents surplus funds from the Job Access Reverse Commute Program account that remained unused at the end of FY 2000. The enacted FY 2001 budget authority for this account was approximately $100 million. When added to the surplus funds from FY 2000, this account contained nearly $176 million. I have been informed by the budget office of the Department of Transportation that this account has a current unobligated balance of $146 million, which means that in the past 9 months of the current fiscal year, only about $30 million has been spent. We are thus rescinding only $76 million out of the total amount, leaving nearly $50 million for the Transportation Department to use over the next 82 days for this purpose.

The Transportation Department transit planning and research, $34 million: The offset of $34 million is surplus funds which remained in the transit planning and research account at the end of fiscal year 2000.

As to the Commerce Department International Trade Administration, Export Promotion Program, $19 million: The International Trade Administration's trade development program helps U.S. industries export their products. This program amounts to a corporate subsidy. There is no need to burden the American taxpayers with this program. U.S. industries wishing to export goods and services should pay for this type of counseling themselves. The fiscal year 2001 omnibus appropriations bill appropriated $64.7 million to this program. According to the Department of Commerce, $21 million remains unexpended in this account.

As to the Emergency Steel Guaranteed Loan Program, $126.8 million: These are loan guarantees to qualified steel companies. There remains $126.8 million in unspent balances in the account for fiscal year 2001 out of a total appropriation of more than $129 million. I am told that none of this money will be spent in the 82 days left in this fiscal year.

As to the Treasury Department U.S. Customs Service Byrd antidumping amendment funds rescission, $200 million: The ''continued dumping and subsidy offset'' was added in the fiscal year 2001 Agriculture appropriations conference report—the wrong way to do business, I say to the managers of the bill, the wrong way to do business. However, the important point is that the entire sum of money collected during the current fiscal year under this law is not being spent. CBO scores the Byrd amendment at $200 to $300 million annually, and the chief financial officer of the Customs Service confirms this figure for fiscal year 2001. None of the money that is being collected throughout fiscal year 2001 will be disbursed to companies this year. In fact, it will not be disbursed until the second quarter of fiscal year 2002. The money that has been collected since the law was signed in October 2000 but which will not be disbursed in fiscal year 2001 is currently sitting unused in the general treasury.

I am philosophically opposed to this program that distorts trade policy by taking antidumping duties levied to protect U.S. companies and actually redistributing duties collected to those very companies, providing them a double reward: punitive tariff rates for imports from overseas competitors, as well as a slush fund of public money.

Again, the point here is that none of the $200 million collected annually for this program will be spent this year and sufficient funds will be collected next year to meet the law's fiscal year 2002 obligations.

I have described the offsets because every one of those programs which this money is being reduced from, most of it unused at this time, pales in significance to the importance of taking care of the men and women in the military. Which is more important, decent housing for the men and women in the military or Commerce Department international trade administration export promotion programs?

We have to always set priorities. I argue that the priority that exists today and that those of us on this side of the aisle promised the American

people as a result of the election last year was that we would do a much better job of taking care of the men and women in the military than had been happening in the previous 8 years.

I strongly urge adoption of this amendment.

I yield such time as the Senator from Texas may consume.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I rise in support of this amendment. I support the amendment for a lot of reasons.

The most important reason I support it is that this is an amendment where a Member of the Senate has actually gone through a $2 trillion budget, a budget that spends $7,000 per man, woman, and child in America, and found $800 million that he believes is a lower priority than the things for which he would increase funding in the military.

It never ceases to amaze me that in a government where we spend $2 trillion—that is with a ''t''—every year, over and over again, Members of the Senate stand up and offer amendments to increase spending on some favored program, and almost never, ever do they suggest that there is something in the Federal Government that is a lower priority than the thing they believe is a high enough priority to increase spending to fund.

I think you can quarrel, though I do not quarrel, but you can quarrel with almost any one of the choices the Senator from Arizona has made. But you can't quarrel with the logic of the Senator from Arizona, which is that our job is setting priorities. He argues that operation and maintenance, housing, and improved capacity in the military, exceed in value the list of the $800 million worth of expenditures he would reduce or terminate in order to fund his amendment.

I believe these kinds of amendments need to be encouraged. I am in support of the amendment and I intend to vote for it. Let me also say that it is hard for me to judge the statements being made about defense. I can't forget that many of the same people who are now saying that there is virtually no limit to what we could use in defense, either they or their predecessors, 2 or 3 years ago, were saying that everything was great in an administration that was dramatically reducing the real level of defense spending.

I believe we do need a top-to-bottom review at the Pentagon. I agree with the Senator from Arizona that a good-faith effort—perhaps the best effort in 10 or 20 years—is being undertaken by the Secretary of Defense. That effort is not going to produce results that will be uniformly happy, and I would have to say that of all of the proposals that have been looked at—and I agree with all the people who, with unhappiness and bluster, say it was done the wrong way, we weren't notified, and there are 101 explanations for being opposed to cutting one program to fund another—but the bottom line is, we had an effort underway to undo the one proposal to reprogram that had been made by the Pentagon. I think, quite frankly, that sets a very bad precedent. So I believe we do need a comprehensive review.

My dad was a sergeant in the Army. That is the extent of my knowledge about the military. I believe in a strong defense. I am proud of my record in supporting defense. I think I have a base of support for people who wear the uniform that is virtually second to none. But whether or not we need to be in a position to fight two major conflicts at once is something subject to question. I am a lot more concerned about modernization and recruitment and retention than I am about continuing to keep production lines alive. I think Eisenhower clearly was right when he warned us so long ago that even with our best intentions about defense, defense spending would be driven by political interests—something he called the ''industrial military complex.''

Let me sum up what I came over to say today. First of all, I commend the Senator from Arizona for being the first person in this Congress and the first person in a long time who really not only thought we ought to spend money on something we weren't spending it on, but who was willing to actually name things he was willing to take it away from. It is interesting that all over America every day families make these kinds of choices. The washing machine breaks down and so they have to make choices. Maybe they don't go on vacation. Or Johnny falls and breaks his arm and it has to be set and it costs money. They have to make choices, and they are hard choices. We never seem to make any of those choices. I am attracted to this amendment because it does make those choices, whether you agree with them or not.

Secondly, I believe we need more money for defense, but I think it has to come in the context of a dramatic reform of defense spending. I think one of the worst things we can do is to simply have a dramatic increase in defense spending without going back and making fundamental decisions about where the money needs to be spent. So I am not unhappy with where we are in terms of a comprehensive review. Once we have a new plan, once we set new priorities, then I am willing to do what the Senator's amendment has done, which is to take money away from lower priority uses. But I do think it is important that we know what we want to do.

So I commend our colleague for the amendment. I support it. I did want to go on record as saying that I am concerned that many of our colleagues are ready to stop the one effort the administration has made in terms of changing priorities. I think that sends a very bad signal. I think whether it affects individual States—and this is one that happens to negatively affect my State—I don't think we can take the position that every program change ought to be opposed if it affects our particular State. I think in the end you have to look at the big picture. I think we are all expected to work for the interests of our States, but, in the end, it is the interest of the common defense of the country that defense spending is about.

I thank the Senator for yielding me time and for his amendment. I don't have any doubt that, looked at in the aggregate, the $800 million of programs—no matter how meritorious any one individual might be, the merits of those programs pale by comparison to the merits of the programs he has proposed to take the money from and use for the purposes of defense funding. That is what our appropriations process ought to be about. Unfortunately, it is not, and I think our Government is diminished as a result.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Minnesota?

Mr. WELLSTONE. I wonder if I might yield myself 10 minutes to speak in opposition to the McCain amendment.

The PRESIDING OFFICER. Off of whose time does the Senator wish to consume time?

Mr. WELLSTONE. In opposition to the McCain amendment.

Mr. STEVENS. There is an hour in opposition to the McCain amendment. On behalf of the chairman, I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, first of all, I think we would be making a mistake to gut some important domestic programs that I think are critical to our being competitive in the global economy. I think it is critical that we make sure we also live up to the national security of our own country, which is the security of local communities where people really have the opportunity for dislocated workers to rebuild their lives, where we are able to make investments in industries that are critical to the economic life of our communities and our country.

I don't doubt the judgment of the Senator from Arizona on some of the new spending that he believes is critical for defense. I argue that I believe we should be able to find this money within DOD's budget.

I want to go over inspector general reports, which point to a very bloated, wasteful Pentagon budget, where there

is more than enough money to meet my colleague's challenge. I think the amendment turns our priorities on their head, and I think it is a mistake. The Senator's amendment would rescind $141.5 million, and that is on top of the $217 million that we have already rescinded for job training programs under the Workforce Investment Act. My colleague from Arizona said the workforce investment decision was designed to bring the Senate rescission to what the House did but, in fact, the House did not rescind any funds. So I think my colleague is in error on that point.

More important, I think it is a mistake in these times. I am speaking as a Senator from Minnesota, but as I said earlier, on the Iron Range—which is a second home for me and my wife Sheila in terms of how strongly we feel about the people up there—we saw LTV Company pull the plug, and 1,300 steelworkers are out of work. These are taconite workers. These were $60,000-a-year jobs, including health care. These families are trying to recover. These workers are now dislocated. They are looking for other work. In farm country and in rural parts of the State, many people have been left behind.

I think it is simply the wrong priority to make additional cuts to additional rescissions in assistance for dislocated workers. It is just not right. It is not right. Moreover, in the Workforce Investment Act, which I wrote with Senator DEWINE in a bipartisan effort, we did things to make sense by way of streamlining and having a good public-private partnership, and by way of being consistent in terms of what our national priorities are, which I think is all about, again, the importance of human capital, the importance of education, the importance of people having the skills training and the people finding employment so they can support themselves and their families. I do not think it makes sense to make additional cuts in this priority program.

My colleague also would rescind nearly $127 million from the Steel Loan Guarantee Program. I do not know, but there are a lot of Senators, and I know there are Republicans as well, who come from a part of the country where the industrial sector is really important, where we have had an import surge, where many workers, hard-working people—you cannot find any more hard-working people—are now losing their jobs, and we are talking about how to make an investment in this industry.

By the way, the steel industry is one of those industries that is critical to our national security, in the critical role the steel industry has always played by way of contributing to defense, much less the infrastructure of highways and bridges within our own country.

Again, I find myself in major disagreement with this amendment.

Finally, if we are going to look for resources for the new needs identified by Senator MCCAIN, I think we can find it right out of this bloated Pentagon budget. I have no doubt there is at least $1 billion of waste that the Secretary of Defense can identify. Let me talk about what the Pentagon inspector general found by way of bookkeeping entries that could not be tracked or justified:

> We identified deficiencies in internal controls and account systems related to General Property, Plant and Equipment; Inventory; Environmental Liabilities; Military Retirement Health Benefits Liability; and material lines within the Statement of Budgetary Resources. We identified $1.1 trillion in departmental-level accounting entries to financial data used to prepare DOD component financial statements that were not supported by adequate audit trials or by sufficient evidence to determine their validity.

This is not a new problem. In fiscal year 1999, the inspector general reported there were $2.3 trillion in entries that could not be corroborated.

Six years ago, the General Accounting Office put the Pentagon's financial management on its list of agencies that are at high risk for waste, fraud, and abuse.

The inspector general also has uncovered many other examples of gross overcharges in the Pentagon's accounting system. A March 13, 2001, report listed the following gross abuses:

The Pentagon paid $2.10 for a body screw that cost the vendor 48 cents, a 335-percent markup.

The Pentagon paid 25 cents for a dust protection plug that cost the vendor 3 cents, a 699-percent markup.

The Pentagon paid $409.15 for a washroom sink that cost the vendor $39.17, a 945-percent markup.

The source: Office of Inspector General, Department of Defense report. This was March 13, 2001.

If we want to find the money, let's look at some of the administrative waste within the Pentagon. We can surely find that money. We can surely make that transfer instead of going after priority programs that are also all about our national defense.

I argue, again, part of the definition of national defense is the security of local communities where dislocated workers have the opportunity to rebuild their lives, to develop their skills, to find gainful employment where we have industries that have the capital that can generate the jobs on which people can support their families.

Why in the world would we want to make cuts in these programs? I believe this amendment reflects the wrong priorities, and I hope my colleagues will vote no.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. The Senator from Wyoming wishes to have time. I yield him 7 minutes from the time in opposition to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

Mr. President, I congratulate the Appropriations Committee for the fact they covered all of the expenditures. Senator MCCAIN has covered the expenditures, but before we vote for Senator MCCAIN's amendment, I ask that we give some serious concern to from where some of this money is coming.

I serve on the Small Business Committee, and we have worked on a number of ways to be sure people who lost jobs could have additional training. So I rise today to express some serious concern over the use of workforce investment funds to offset 2001 supplemental appropriations. While I do support additional appropriations for the purposes outlined in the underlying bill, dramatically reducing funding for State and local workforce development programs to pay for it does not seem prudent.

Again, I recognize the pressures placed on the appropriators, but I would have expected that the Members responsible for oversight of such programs would have been consulted as to the impact of such cuts on the program's ability to fulfill its purpose.

The programs authorized by the Workforce Investment Act were agreed to through a strong bipartisan process, led by Senators DEWINE, KENNEDY, JEFFORDS, WELLSTONE, and myself. I fear, given the apparent willingness to cut funding for the act, that we did too good of a job in 1998 when Workforce Investment Act was enacted. What I mean by that is that we successfully streamlined the often duplicative and disjointed collage of job training programs in existence prior to 1998. So now, if these rescissions are adopted, there will not be any alternative workforce investment programs for people to access. The point is, this money is the program. None of us can support this rescission and walk away thinking another workforce initiative will simply absorb our constituents.

Moreover, a retroactive cut of this size will compound the challenges that many States are already facing during the transition from the Job Training Partnership Act, which my colleagues know as JTPA, to the Workforce Investment Act. Also—and no one is really talking about this part—since States were due a portion of their annual allotment on July 1, they now are going to have to turn around and send a large portion of that back to Washington in the form of a rebate check. This just does not seem right to me.

I do not have any formulas at hand to demonstrate the value of workforce development programs in the face of a slowed economy. It is simply too early too soon, but what I can offer my colleagues is common sense. Now is not

the time for us to scale back basic skills training, re-training of displaced workers, or innovative initiatives designed to spur long-range economic development in struggling communities. It is these communities that need our help, and that is help that we promised last year in the ''regular'' FY 2001 appropriations bill.

Again, I know the dilemma facing our appropriators is not easy. There is consensus that we need to provide immediate additional resources to our military, our farmers and others whose distress is our responsibility. I also recognize that identifying unobligated current year appropriations in July is like finding a needle in a haystack, but rescinding funds from people who are trying to make themselves employable, to make themselves contributing members of their community is not exactly skimming fat off the top. This cuts to the bone in Wyoming and in countless other States. My State, for instance, was due to receive $555,420 on July 1 for dislocated workers. I know this does not sound like a lot to those of you from larger States, and it is not a lot even in Wyoming, but it is crucial in Wyoming in the effort to address the counties that have been hard hit by unemployment. So now instead of $555,000, we will receive 62 percent of that, or $345,000. That is a 38-percent cut of already appropriated money. We are not talking about cutting a request; it is already appropriated and should have been sent.

I can assure Members it will have an adverse impact on the progress we have made in the implementation of the Workforce Investment Act and will impact getting people retrained for currently useful jobs. My concern over this rescission is clear, and I will not belabor my opposition. I ask that the able managers of the bill reconsider using workforce investment funds to offset supplemental spending. I am happy to work with them and their House counterparts as they reconcile the two bills in conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my friend from Alaska for yielding time. I wish to remind my colleagues, in crafting this supplemental bill the Department of Defense considered two criteria. These requirements were that any program receiving supplemental funding must be able to execute this funding during the current fiscal year, and the current fiscal year has just about 2½ months remaining, and that the funding cannot wait until fiscal year 2002.

I also wish to remind the Senate that from fiscal year 1994 to fiscal year 2001 the Congress of the United States added $49 billion to the Department of Defense budget, much of it to the very programs that concern Senators from Arizona. Some of the unfunded requirements addressed by the Senator in this amendment were identified by the services in January and February before the Bush administration began its own defense review. And some of these items are funded in the fiscal year 2002 request.

We are committed to working with the Defense Department to avoid a supplemental next year and fund all legitimate requirements. Many of the items identified by the distinguished Senator will be funded in fiscal year 2002 or through the omnibus reprogramming request.

We understand the Senator's amendment seeks to fund anticipated costs that DOD expects to materialize later this year. I wish to underline ''anticipated costs'' because the intent of the Senator's amendment to cover this cost is very meritorious. However, the committees of jurisdiction, the Armed Services Committee and the Appropriations Committee, have yet to receive this request. We have not received a request from the Department of Defense. The increases in question have not been scrutinized by either of these committees. Therefore, we cannot validate to our colleagues this day that the amounts identified by the distinguished Senator from Arizona are the ones that the Department of Defense truly needs. We understand and support the concept that the Senator offers in the amendment, but we do not believe we can support the amendment until the committees have had a chance to study, to scrutinize the specific details of the request.

Until such time, we cannot advise our colleagues that this is what DOD really needs. Therefore, I must stand in opposition to the McCain amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will read from an article in the Washington Post dated May 31, 2001, titled ''Bush Eyes Additional $5.6 Billion For Military: Increase Is Far Less Than Services Expected,'' by Robert Suro and Thomas Ricks, Washington Post staff writers.

In part it states:

> The supplemental budget request . . . does not include any new money for ballistic missile defense which [Bush] has depicted a top priority, or for the weapons systems and operating costs that he said the Clinton administration had grossly underfunded. Some senior military officers and defense experts said yesterday the president's request is so small that it will not fully cover the Pentagon's current expenses.
>
> ''This request is the barebones, just the items that are absolutely to get by, and no one has any illusions that it is anything more than that,'' said a senior military officer speaking on the condition of anonymity.

The article goes on to say:

> In the early days of the new administration, top military officials said they hope to get much more, at least $8 billion to $10 billion, in a supplemental that would, in effect, be the first installment of a Bush buildup. But the White House and Defense Secretary Donald H. Rumsfeld decided they would take care of only immediate needs in modifying this year's defense budget. . . . The new priorities will not be fully felt until the 2003 budget is unveiled next winter . . .
>
> Although relatively small sums are at play, compared to the size of the defense budget, some senior military officers have complained. ''On the campaign trail he said over and over, 'Help is on the way,'" said a flag officer . . . ''Well, we are going to need help when the fourth quarter of this budget year rolls around, and it is not going to be there.''
>
> In principle, supplemental spending requests are meant to provide relatively small amounts for contingencies that arise after the Federal budget is enacted. But the Pentagon, unlike other Federal agencies, has regularly used supplementals to fill out identity funds for basic operations, maintenance, and supplies. Rumsfeld has warned that he intends to put an end to this practice, beginning with a crackdown this year.

I certainly hope that will be the case.

I challenge a Member of this body to find any member of the U.S. military leadership, any chief petty officer or sergeant who would tell them this is enough, that what is in the supplemental is enough.

I reserve the remainder of my time.

Mr. STEVENS. I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I don't intend to be an expert in military matters, and I yield to those who do understand those matters. But I have to rise to oppose Senator MCCAIN's amendment with respect to one of the offsets he has created that would cut the provisions in the supplemental in half for those funds that would be appropriated in support of the Olympics.

I understand concern about the Olympics. I understand the sense that this is a sporting event. What is the Federal Government doing with respect to a sporting event? But I have to point out a few things with respect to the Olympics that take it out of the realm of the pure sporting event.

The Senator from Arizona has talked about the Olympics in Atlanta as well as the Olympics in Los Angeles. I attended the Olympics in Los Angeles because I was living there, and I recognize that we live in a very different world than we did in 1984. The Olympics in Atlanta was the first Olympics at which we had a bomb in the United States, and as a result of the bomb that went off in Atlanta and the scare that came following that, President Clinton issued Presidential Decision Directive No. 62, PDD 62, designating this as a Presidential event, changing the security arrangements of the Olympics forever. The whole circumstance surrounding the Olympics, now, as a result of PDD 62 are focused on international terrorism in a way that they were not in the more simple

days of the Los Angeles Olympics in 1984 or certainly even in Atlanta.

Now, as a result of PDD 62 creating this as a Presidential event, we as a government are now faced with these circumstances. And $52 million of the $62 million called for in the supplemental go to the Treasury Department and the Secret Service for a variety of functions surrounding PDD 62 and its requirements. The first deals with the core mission of the Secret Service which has to do with protecting the President, protecting foreign dignitaries, and dealing with counterterrorism. We are going to have an unprecedented number of foreign dignitaries attending these Olympics. That goes with every new Olympics. Every time there is a new Olympics, more foreign dignitaries show up than 4 years before.

We must understand that the venues for these games, they being winter Olympics, are not focused around a stadium or a swimming pool. We are talking about a 900 square mile area, including some of the most mountainous territory in the United States. To protect all of that area requires a tremendous amount of effort on the part of the Secret Service. That is what the money is going for.

There is a question of customs. We are getting people from all over the world to come to the Olympics—people who, as we saw in Munich, can pose as athletes and turn out to be terrorists, as well as athletes, their coaches, families, and, of course, spectators.

Dealing with customs in the Treasury Department is where part of this money will go. The ATF, the Bureau of Alcohol, Tobacco and Firearms, energized obviously by the experience in Atlanta where there was a bomb that went off, is now making sure that a great deal more activity is done to prevent that than was done in Atlanta. It is only prudent to do this. That is $52 million of the $60 million we are talking about in this supplemental going to the Treasury Department for those kinds of functions.

The other $8 million goes to the Justice Department, the Agriculture Department, and the Interior Department. You would ask: What does Agriculture and Interior have to do with the Olympics? The fact is that a very large portion of the Olympics will take place on Forest Service land, which is policed by the Department of Agriculture, and BLM land, which is policed by the Department of the Interior. These agencies have the adequate facilities to deal with this, but, in the heightened activity surrounding the Olympics, they will have to pay their people overtime. They will get their people there. They have the trained people to do it, but they will have to pay airfare. There will have to be lodging. They will have to pay overtime. These agencies have been putting together this information.

We can complain maybe this should have been done in the previous bill, it should have been taken care of in the 2001 appropriations bill and we should not have it before us as a supplemental, but the fact is, if we do not get it prior to the end of this fiscal year, the proper preparations will not be able to be made.

This money is in the 2002 bill. The full $60 million is in the 2002 bill, which, in the normal course of governmental activity, that would be the proper way to do it. The fact is, however, we cannot change the time of the Olympic games. That is set in concrete, and if we do not do the money in a more readily available upfront manner, we will find we are facing the challenge of trying to have the money in the pipeline while the games are taking place.

It seems in this situation, in the middle of the summer when the Sun is shining and it is hot outside, that this may not be a matter of that much pressing urgency. But if we have an international incident at the Olympics in Utah in 2002—if a foreign dignitary is attacked; if a terrorist attack goes on to try to embarrass any country—ours or any other—if there is a lapse in security and the fingers start to be pointed as to where were the Americans, why weren't they prepared—it will be a little difficult to say we wanted to put it off, we wanted to take it out of the supplemental and have it take place in the 2002 budget; we were only saving 4 or 5 months, but we wanted to use the money for something else for that 4- or 5-month period. I do not want to run that risk. I do not want to have the opportunity handed to an international terrorist that says the American Secret Service is underfunded, the Forest Rangers and others involved with policing the public lands have not been able to get their overtime in the right appropriations bill; we waited too late; the preparations were not made; therefore, we had this event.

I respectfully suggest we reject the amendment of the Senator from Arizona and, instead of having this money come in the 2002 bill, have it stay where it is now, in the supplemental bill. It will be easier to get a delay on some of these other things for 4 months, things that do not have a firm time scale connected to them, than it will be to have this money delayed for the Olympics.

I yield the floor.

Mr. HATCH. Mr. President, today I rise to speak against Senator MCCAIN's amendment to the fiscal year 2001 supplemental appropriations legislation. I fully appreciate the sentiment underlying this amendment. The men and women of our Armed Forces deserve nothing but the best in living conditions, pay, and working environment. I understand that this amendment would enhance the operations and maintenance of the services. I have always supported legislation that provides for our soldiers, airmen, and marines. However, I find that one of the offsets to Senator MCCAIN's amendment is totally without merit.

I am vehemently against section 3003, paragraph (b) in Senator MCCAIN's amendment which reduces the salaries and expenses in the Department of Treasury by $30 million. The amendment does not address what the $30 million is for, but I will tell you this funding is for security for the 2002 Winter Olympics. It pays the salaries and expenses of law enforcement personnel.

Senator MCCAIN's amendment seeks to add funding to the military that would not dramatically improve our national security but the $30 million that he takes away from the Treasury Department's budget can have a dramatic impact on safety at this international event.

For several years now we have worked very hard to ensure the public safety of this major international event. The law enforcement budget has been carefully planned, fully justified, and endorsed by this body. Any reduction to this budget would have a severe impact on the security of the Olympics and impose unacceptable risks. I am sure my colleagues agree that the safety of the Olympic athletes and spectators is of paramount importance, and a national responsibility when this Nation agreed to host the 2002 Olympic Games.

Mr. SARBANES. Mr. President, I rise to express my serious concern about a provision in Senator MCCAIN's amendment which I believe would significantly undermine the commitment we made in the Transportation Equity Act for the 21st Century, (TEA–21), to address our citizens' mobility needs. This provision would rescind funding for two crucial programs run by the Federal Transit Administration: the Job Access and Reverse Commute Program, and the Transit Planning and Research Program.

TEA–21 created the Job Access and Reverse Commute Program to provide transit grants to assist states and localities in developing flexible transportation services to connect welfare recipients and other low-income people to jobs and other employment-related services. In addition, the program provides support for transportation services to suburban employment centers from urban, suburban, and rural locations—''reverse commutes''—for all populations.

Even in a time of low unemployment, a person who cannot get to the workplace cannot hold a job. Not everyone can afford access to an automobile, especially those who are looking for employment. Public transportation can be a vital component in helping these individuals leave the welfare rolls and enter the workforce.

In fact, investment in public transportation benefits all Americans. As the numbers emerging from the 2000 Census show, the shape of America has changed in recent years. The fact is that two-thirds of all new jobs are now located in the suburbs, while much of the workforce lives in the city. For millions of Americans, transit is the answer to this spatial mismatch. And as cities and towns across America are discovering, public transit can stimulate the economic life of any community. Studies have shown that a nearby transit station increases the value of local businesses and real estate. Increased property values mean more tax revenues to states and local jurisdictions; new business development around a transit station means more jobs.

I am therefore quite concerned to see that the McCain amendment would take over $200 million away from transit programs. This amendment would be a significant setback in our efforts to make transit services more accessible and improve the quality of life for all Americans. I urge my colleagues to vote against it.

Mr. BAUCUS. Mr. President I rise today to further explain my opposition to the pending amendment offered by my good friend from Arizona, Senator MCCAIN. The Senator's amendment seeks to address worthwhile objectives such as providing for the operation and maintenance of our armed forces and increasing funding for personnel needs. I support these goals and believe they should be addressed.

However, the offset for this amendment troubles me for two reasons and it is because of these reservations that I cannot support the amendment offered by Senator MCCAIN. The first issue concerns the specific funding recissions in the designated offset. For example, the amendment rescinds $141,500,000 in Department of Labor funding earmarked for Dislocated Worker Employment and Training Activities and Adult Employment and Training Activities.

This funding is critical for my home State of Montana because we are in the midst of an energy crisis that has to date been responsible for over 1000 lost jobs. Retraining dollars are essential for helping these newly laid-off workers develop new skills and learn new trades so they can more quickly rejoin the workforce in a state that is already struggling economically.

The second issue is the lack of separation between non-defense and defense funding that this amendment proposes. The separation of defense and non-defense spending has served us well in meeting our nation's budget priorities and making fiscally responsible decisions. Utilizing non-defense funding to offset the additional spending of this amendment sets a precedent that I do not believe we should set. We should fund the priorities, laid forth by Senator MCCAIN, in a timely manner, but we should not use existing funding in non-defense programs to accomplish our goal.

Mrs. CLINTON. Mr. President, I rise today in opposition to provisions in the McCain amendment, and in underlying bill, S. 1077, which rescind funds from programs supported under the Workforce Investment Act, including the Dislocated Worker Employment and Training Program and the Adult Employment and Training Activities.

The underlying bill rescinds funds from WIA in order to pay for important increases in funding for title I education services and Low Income Home Energy Assistance Program. I support the need to increase essential funds for students in our highest-poverty schools and for low-income individuals who are being hardest hit by increasing energy costs. Indeed, I signed on in support of the increases for title I and LIHEAP. I do not think, however, we should increase funding for these, defense or any other programs by taking money away from New York workers at a time when these employment and training programs are most in need and are beginning to meet their potential.

At this time when upstate New York is facing more notice of layoffs, we should not be cutting back our support for dislocated workers. Last year, over 25,000 New York workers received notices warning them of layoffs—an increase of over 7,000 workers from 1998.

Over the past several months, we have learned that hundreds of workers at the Xerox facility in Webster, NY, will soon find themselves out of work; several hundred more New Yorkers who have spent years working for Nabisco in Niagara Falls also recently received notice that they would no longer have a job. Corning announced just yesterday that it will have to close three factories, resulting in a loss of nearly 1,000 jobs.

At a time when we see signs of our economy weakening, this bill would reduce funds specifically designated to assist workers who are victims of mass layoffs and plant closures. With the rescission in the base bill alone, New York can expect to lose approximately 29 percent of its dislocated worker funds. I have received hundreds of letters from New Yorkers—not only from concerned workers, but also from businesses who need trained workers.

Why are my colleagues suggesting that we should rescind WIA funds at a time when our economy is weakening and many of our workers will need these critical funds to be retrained and relocated in new jobs?

They are claiming that States are not spending and obligating funds quickly enough. I agree. But, I also agree that States and local communities have made tremendous progress in implementing the Workforce Investment Act.

Let's get the facts straight. States were not required to implement the Workforce Investment Act until July 1, 2000. Beginning July 1, 2000, States had 2 years to spend funds and were required to obligate 80 percent of their funds. Many counties in New York are doing a tremendous job—Chautauqua County, for example, has obligated 95 percent of its dislocated worker funds, as well as 95 percent of adult funds; the Town of Hempstead has allocated 90 percent of both its dislocated and adult worker funds; as has Erie County—all of which can expect to lose funds under this rescission.

I do know that there are at least eight counties in New York that have struggled in their implementation—working to get up to 19 Federal partners at the local level to offer services in One Stop training centers—and, as a result have obligated 70 percent or less of their funds. These counties need to do better and the State needs to do better in supporting their efforts. But, the way to do so is not to take funds away from a fledgling program that is aimed to assist our workers most in need of training and assistance.

I oppose these efforts to undermine the new Workforce Investment Act. I agree with accountability of Federal dollars, but I do not agree that we should unnecessarily punish workers before allowing the program to get up and running.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MCCAIN. Mr. President, I think the Senator from Minnesota, Mr. WELLSTONE, may be mistaken. In fact, $359 million was rescinded in the House supplemental from the programs. I think he was inaccurate in his statement that none was rescinded.

I am sorry the Senator from Utah may have to leave the floor. The Senator from Utah fails to mention that we have already shelled out $1.3 billion—''b,'' billion—in subsidies for the Salt Lake Olympics, far more than any other Olympics in history, far more, for all kinds of pet projects.

I asked 3 years ago, a simple request of the Senator from Utah, if he would give us an assessment of how much in Federal dollars would be needed. Of course, I never got an answer. In fact, we had a little dialog on the floor of the Senate.

Never once, never on any occasion has the Commerce Committee, of which I am the ranking member, had a request for authorization for funds for the Salt Lake City Olympics—never once. Not on any single occasion, even though I have requested time after time, the committee of oversight that authorizes the funds and what may be required has never, ever been approached.

Why not? Perhaps one of the reasons might be because we found out in a

GAO report that the taxpayers have shelled out $1.3 billion already for the Salt Lake City Olympics for every kind of imaginable thing—I will include the GAO report—every imaginable kind of project, none of which—or very little of which had to do with security. It had to do with land acquisitions; it had to do with all kinds of things. Of course, we have never yet had a request for an authorization.

What do we find? We find a supplemental appropriations bill for $30 million for security. It sounds good. Why was the request not made a long time ago? Perhaps, if the Senator from Utah had complied with the simple request that I made as chairman of the oversight committee, that we could get some kind of estimate as to how much it would cost the taxpayers, we would not be going through this drill we are going through now.

I, again, urge the Senator from Utah to tell us how many of the taxpayers' dollars are going to be needed to fund the Olympics, No. 1; and, No. 2, seek authorization through the authorizing committee for those funds—which happens to be the Committee on Commerce, Science, and Transportation.

I point out on this amendment that the Office of Management and Budget and the Department of Defense have not voiced objections. In the interests of straight talk, they have not expressed support for this amendment either. But there has not been any objection raised by the Office of Management and Budget or by the Department of Defense to this amendment. I hope Senators will take that into consideration.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. There remains 34 minutes.

Mr. STEVENS. Mr. President, I share many of the concerns that have been expressed by my colleague from Arizona. I am sure he understands I join him in the desire that we assure the adequate protection and support for our men and women in the armed services. I do think the amendment of the Senator is well intentioned. It is consistent with the priorities identified by Secretary Rumsfeld in his budget request for the fiscal year 2002. That request provides for a substantial increase, which I shall discuss further, in defense spending, commencing with October 1 of this year—82 days away.

By the time this bill gets to the President, probably it will be 75 days; by the time he signs it, it will be about 70 days; by the time the money could be released by the OMB, and then released by the Comptroller of the Department of Defense, that is about 60 days later. So we are talking about the same time because their machinery over there is designed to follow through on the amendment that has already been submitted by the Secretary.

I believe it is my duty to join the Senator from Hawaii, and others, in stating that we think this matter is better addressed in the fiscal year 2002 Defense authorization and appropriations bills.

The Senator from Arizona talks about authorization. This matter is before the Armed Services Committee now. The Secretary has testified before that committee. They may come up with different priorities. I believe the Senator is right; we have a role in helping to determine the priorities for defense spending.

We share that with the House of Representatives. Congress has the power of the purse. I do believe we should use it. But with the situation going on now, Secretary Rumsfeld and the Joint Chiefs are working on a comprehensive effort to redefine defense priorities. He has submitted this amendment for 2002.

We are just now reviewing the details of the total request that was received just prior to the Fourth of July recess. I do not think there is any way we can determine the merit of Senator MCCAIN's amendment until we better understand what the Secretary of Defense and the services have presented to us in the amendment to the budget for 2002.

Several items in this amendment are likely to be accommodated in the Department's annual omnibus reprogramming. Every year, as we get down to this last quarter, the Department comes to us with reprogramming requests which are approved, under existing law, by the Appropriations Committees of both the House and the Senate. That shifts considerable money. We gave the Department of Defense, this year, through the Defense Appropriations Act, the authority to shift $2 billion from one fund to a fund of higher priority. We have to approve that, of course, but that lifted the ceiling considerably. Annually, the Department presents to Congress reprogramming requests that shift from one purpose to an alternative higher priority. That is what we should do. We should let the Department shift these funds and tell us where they want them shifted to, if they wish to do so.

But I am constrained to point out that the budget resolution for this fiscal year contains what we call a wall. It is a wall between defense and nondefense spending. The amendment by the Senator from Arizona calls upon us to make moneys available from a substantial number of nondefense accounts for defense spending.

I want to assure you if the amendment were the other way around, suggesting we should take money from defense and put it in nondefense, I am certain the Senator from Arizona would join me in vigorously opposing such an amendment. I think, in my role on the Appropriations Committee, it is my duty to vigorously oppose this amendment because of the attempt to shift money from nondefense accounts to defense accounts for this fiscal year.

Later this month we are going to review the $330 billion spending proposal of the Department of Defense for 2002. I am sure that as a member of the Armed Services Committee, Senator MCCAIN will work very hard on these matters. I am certain he will assist in determining whether the priorities are correct as submitted by the Secretary, with the approval of President Bush.

I do not believe we should shift funds from the nondefense priorities until we are certain that the funds are in excess of those programs' needs. As a matter of fact, I do not think we should do it at all because that was our commitment, that we would keep a wall between defense and nondefense spending. The budget resolutions for the last 4 years—I believe 5 years—have spelled that out. And we have adhered to it. We, in the Appropriations Committee, have been quite clear about that.

I have to confess, I did suggest that some of the defense moneys go to the Coast Guard, but I made that request because I believe they are a semimilitary agency. They carry out some military functions, and they have to have military equipment, military training, and military assets on board their ships. But we have vigorously defended the concept of the wall. Those people who vote for the McCain amendment are, for the first time, going to set the Senate on record as abandoning the concept of the wall.

I have asked the Parliamentarian if this is subject to a point of order because of this fact, and I have to ascertain that later. But I, for one, believe in the wall because we put it up to protect defense spending, not the other way around.

I don't want to get political here, but in the last few years the President was not as much in favor of defense spending as the Congress, and therefore we protected the defense spending with the wall. I do not see any reason now for us to turn around and renege on the commitment we have made to protect that concept of separating defense and nondefense spending.

We should not shift these funds from other nondefense priorities. It is a matter of fact that there are substantial needs out there for the Department of Defense. I do not argue about that at all. I have to confess, if I were the Secretary of Defense, I would be among those who would be asking for even more than has the Secretary of Defense. I have every reason to believe the Secretary of Defense has asked for more money than OMB has submitted to us because the OMB, with the overall problem of controlling expenditures and meeting objectives in the nondefense area, has limited the Secretary

of Defense in his request for 2002. I think we understand that.

We are going to push that envelope as far as we can. But clearly the moneys that have been requested now put this administration on record of requesting more moneys—I think almost $80 billion more—than the level of 2001 that will be spent in 2002 for defense. And that is—what?—less than 3 months away.

I really have objection to the McCain amendment because of where the money comes from. It cuts $41.5 million from the dislocated workers assistance program. It rescinds $100 million from the job training program. The committee bill already took some money from this dislocated workers program, but ours is from unexpended balances of the program. This rescission takes it from the program, actually cuts job training programs for dislocated workers. And I will vote against that as a separate amendment.

Senator MCCAIN's amendment also makes substantial reductions, significant reductions, in the international space station account. This is at a time of extreme need. I have been spending some time looking into the space program because of my extreme confidence in the Administrator there and his demonstrated interest in pursuing the space program.

I am told the space program has some $4 billion in potential cost overruns already to meet the full promise of the first-class orbiting space laboratory. The rescissions in this amendment would impact needed upgrades to the space shuttle, critical upgrades needed to ensure the safety of our astronauts. I do not think we can afford to make a snap judgment because of a perceived need in the Department of Defense—perceived because I think those needs have been already met by the submission by the Department.

Why should we take moneys from the space account? We do not have any justification for that that I can find, that I can see. I think it is a critical juncture now in the future of the space station. I believe we should demonstrate our continued support for it.

There are a great many items in the Senator's amendment that disturb me. I hope other Members will take a look at it to see where these moneys are coming from. They start on page 3 of the amendment. Not only are the funds reduced from the space account I just mentioned, there are funds from the National Institute of Standards and Technology, under the heading ''Industrial Technology Services,'' that are reduced by $67 million for the Advanced Technology Program. There is another $19 million from the Department of Commerce for the International Trade Administration. There are moneys that were provided under the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guarantee Loan Act.

I do appreciate the fact that the Senator has deleted the suggested reductions in the Maritime Guarantee Loan Program Account.

We also have a suggestion to take from the Department of Labor for the Employment and Training Administration under the heading ''Training and Employment Services'' and for the dislocated worker account, as I mentioned, $41.5 million; adult employment and training activities, $100 million. Then from the Department of Transportation—here again, I think this would be subject to a point of order—as I understand TEA–21, there is a wall in that, too. That money cannot be used for other purposes, but the amendment of the Senator from Arizona would take $90 million from the transit planning and research and $16 million from job access and reverse commute grants under the Federal Transit Administration.

All of this, to me, means that I appreciate the attempt of the Senator from Arizona to increase the amount of money for defense. If we had money that would be free under the budget for 2001 as it exists now, I would support the Senator's amendment to do so. But the Senator's amendment takes money from other accounts. I am being redundant now. These are nondefense accounts. And it takes the money to put it into the defense accounts to meet needs already covered by a budget submission delivered to the Senate prior to the Fourth of July recess which will for approximately the same time as this money could be made available, it will be made available under the 2002 bill.

I cannot support it. I hope the Senate will not support the Senator's amendment. At the appropriate time, I will make a motion to table the Senator's amendment. I do not wish to do so at this time because he still has time remaining.

I ask how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 20 minutes 30 seconds. The Senator from Arizona has 12 minutes.

Mr. STEVENS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to print in the RECORD the expenditures that have been made according to the GAO for the Olympics.

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

APPENDIX III.—FEDERAL FUNDING AND SUPPORT PLANNED AND PROVIDED TO THE 2002 WINTER OLYMPIC GAMES IN SALT LAKE CITY

[1999 dollars in thousands [1]]

Federal organization	Project or activity	Planning and staging the 2002 Winter Games			Preparing the host city of Salt Lake City		
		Planned [2]	Expenditure	Designated by Congress [3]	Planned [2]	Expenditure	Designated by Congress [3]
Department of Agriculture		$7,242	$2,901		$8,887	$5,473	$4,546
U.S. Forest Service	Olympic planning and increased services	7,242	2,901				
	Forest improvements				8,887	5,473	4,546
Department of Commerce		205		92			
National Oceanic and Atmospheric Administration	Increased weather forecasting services for Olympic events	205		92			
Department of Defense	Safety- and security-related services	24,691	45	45			
Department of Education	Paralympics	876	44	876			
Department of Energy	Safety- and security-related services	1,586	194				
Department of Health and Human Services		9,494					
Food and Drug Administration	Public health safety- and security-related services	598					
Centers for Disease Control	Safety- and security-related services	1,923					
Office of Emergency Preparedness	Public health safety- and security-related services	6,973					
Department of Housing and Urban Development		3,172					
	Housing for media	1,894					
	Housing for security personnel	1,278					
Department of the Interior		1,270	153				
National Park Service	Increased park services	1,252	153				
Bureau of Land Management	Increased Bureau services	5					
	Safety- and security-related services	13					
Department of Justice		47,060	14,960	16,950			
Federal Bureau of Investigation	Safety- and security-related services	21,486	767				
Immigration and Naturalization Service	Safety- and security-related services	2,431	3				
Office of Community Oriented Policing	Grants for safety- and security-related services	10,417	10,417	10,417			
Office of Justice Programs	Grants to local law enforcement	8,806	3,692	3,692			
Executive Office of U.S. Attorneys	Safety- and security-related services	1,027	81				
Community Relations Service	Assess racial tensions	52					
Counter terrorism fund	Safety- and security-related services	2,841		2,841			
Department of State	Increased agency services	663	3				
Department of Transportation		83,854	26,838	36,896	998,275	257,318	318,783

APPENDIX III.—FEDERAL FUNDING AND SUPPORT PLANNED AND PROVIDED TO THE 2002 WINTER OLYMPIC GAMES IN SALT LAKE CITY—Continued

[1999 dollars in thousands [1]]

Federal organization	Project or activity	Planning and staging the 2002 Winter Games			Preparing the host city of Salt Lake City		
		Planned [2]	Expenditure	Designated by Congress [3]	Planned [2]	Expenditure	Designated by Congress [3]
Federal Highway Administration	Olympic transportation planning	10,227	5,785	5,682			
	Accelerated road and bridge projects				645,315	199,678	18,541
	Olympic event access road: Snow Basin	14,962	14,962	14,962			
	Olympic event access road: Winter Sports Park	4,106	3,162				
Federal Transit Administration	Olympic Transportation System (OTS) [4]	47,348	1,402	2,788			
	Olympic infrastructure improvements	([5])	465	9,291			
	Olympic park and ride lots	([5])	1,024	4,173			
	Light rail: Downtown to University of Utah line				91,369	5,019	91,369
	Light Rail: North/South line				228,598	48,850	202,919
	Olympic intelligent transportation system deployment				3,788		
	Commuter rail				3,788	1,849	3,776
	Intermodal centers				9,470		2,178
Federal Aviation Administration	Safety- and security-related services	6,098					
	Facility improvements				15,947	1,922	
Federal Railroad Administration	Safety- and security-related services	388					
U.S. Coast Guard	Safety- and security-related services	407					
Office of Secretary of Transportation	Safety- and security-related services	318	38				
Department of the Treasury		58,693	71				
Bureau of Alcohol, Tobacco and Firearms	Safety- and security-related services	8,811					
Internal Revenue Service	Safety- and security-related services	1,520					
U.S. Secret Service	Safety- and security-related services	13,704	46				
U.S. Customs Service	Safety- and security-related services	19,320	21				
Wireless Program	Safety- and security-related services	15,285					
Office of Enforcement	Safety- and security-related services	53	4				
Department of Veterans Affairs	Safety- and security-related services	2,746	1				
Environmental Protection Agency		2,961		2,083			
	Olympic venue-related sewer construction	2,083		2,083			
	Planning and increased services	473					
	Safety- and security-related services	405					
Federal Communications Commission	Communications systems improvements	137					
Federal Emergency Management Agency	Safety- and security-related services	6,107					
General Services Administration	Safety- and security-related services	1,472					
U.S. Information Agency	Education, cultural affairs	80					
U.S. Postal Service	Increased postal services	1,894			4,673		
	Facilities improvements				4,673		
	Increased postal services	1,894					
Total		254,203	45,210	56,942	1,011,835	262,791	323,329

[1] 1999 dollars were calculated by dividing 2002 dollars by 1.056, a conversion factor derived from chain-type price indexes for gross domestic product.
[2] Planned includes funds already expended.
[3] ''Designated by Congress'' refers to funds that were specifically designated for an Olympian-related purpose in appropriations acts or committee reports accompanying those acts.
[4] In July 1998 the SLOC requested $137 million in FTA funds for the Olympic Spectator Transit System (OSTS). In February 2000, the SLOC revised this request to $91 million. On March 3, 2000, FTA proposed a maximum contribution of $47.3 million for the 2002 Olympics and Paralympics. However, a current bill in the House of Representatives, H.R. 4475, provides $56.8 million for Olympic buses and facilities and $9.5 million for the Olympic Infrastructure Investment.
[5] Included in above for OTS.

Mr. McCAIN. It includes things such as land acquisition, Olympic infrastructure, Olympic park-and-ride lots, light rail downtown to the University of Utah, Olympic intelligent transportation system, commuter rail, intermodal centers, the list goes on and on of the $1.3 billion that has already been spent before we tack some more onto this supplemental appropriations bill.

I hope the Senator from Alaska will also work very hard to remove the nondefense appropriations from the defense appropriations bills.

I yield 7 minutes to the Senator from Connecticut and reserve the remaining 4½ or 5 minutes for me before all time expires.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by my friend from Arizona. I do so because I think this amendment makes two very important points. Those are points that have strength and with which I want to identify whether or not this amendment has any possibility of passing.

The two points are these: First, that we are not spending enough on our national security; second, Congress has recently adopted and the President has signed a tax cut package that will make it increasingly difficult for us in the months and years ahead to find the resources to meet the needs of our defense systems and structures and forces. Those are the two critical points.

We have in recent years tried in Congress, and succeeded on a bipartisan basis, to significantly increase the recommended budget levels to sustain real growth in our defense spending. Beginning in the mid 1980s and going through about 2 or 3 years ago, every year spending on defense dropped in real dollars. That was a peace dividend, people said. In fact, when you look at the constriction of spending in the Federal Government over the last decade or so, most of it comes at the expense of defense; some of it obviously justified by the end of the cold war.

At the end of the cold war, America emerged in a very different world as the one superpower with extraordinary responsibilities for maintaining the peace in our own interest and the world's interest around the world.

As I say, we began to turn that around. In real dollars we began to increase defense spending 2 or 3 years ago.

Continuing this support must be a priority. We have to provide for immediate needs in the fiscal year 2001 supplemental and to commit to funding levels to maintain current readiness, as well as to modernize and transform our forces in the coming defense budget. I am deeply concerned that if we do not, we may jeopardize our capacity to defend our interests here and abroad.

I have heard what my friend from Arizona has said. I couldn't agree with him more about the statements made last year that ''help is on the way.'' In some sense, it appears that the check may have been lost in the mail because although there are increases in defense in this supplemental appropriations and in the budget President Bush has recommended, they are inadequate to the needs of our defense. That is where I hope we in this body and Members of Congress, the other body, will join together on a bipartisan basis to give the Department of Defense the funds it needs to protect us.

The defense supplemental for fiscal year 2001, as has been said, is $5.6 billion, which, as I understand it, is about half of the amount that the service chiefs asked for. Although the fiscal year 2002 budget request from the administration is an increase, again, I don't think it is enough to meet our national security needs.

For instance, by my calculation, both procurement and research and development for the Army are less than that appropriated last year.

Navy procurement is lower by almost $2 billion than last year. As Admiral Clark, the Chief of Naval Operations, testified at the Armed Services Committee today, we are now a 314-ship Navy and on a course to head to 240

ships. It wasn't so long ago that we thought we needed 600 to protect us in the waters of the world. We are not meeting the needs of the Navy.

Air Force research and development, the investments in the ideas and technologies that will maintain our dominance in a high-technology world are lower in this budget than they were last year.

It is all that which brings me to join with Senator MCCAIN in this amendment to make a statement not only about the short-term needs of the military this year, which respectfully are inadequately met in this supplemental appropriations bill, but also to raise an alarm about the inadequate funding in the budget submitted for fiscal year 2002 and about the ever more difficult problems we will face in the years ahead as a result of the national resources that have been squandered in the adoption of a tax bill that gives most to the few and leaves little for the broad national needs of our Nation.

This amendment adds $847.8 million to the amount requested by the President, a reasonable amount, mostly targeted toward short-term needs in the personnel and operation and maintenance accounts that must be fixed within the next 3 months. This is not extra, surplusage.

This money will be put immediately to critical national security uses, including $1 million to remove additional sailors and marines from food stamps—a national disgrace—and for the protection of our forces in the Arabian Gulf. To do this, this measure includes offsets. So it is, in that sense, balanced.

I realize that every dollar has an advocate and every cut here will pain someone. In fact, some of them pain me. Senator MCCAIN has chosen some programs that I have supported and identified with. But the point is that there is a larger interest here, and that is that the short-term military needs of our country are a higher priority now.

I believe the short-term military needs are a higher priority now. But this, of course, is more than an issue of short-term spending. It is also a question of long-held values and responsibilities.

One of the most fundamental responsibilities we have under the Constitution is to provide for the common defense of our Nation. To fulfill that obligation, I am convinced we will have to significantly increase defense spending over the next decade. This amendment is a small, but significant, step in that direction; immediately, it is a large statement of what is to come. I hope that together we will meet our obligations to our men and women in uniform and, therefore, meet our responsibility to provide for the common defense.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 20 minutes under the Senator's control.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself such time as I may consume.

The McCain amendment provides $848 million for defense that the President has not requested, is not assumed in the budget resolution and is not authorized. Many of the items that would be funded in the McCain amendment will be considered as part of the annual DoD omnibus reprogramming request. DoD will cover many of these costs with their own offsets rather than through cutting non-defense programs.

Many of the non-defense offsets contained in the amendment are objectionable:

Job training: The McCain amendment rescinds an additional $141.5 million from the FY01 job training funds, $41.5 million from dislocated workers and $100 million from adult job training. This is in addition to the $217.5 million rescission already included in the bill. Increasing the rescission above the $217.5 million risks actual cuts on job training services.

Security at Winter Olympics: The McCain amendment would cut $30 million from the Committee bill. The committee approved the funds to provide security for participants and visitors to the 2002 Salt Lake City Winter Olympics. The federal government is mandated under Presidential Decision Directive 62 to provide security for officially designated National Security Special Events. These funds were requested and fully paid for.

Advanced Technology Program: The amendment would rescind $67 million from the National Institutes for Standards and Technology Advanced Technology Program. ATP is a valuable and well-managed innovation program. From the telegraph to the Internet to biomedical research, government investment has spurred the development of new technologies and new fields, which have had great impact on and held enormous benefit for the American people. According to the National Academy of Sciences' National Research Council, ATP's approach is funding new technologies that contribute to important societal goals.

International Trade Administration, Trade Development: The amendment would rescind $19 million. TD is responsible for negotiating and enforcing industry sector trade agreements such as these on autos, textiles and aircraft. TD's mission is extremely important in the era of trade agreements such as NAFTA and the African Free Trade Agreement.

Oil/gas: $114.8 million has already been rescinded from the Emergency Oil and Gas Loan Guaranteed Loan Program to help pay for the Radiation Exposure Compensation Act, RECA, and Global AIDS. This funding is no longer available for rescission.

Steel: The amendment would rescind $126.8 million from the oil and gas and steel loan guarantee programs. The committee bill already rescinds $114.8 million from the oil and gas program. If the entire $126.8 million rescission came from the steel loan guarantee program, then the ability of the steel loan guarantee board to help the steel industry receive needed capital would be eliminated. This reduction would come at a time when a record number of steel companies have filed for bankruptcy (eighteen companies) and steel prices have fallen below levels that prevailed during the depths of the 1998 steel crisis.

Access to Work: The McCain amendment would rescind over 80 percent of Access to Work funding. This program has been very successful at starting new programs at transit agencies to get welfare recipients to employers that want to hire them. Many studies have shown that one of the biggest problems in getting welfare recipients off the welfare roles and on to payrolls is transportation—getting them to work.

Antidumping: In the last 4 years, continued dumping or subsidization has been found in roughly 80 percent of all administrative reviews conducted by the Department of Commerce. Industries affected include many parts of agriculture, chemicals, consumer goods, industrial goods and components, and metals. The amendment would rescind $200 million from the Treasury program established last year to assist companies impacted by unfair foreign trade practices. This rescission would eliminate the program just when it is anticipated that the first offset disbursements will be made by Customs toward the end of November 2001.

NASA: The amendment would rescind $40 million from Life and Micro-Gravity research. In FY 2000, Congress fenced $40 million for a life and microgravity mission aboard the space shuttle. However, due to delays in overhauling the Space Shuttle *Columbia*, and the need to accelerate the Hubble space telescope servicing mission, NASA was forced to reschedule the launch date May 2002. As a result of the delay, the committee included bill language that lifts a restriction on the use of the funds to give NASA the flexibility to reprogram the funds for a Shuttle mission that will include a life and microgravity research experiment. Rescinding these funds will prohibit NASA from conducting a life and microgravity research experiment as directed by Congress, and put in jeopardy future research missions by threatening the viability of NASA's contractor.

NASA electric auxiliary power units: The Senate should not rescind $19 million from the electric auxiliary power

units. As part of the space shuttle safety upgrades program, NASA initiated an effort to develop an electric auxiliary power unit in FY 2000 to upgrade the existing power units to make them safer and more reliable. However after the initial development phase, it became clear that there were significant technical hurdles that could not be overcome without a significant increase in the budget.

While this particular program was canceled by NASA, the overall Space Shuttle Safety Program remains a top priority. NASA will redirect the remaining funds to address other key safety and reliability upgrades for the space shuttle. There is no higher priority than protecting our astronauts.

Transit research and planning: The McCain amendment would virtually eliminate funding for transit planning and research −$90 million, provided in the FY 2001 Transportation Appropriations Act.

Mr. President, I hope the Senate will oppose and defeat the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Will the Senator from West Virginia yield me 5 minutes?

Mr. BYRD. Mr. President, I gladly yield 5 minutes to the distinguished majority whip.

Mr. REID. Mr. President, will someone get Senator MCCAIN? He wanted to close. He has about 4 minutes remaining.

I want to spend a little time speaking tonight before we have these series of votes. Floor staff has been kind enough to gather for me some information. Since the leadership has changed in the Senate, we indicated we were going to try to stick to 15-minute votes and extend the time for 5 minutes, to make it a 20-minute vote, and with 10-minute votes, extend it to 5 minutes to make it a 15-minute vote.

In the 13 days we have had votes, we have spent 179 minutes over those times for a total of 3 hours. If one multiplies that out, over 1 month it will probably be about 5 hours. We are in session 9 or 10 months, so it is 45 or 50 hours we waste waiting for Senators to vote because committees are not adjourned in time—the excuses are unbelievable why Senators cannot get here within 20 minutes.

I hope everyone will respect other people's time. We are going to do our very best to stick to the 20-minute time limit. I have spoken with Senator DASCHLE. He agrees. Everyone will acknowledge that it is time wasted for everyone.

Since June 6, 179 minutes have been wasted. There are a lot of things each of us can do in 45 or 50 hours a year in wasted time. We, of course, could answer mail probably more precisely than we do if we had an extra 45 or 50 hours. We could review our mail more closely. We could visit with constituents who come here. A lot of time we are waiting for other Senators to vote and we are not able to see our constituents or, if we do see them, we give them the bum's rush. We could participate in congressional hearings more deliberately with an extra 45 or 50 hours. We could make telephone calls we simply do not have time to make. We could do something such as go home and visit with our families and have dinner.

I hope everyone understands, there will be people who are going to miss votes, but in fairness to everyone here, that is the way it has to be. I hope committee chairs will allow members to leave early. It is very difficult for us to say: Turn in the vote.

What we are doing is not partisan. Democrats and Republicans are just as responsible for the standing and waiting around. I wish it were just the Republicans and we could blame them for it, but it is us. We are just as bad as they are.

There are going to be Democrats who will complain: Why did you terminate the vote? I had something real important to do. I was having dinner with my son; I was at a key point in the hearing. The excuses, most of them, are very valid. But in fairness to all 100 Senators, we have to have a time limit that is enforced.

I say that the staff, which is very good about this—they hate to turn in a vote when there are people not here because people yell at them, but we need to move along and do this.

It is going to be bipartisan. We are going to do our best to make sure it is fair to everybody. Remember, we are talking about 50 hours a year wasted just in not having our votes, not in 15 minutes, but in 20 minutes; not in 10 minutes—sometimes we have 10-minute votes—not having those votes in 10 minutes but 15 minutes. I am talking about the time wasted over the 20-minute time limit.

I hope people will not be upset about this. I know some will. Maybe if we get in the habit of calling the votes on time, Senators will come on time.

I thank Senator BYRD for yielding me time.

Senator MCCAIN is not yet here. 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, how much time remains on the McCain amendment?

The PRESIDING OFFICER. Four minutes for the Senator from Arizona; 7 minutes for the opposition.

Mr. REID. I say to my friend from Alaska, Senator MCCAIN asked to close. What we could do is reserve his time and the motion to table and go on to Senator SCHUMER to save time. Would that be appropriate?

Mr. STEVENS. It is my understanding the Senator from Missouri wishes 5 minutes of the time in support of the McCain amendment.

Mr. REID. There are not 5 minutes. There are 4 minutes.

The PRESIDING OFFICER. There are 4 minutes left for Senator MCCAIN.

Mr. STEVENS. We will be glad to accord the Senator from Missouri 5 minutes of our time. The Senator is right; let's hold the time and let Senator SCHUMER start his amendment.

Mr. REID. Mr. President, I ask unanimous consent that the McCain amendment be set aside, and that the 4 minutes be reserved for Senator MCCAIN and 4 minutes be reserved for Senator STEVENS and Senator BYRD, and we go to the Schumer amendment, which is the last amendment in order tonight.

Mr. STEVENS. Reserving that right to object, I wish the Senator would allocate that time to the Senator from Alaska. I have 2 minutes; Senator MCCAIN has 4; the Senator from Missouri has 5 minutes.

Mr. REID. That will be taken from the Senator's time?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. Does the Senator so modify the request?

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

AMENDMENT NO. 862

Mr. SCHUMER. Mr. President, I call up amendment No. 862.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHUMER. I believe it is by the unanimous consent request of the Senator from Nevada.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHUMER. I thank my friend, the Presiding Officer. Amendment No. 862 is an amendment I have sponsored with Senator REED of Rhode Island, Senator REID of Nevada, Senator DODD, Senator LIEBERMAN, Senator CORZINE, and Senator JOHNSON.

It is a very simple amendment. It rescinds in this emergency supplemental $33.9 million for advance mailings from the IRS to the General Treasury.

I ask for the yeas and nays if they have not been ordered. Have they been ordered?

The PRESIDING OFFICER. They have not been ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SCHUMER. I thank the Chair. I believe I have 15 minutes to debate on this side.

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. SCHUMER. I ask the Chair to notify me after I have consumed 7 of those minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. SCHUMER. Mr. President, this amendment is a simple one. There is money in this supplemental appropriation to send out a notice within the next week to 112 million taxpayers telling them they will get a rebate. The amendment is a simple one. It rescinds that money and gives it back to the committee. It does not spend it on any other specific purpose, but rather at this time when we are all desperate for money—we just spent 2 hours on Senator MCCAIN's amendment cutting money from domestic programs so we can fund defense—this $33.9 million is needed.

Why do I think this money should be rescinded? Because the notices they will fund are unnecessary, they are inappropriately political, and they cost money that can be spent on other things, and I will talk about each. Unnecessary. It makes no sense that we send each taxpayer a notice that they are going to get a rebate. The rebate is self-explanatory. It has been in all the newspapers. More people will have read it in their newspapers than a notice they get from the IRS. And if, indeed, we thought it so necessary to do, which I don't think we should, it is certainly unnecessary to do it as a separate notice which will cost all this extra money.

The idea that we have to notify taxpayers that they are getting a rebate doesn't make sense. We have never done it before—not in the 1975 rebate, not when we have changed other tax laws. We have never done it.

Second, I am against it because it is a political message. The message in this notification of the rebate says: We are pleased to inform you that the United States Congress passed, and President George W. Bush signed into law, the Economic Growth and Tax Reconciliation Relief Act of 2001 which provides long-term relief for all Americans who pay income taxes.

It sounds to me a bit like a political ad. The IRS has always had a reputation for being apart from politics. When the IRS gets too political we try, justifiably, to pull it back. Yet here from the IRS is a notice. We don't send notices out to people when bad things happen: We are happy to let you know because of laws that the President proposed and the Congress passed that you will get a lien on your property, that your property will get a lien because you haven't paid your taxes. We just put on the lien. We don't send out notices about all the other changes in the law. We publish them in the Register and then we go forward.

Finally, of course, I support this amendment because we are in very tough times. How many Americans would make it their highest priority to spend this $33.9 million on sending a notice of a rebate?

My colleague from Nevada, when I yield time to him, will give examples of the alternatives on how we could spend the money. Clearly, there are better purposes.

Secretary O'Neill wrote me that it wasn't feasible for mechanical reasons to include notification with the check itself. I take that to mean that, despite a quarter of a century of dramatic technological advances and the impressive stewardship of Commissioner Rossotti, hailed as a world-renowned technology expert, the IRS is unable to get two pieces of paper into the same envelope—or less able than it was in 1975 because they did it then.

Now, to boot, 523,000 taxpayers will receive an inaccurate notice, erroneously informing them that they will receive a larger rebate than they will actually get. Some have said if we don't send this notice, there will be lots of phone calls deluging the IRS. We are not in tax season. I think they can handle the phone calls. I argue that knowing a small percentage of these notices are erroneous will trigger more phone calls than if we didn't send this false message at all.

The bottom line is simple: We know why this mailing is being sent. We now see political figures on television, Governors and mayors, putting their faces on, saying: Come to my State for tourism; or, sign up for our children's health care plan.

We all know what the purpose is, but never before has the Federal Government stooped to this level. And never before has the IRS, which I think we all agree must remain above politics, been used for such a message. This notification is unnecessary and can be accomplished in other ways. It is political, in an agency which should remain above politics. And it wastes a badly needed $33.9 million.

This amendment was narrowly defeated in the House. I hope this body has its usual good sense, higher sense than the House, and passes this amendment.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. We are hearing a great deal about politics in the debate regarding this amendment of the Senator from New York. We hear the notices in the mail to inform taxpayers of the rebate checks are somehow about ''politics.'' We hear the language used in a notice is about politics.

Let me assure that the only thing that is about politics is the amendment before the Senate. I make very clear the notices are being issued, being sent by Congress, because we gave that direction in the legislation we passed. I read from the conference report of the recently passed tax cut bill. Page 127 of the report says:

> The conferees anticipate that the IRS will send notices to most taxpayers, approximately one month after enactment. The notices will inform taxpayers the computation of their checks and the approximate date by which they can expect to receive their check. This information should decrease the number of telephone calls made by taxpayers to the IRS inquiring when their check will be issued.

That is a quote from the conference report of the Congress of the United States, directing the Treasury Department to do what has been labeled as pure politics. This is a statement of the conference report. That is why these notices are being issued.

We are seeking to reduce confusion of taxpayers and minimize the burden on IRS employees. That is why the National Treasury Employees Union, the union that negotiates with the Treasury Department, representing those employees, supports the issuance of the letters being criticized.

I read from the last paragraph of the letter I have received from the National Taxpayers Union:

> On behalf of the employees of the IRS who are charged with implementing the decisions of Congress with regard to the tax code, I urge you to oppose efforts to cut funding for the mailing of a notification to taxpayers with regard to their tax rebates.

I ask unanimous consent to have this letter printed in the RECORD.

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

NTEU,
THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, June 20, 2001.

I am writing with regard to funding included in the FY 2001 supplemental funding bill, H.R. 2216, that will allow the IRS to mail notices to taxpayers informing them of the timing and amount of tax rebate they will be getting. While NTEU has no position on the wording of such notice, we strongly believe that a notice will significantly reduce the amount of telephone calls coming into the IRS with questions about the tax rebate and ultimately reduce the costs associated with administering the rebate.

The IRS already has great difficulty responding to all of the telephone calls from taxpayers with questions. The volume of calls will increase dramatically as anticipation of rebate checks grows, thereby making it even more difficult for taxpayers with other questions to get their calls answered. Providing taxpayers with a notice in advance will hold down the increase in calls and prevent a significant decrease in the IRS' ability to provide customer service.

It is my understanding that the IRS has indicated that it may go forward with a notice on the tax rebate even if funds to mail it out are cut. Such a move would inevitably cause erosion of customer service levels that are already suffering from underfunding.

On behalf of the employees of the IRS who are charged with implementing the decisions of Congress with regard to the tax code, I urge you to oppose efforts to cut funding for

the mailing of a notification to taxpayers with regard to their tax rebates.

Sincerely,

COLLEEN M. KELLEY,
National President.

Mr. GRASSLEY. Mr. President, these concerns about the impact on services at the IRS are very real. The newsletter, Tax Notes, reported on June 9, 2001, that when Minnesota issued rebate checks, the U.S. West Company had to cut off phone service to the tax agency in Minnesota because the volume of calls brought down the system for the entire Minnesota State capital exchange.

In addition, notices are important to prevent taxpayers being subject to con games. The USA Today newspaper reported on July 5, 2001, that taxpayers are receiving solicitations from con artists offering to calculate their refund for $14.95. These letters being found fault with will go far in preventing frauds and cons such as reported in USA Today.

Some want no notices at all sent, and some want the words of the notice changed. Why are they upset? Because the letters start out by mentioning that we, the Congress, passed a bill that cuts taxes—the bill that provides long-term tax relief for all Americans who pay income taxes and was passed by the Congress, in fact, and was signed by the President of the United States.

That is the only way you increase or decrease taxes. It is not done by some magic wand being waved by somebody in Washington, DC. But this comes as a shock, supposedly, to my colleagues. Some people are a little too busy with their lives to be thumbing through the CONGRESSIONAL RECORD after work, like maybe we do, but our constituents don't do this.

So this letter provides a little overview and guidance, so people have some contact as to what the letter discusses.

It should be clear this is not the first time the President by name has been mentioned in some IRS notice. For example, a little less than 2 years ago the IRS sent out a notice mentioning President Clinton. Can you believe that? They sent out a notice mentioning President Clinton.

I have searched the CONGRESSIONAL RECORD in vain to find any complaints from any Senator about that specific notice.

Also, if this notice were only about politics, why would the administration also send out a notice to 32 million taxpayers, informing them they will not receive a refund check? That hardly seems a political thing to do. It is said we often find our own faults in others.

Mr. SCHUMER. Will the Senator yield?

Mr. GRASSLEY. I do not think I will yield. The last time I yielded to you on the bankruptcy bill I did not get through my speech. I want to finish my speech and then if you want to ask me a question, I will do it.

Mr. SCHUMER. A 10-second question.

Mr. GRASSLEY. No, I will not, please. I appreciate the man, he is a friend of mine, and I do not have any ill will towards him, but I just do not want to yield at this point.

Would I suggest this amendment is about politics? I could not suggest this amendment is about politics. But here is what we have to do. We have to think of the reality of it. We are trying to make Government work. When you are sending out $60-some billion in checks, you want to make sure they go to the people they are supposed to go to, and you want to know that the people know this is happening and what they are supposed to do with it.

Some suggest we should have the notices, but the wording should be changed. As stated earlier, I believe the wording is important to better inform taxpayers. Further, to rewrite and reprint the notice will cost millions of dollars and delay the notices by weeks. Delay would undermine the whole point of the notice: To better inform the people prior to checks being issued.

Remember, you want to get the checks out on time because of the stimulus benefit that comes from this. That is not just my saying this as a Republican because you want to remember, the last week of March people on the other side of the aisle said we ought to have an immediate tax rebate to help the economy. So that is something we both agreed ought to be done.

This notice, the Treasury Department informs me, will actually be cost-effective. If there is no notice, the IRS will be flooded with calls and will not be able to perform other valuable and important activities. The language regarding notices is in the conference report because of concerns about the impact of issuing checks on IRS operations.

Finance Committee staff has met with the Treasury Department several times to ensure that the notice and check effort is performed with minimal trouble.

In addition, Senator BAUCUS and I have asked the GAO to oversee the notice and check effort to ensure it is properly managed.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 2 minutes to a cosponsor of the amendment, the Senator from South Dakota.

Mr. JOHNSON. Mr. President, I congratulate the Senator from New York for the fiscal responsibility he is exhibiting with this amendment. The amount of money to be saved, again, is $34 million, roughly? Mr. President, $34 million—this is astonishing, $34 million to send out a mailing? This doesn't pass the laugh test, frankly.

If I were to go home to my home State of South Dakota and talk to people in the street to tell them we are going to send some checks—by the way, which I voted for; I voted for the stimulus package, but we are going to add $34 million to the cost, from the taxpayers, to brag about what we did in advance—they would not know whether to laugh or whether to cry.

This is just astonishing, $34 million for a mailing. Are we going to do this now when we do Patients' Bill of Rights? Are we going to send out a $34 million mailing? How about ag disaster payments? What else are we going to pass this year about which we are going to send out to everybody in the country what a wonderful job we are doing for them, thanks to your dollars?

Here we are in this body talking about, well, it doesn't look as if we can afford to do as much as we should with school construction; probably not enough money to advance Head Start where it ought to be; our GI bill enhancement, where we are trying to catch up with inflation so our military can get the education opportunities they should have, we might not have the money; prescription drugs, we probably do not have enough to set aside to do what we need to do. But wait, we are going to take $34 million of your money and send you a letter telling you what fabulous things we are doing for you.

I don't know whether or not it is political. What I care about is if you are going to carefully mind the people's money, this is not how you ought to go about doing it.

I congratulate the Senator from New York for a little common sense, something I see all too seldom in the course of some of these political debates.

Thank you to the Senator from New York. It seems to me this amendment deserves support. Let's save $34 million, put it back in the kitty where the American people can have it for their benefit.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield 6 minutes, or the remainder of my time, to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator who is just leaving the floor needs to know that $34 or $33 million represents about 30 cents a letter. I think both he and I wish we could send out any kind of campaign solicitation for 33 cents or 30 cents a letter. It seems to be a pretty efficient operation to me. But here is what the IRS is saying today. Even though the Senator from New York is talking politics, the IRS is talking fraud. The IRS is talking scam. The IRS is trying to warn the American taxpayer, who may or may not receive a rebate check, that they better beware that there is somebody out there who wants to take $14 or $15 or $20 of their money.

Let me refer to a scam operation known as Revenue Resource Center in Boca Raton, FL. Send in your check for $12.95 and an extra $2, and we will calculate for you what your rebate is going to be.

The IRS is already going to calculate for you what your rebate is going to be. The Senator from New York knows that. What the Senator ought to be saying is: Bravo, IRS, you may be stopping a multi-multimillion-dollar scam operation.

The IRS has identified scams in four other States: in Mississippi, Missouri, Ohio, and Oklahoma, and they are anticipating there will be a good many others before this is over with.

What does the IRS do in its letter? Not only does it say the Congress and the President provided this, on an effort on their part, but it says here is how the calculation was made. If you have a question, make a phone call. Here is the phone number.

That sounds pretty responsible to me. I suggest that is the kind of government we ought to have. Is it political? I don't think it is. The Senator from Iowa mentioned that President Clinton was mentioned in an IRS letter. I have a copy of that IRS letter. Bravo. Bravo. Whether we take credit for it—in fact, it was the Senator from New York who, in 1995 said: When you do something you ought to tell your constituent about it. So he quoted himself in the New York Daily News.

Is there anything wrong with what is going on? There is nothing wrong with what is going on, in fact. I think what the Senator from New York and I know is you take this form right here; it is called 2001 Form 16–D. It looks like an official IRS form. Let me tell you it is a scam form provided by this group from Boca Raton, FL.

Right here it says:

Processing fee $12.95. Rush service add $2. Total payment [$14.95].

If you got $14.95 from a few hundred thousand or a few million taxpayers, my guess is you walk away with a bundle because you have a mailing address and you have a computer and you have a printer.

What the IRS is saying when they notify the taxpayer is: You are going to get your check and here is how it is going to be calculated.

They are even saying to some taxpayers: You are not going to get a check, and here is why you are not going to get a check.

My guess is this may have a lot less to do with politics, at least from the standpoint of the IRS, and a great deal more to do with efficiency of government. But most important, should not we go the extra step so we avoid the scams that the great genius of the human mind creates when they see an opportunity to take advantage of an older person, or an innocent person who might be concerned that somehow they are not going to get their appropriate check? So they are going to fill out this form and send it in to a group in Boca Raton, FL?

That is what the issue is all about. So we are going to use $34 million at a cost of about 30 cents a letter to about 130 million Americans to notify them that all the information they need is right there available to them, even how their check was calculated, and all of that is going to be made available by the IRS. And, oh, by the way, yes, you are right, Senator from New York. The front paragraph says: And this tax relief was provided for you by the Congress—I believe that is Democrat and Republican—and by the President of the United States, George W. Bush.

Let's stop the scam artists. Let's notify the American people when they are going to get it, how they are going to get it, and how it is calculated. It seems like the right thing to do—not the political thing to do.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, I yield 4 minutes to the cosponsor of this legislation, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this legislation has nothing to do with scams. It has nothing to do with partisan politics. It has everything to do with saving $34 million of taxpayer money.

As the Senator, for whom I have the greatest respect, and the 19 members of the Finance Committee say, this will provide a little review and guidance. Yes, it will, for $34 million.

There are a lot of domestic programs in need of funding. Thirty-four million dollars would do so much for education. We could do something that deals with dropouts. Three thousand children are dropping out of school every day.

We could do something about the national treasure of Nevada and California called Lake Tahoe. It is deteriorating every day because of pollution. We could stop it if we had the money. It is a program that we need to help. There are water systems all over America, in rural America, that need help. We could do part of that with this money.

Our Nation is facing an energy shortage. The Energy and Water Subcommittee will fight for money to provide research and development for energy. Thirty-four million dollars would mean a lot to our subcommittee.

We ought do so many things.

Veterans: There has been a cutback in the veterans' budget this year by $30 million. We could take $343 million and provide help to the veterans. Grants are provided to the States for extended care facilities, specifically talking about veterans.

On Medicare prescription drugs, we could do a little bit. But that would certainly be something we could do.

Senator CHAFEE and I have a bill that gives centers of excellence $30 million a year so they can study links between breast cancer and the environment. That is certainly more important than a $34 million notice that is going to go out.

There are disasters happening all the time. We used to have $250 million for Federal safe project impact grant programs. That was deleted. It is wrong. The State of Washington found out how much that program helped.

This is something for which I don't blame the President. I don't blame the Finance Committee. I don't blame anybody. I think what we should do, though, is recognize that dollars are very scarce. We should do everything within our power to provide additional money for the programs that are desperately needed; $34 million would do that. It is more than the letter that would give a little bit of review and guidance, as my friend from Iowa said.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The sponsor has 3 minutes 5 seconds. The opposition has 1 minute, 17 seconds.

Mr. SCHUMER. Does the Senator from North Dakota wish a minute?

I will reserve the remainder at the conclusion.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to support the amendment. I don't know how it got to this point. But I was a tax administrator before I came to the Congress. It is not, in my judgment, necessary to send out a letter to say: By the way, here is what you are going to get. And then you get it. Maybe afterwards they will send a letter to them saying: Here is what you got.

That doesn't make any sense to me. It is $34 million. There are a whole host of important things that can be done with $34 million.

The tax bill stands on its own. It was passed. It is now law. The American people will be receiving a rebate. There does not need to be a substantial amount of money spent to tell them: By the way, this is what you will get in the mail very shortly. Send the check in the mail. They would be much more appreciative of receiving the check than receiving a letter saying they are going to get a check. Do not send them a letter saying they are going to get a check. They will get a check. And maybe people will come to the floor asking to send them a letter saying they got a check.

None of this makes sense. This doesn't pass the test. Let's not do this. This is a waste of money.

I will support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, parliamentary inquiry: Is it not the case that we must finish the Schumer amendment before we go back to the McCain amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Is the Senator from New York willing to yield the remainder of his time?

Mr. SCHUMER. No. Mr. President, I believe I have 2 minutes. I would like to conclude. If the other side would like to use their 1 minute remaining, I would then yield. I will wait for them.

Mr. GRASSLEY. Mr. President, I yield myself the remaining time.

There are three things to remember:

Remember that the union members working this issue for the Treasury Department to make sure the Government's work is done right and done on time said it is very important that these notices be mailed out. That letter is a matter of record and is printed in the RECORD.

No. 2, remember that Congress ordered these letters to be sent. It is a conference report from which I have already quoted. But remember we said that.

No. 3, these letters are already printed and in the envelopes. There was a lot of labor put into this process. There was a lot of effort put into it. If you want to waste that money, you waste that money by voting for this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, in reference to the debate we have heard, give me a break. This letter, if you read it, is not going to reduce fraud. In fact, if we want to reduce fraud, we contain it right with the check—not a letter that people are going to read through a month and a half in advance and then get the check. That is a bogus argument.

Second, President Clinton put his name on the notice that was on 527. The letter of the Secretary of the Treasury is wrong. All that was printed in the RECORD. President Clinton did not send out 112 million pieces of paper bragging about what he was going to do.

The bottom line is simple. We all know what is going on here. This is not an attempt to help the taxpayers; this is an attempt to pat ourselves on the back because we did something good. We could spend billions of dollars doing that. We all know that the same goal could be accomplished by putting the same notification in the same letter as the check. We are not doing that either.

At a time, I appeal to my colleagues, when we are scrounging around for $5 million here and $10 million there, the chairman of the Appropriations Committee and the ranking member are trying their best as the members of the committee to find the dollars we need, give me a break. This is not the best, the second best, the third best, the hundredth best, or the thousandth best way to spend $34 million to send a notification patting ourselves on the back that you are going to get a rebate check and there is going to be a long-term tax reduction. It is an absurdity.

If any of us cares about fiscal responsibility and balancing the budget, we will vote for this amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The time on the amendment has expired.

The question occurs on the McCain amendment.

The Senator from Arizona withholds 4 minutes. The Senator from Missouri withholds 5 minutes.

Who yields time?

Mr. MCCAIN. Mr. President, I understand the Senator from Alaska is giving time to the Senator from Missouri. Is that correct?

Mr. STEVENS. Mr. President, that is correct—in order to accommodate the Senator's request.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I rise to support the McCain amendment. Our military has a number of pressing needs that simply are not being met this year. I have seen this first hand in my home State of Missouri. Senator MCCAIN has done the hard work by requesting that Federal agencies identify funds that are not being spent in this fiscal year. These funds should be available and can be put to good use for basic military operations and supplies.

This amendment will provide $200 million for quality-of-life improvements for our military personnel, $600 million for operations and maintenance of our military equipment, and $45 million for force protection of our fleet in the Arabian Gulf. Senator MCCAIN has identified these needs, and he has uncovered the resources to relate to them.

I urge my colleagues to vote for this amendment.

I yield the remainder of my time to Senator DODD.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. I thank my colleague from Missouri.

Mr. President, I want to take a couple minutes to speak. I know others have spoken at length about this underlying supplemental appropriations bill.

I say to the Senator from Alaska, the Senator from Missouri yielded me her remaining time.

I commend the Senator from West Virginia and the Senator from Alaska and the Senator from Hawaii. It is a hard job. It is not easy. We are talking 80 days. And those days are shrinking as long as we take to resolve this in the supplemental.

There are a number of amendments that have been offered that under normal circumstances I would probably support. The LIHEAP amendment is a very important amendment for those of us who come from the Northeast. I find many down the list that are very appealing.

I think our colleagues on the Appropriations Committee have done a good job. I do not suggest that my good friend from Arizona, and others, are not making a good case that additional resources may be necessary to help our service men and women to improve equipment, but it seems to me that we are just a few days away from dealing with a larger issue, the budget issue, in which these matters could be addressed. So when it comes to the pending amendment, I am going to reject the additional spending that is being proposed and support the committee's desire to adopt this supplemental, if we can.

I notice, as well, there are arguments being made that some of these funds have been unexpended. I appreciate that. That is true. That is the case, but it is also the case that we are not yet at the end of the fiscal year.

One of the things I want to see us discourage is agencies rushing out to spend dollars so that they will not face the kind of arguments they get here, where we are a few months away from the end of the fiscal year and we start demanding that agencies spend money quickly because an amendment may be offered to take any unexpended funds. That is irresponsible spending, it seems to me.

So there are a number of areas here that are being targeted as resources to pay for some of these amendments that I hope my colleagues will take some note of.

Worker training is one. Again, all of us understand the benefits of worker training. We have just heard news in the last few days that there has been a loss of some 125,000 jobs in the month of June alone in the United States. I do not need to tell anyone in this Chamber how job training and worker training programs can make a difference for those people. Those people getting new jobs, getting the skill levels, also contribute to the strength of America. Certainly, the job access program is another one that has been tremendously helpful to so many millions of Americans across the country.

So while all the money has not yet been expended in job access or job training programs, we are still several months away from the end of the fiscal year. In light of some of the new unemployment figures, those dollars may be very necessary before the end of the fiscal year.

So again, my compliments to those on this committee crafting this supplemental appropriations bill. It is not perfect. They have not argued it is perfection. But I think it has done a good

job in providing additional resources for our military needs. And, in the weeks to come, we will be given the opportunity to debate the authorization bill and the appropriations bill for the coming fiscal year, at which point we can best address the matters raised in this debate.

So my hope would be that my colleagues would applaud the work of the Appropriations Committee here and adopt this supplemental bill. The temptation to support a number of these amendments is strong. But I think we ought to resist that temptation and support the work of this committee, and then get about the business of dealing with the various appropriations bills as they come to this Chamber.

If there is any time left, I will be glad to yield it to those who may want to debate this amendment further. But if not, I would yield back whatever time may remain.

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

Who yields time?

Mr. MCCAIN. Mr. President, I have 4 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. I yield 1 minute to the Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to simply urge the support of my colleagues for the amendment that my colleague, Senator McCain, has brought forward. We have to care about the lives and the safety, as well as the ability to carry out the mission that we have entrusted to them, of the young men and women in our military.

What Senator MCCAIN is doing is nothing more than taking the word of the military—the chiefs and the other military leaders of our country—about what they need, and providing a small amount of that as a part of this supplemental appropriations bill—$847 million worth.

All of that money is offset from programs, frankly, that either can be deferred or from funds which are not going to be spent before the beginning of the next fiscal year. So there is very little in terms of loss of any program from the offsets. But this money would make a huge difference to the men and women of our military, if we can get it into the pipeline before October 1.

So I hope my colleagues will support the amendment of Senator MCCAIN to help the folks in our military and enable them to do the job we have entrusted them to do.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself what time is remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. MCCAIN. Mr. President, I outlined in some detail the testimony of the service chiefs last September: The need for $30 billion more than the current defense budget dollars. In a few days, the Department of Defense will come over with a reprogramming request. That will be for $850 million, which is really what this request is all about.

What is a reprogramming request? It is a requirement to take money out of one category and put it into another because the wheels are about to come off. They are going to have to take money from existing programs and put it into what this amendment is all about: Personnel, readiness, operations and maintenance, and the lives of the men and women in the military. This amendment puts money in the right accounts, and that is readiness and personnel.

Nothing is more important than the men and women in the military and national defense. The Department of Treasury salaries and expenses isn't more important than defense. The NASA Shuttle Electric Auxiliary Power Units are not more important than defense. The Life and Micro-Gravity Science Research is not more important than defense. The Advance Technology Program is not more important than defense. The Job Access & Reverse Commute Grants Program is not more important than defense, nor is Export Promotion Programs or Emergency Loan Guarantees.

Nothing is more important than the security of this Nation. I hope this modest amendment, which does have offsets, will be agreed to by this body. It does not have an objection from the Office of Management and Budget nor from the Department of Defense.

So, Mr. President, the men and women of our military are suffering. They need help. I promised them that help during the last campaign. This is one very small way of beginning to deliver.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am constrained to point out to the Senate that part of the Budget Act gives us the power, in the Appropriations Committee, to make allocations to specific portions of the budget. We have 13 separate bills.

The allocation to the Defense Department under the Defense appropriations bill for 2001 I made when I was chairman—and Senator BYRD from West Virginia has modified that slightly, but it is still a limitation—it is a limitation that prevents us from transferring money from one bill to another without the consent of the Senate.

The amendment of the Senator from Arizona would increase the amount allocated to the Department of Defense for 2001 in excess of the current budget allocation that both Senator BYRD as chairman, and I, when I was chairman, submitted to the Senate. The amendment by the Senator from Arizona has the unfortunate consequence of exceeding our allocation.

I make a point of order against the McCain amendment under section 302(f) of the Budget Act. If adopted, this would exceed the allocation for the Department of Defense for 2001.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I am deeply, deeply disturbed that the Senator from Alaska would not allow an up-or-down vote on this amendment, which is paid for—which is paid for. And if we are going to play that kind of parliamentary game, the Senator from Alaska can plan on a lot of fun in the ensuing appropriations bills.

I move at this point to waive all points of order that may lie against this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. I raise a question about this.

All points of order?

Mr. MCCAIN. That may lie against this amendment.

Mr. STEVENS. Parliamentary inquiry: Is that in order under the Budget Act? This is a specific point of order. There are other points of order I may want to try, too.

The PRESIDING OFFICER. The Senator may make a motion to cover all Budget Act points of order.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second. The vote will be delayed under the current sequence.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of general debate on the bill.

Mr. STEVENS. Mr. President, don't we have a managers' amendment still on the agenda?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Now that Senator MCCAIN's time has expired, that is in order?

The PRESIDING OFFICER. That would be appropriate at this time.

AMENDMENT NO. 876

Mr. BYRD. Mr. President, I shall send to the desk a managers' amendment. It consists of a package of amendments. These have been cleared on both sides, and I believe there is no controversy on them.

The first items are amendments by Senator STEVENS, Senator LINCOLN, and Senator HUTCHINSON for storm damage repair and relief in Arkansas and Oklahoma and emergency response and firefighting needs in Alaska. The amendment provides a total of $26,500,000 with the necessary offsets.

The next amendment is offered by Senator INHOFE concerning the Education Impact Aid Program. No additional funds are involved.

Next is an amendment by Senator BOXER to provide $1,400,000 for the so-called ''sudden oak death syndrome''. This is from within existing funds in the U.S. Department of Agriculture.

Next is an amendment by Senators DORGAN and CONRAD to provide $5 million for emergency housing for Indians on the Turtle Mountain Indian Reservation in North Dakota. It, too, is fully offset.

Next is an amendment by Senator MCCONNELL making a slight modification in the Energy Employees Occupational Illness Compensation Program Act. No funding is involved.

Next is an amendment to establish the new Senate committee ratio for the Joint Economic Committee as a result of the recent change in the Senate majority. This requires an amendment to the underlying law;

An amendment concerning the B–1 bomber for Senators ROBERTS, MILLER, CRAIG, CLELAND, CRAPO, and BROWNBACK;

An amendment for Senator PATTY MURRAY and Senator CANTWELL providing $2 million for drought assistance in Yakima Basin in the State of Washington. It is fully offset.

Finally, an amendment by myself to provide $5 million for providing relief from the severe recent flooding in my State of West Virginia. This amendment is also fully offset.

Over the last several days and nights, thousands of West Virginians have been digging out from the mud and muck left behind from severe flooding over the weekend.

Throughout southern West Virginia, especially, the rain fell hard and fast, dropping 8 inches of rain across the region before the clouds finally let up. By then, the damage was done. The Guyandotte River was measured at 18 feet at Pineville, 5 feet above flood stage and above the 1977 record of 17.76 feet. The Tug Fork was at 17.5 at Welch, 7.5 feet over its banks and more than 4 feet above the previous high.

It is an almost indescribable scene for many families who have watched their homes and their belongings washed away by the torrent of flood waters. For many families, this latest flood comes just a few weeks after they finished cleaning up from May's heavy rains that prompted a Federal disaster declaration from President Bush.

Today West Virginia's streams, creeks, and rivers are carrying refrigerators, stoves, cars, and trucks. Tree branches are filled with ruined clothing and debris. Water and sewer systems are washed out. Roads and bridges are buckled. Power is out. More than 3,000 homes have been damaged or destroyed.

In the McDowell County town of Kimball, the community is covered with thick mud. One woman described it aptly when she said: ''This whole town is gone.''

For everyone, there is a feeling of disbelief at the devastation. But there is also a strong determination to recover.

In an effort to speed Federal assistance, the managers' amendment contains $5 million to boost the recovery effort. This is the amount that the Natural Resources Conservation Service has stated that it needs to remove debris and obstructions to waterways that pose a threat to private property or human safety. This is just a small step in the recovery process, but it is an important step to make.

I personally thank the thousands of National Guardsmen, local firefighters, sheriffs' departments, police officials, Red Cross volunteers, State Office of Emergency Services personnel, and the countless others who have worked to save lives over the last few days. Their efforts have helped to prevent this disaster from taking an even larger tool on West Virginia.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. STEVENS, proposes an amendment numbered 876.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. MCCAIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I am asking that they be considered, not adopted.

Mr. MCCAIN. I object. I want the amendment read.

Mr. BYRD. I didn't understand the Senator.

Mr. MCCAIN. I want the continued reading of the amendment.

Mr. BYRD. Very well.

The PRESIDING OFFICER. Objection is noted. The clerk will continue the reading of the amendment.

The legislative clerk continued the reading of the amendment.

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

The PRESIDING OFFICER. The regular order is the reading of the amendment. The clerk will continue the reading of the amendment.

The legislative clerk continued the reading of the amendment.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. Does the Senator yield back the time?

Mr. REID. Mr. President, I ask unanimous consent that the motion to waive the Budget Act with respect to the point of order against the amendment of the Senator from Arizona be withdrawn and insert in lieu thereof a motion to table the amendment of the Senator from Arizona.

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

The PRESIDING OFFICER. Do the Senators yield back time on the managers' amendment?

Mr. BYRD. Mr. President, the name of Senator PATTY MURRAY was inadvertently omitted from the sponsorship of the $2 million drought assistance in the State of Washington. I add that name at this time. So it will read: An amendment by Senators PATTY MURRAY and MARIA CANTWELL providing $2 million for drought assistance in the Yakima Basin in the State of Washington. It is fully offset. I ask unanimous consent that Senator MURRAY's name be added.

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

Mr. STEVENS. If the Senator will yield, I ask unanimous consent that the amendment be amended to add a million dollars for FEMA for the disaster storm Allison. I will present an amendment to the desk in writing.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to.

Mr. MCCAIN. Mr. President, I object. Is the amendment debatable?

The PRESIDING OFFICER. There are 5 minutes equally divided on the amendment.

Mr. MCCAIN. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. The Senator has 5 minutes under the time agreement.

The PRESIDING OFFICER. The Senator has 5 minutes in general debate time. He may use it now.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Is this concerning the amendment on the B–1 that is included in this, or is this in addition to the 5 minutes?

The PRESIDING OFFICER. Senator BYRD has 5 minutes of general debate on the bill. There are 5 minutes evenly divided between the two managers on the managers' amendment. Senator BYRD has 5 minutes in his own right.

Mr. MCCAIN. On the managers' amendment, none of us had ever seen it. It was just presented. I notice that it is now an emergency for an additional amount for State and private forestry, $750,000 to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and communications equipment, and $1.75 million to be provided to the municipality of Anchorage for emergency firefighting equipment and response to respond to wildfires in Spruce bark beetle-infested forests. Provided, that such

amount shall be provided as direct lump sum payments within 30 days of enactment of this act.

That is an unusual amendment. There are forest fires all over the West, including in my State. But, again, here is a managers' amendment worth many millions of dollars which none of us had seen or heard about, but we will go ahead and pass it by a voice vote.

On the issue of the B–1, I believe very strongly that what we are doing is micromanaging the Department of Defense. The amendment is led on this side. I think the communications could have been and should have been established with the Secretary of Defense. I believe strongly that this amendment, which is going to be accepted, will not allow the transfer of one B–1 bomber from one base to another—not one will be allowed to be transferred from one to another.

The sponsors of the amendment at least removed the preparation and planning clause that was also preventive. I think it is a very dangerous precedent for us to start at the beginning of a new administration and pass an amendment that says not one single airplane that is a B–1 can be transferred from one place to another. Yes, there should have been better communications. Yes, the affected Senators whose bases have B–1 bombers in that State should have been better informed. All of those things.

But for us to act in this Draconian fashion is something I think sets a very bad precedent. We all know the Department of Defense needs to be restructured and reorganized. This message being sent by this amendment—don't tamper with our planes in our State—is not the right message to begin this very important period of restructuring and reorganizing our Nation's national security capabilities.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Arizona for working with us on the amendment he has just discussed. It is a question of notification. We have not blocked—nor would we want to block as a Senate—the ability of this Defense Department to plan. What we do want them to do is plan with us in the process. We think the notification point does that, and the amendment directs this in that order.

Mr. STEVENS. Mr. President, I ask unanimous consent that the managers' amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 876) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that all remaining amendments be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. Mr. President, I will file the amendment I referred to for the managers' amendment.

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. STEVENS. Mr. President, I am informed that we have just made an error. I ask unanimous consent that in section 210(f) of the managers' amendment the figure ''$38.5 million'' be ''$39.5 million.''

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

On page 48, after line 3, insert the following:

''FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

''For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,000,000, to remain available until expended for costs related to tropical storm Allison.''

On page 14, after line 25, insert the following:''

''SEC. 2106. Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out Employment and Training programs, $39,500,000 made available in prior years are rescinded and returned to the Treasury.''

The PRESIDING OFFICER. Is all general debate time yielded back?

Mr. BYRD. I yield back the remainder of my time.

AMENDMENT NO. 874

The PRESIDING OFFICER. All time is yielded back.

The question recurs on the amendment of the Senator from Minnesota. There are 5 minutes of debate evenly divided.

Who yields time?

Mr. WELLSTONE. Mr. President, my amendment takes $150 million and adds it to LIHEAP. This is a lifeline program for low-income families, many of them with disabilities, many elderly, many working poor with children.

Unfortunately, right now, only about 13 percent of households are able to benefit because this program is so severely underfunded. The money comes from administrative expenses in the whole Pentagon budget. It does not come from any programs. It does not come from readiness or quality of life for our armed services. It comes out of administrative inefficiencies, and believe me, from inspector general to the General Accounting Office, there is way more than $150 million when it comes to administrative inefficiency.

A study by the National Energy Assistance Directors' Association says that 28 States and the District of Columbia are out of money or about to run out of money. These are our States that are telling us: We do not have the money for cooling assistance this summer; we do not have the money to help for those in arrears and could be faced with utility shutoff; we do not have the money as we approach this winter.

Last year, energy prices went up 40 percent. The very least we can do is to give this program, which is so important to the most vulnerable citizens in this country, an additional $150 million to help us over the next 3 months. It is not taken out of any significant program.

I am going to vote for this bill, but I certainly think, in the overall Pentagon budget of over $300 billion, we can find the $150 million in administrative inefficiencies.

I thank my colleagues.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. STEVENS. Mr. President, I yield back the time in opposition to the Wellstone amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table amendment No. 874. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

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

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—77

Akaka	Dorgan	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feinstein	Miller
Biden	Fitzgerald	Murkowski
Bond	Frist	Nelson (FL)
Breaux	Graham	Nelson (NE)
Brownback	Gramm	Nickles
Bunning	Grassley	Reed
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Campbell	Hatch	Santorum
Carnahan	Helms	Sessions
Carper	Hollings	Shelby
Chafee	Hutchinson	Smith (NH)
Cleland	Hutchison	Smith (OR)
Clinton	Inhofe	Snowe
Cochran	Inouye	Specter
Collins	Johnson	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Thompson
Daschle	Leahy	Thurmond
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lott	

NAYS—22

Baucus	Feingold	Rockefeller
Bingaman	Harkin	Sarbanes
Boxer	Jeffords	Schumer
Cantwell	Kennedy	Torricelli
Conrad	Kerry	Wellstone
Corzine	Kohl	Wyden
Dayton	Lincoln	
Durbin	Murray	

NOT VOTING—1

Thomas

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We will have order in the Senate.

Mr. REID. Mr. President, under the order previously entered, all the rest of the votes will be 10-minute votes. We were able to stick with our 20 minutes on this one. We will stick with 15 on the others and move this along as quickly as possible.

AMENDMENT NO. 863

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Wisconsin. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Feingold-Durbin-Kerry amendment would increase funding for the Global Fund for AIDS, TB, and Malaria by $593 million, and it would offset that increase in funding by rescinding funds from the Navy V–22 Osprey aircraft procurement account.

This is a chance for this body to move beyond rhetoric and take action in a fiscally responsible fashion to address the greatest health crisis of our time, a pandemic that has killed 22 million people and may infect 100 million by the year 2005.

U.S. leadership in the fight against AIDS is desperately needed now. Obviously, there are problems with the Osprey program. Thirty Marines have died in Osprey crashes since 1991. This troubled program is currently suspended, pending the outcome of investigations and further research, testing, and evaluation.

My amendment does not endanger the integrity of the Osprey production line. Let me repeat this. This amendment does not kill the Osprey program and does not affect the ongoing construction of planes that are being built with money from fiscal years 1999 and 2000.

What we have here is a clear choice, to use funds that are currently allocated somewhat irrationally and to redirect them towards fighting AIDS, an unquestionably worthwhile purpose that reflects our values, serves our interests, and may well be the greatest challenge confronting the world today.

I urge my colleagues to support this amendment and oppose the motion to table.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment will wipe out the V–22 Osprey program. One of the best-kept secrets in the United States is the role the U.S. Army has played in the battle against AIDS. The U.S. Army, Department of Defense, has spent more money than all the moneys spent by other countries on the battle against AIDS. Our research has come closest to victory. We have, in the next fiscal year, 2002, the full amount requested by the administration.

We have not forgotten the problem. Yes, the United Nations has passed a resolution, but we are still waiting for other countries to come forth with their moneys. Our country will come forth with our money but not at the expense of the V–22 Osprey.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the motion to table amendment No. 863.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—79

Akaka	Edwards	McCain
Allard	Ensign	McConnell
Allen	Enzi	Mikulski
Bayh	Fitzgerald	Miller
Bennett	Frist	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Gramm	Nelson (NE)
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Santorum
Carnahan	Hollings	Sarbanes
Carper	Hutchinson	Schumer
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Clinton	Inouye	Smith (NH)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kyl	Stevens
Craig	Landrieu	Thompson
Crapo	Levin	Thurmond
Daschle	Lieberman	Voinovich
Dodd	Lincoln	Warner
Domenici	Lott	
Dorgan	Lugar	

NAYS—20

Baucus	Durbin	Murray
Biden	Feingold	Smith (OR)
Boxer	Feinstein	Stabenow
Cantwell	Jeffords	Torricelli
Corzine	Kerry	Wellstone
Dayton	Kohl	Wyden
DeWine	Leahy	

NOT VOTING—1

Thomas

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 869

The PRESIDING OFFICER. The question recurs on the McCain amendment. There are 5 minutes of debate evenly divided.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is not objected to by the Department of Defense or the Office of Management and Budget. The amendment adds a bare minimum to fund defense readiness and personnel programs. It is $850 million. There are offsets. Whenever there are offsets, there are some objections.

Nothing is more important, I believe at this time, than national defense. And this money is earmarked for the men and women in the military and their operations and maintenance accounts.

Very soon the administration will come over with a reprogramming request for $850 million, meaning that the wheels are going to come off unless they devote more money to exactly these accounts.

I hope we can vote to take care of the lifestyle, the readiness, and the operations of the men and women in the military.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment would mean that we would exceed the budget allocation for defense. There are 82 days left in this fiscal year. The Department of Defense has already sent us, with the President's approval, a request for $18.4 billion for 2002. That money will be readily available. This amendment is redundant in that respect.

I have always supported defense in my day. I cannot remember ever disagreeing on a defense amendment, but on this occasion it violates the commitment we made to stay within the amount of the President's budget. It takes funds from nondefense accounts and puts them in defense accounts violating the wall concept that we have followed now for 4 years. For 4 years, we have agreed to the amount to be spent for defense and the amount to be spent for nondefense.

This amendment takes money exclusively from nondefense and puts it in defense. If the tables were turned, I would obviously be violently opposed to taking money from defense and putting it into nondefense. I feel obligated to defend the process which has saved the defense accounts over the past 4 years, and I urge that the McCain amendment be tabled.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. The motion to table was previously made.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 869.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

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

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—83

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

NAYS—16

Allard	Kyl	Smith (NH)
Carnahan	Landrieu	Thompson
Ensign	Lieberman	Warner
Gramm	Lugar	Wyden
Hagel	McCain	
Inhofe	Nickles	

NOT VOTING—1

Thomas

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 862

The PRESIDING OFFICER. There are now 5 minutes of debate evenly divided with respect to the Schumer amendment.

Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in opposition to the Schumer amendment. Earlier today, we had a 3–94 vote on the Hollings amendment. You will remember the vote of 3–94 earlier today when the Senate rejected the Hollings amendment on repealing the tax decrease of a month ago. I think that was a vote of this body saying send the checks. The conference report on that same bill directed the IRS, for very good reasons, to issue these notices that the Schumer amendment wants to repeal. We have had the Treasury Employees Union saying send out a notice to inform the taxpayers so that the Treasury employees would be able to do their job well, without always being on the phone informing the taxpayers of what their tax refund might consist.

So if this amendment would pass, it would keep the taxpayers in the dark. It would help the scam artists preying on the poor and elderly, as we have been told before. It would play havoc with the important work of the IRS. So I strongly urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this amendment is simple. It has nothing to do with the tax cuts and getting back your checks. It has to do with perhaps the most foolish exercise that is part of this bill: $33 million so we can send people a notice that they are going to get a check. Well, if we were awash in money, maybe we should do that. But we are scrounging. I have such great respect for our leaders from West Virginia and from Alaska who are looking for $5 million here and $10 million there. And here we are going to spend $33 million to notify people that they might get a check. Why not put the notice in the same envelope as the check and save the money?

We all want to practice some form of fiscal conservatism—some of us so we might have a little money to spend on other programs, and some so there might be more tax cuts. But no one from one end of this country to the other can justify spending $33 million to send a notice out ahead of time saying: Your check is in the mail. It doesn't stop fraud; it doesn't serve a purpose. At a time when we are desperate for finding dollars, to waste money on this is a disgrace.

I urge all of my colleagues, regardless of party, to give our appropriations leaders some help and a little more money so they might be able to do their jobs better. If you had to make a list of 10,000 things we would want to spend the money on, this would not be it. I urge my colleagues to make this bill just a little bit better by cutting out this $33 million waste of money and use it for something better.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRASSLEY. How much time remains?

The PRESIDING OFFICER. There is 1 minute 13 seconds.

Mr. GRASSLEY. Mr. President, let me take advantage of that time. I will take advantage of the opportunity to say, first of all, that all of these notices are already printed and ready to go. Do you want to throw that money away?

No. 2, it is only part of the story that there is a message going out to tell people they are going to get a check and to expect it. There is also a notice going out to 32 million people that they are not going to get a check, and that is a very important notice to go out, so that the IRS is not bothered by phone calls wondering whether or not they are going to get a check. I think it is very important that we do this right.

I ask for the defeat of the Schumer amendment and I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Schumer amendment No. 862.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—49

Akaka	Durbin	Lieberman
Allen	Edwards	Lincoln
Biden	Ensign	McCain
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Cantwell	Graham	Nelson (FL)
Carnahan	Harkin	Nelson (NE)
Carper	Hollings	Reed
Cleland	Inouye	Reid
Clinton	Jeffords	Sarbanes
Collins	Johnson	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—50

Allard	Enzi	Murkowski
Baucus	Fitzgerald	Nickles
Bayh	Frist	Roberts
Bennett	Gramm	Rockefeller
Bond	Grassley	Santorum
Breaux	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Byrd	Hutchinson	Snowe
Campbell	Hutchison	Specter
Chafee	Inhofe	Stevens
Cochran	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McConnell	Warner
Domenici	Miller	

NOT VOTING—1

Thomas

The amendment (No. 862) was rejected.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. That is all the amendments; is that correct?

The PRESIDING OFFICER. The Senator is correct.

FORT GREELY

Mr. NELSON of Florida. I would like to ask the Senator from Alaska to confirm my understanding of the intent of the provision regarding Fort Greely, AK, in section 1205 of this supplemental. I understand this provision will allow the Secretary of the Army to modify a previously made determination that the property in question was excess to the needs of the Army and surplus to the needs of the Federal Government. Modifying this decision will allow the Secretary of the Army to retain this property until such time as a determination is made as to whether this property is needed for any defense purpose.

Is that the intent of this provision?

Mr. STEVENS. The Senator from Florida is correct. Clarifying the ability of the Army to retain this property will allow the Secretary of the Army to heat and otherwise maintain the buildings through the Alaska winter so that they are not irreparably damaged. This will allow the buildings to be preserved until a future decision is made.

Mr. NELSON of Florida. I thank the Senator from Alaska for this clarification. I was concerned that this provision was an attempt to predetermine a missile defense deployment decision.

Mr. LEVIN. I, too, thank the Senator from Florida for this clarification.

WORKFORCE INVESTMENT ACT DISLOCATED WORKER FUNDING

Mr. WELLSTONE. Mr. President, I want to enter into a colloquy with my good friend from Iowa, the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and my friend from Pennsylvania, the ranking member of that subcommittee. I wonder if they will respond to a few questions regarding job training programs under the legislative jurisdiction of a subcommittee that I chair, the Subcommittee on Employment, Safety and Training.

Mr. HARKIN. I will be delighted.

Mr. WELLSTONE. I know my friend agrees with me that the supplemental appropriations bill before us presents a difficult situation affecting programs funded by his Subcommittee. We both are very strong supporters of the $300 million in low-income energy assistance funding and the $161 million in title I education spending in the bill. That spending is urgently needed. The problem is that we must try to pay for that supplemental spending from a pot of money that is simply too small. The bill as reported by the Appropriations Committee thus would offset a portion of that important new spending by making a rescission from unspent funds in a job training program for dislocated workers. I know my friend is also a supporter of that important program, and I appreciate that the full Committee reiterated its support for the program in the committee report.

Mr. HARKIN. Yes, my good friend is correct. We are now having to make some very, very difficult choices—really impossible choices—because the pot of resources we are working with is too small. And you have correctly stated both what the committee has done as well as the committee's strong support for the job training program for dislocated workers under the Workforce Investment Act. Our intent is to carefully monitor the need for dislocated worker assistance to ensure that this commitment is met and to take that need into account as we take up funding for fiscal year 2002.

Mr. WELLSTONE. I thank the Senator. As I understand it, one of the factors that the committee observed was a variation among the States in the rate at which each State was drawing down their dislocated worker funding allocations. My State of Minnesota, for example, has obligated virtually all of its dislocated worker funding for this program year and will have expended nearly 85 percent of its funding. Other States—for a number of understandable reasons—are predicted to have significant unexpended balances by the end of the fiscal year. To avoid undue hardships for States, such as Minnesota, that have been expending funds at the expected pace, my understanding is that the bill contains a ''hold harmless'' provision. That is, it provides a mechanism for excess unspent funds to be re-alloted to States that have reached their limits up to the levels these States would have received but for the rescission. Is this correct?

Mr. HARKIN. Yes. That is correct. In addition, subsequent to our full committee action, we received Congressional Budget Office scoring that has allowed inclusion of language postponing the rescission until the Secretary of Labor reallots the excess unexpended balances to the States. Our goal with respect to the Dislocated Worker Program has always been to try to ensure that no state finds itself without the resources to meet its obligations. We believe that is accomplished through the ''hold harmless'' provisions.

Mr. WELLSTONE. I thank my good friend from Pennsylvania. Now I want to clarify how it is we find ourselves in this situation of having to make such difficult choices. Am I correct that at least part of the reason we are faced with a pot of resources that is so small is because of decisions made during the budgeting process to cap supplemental discretionary spending at $6.5 billion, to avoid triggering a governmentwide sequester during fiscal year 2001?

Mr. HARKIN. Yes. My friend is absolutely correct.

Mr. WELLSTONE. And, of course, it is also true that a huge portion of the supplemental appropriations is going to support defense spending; am I not correct? So, another part of the reason that we are faced with these difficult choices on where to find the resources to support urgently needed programs that provide a safety net for American families is because of the priority being given to defense spending; is that correct?

Mr. HARKIN. Yes.

Mr. WELLSTONE. Is it fair to say this is just the tip of the iceberg? That the truly perverse choices we are being asked to make today between educating our children, heating our homes, and training dislocated workers are ominous harbingers of things to come as the full impact of the $1.3 trillion tax cut is felt? Is that fair to say?

Mr. HARKIN. Again, my good friend is absolutely correct. Many of us predicted during the debate on the tax cut that we would be facing precisely these impossible choices. It is upon us and it will only get worse.

Mr. WELLSTONE. I thank my good friend. This is not a happy day, and I agree with the Senator's predictions that it will only get worse. I think we need to look for some solutions to this larger problem. It seems to me inevitable that we must re-visit the unfortunate fiscal and budgetary priorities that have been set.

CRISIS IN ARMY AVIATION

Mr. BIDEN. Mr. President, I had planned to offer an amendment to this supplemental appropriations that would have alleviated the emergency shortages of utility helicopters in the Army National Guard. Senators LEAHY, BOND, CARNAHAN, DODD, LIEBERMAN, and CARPER were cosponsors of the amendment and some have short statements that they will enter.

Our amendment would have procured 20 new Blackhawks for those Guard units in States with the most serious shortages of modern lift helicopters. It is my understanding that there are between seven and nine States that are at a critical level, having no modern aviation assets.

Delaware is one of those States. The people of my State expect the Army Guard to be there when emergencies hit. Unfortunately, the Army Guard may not be there because they do not have lift helicopters that are flyable. Let me repeat that and be more specific. Since January, the Delaware National Guard has had no more than two UH–1 Huey helicopters that were flyable—two out of a fleet of twenty-three, and they have had two only rarely. The norm has been one. One vintage Vietnam-era helicopter out of a fleet of twenty-three is all they have had to fly for 6 months—6 months. This is absolutely insupportable. Pilots cannot fly and stay proficient and the people who depend on the Guard can no longer be sure of their assistance in emergencies.

A week ago, the Secretary of Defense released his amended budget for 2002. Unfortunately, there was only enough

funding for 12 new Blackhawk helicopters for the Army. This is incredible. It is completely insufficient to deal with this problem. Over the next 5 years, the Army is retiring over 700 Vietnam-era helicopters that are no longer safe to fly, but nothing is replacing them. Instead of the 330 Blackhawks that are needed—130 for the active duty and 200 for the National Guard—less than 70, or about twenty percent of the requirement, are funded.

I have a copy of a letter sent to all of the leaders of the congressional defense committees and the appropriations committees that details this critical problem. It describes the concern these generals have that their ability to do their national security missions today is severely impaired and that the situation will only get worse and qualified pilots and technicians leave the Guard because they are not able to do their missions or even train for them. The letter was signed by the 50 Adjutant Generals of the United States.

I ask unanimous consent that this letter be printed in the RECORD.

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

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, February 27, 2001.

Hon. DANIEL K. INOUYE,
Ranking Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: The FY2001 Army Aviation Modernization Plan requires the Army National Guard to significantly reduce its aviation force structure by retiring over 700 grounded Vietnam vintage utility aircraft by FY2004. These aircraft have been replaced by requirements for 330 UH–60L utility and HH–60L MEDEVAC helicopters. However, less than 20% of these helicopters are funded from FY2002 through FY2007. Virtually every state is currently short of its required H–60 helicopters, and many states' capability to perform their national security mission including protecting our nation against the threat of weapons of mass destruction is severely impaired by the lack of flyable aircraft.

The H–60 helicopter is the number 1 unfunded equipment requirement in the Army National Guard. As the Defense Committees discuss the FY2001 supplemenal and the FY2002 defense budget, we request your support in two areas. First, to add the procurement of 20 additional UH–60L Black Hawk utility helicopters ($204 million) and 6 HH–60L (formerly UH–60Q) MEDEVAC helicopters ($95.4 million) for the Army National Guard to the budget. This will help alleviate an immediate shortfall within the Army National Guard. Second, to fix this problem in the long term we need your support for a multi-year procurement of H–60s at a rate of 60 aircraft per year for the next five years.

This problem has reached a critical phase. Without the procurement of additional H–60 aircraft for our aviation force to train and utilize, we will soon face a significant loss of valuable pilots and technicians. Your support in funding will assist in our efforts to continue to modernize the aging National Guard fleet and provide our nation with the best equipped and most relevant National Guard force.

Sincerely,

Major General Ronald O. Harrison, The Adjutant General of Florida and President, National Guard Association of the United States; Major General Stephen P. Cortright, The Adjutant General of Oklahoma and President, The Adjutants General Association; Brigadier General Randall Horn, The Adjutant General of New Mexico; Brigadier General Giles E. Vanderhoof, The Adjutant General of Nevada; Brigadier General Martha T. Rainville, The Adjutant General of Vermont; Major General Warren L. Freeman, Commanding General Washington, DC; Major General Paul D. Monroe, Jr., The Adjutant General of California; Major General Mason C. Whitney, The Adjutant General of Colorado; Major General David P. Poythress, The Adjutant General of Georgia; Major General Benny M. Paulino, The Adjutant General of Guam; Major General Edward L. Correa, Jr., The Adjutant General of Hawaii; Major General Ron Dardis, The Adjutant General of Iowa; Major General Eugene R. Andreotti, The Adjutant General of Minnesota; Major General John D. Havens, The Adjutant General of Missouri; Major General John E. Prendergast, The Adjutant General of Montana; Major General Gerald A. Rudisill, Jr., The Adjutant General of North Carolina; Brigadier General Michael J. Haugen, The Adjutant General of North Dakota; Major General William A. Cugno, The Adjutant General of Connecticut; Major General John H.V. Fenimore, The Adjutant General of New York; Major General Philip G. Killey, The Adjutant General of South Dakota; Major General Jackie D. Wood, The Adjutant General of Tennessee; Major General Daniel James III, The Adjutant General of Texas; Brigadier General Brian L. Tarbet, The Adjutant General of Utah; Major General Claude A. Williams, The Adjutant General of Virginia; COL (P) Cleave A. McBean, The Adjutant General of the Virgin Islands; Brigadier General Roger P. Lempke, The Adjutant General of Nebraska; Major General Paul J. Glazar, The Adjutant General of New Jersey; Major General Timothy J. Lowenberg, The Adjutant General of Washington; Major General Walter Pudlowski, Commander, 28th ID Pennsylvania National Guard; Major General Alexander H. Burgin, The Adjutant General of Oregon; Major General Francis D. Vavala, The Adjutant General of Delaware; Major General Edmond Boenisch, The Adjutant General of Wyoming; Major General Allen E. Tackett, The Adjutant General of West Virginia; Major General James G. Blaney, The Adjutant General of Wisconsin; Major General John F. Kane, The Adjutant General of Idaho; Major General Don C. Morrow, The Adjutant General of Arkansas; Major General Willie A. Alexander, The Adjutant General of Alabama; Major General E. Gordon Stump, The Adjutant General of Michigan; Major General James F. Fretterd, The Adjutant General of Maryland; Major General John R. Groves, Jr., The Adjutant General of Kentucky; Major General Robert J. Mitchell, The Adjutant General of Indiana; Major General John H. Smith, The Adjutant General of Ohio; Major General David P. Rataczak, The Adjutant General of Arizona; Major General Phillip E. Oates, The Adjutant General of Alaska; Major General James H. Lipscomb III, The Adjutant General of Mississippi; Major General Joseph E. Tinkham II, The Adjutant General of Maine; Major General Bennett C. Landreneau, The Adjutant General of Louisiana; Brigadier General Gary A. Pappas, Deputy Commander, Massachusetts National Guard; Major General Gregory B. Gardner, The Adjutant General of Kansas; COL (P) Francisco A. Marquez, The Adjutant General of Puerto Rico.

Mr. BIDEN. I have repeatedly asked the Army how it plans to address the immediate needs of States like Delaware and the larger issue of a clear crisis in Army aviation. A crisis that impacts the readiness of our Army today and in the future. It was my hope that we would have a plan early this year. Nine months later, I am still waiting for a comprehensive plan from the Army and I see no evidence that the new budget addresses this problem.

I ask the distinguished Chairman of the Defense Appropriations Subcommittee, who I know has long supported adequate funding for our National Guard units, to seriously consider the problem this amendment was intended to address. Twenty new Blackhawks this year is only the tip of the iceberg, but I believe we have a genuine crisis on our hands. It was an emergency nine months ago and it has only gotten worse today. Certainly, that is true in the state of Delaware and I have heard nothing from the Army to make me think that the same is not true in aviation units throughout the nation.

If, as I understand to be the case, the distinguished managers of this bill believe that this funding cannot be designated as emergency funding, then I hope that they will pledge to adequately address this issue within the fiscal year 2002 defense budget. I cannot go home to Delaware and tell them that we are aware of this crisis, have been for almost a year, and yet did nothing and have no plans to do anything. This problem must be addressed this year.

Mr. INOUYE. The Appropriations Subcommittee on Defense has consistently been a strong supporter of, and advocate for, the National Guard. We have historically provided significant additional funding for the National Guard where critical shortfalls were identified.

As my distinguished colleague from Delaware is aware, we have only recently received the budget request for the Department of Defense and there are ongoing discussions as to what the top line will ultimately be for fiscal year 2002. However, we have appropriated additional funding for National Guard Blackhawks for several years;

for example, in fiscal year 2001, the Defense Appropriations Committee added funding for the purchase of 6 additional Blackhawks for the Guard and for 11 aircraft in fiscal year 2000. I agree with you that the National Guard must be provided sufficient funding to carry out their important responsibilities and aviation missions and we will do all that we can to address your concerns in the fiscal year 2002 Appropriations bill.

Mr. BIDEN. I thank my colleague, and with his assurances, I will not offer this amendment. I do so only because of his assurances that we will deal with this aviation crisis in the fiscal year 2002 defense bill and because I believe this supplemental is so vital to our military that I do not wish to endanger its speedy passage.

I yield the floor.

Mr. BOND. Mr. President, I enthusiastically support Senator BIDEN'S colloquy. As a cochair of the Senate Guard Caucus, I find it alarming that of the 1,885 Army National Guard helicopters nationwide, over a 1,000 were recently reported as grounded because of a lack of spare parts. As recently as May it was reported that only 40 percent of the fleet of Army National Guard helicopters were flying.

Our skyrocketing maintenance costs require ever increasing resources just to maintain our aging fleet. Consequently our modernization accounts remain insufficient to replace aging aircraft, creating a viscious cycle. Senator BIDEN's effort today draws needed attention to the alarming trends that we have seen in Army aviation within the past few years.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to lend my support to the spirit and intentions of the Biden amendment. The National Guard suffers from a serious shortage of helicopters, and it is critical that the Senate do more to address this threat to the readiness of the citizen-soldier force.

The National Guard needs at least an additional 200 helicopters. This is not a number pulled out of thin air. It is the minimum number of aircraft needed to carry out the Army Aviation Modernization Plan, which was developed by the office of the Chief of Staff of the Army. It is the road map for the entire Army's helicopter inventory for the next 50 years. The plan will streamline the Army's aviation regiments. It reduces the overall number of helicopters in the Army's inventory, including the National Guard, while increasing capabilities through technological advances. Specifically, the service will retire 700 Vietnam-era UH–1 Hueys, in exchange for 330 advanced UH–60L Blackhawks.

In streamlining and modernizing this force, the plan reaffirms the critical role of our citizen-soldiers in our Nation's defense. It recognizes that the National Guard is doing more than ever to defend the Nation, whether at home or abroad. Indeed, every Member of the U.S. Senate will can tell you what a difference advanced helicopters have made in a flood or medical emergency, while every field commander will similarly point out the critically important role of National Guard aviation assets in a combat environment.

But the plan also has a much more practical bent. It seeks to avoid a looming crisis in National Guard aviation. The Guard's current inventory of UH–1 Blackhawk and AH–1 Cobra helicopters is old, expensive, and increasingly unsafe to operate. Units that possess upwards of 15 aging Huey and Cobra helicopters, may have only 2 to 6 aircraft actually flying. By legislative mandate, the National Guard must remove all of these obsolete aircraft from the flight-line by 2004. Even when these units take full advantage of additional Kiowa helicopters, they will be hard-pressed to maintain qualified pilots and an acceptable state of readiness when newer aircraft do not arrive to replace them.

Given the Army's sensible plans and the looming dangers to National Guard aviation readiness, I have been surprised and disappointed by the Army's reluctance to buy more UH–1's. For the past several fiscal years, the Army has requested only 10 helicopters a year. In this fiscal year, the service has asked for a 12. It will take well over 20 years to complete the plan at that pace.

I am especially disappointed by this meager request because the National Guard Caucus, including members with helicopter units in their States, have expressed its concern to the Army several occasions. At every one of these briefings, meetings, and extended discussions Army leaders have admitted that a serious problem exists. Yet, when the budget request moved forward, we get this paltry number.

I recognize that fiscal realities limit what Congress can do to rectify this situation on the supplemental. Nonetheless, I urge the Senate to examine this situation closely when it reviews the fiscal year 2002 defense budget. I look forward to working with the Defense Appropriations Subcommittee, fellow Guard caucus cochair Senator BOND, and longtime caucus member Senator BIDEN on this issue. I thank Senator BIDEN in particular for offering this amendment and bring further attention to this problem.

Mr. FEINGOLD. Mr. President, I offered an amendment to the supplemental appropriations bill to increase funding for the Global Fund for AIDS, TB and malaria. My amendment was an attempt to get this Senate to put its money where its mouth is, and in a fiscally responsible fashion to make a significant contribution to the multilateral effort to fight the AIDS pandemic—a contribution that could leverage more funds from other donors. In the wake of the recent U.N. special session on AIDS, it seemed especially appropriate to take concrete action rather than rely on mere rhetoric.

The amendment failed, but I do not want that vote to leave anyone with the impression that there is no will in this Senate to address the global AIDS pandemic. Some were uncomfortable with the offset, which involved rescinding funds from the troubled V–22 Osprey procurement program for the remainder of the 2001 fiscal year. I believed that the offset was reasonable. Some were uncomfortable with the emergency designation in the amendment. The emergency designation was necessary, because the bill was already up against the cap on non-defense spending. It was also accurate. The AIDS pandemic is, unquestionably, an emergency.

While these issues may have led my amendment to defeat today, I do believe that this Senate will take meaningful action to address this crisis. The very fact that the supplemental contains $100 million for the Global Fund is a testament to the efforts of the appropriators and the leadership. Indeed, I suspect that many Senators, including many colleagues who opposed my amendment, are left uneasy by the AIDS-related consequences of the vote on my amendment, and I believe that unease will only strengthen our collective resolve to work together, in a bipartisan and inclusive fashion, to make certain that the U.S. takes meaningful action to strengthen prevention efforts, improve AIDS awareness and education, increase global access to treatment, support vaccine research, improve health infrastructure, provide services to orphans, and support the Global Fund at an appropriate level—one far exceeding $200 million.

Mr. MCCONNELL. Mr. President, I rise today in support of language which was included in the manager's amendment to S. 1007. I am pleased that Senators BYRD and STEVENS have agree to accept my language which will extend compensation to Department of Energy employees and DoE contractor employees who suffered kidney cancer due to exposure to radiation while working at a DoE defense nuclear facility or nuclear weapons testing site.

Last year, Congress passed the Energy Employees Occupational Illness Compensation Program Act as part of the FY 2001 Department of Defense Authorization bill. This measure provides $150,000 lump sum payments as well as payments for medical coverage to Department of Energy Workers who were made ill as a result of exposure to radiation. Unfortunately, when the final version of the bill was drafted the list of covered diseases mistakenly did not include kidney cancer. This was unintentional, and the amendment I have offered will correct this oversight.

The EEOICPA is well on its way toward implementation. Just last week,

the Department of Labor opened a resource center in Paducah, KY which will assist workers and their families who were made sick from exposure to radiation while working at the Paducah Gaseous Diffusion Plant. As many have pointed out, the employees who worked at these facilities producing the technology which helped America win the Cold War deserve a grateful Nation's support and appreciation. This must include compensation for those workers and their families who may have contracted cancer as a result of their employment.

Again, I thank the managers for their agreement on this important issues of fairness.

Mr. DOMENICI. Mr. President, I rise today in support of the supplemental appropriations bill's inclusion of $84 million for the bankrupt Radiation Exposure Compensation Trust Fund.

From the 1940s through 1971, uranium miners, Federal employees who participated in above-ground nuclear tests, and downwinders from the Nevada test site were exposed to dangerous levels of radiation. As a result of this exposure, these individuals contracted debilitating and too often deadly radiation-related cancers and other diseases.

These folks helped build our nuclear arsenal—the nuclear arsenal that is responsible, at least in part, for ending the cold war. In 1990, Congress recognized their contribution by passing the Radiation Exposure Compensation Act to ensure that these individuals and their families were indemnified for their sacrifice and suffering.

However, the RECA Trust Fund ran out of money in May, 2000. Consequently, for over a year most eligible claimants have been receiving nothing more than a five-line IOU from the Justice Department explaining that no payments will be made until Congress provides the necessary funds. Some of these claimants are dying while awaiting their payments.

Frankly, this is unconscionable. Those who helped protect our Nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

The $84 million in supplemental appropriations would help rectify this grave injustice by paying all of last year's approved claims as well as the estimated claims for fiscal year 2001.

Passage of this appropriations bill does not end Congress' work. We must also pass the Domenici-authored S. 448 or the Hatch-Domenici bill, S. 898. Both of these bills would make all future payments to approved RECA claimants mandatory and, thus, not subject to the annual appropriations process.

It is imperative that America not forget those who have tragically suffered from their work on our Nation's behalf. This supplemental bill is a good step in the right direction.

Mr. CAMPBELL. Mr. President, today I take this opportunity to express my support of the fiscal year 2001 supplemental appropriations bill. This bill contains funding, not only for the defense and security of our country, but also funding for the health and well being of American citizens.

This bill contains funding I supported in committee for two issues that are vital to many in my home State of Colorado. I am referring first to the funding for the Radiation Exposure Compensation Act, RECA. Far too many people, especially in the West, now suffer from terminal illnesses that are the result of their work as miners who collected and transported uranium ore that was used in the production of weapons for our Nation's defense. For many, the risk of working with radioactive materials was unknown, hidden or minimized. The $84 million included in this bill will pay the IOU's our Nation made to these terminally ill workers in lieu of money. We, as a Nation, have a history of issuing IOU's a shameful practice of which I am sure I don't need to remind my colleagues. As a Nation we can and must do more than issue IOU's. Hundreds of these beneficiaries live in Colorado and they are in desperate need of that money that was promised to them last year. Dying has a way of making people desperate, especially when the money promised them in useless IOU's could be used for their care. There are many times we in this body act because we can. In this matter, we have the opportunity to act because we ought to.

I thank my friends and colleagues, Senators DOMENICI and BINGAMAN, for their assistance and support with this, as many of their constituents are claimants as well.

I would also like to express my strong support for additional funding for USDA's Animal Plant Health Inspection Service (APHIS). The $35 million included in this bill will allow APHIS to strengthen border inspections and improve monitoring of emerging animal and plant diseases, including Mad Cow disease, Foot-and-Mouth disease, and other livestock diseases. There has never been a case of Mad Cow disease in the United States, and there has not been an outbreak of Foot-and-Mouth Disease since 1929. But, considering the potentially disastrous effects if either disease spreads to our country, we must do everything we can to protect the American food supply. As a rancher myself, and having heard from fellow cattlemen, I share their growing concern about the potential devastating impact of these diseases. Colorado is home to 12,000 beef producers and 3.15 million head of cattle—more than the human population of 20 of our States. We must do all we can to protect them. I would like to thank my friend and colleague Senator KOHL for his support and assistance in this effort.

Finally, I would like to express my gratitude to Chairman BYRD and Senator STEVENS for their leadership and support of this bill and particularly for their support of funding for RECA and APHIS.

Mr. President, I urge my colleagues to join me in support of this important funding bill.

Mrs. FEINSTEIN. Mr. President, I want to first express my appreciation to the chairman of the Appropriations Committee for his work on the fiscal year 2001 supplemental appropriations bill. It is only through his persistence and determination that we are able to bring this bill to floor within the spending limits proposed by the President.

I want to specifically thank Chairman BYRD for his work on an issue of great importance to California. This bill includes $20 million in disaster assistance to crop growers in the Klamath Basin of northern California and southern Oregon who are faced with a total loss of income resulting from a lack of water. I am very grateful that Chairman BYRD saw the true emergency in this situation.

This year, the Klamath Basin is facing one of the worst, if not the worst drought in the Klamath River Project's 90-year history. Federal disaster declarations have been issued by the USDA for Modoc and Siskiyou Counties in California and Klamath County, OR. Economic losses to the farming communities have been estimated at up to $220 million.

Over 200,000 acres of farmland are irrigated in the Klamath River Basin. There are roughly 1500 farming families in the Klamath Irrigation Project.

The Endangered Species Act requires the Bureau of Reclamation to review its programs with consultation from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, with the obligation to protect endangered species. In Klamath this includes two species of suckerfish, the coho salmon, and the bald eagle. In addition to the Endangered Species Act, the Bureau of Reclamation must protect tribal fishing and water rights.

What little rainfall that has occurred this year must be first applied to minimize endangered fish species losses and then to mandatory Tribal Treaty obligations. This leaves literally no water for about 85 percent of the Klamath Project-dependent farmers. And this problem is not going to go away. Based on Bureau of Reclamation estimates, there will not be enough water for all users in 7 out of the next 10 years in the Klamath Basin.

Lack of water in the Klamath Basin is a problem that requires a long term solution. I am committed to working with the administration and my colleagues here in the Senate to develop that solution.

Unfortunately, a long-term solution will not help the farmers today. That is

why this assistance is so critical and so necessary. I am grateful that Chairman BYRD recognizes this need. I want to again thank the chairman for making this assistance possible.

Mr. NELSON of Florida. Mr. President, I rise today to clarify a provision of the fiscal year 2002 supplemental appropriations bill regarding human space flight funding within the National Aeronautics and Space Administration NASA. In its report, the Appropriations Committee included language removing a restriction placed on $40 million in fiscal year 2000 Human Space Flight funding. The restriction required these funds to be used for a dedicated shuttle research mission. With various delays in the shuttle manifest, the STS 107 mission has been rescheduled for May 2002. Removing the restriction will allow NASA to use the $40 million to cover costs associated with the delay of STS 107 mission and for research to be conducted abroad the International Space Station.

The followon shuttle dedicated research mission, also known as ''R 2,'' is now not expected to fly until at least 2004. This mission was intended as a ''gap-filler'' to support the scientific community during construction of the International Space Station. At the same time, the agency is proposing to decrease funding for Space Station research in order to pay for cost overuns associated with building the vehicle itself. The life and microgravity science community is already under funded. Continuing to delay the ''R 2'' mission will only exacerbate the research community's already strained situation.

While I do not oppose this reprogramming request, I agree with my colleagues on the Appropriations Committee about the need to balance such requests with maintaining life and microgravity research conducted aboard the shuttle and space station. While NASA certainly needs to meet its obligations, I am concerned that the redirection of these funds will ultimately preclude NASA from pursuing the dedicated research flight entirely. The Senate language associated with the supplemental appropriations bill directs NASA to consult with Congress on the research planned for the R 2 mission in the context of the future funding required to support space station research. I expect NASA to continue to work on the R 2 mission, or a suitable equivalent, and look forward to working with NASA and my colleagues on the Appropriations Committee in receiving and reviewing these research plans.

ISRAELI PURCHASES OF U.S. GRAIN

Mr. CRAIG. Mr. President, I have offered an amendment to the fiscal year 2001 supplemental appropriations bill regarding the purchase of U.S. grain by Israel. This issue is of concern because Israel has stated its intention to cut its U.S. grain purchases by more than 22 percent in the current year.

Historically, in every year since the Camp David Accords of 1978, Israel has agreed to purchase 1.6 million metric tons of grain grown by American farmers and to ship at least half that amount in United States-flag commercial vessels. These are purchases important to American agriculture and to the U.S. citizen merchant mariners critical to our national security. Every year, these purchases have been consistent, until now.

Starting in 1979, and in every year since then, Israel has entered into a side letter agreement with the United States for the purchase of grain, recognizing that the cash transfer economic assistance Israel has received replaced, in part, a previous commodity import assistance program for Israel.

Despite a level of U.S. aid in every year since 1984 that has been higher than the 1979–1983 level, Israel never increased grain imports. Had proportionality been the test, Israel's purchases should have reached 2.45 million tons at least at one point. The commitment to purchase never grew as Israel's economic support fund assistance grew. America, in generous friendship, didn't push for those purchases to grow. And, as economic assistance to Israel has recently decreased, Israel's commitment to purchase didn't change until now.

The Government of Israel has announced its intention to reduce grain purchases by more than 22 percent this year, from 1.6 million tons to 1.24 million tons. This is not proportional, but disproportional. U.S. economic assistance to Israel has declined only 12.5 percent this year. If Israel's purchases of U.S. grain were not tied to increasing levels of U.S. economic aid, then those purchases should not be tied to a recent downward fluctuation in economic aid. Such an overreaction ignores history, is disappointing in view of our long-term friendship and overall relationship, and ignores the express intent of this Congress in providing aid in the past. Several times in recent years, Congress has enacted laws providing that, in administering assistance, the President would guard against an adverse impact on such exports from the United States to Israel.

The amendment I offered this week simply would have reiterated for fiscal year 2001 the past Congressional commitment that this year's side letter agreement should be in accordance with terms as favorable as last year's agreement. I was prepared to pursue that amendment further. I remain concerned and disappointed over this year's side letter. However, with most of fiscal year 2001 past, with the need for this supplemental bill to move quickly for the benefit of our national defense and our men and women in uniform, and based upon discussions with the Chairman and Ranking Member of the Foreign Operations Subcommittee, I would be willing to withhold at this time. I would like to yield to those two colleagues for a discussion on this matter.

Mr. LEAHY. The Senator is correct in stating that Congress, and our subcommittee, has had a longstanding interest in this area and has consistently monitored this issue. We are prepared to turn very shortly to consideration of the fiscal year 2002 foreign operations appropriation bill. I believe that would be the best vehicle for consideration of this issue, in the regular order, when we can consider all the policy ramifications for the entire, upcoming year. I can assure the Senator of our continued attention to this matter, and of thoughtful, thorough consideration.

Mr. MCCONNELL. I appreciate the Senator of Idaho's concerns, and give him my assurances that we will work together on this issue. Coming from a farming State myself, I fully understand his interests in the purchase of American grain by Israel. Senator LEAHY and I anticipate that within the next few weeks the Subcommittee will mark up the fiscal year 2002 foreign operations bill, and we look forward to working with the Senator toward an acceptable resolution of this matter.

Mr. CRAIG. I appreciate my colleagues' comments and their willingness to address this issue again. I withdraw my amendment and thank them for their consideration.

Mr. HATCH. Mr. President, I want to take this opportunity to comment specifically on Chapter 1 of the supplemental appropriations legislation, S. 1077, and the provision of funding for the Radiation Exposure Compensation Act, or RECA as it is more commonly known.

Since the enactment of RECA in 1990 and the subsequent amendments in 2000, thousands of Americans have received compensation based on their unknowing exposure to harmful radiation caused by the government's nuclear production and testing activities.

As many of my colleagues will recall, last year, Congress passed the Radiation Exposure Compensation Amendments of 2000, S. 1515. This law made important changes to the original 1990 Act by updating the list of compensable illnesses—primarily cancers—based on scientific and medical information gathered over the past decade.

However, even before the enactment of RECA 2000, the Trust Fund became financially depleted. Starting in the Spring of last year, approved claimants began receiving ''IOUs'' from the Department of Justice rather than their checks.

Many of us are totally dismayed that the RECA Trust Fund is depleted. It is totally unfair for the government to issue IOUs rather than checks to the hundreds and potentially thousands of

individuals who are expected to be approved for compensation.

I know that my colleagues on the Appropriations Committee agree, and that is why they have included $84 million for RECA claims in this bill. It is my understanding that these funds are the amount necessary to cover all approved claims pending at the Justice Department through the end of this fiscal year. And that is good news.

The bad news is that we still face a shortfall in funding over the course of the next 10 years. That is why I introduced legislation, S. 898, along with my distinguished colleagues Senator DOMENICI and Senator DASCHLE to provide permanent funding for the RECA trust fund. Such action would provide certainty to the thousands of claimants for whom the program was enacted 10 years ago.

As I am sure my colleagues recognize, for the Federal Government to promise compassionate compensation to the RECA downwinders and workers and then not honor that commitment is simply unacceptable. It is inexcusable for the government to pledge this compensation and then issue nothing more than a simple IOU. This strikes at the very heart of our citizens' ability to have confidence in their government.

I have met with many of the RECA claimants in my state. It does not take long to see the pain and suffering they have endured over the years. This pain and suffering, I would add, has taken a toll on their lives and the lives of their families as well. Most of these individuals are now retired; they live on modest incomes and fear that their declining health will only exacerbate their limited family finances.

And let us not ignore the overwhelming and personal human tragedy that many of these individuals already have died as a result of the injuries they sustained while working for the government's nuclear production program. Today, we have the opportunity to right a wrong through passage of this legislation, and I hope that we do so at the earliest opportunity.

In closing, I particularly want to thank my good friend Senator DOMENICI, and his excellent staff, for their work on the Appropriations Committee in securing these funds. Senator DOMENICI and I have worked together since 1990 on RECA. We have done so in the name of thousands of individuals across many states who were literally innocent victims of our nation's nuclear weapons program. I am appreciative for all Senator DOMENICI has done to make this program the success it has been.

Mr. WARNER. Mr. President, my amendment to the bill will redesignate Building 1500 at the Norfolk Naval Shipyard, Portsmouth, VA, as the Norman Sisisky Engineering and Management Building. I am joined by my Virginia colleague, Senator GEORGE ALLEN.

As a Navy veteran of World War II, Congressman Sisisky was proud to be a part of one of the most extraordinary chapters in American history, when America was totally united at home in support of our 16 million men and women in uniform on battlefields in Europe and on the high seas in the Pacific—all, at home and abroad, fighting to preserve freedom.

During our 18 years serving together, Congressman Sisisky's goal, our goal, was to provide for the men and women in uniform and their families.

The last 50 years have proven time and again that one of America's greatest investments was the G.I. Bill of Rights, originated during World War II, which enabled service men and women to gain an education such that they could rebuild America's economy. The G.I. Bill was but one of the many benefits that Congressman Sisisky fought for and made a reality for today's soldiers, sailors, airmen, and Marines.

His strength in public life was supported by his wonderful family; his lovely wife Rhoda and four accomplished children. They were always by his side offering their love, support, and counsel.

He worked tirelessly throughout Virginia's 4th District, however, there was always a special bond to the military installations under his charge. As a former sailor, the Norfolk Naval Shipyard was high among his priorities. He knew the workers by name and the monthly workload in the yard. In consultation with his family and delegation members, we chose this building at the shipyard as a most appropriate memorial to our friend and colleague.

I waited until the special election was concluded so the entire Virginia delegation could join together on this legislation.

Norman Sisisky was always a leader for the delegation on matters of national security. We are honored to join in this bi-partisan effort to remember Congressman Norman Sisisky and his life's work; ensuring the Nation's security and the welfare of the men and women in uniform and their families.

Along with my remarks, I would like to include the remarks of the Commander Chief of the Atlantic Fleet, Admiral Bob Natter. Admiral Natter worked very closely with Norman Sisisky throughout his career and joins me and the entire Virginia delegation in supporting the naming of Building 1500; the Norman Sisisky Engineering and Management building.

Admiral Bob Natter, Commander in Chief, Atlantic Fleet writes:

It is highly fitting to name the Norfolk Naval Shipyard's Engineering and Management building at the Navy's oldest and most historic shipyard after Representative Norman Sisisky. Mr. Sisisky was on hand in 1983 for the dedication and ribbon cutting of this building, which has become the most recognizable building on the shipyard. His dedication and service to our Navy, this great shipyard, and its many employees mirror the Norfolk Naval Shipyard motto of ''Service to the Fleet, any ship, anytime, anywhere.''

From improvements in quality of life to technology that have made Norfork Naval Shipyard one of the finest yards in the nation, Mr. Sisisky strongly supported the best interests of our Navy and our Nation. Among a wide range of projects at the shipyard, he supported a new bachelor enlisted quarters which today houses 300 Sailors and served as a model for the entire Navy. He was an ardent supporter of a waterfront improvement project that significantly expanded shipyard capabilities, including the capacity to conduct simultaneous repairs on two DDG 51 class ships. He was personally dedicated to keeping this great public shipyard competitive, in cost and in unparalleled quality.

Perhaps most of all, the Sailors of the Atlantic Fleet and the dedicated men and women of the Norfolk Naval Shipyard who work tirelessly on our ships and submarines knew Norm Sisisky was their strongest supporter and would fight for their best interests. His presence at nearly every important Navy event in the community made him a popular, recognizable and appreciated friend among uniformed Sailors and civilians alike. He has made an indelible mark on this community and a lasting contribution to the Atlantic Fleet. We are honored to have this centerpiece of the Norfork Naval Shipyard named after Norman Sisisky, a great patriot who will forever be remembered as a great friend of the Navy.

Mr. COCHRAN. Mr. President, I am pleased that the supplemental appropriations bill which we will vote on today includes much needed funding for education.

Federal support to improve the educational opportunities of disadvantaged students is provided under title I of the Elementary and Secondary Education Act. Earlier this year, the Department of Education announced the allocation of title I funds for qualified schools. The Department was forced to make cuts in the expected funding for all of these school districts, due to a shortfall in the amounts appropriated for this purpose last year.

This bill provides $161 million to cover that shortfall; $2.4 million of these funds will be allocated to schools in my State. With this funding, schools in Mississippi will be able to continue to provide essential learning resources to students from preschool through 12th grade.

In April of this year, in his capacity as chairman of the Senate Subcommittee on Labor, Health and

Human Services, Education and Related Agencies, Senator SPECTER authorized me to chair a hearing in Mississippi to examine the effectiveness of title I in my State. Our panel of witnesses included Mississippi Department of Education officials and local school superintendents. The resounding message from the hearing was that title I funds are vital to making good learning opportunities available to all of Mississippi's students.

One of the most compelling statements was that of Yazoo City School Superintendent, Dr. Daniel Watkins who told of his experience at Montgomery Elementary School in Louise, MS. I want to share with the Senate some of his testimony, which I quote here:

> I began my educational career in 1964 in Louise. My mother was a single parent with 7 children.
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> My first 3 years at elementary school, I had a severe speech impediment that allowed me to be quiet when I knew answers. But I do remember, through title I funding, a speech pathologist, to bring me out of my shyness. Again, I grew up in a small delta town called Louise, with my mother being the mother, the father, a provider and whatever else she needed to be. Besides school, our work consisted of working in the cotton fields.
>
> My mother drove a school bus and worked in the school's cafeteria. One of the happiest days of my mother's life was when she received her GED. Needless to say, she stressed education daily and yearly throughout my grade school life. There were many needs in our school system back then, to the extent that I did not quite understand, but I have since learned that through the Elementary and Secondary Education Act, the Federal Government reduced many of these needs. In later years, I have seen the happiness of my mother as she observes her daughter working with a parenting program in Louisville, Mississippi, and two of her sons receiving Ph.D's. Without the increasing help of title I, none of these could have been achieved in the lives a poor Delta family.

Hearing Dr. Watkins' personal experiences is helpful in understanding the real life consequences of title I and what it can do to broaden the horizons of a young student. Dr. Watkins' story is, I think, a marvelous testimony to the success of title I.

Dr. Watkins and the other witnesses at that hearing went on to tell in just as riveting testimony newer stories of title I providing the resources to reduce dropout rates, provide tutoring, increase literacy of parents and students, enhance teachers' skills, and overall increase the likelihood of high achievement among the most disadvantaged students.

I am happy to provide the Senate with some of the good news about title I and I am very pleased that this bill will allow the continuation of the much needed services it provides.

Mr. WYDEN. Mr. President, I sincerely thank Chairman BYRD and his staff, Galen Fountain and Chuck Kieffer, for all their hard work and consideration on this bill. I would especially like to thank the Chairman for his understanding the needs of my constituents in the Klamath Basin and thereby including these much needed payments in this bill. I would also thank Senator STEVENS and his staff, Rebecca Davies, for their understanding and support.

This amendment provides $20,000,000 for the farmer families in the Klamath Basin. While the Secretary has the discretion to disseminate this money as she sees fit, I am pleased that we have an understanding with the Bush administration that this money will be distributed as grants or direct payments but not as loans.

The Klamath Basin stretches between southern Oregon and northern California. The water in the Basin is managed primarily by the Department of Interior's Bureau of Reclamation. The management of this water has assured the continuation of a significant agricultural community in the Basin. But this growing season the Basin is home to 1,500 growers and their families whose farms are parched. It is home to three National Wildlife Refuges and fish bearing lakes and rivers that are also parched. There is not enough water to go around.

I, and several colleagues, fought so hard for the $20,000,000 contained in this bill for these farmer families because this money provides our farmers the assurances they need to get through this season. It provides the Basin farmers with the safety net they need as the tightrope between agriculture and the environment is traversed. This $20,000,000 safety net is necessary to keep these folks alive while the larger natural resource issues evident in the Klamath Basin are debated and ecological balance in the Basin is pursued. There is a balance that can and should be struck and this money is, unfortunately, a necessary step on that long and arduous journey.

There is a precedent for this appropriation in other USDA conservation programs. For instance, this money may be able to be used by the Secretary to purchase, under short term contracts, water easements for the sake of water conservation in the Basin. In this way, the money will get directly to the farmer much like land easement payments under the conservation Reserve Program are made directly to the farmer.

I am pleased to be joined by my colleague and friend from Oregon, Senator SMITH, and my colleagues and friends from California, Senators FEINSTEIN and BOXER, in thanking the Chairman and Senator STEVENS for their inclusion of this important provision in this supplemental appropriations bill.

Mr. BROWNBACK. Mr. President, I have come to the floor today to speak out on the Air Force's decision to substantially cut America's B–1 Bomber force. As many of my colleagues know, as part of the 2002 Defense budget amendment, the Air Force announced its intentions to remove the B–1 Bomber from the Air National Guard Wings at McConnell Air Force Base in Kansas, and Warner Robins Air Force Base in Georgia, and consolidate the remaining bombers at two active duty Air Force bases in Texas and South Dakota.

The Air Force intends for this proposal to take effect immediately after funds become available following the passage of the 2001 supplemental appropriations bill, and desires that the entire project be completed in a year or so. The Air Force justified this announcement to Congress by stating that this cut was a good way to realize cost savings in 2002 Defense Budget.

The decision to cut and realign the B–1 force has been mishandled from the start. I support and have cosponsored this amendment in an effort to urge and allow the Air Force to give due consideration to important decisions.

I guess if you are not familiar with the men and women of the 184th Bomb Wing, or if you just are not a student of defense policy, you might be wondering what the big deal is. I think the best way to explain what happened with this decision is to offer an analogy.

If a family decided to remodel their old house, the first thing they would do is sit down with an architect and sketch out their ideas of what they want their house to look like. The architect would then take these sketches and form a blueprint, the final plan that gives the instructions to the carpenter who would in turn remodel the house.

The carpenter would never dream of deviating from this blueprint. After all, his job is to follow the architect's instructions, and respect the family's wishes. It really wouldn't matter if he thought his ideas were better than the family's. No family in their right mind would ever hire a carpenter who wanted to re-design their home according to his whims and wishes.

This is exactly what happened with the announcement to pull the B–1's from the Air National Guard. The Air Force is now on the verge of reversing a longstanding policy by saying that our national defense needs would be better served if the B–1's were flown exclusively by the Active Duty forces. This decision was made in spite of the fact that the blueprint for our national defense policy, the Quadrennial Defense Review, has yet to be completed by the Secretary of Defense.

It is as if the carpenter has decided to begin construction before he has been handed the plans. This questionable practice has raised other questions: One, how can the Air Force make a decision to remodel the Air Force to meet future threats if the plans for meeting those threats are still works in progress? Two, in some of

his previous statements, Secretary Rumsfeld has acknowledged that future combat missions will depend on long range, precision strike bombers which are capable of reaching their targets from airbases within the United States. How can the Air Force make a decision to cut the B–1 Bomber fleet when such a decision seems to run contrary to Secretary Rumsfeld's previous statements?

As a member of the Foreign Relations Committee, I fully agree with this assessment. It is becoming increasingly difficult for the U.S. to rely on other country's airstrips to stage our Air Force operations. We must look to platforms that enable us to conduct missions from the safety of America's shores.

No other bomber in today's Air Force can match the B–1 for accomplishing these missions. The B–1 has more payload capacity than the Stealth B–2, and is much faster than either the B–2 and B–52.

While I agree that stealth technology is important to our Air Force, we should be cautious about becoming overly reliant on it. If we cannot always depend on stealth for surprise and protection, we will have to return to speed and maneuverability. The B–1, is the only bomber today that meets this requirement.

So if the Air Force still needs the B–1, why cut the fleet from 93 to 60? One excuse is that it will be cheaper, and that the Active Duty can accomplish this mission better than the Air National Guard.

But according to figures released by the Guard Wing at Mcconnell, the Air Force is simply wrong in this estimation. Consider just a few simple facts.

The average B–1 Mission Capable rate for the Air National Judd is 61.5 percent. The active component only rates 53,4 percent.

The average Total Mission Capable rate for the Air National Guard is 19.9 decent, compared to the Active Duty's rate of 24.6 percent.

The Kansas Air National Guard opetes one of the Air Force's two Engine Regional Repair Centers and the Georgia Unite Provides avionics systems repair for all the B–1's providing high-level expertise in reducing costs.

When confronted with these figures, how can the Air Force conclude that the Active Duty can accomplish this mission in a more cost-effective manner than the Air National Guard? I am pleased that Senators ROBERTS and CLELAND will be calling on the General Accounting Office to see if this decision would make more economic sense that keeping the Guard flying the B–1.

A force structure decision should never have been made without the guidance of a new national security blueprint. Even more important, such a decision should never have been made on false economic assumptions. We cannot afford to make hasty decisions.

Today, I join a bipartisan group of Senators consisting of Senators ROBERTS, CLELAND, MILLER, CRAIG, and CRAPO in offering an amendment to the 2001 Defense Supplemental Bill that will prohibit 201 funds from being used to carry any orders to cut or transfer the B–1. In spite of the Air Forces announcement, we offer this amendment to put the Air Force on notice that hasty decisions regrading our national security are unacceptable to Congress.

Mr. DODD. Mr. President, I understand the very difficult job the Appropriations Committee has faced in producing this supplemental appropriations bill and I commend the leadership of the committee for its work.

However, it is very unfortunate that it was necessary to rescind $217 million in critical dislocated worker funding. I hope that this will be a short-lived reduction and that it will be possible to eliminate this cut in conference. Further, I urge the committee to also reject the administration's proposed further $600 million reduction in training programs in the fiscal year 2002 appropriations.

In the 105th Congress the Workforce Investment Act was overwhelmingly supported on a bipartisan basis. Few issues that we debate in Congress are as important to the future of this country as the lifelong education and training of our workforce. We live in an era of a global economy, emerging industries and company downsizing. It is imperative that our delivery of services meet the employment and educational needs of the 21st century.

We now are embarking on the creation of a streamlined and vitally necessary workforce development system. More authority is given to State and local representatives of government, business, labor, education, and youth activities. There is a true collaborative process between the state and local representatives to ensure that training and educational services provided will be held to high standards.

Our global economy is creating wonderful opportunities for American workers, but also great stress and anxiety. Today, the knowledge and skills workers must have on the job changes very rapidly. Companies and even industry segments enter and leave our States and communities with unprecedented speed.

Layoffs are announced throughout the country every week as a result of business consolidation, financial re-organization, a changing marketplace or a slowing economy. For many years, the Connecticut economy was dependent on defense-oriented industries. Training programs under the Workforce Investment Act ensure that employees who are adversely affected by military and other downsizing will have access to job training and supportive services in order to acquire the skills needed for employment in the technology driven economy of the 21st century.

Last week, Challenger, Gray and Christmas reported that U.S. companies cut nearly 125,000 jobs in June. The Department of Labor reported that new claims for unemployment benefits increased by 7,000. On one day alone at the end of June three separate companies announced plans to eliminate 800 jobs in Connecticut. In the technology sector alone, almost 1,000 jobs cuts have been announced in Connecticut since the beginning of the year.

I urge the committee to re-evaluate these cuts to the dislocated worker program. Now is not the time to be short-changing our workers or our communities.

Mr. STEVENS. Mr. President, this is the first bill that Senator BYRD has handled now as chairman of the Appropriations Committee, and I in my new role as ranking member of the Appropriations Committee. I thank Senator BYRD for his courtesy. I have not seen the supplemental handled as fairly and evenly as this has been. We have responded to almost every request made by Senators from either side. I congratulate the Senator for this night and for the fact that the bill presented by the Appropriations Committee has been sustained.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I tender my thanks to my friend, Senator STEVENS. Without his able cooperation and assistance all the way, we would not have completed this bill today.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays will be required after the clerk reads the bill for the third time.

The bill was ordered to be engrossed for a third time and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2216, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2216 is stricken, and the text of the Senate bill S. 1077, as amended, is inserted in lieu thereof.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—98

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

NAYS—1

Feingold

NOT VOTING—1

Thomas

The bill (H.R. 2216), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. GRAHAM. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I move the Senate insist on its amendment to H.R. 2216 and request a conference with the House of Representatives, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, and Mr. COCHRAN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I thank the chairman of the Appropriations Committee and the ranking member for their work on the supplemental. We have come a long way since we closed prior to the Fourth of July recess. We had indicated our desire to finish our work on the supplemental by Tuesday night. We have done so. I am grateful for that.

We will now be taking up the Interior appropriations bill. It was my hope to be able to move to proceed to the appropriations bill tomorrow at 9:30. Some of our Republican colleagues have objected to going to the bill until matters pertaining to certain nominations could be clarified. As a result, we will not have a specific time we can announce that we will be going to the bill. I am hopeful we can clarify this matter involving nominations at the earliest possible time so that there will not be any objections on the other side to moving to the Interior bill. My hope and my expectation is that we can finish the bill by Thursday night. Obviously, if we have to be here on Friday to finish it, we will do that.

I indicated to Senator LOTT that if we have finished with the Interior bill on Thursday night, my expectation would be we would not have any rollcall votes on Friday.

I will shortly make a unanimous consent request with regard to the schedule tomorrow. We are not quite prepared to do that at this time. But until that time, I yield the floor.

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

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

APPOINTMENT OF CONFEREES—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that with respect to H.R. 1, the elementary and secondary education bill, the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. NELSON of Florida) appointed Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED of Rhode Island, Mr. EDWARDS, Mrs. CLINTON, Mr. LIEBERMAN, Mr. BAYH, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON of Arkansas, Mr. WARNER, Mr. BOND, Mr. ROBERTS, Ms. COLLINS, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mr. ENSIGN conferees on the part of the Senate.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business with Senators permitted to speak for up to 5 minutes.

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

COMMITTEE ASSIGNMENTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following Committee assignments be printed in the RECORD.

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

AGRICULTURE

Senator Harkin, Chairman; Senators Leahy, Conrad, Daschle, Baucus, Lincoln, Miller, Stabenow, Ben Nelson, Dayton, and Wellstone.

ARMED SERVICES

Senator Levin, Chairman; Senators Kennedy, Byrd, Lieberman, Cleland, Landrieu, Reed, Akaka, Bill Nelson, Ben Nelson, Carnahan, Dayton, and Bingaman.

APPROPRIATIONS

Senator Byrd, Chairman; Senators Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, and Reed.

BANKING

Senator Sarbanes, Chairman; Senators Dodd, Johnson, Reed, Schumer, Bayh, Miller, Carper, Stabenow, Corzine, and Akaka.

COMMERCE

Senator Hollings, Chairman; Senators Inouye, Rockefeller, Kerry, Breaux, Dorgan, Wyden, Cleland, Boxer, Edwards, Carnahan, and Bill Nelson.

ENERGY

Senator Bingaman, Chairman; Senators Akaka, Dorgan, Graham, Wyden, Johnson, Landrieu, Bayh, Feinstein, Schumer, Cantwell, and Carper.

ENVIRONMENT

Senator Jeffords, Chairman; Senators Reid, Baucus, Graham, Lieberman, Boxer, Wyden, Carper, Clinton, and Corzine.

FINANCE

Senator Baucus, Chairman; Senators Rockefeller, Daschle, Breaux, Conrad, Graham, Jeffords, Bingaman, Kerry, Torricelli, and Lincoln.

FOREIGN RELATIONS

Senator Biden, Chairman; Senators Sarbanes, Dodd, Kerry, Feingold, Wellstone, Boxer, Torricelli, Bill Nelson, and Rockefeller.

GOVERNMENT AFFAIRS

Senator Lieberman, Chairman; Senators Levin, Akaka, Durbin, Torricelli, Cleland, Carper, Carnahan, and Dayton.

HEALTH, EDUCATION, LABOR AND PENSIONS

Senator Kennedy, Chairman; Senators Dodd, Harkin, Mikulski, Jeffords, Bingaman, Wellstone, Murray, Reed, Edwards, and Clinton.

JUDICIARY

Senator Leahy, Chairman; Senators Kennedy, Biden, Kohl, Feinstein, Feingold, Schumer, Durbin, Cantwell, and Edwards.

BUDGET

Senator Conrad, Chairman; Senators Hollings, Sarbanes, Murray, Wyden, Feingold, Johnson, Byrd, Bill Nelson, Stabenow, Clinton, and Corzine.

RULES

Senator Dodd, Chairman; Senators Byrd, Inouye, Feinstein, Torricelli, Schumer, Breaux, Daschle, Dayton, and Durbin.

SMALL BUSINESS

Senator Kerry, Chairman; Senators Levin, Harkin, Lieberman, Wellstone, Cleland, Landrieu, Edwards, Cantwell, and Carnahan.

VETERANS

Senator Rockefeller, Chairman; Senators Graham, Jeffords, Akaka, Wellstone, Murray, Miller, and Ben Nelson.

INTELLIGENCE

Senator Graham, Chairman; Senators Levin, Rockefeller, Feinstein, Wyden, Durbin, Bayh, Edwards, and Mikulski.

SPECIAL COMMITTEE ON AGING

Senator Breaux, Chairman; Senators Reid, Kohl, Jeffords, Feingold, Wyden, Lincoln, Bayh, Carper, Stabenow, and Carnahan.

JOINT ECONOMIC

Senators Reed, Kennedy, Sarbanes, Bingaman, Corzine, and Torricelli—subject to statutory change.

INDIAN AFFAIRS

Senator Inouye, Chairman; Senators Conrad, Reid, Akaka, Wellstone, Dorgan, Johnson, and Cantwell.

ETHICS

Senator Reid, Chairman; Senators Akaka, and Lincoln.

Mr. LOTT. On behalf of the Republican members of the Senate, I submit the following committee assignments for the Republican party and ask unanimous consent they be printed in the RECORD.

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

AGRICULTURE, NUTRITION AND FORESTRY

Senators Lugar, Helms, Cochran, McConnell, Roberts, Fitzerald, Thomas, Allard, Hutchinson (AR), and Crapo.

APPROPRIATIONS

Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchinson (TX) and DeWine.

ARMED SERVICES

Senators Warner, Thurmond, McCain, Smith (NH), Inhofe, Santorum, Roberts, Allard, Hutchinson (AR), Sessions, Collins, and Bunning.

BANKING

Senators Gramm, Shelby, Bennett, Allard, Enzi, Hagel, Santorum, Bunning, Crapo, and Ensign.

BUDGET

Senators Domenici, Grassley, Nickles, Gramm, Bond, Gregg, Snowe, First, Smith (OR), Allard, and Hagel.

COMMERCE

Senators McCain, Stevens, Burns, Lott, Hutchison (TX), Snowe, Brownback, Smith (OR), Fitzgerald, Ensign, and Allen.

ENERGY

Senators Murkowski, Domenici, Nickles, Craig, Campbell, Thomas, Shelby, Burns, Kyl, Hagel, and Smith (OR).

ENVIRONMENT AND PUBLIC WORKS

Senators Smith (NH), Warner, Inhofe, Bond, Voinovich, Crapo, Chafee, Specter, and Campbell.

FINANCE

Senators Grassley, Hatch, Murkowski, Nickles, Gramm, Lott, Thompson, Snowe, Kyl, and Thomas.

FOREIGN RELATIONS

Senators Helms, Lugar, Hagel, Smith (OR), Frist, Chafee, Allen, Brownback, and Enzi.

GOVERNMENTAL AFFAIRS

Senators Thompson, Stevens, Collins, Voinovich, Domenici, Cochran, Bennett, and Fitzgerald.

HEALTH, EDUCATION, LABOR AND PENSIONS

Senators Gregg, Frist, Enzi, Hutchinson (AR), Warner, Bond, Roberts, Collins, Sessions, and DeWine.

JUDICIARY

Senators Hatch, Thurmond, Grassley, Specter, Kyl, DeWine, Sessions, Brownback, and McConnell.

RULES

Senators McConnell, Warner, Helms, Stevens, Cochran, Santorum, Nickles, Lott, and Hutchison (TX).

SMALL BUSINESS

Senators Bond, Burns, Bennett, Snowe, Enzi, Fitzgerald, Crapo, Allen, and Ensign.

INDIAN AFFAIRS

Senators Campbell, Murkowski, McCain, Domenici, Thomas, Hatch, and Inhofe.

ETHICS

Senators Roberts, Voinovich, and Thomas.

INTELLIGENCE

Senators Shelby, Kyl, Inhofe, Hatch, Roberts, DeWine, Thompson, and Lugar.

EXPLANATION OF ABSENCE

Mr. DOMENICI. Mr. President, on Friday, June 29, I was necessarily absent because I was needed in New Mexico. Anyone who is familiar to New Mexico knows that water is a matter of life and future for us. On this day, the Department of interior, the Attorney General for the State of New Mexico, the State Engineer, the Interstate Stream Commission, the Middle Rio Grande Conservancy District and the city of Albuquerque all reached a 3-year agreement regarding one of the endangered species, the Silvery Minnow on the Rio Grande River.

There are many parties interested in the needs and recovery of the minnow and many groups have been working on river and riparian ecosystem restoration efforts upstream. The settlement proposal mentions that naturalized refuges are a necessary component of saving the silvery minnow and I remain committed to helping make that happen over the next three years.

This agreement temporarily solves one of the most difficult to solve water problems on the Rio Grande. I can't think of an issue that affects more New Mexicans, for this reason I decided that it was essential that I be in New Mexico and therefore, necessarily absent.

I would have voted for the First substitute version of the Patients Bill of Rights had I been in Washington.

ON THE FAIRNESS OF THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, ''The system may well be allowing some innocent defendants to be executed.''

Were these the words of Governor George Ryan, the Illinois Governor who placed a moratorium on executions last year? They could have been, but they were not. Were these the words of an attorney defending someone facing the death penalty? They could have been, but they were not. Rather, these were the remarkable words of Supreme Court Justice Sandra Day O'Connor—the same Justice O'Connor who has generally supported the death penalty during her twenty years on the Court, the same Justice O'Connor who has championed states' rights, including the right to carry out executions, the same Justice O'Connor who joined or wrote key opinions that made it more difficult for defendants facing the death penalty to have their state sentences overturned in federal court, and the same Justice O'Connor who voted in favor of allowing executions of teenage children who committed crimes at age 16 or 17.

Justice O'Connor said, ''After 20 years on the high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country.'' She uttered these words at a meeting before the Minnesota Women Lawyers in Minneapolis last Monday. Coincidentally, Justice O'Connor made these remarks on the 25th anniversary of the Supreme Court's 1976 *Gregg v. Georgia* decision, which reinstated the death penalty as we know it today. Only four years earlier, in 1972, the Court had found the death penalty unconstitutional. But in Gregg, the Court found that sufficient safeguards had been implemented to allow states to resume use of the death penalty.

Since the Gregg decision, over 700 people have been executed in the United States and today over 3,700 people sit on death row awaiting execution. Since the *Gregg* decision, the rate of executions have increased: from one execution in 1981 to 98 executions in 1999, 85 in 2000, and 39 so far this year.

Justice O'Connor also said, ''Unfortunately, as the rate of executions have increased, problems in the way which the death penalty has been administered have become more apparent.''

She also said, ''Perhaps most alarming among these is the fact that if statistics are any indication, the system may well be allowing some innocent defendants to be executed.''

Justice O'Connor now joins Supreme Court Justices Harry Blackmun and Lewis Powell, who also late in their lives came to reconsider their support of the death penalty.

But most importantly Justice O'Connor now joins the growing chorus of Americans who are concerned about the risk of executing the innocent and the fairness of the administration of the death penalty.

Congress can and should play a role in ensuring fairness. We can create an independent, blue ribbon panel to review the fairness of the administration of the death penalty at the state and federal levels. With so many serious concerns about how the death penalty is applied by the States and Federal Government, a simple, yet necessary, step is to create a commission to review these concerns. In addition, the Federal Government and all States that authorized the use of capital punishment should suspend executions while a thorough review of the death penalty system is undertaken.

I am pleased to be a cosponsor of legislation introduced by Senator LEAHY that will take some important steps towards reducing the risk of executing the innocent, the Innocence Protection Act. But more can be done and Congress should do more. Congress should create a national commission on the death penalty and support a moratorium on executions while the commission conducts its work.

If we can agree that the system is flawed and runs the risk of executing innocent people, then we can also agree that we should undertake a thorough top-to-bottom review of the death penalty system. And while we do so, it is simply unjust to proceed with executions. I urge my colleagues to sponsor the National Death Penalty Moratorium Act. Congress should do everything it can to prevent even one innocent person from being sentence to death.

I yield the floor.

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 December 20, 1991 in Russian River, CA. A 45-year-old gay man, Joseph Mitchell, was stabbed to death along Highway 116 by a hitchhiker. Paul Daniel Huyck, 19, was arrested in Springfield, Oregon the first week of January 1992 in connection with the crime. He was charged with murder and violation of parole.

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.

NEW MEXICO FLOOD AND FEMA

Mr. DOMENICI. Mr. President, I rise today to thank my colleagues for acting quickly last summer in sending support to the Los Alamos community following the Cerro Grande fires. This swift response, coupled with the work of County officials, the Federal Emergency Management Agency and the Army Corps of Engineers helped control another act of mother nature that befell Los Alamos this past week.

Torrential rainstorms struck the region resulting in substantial flooding. In some areas the water swelled 60 feet as 1.75 inches of rain fell in less than one hour. Roads flooded and pavement was uprooted. Although at least six homes were evacuated, post-fire flood mitigation efforts prevented a much greater calamity.

Federal and local officials recognized a year ago that some of the fire damage created infrastructure problems that could lead to future flooding. This foresight proved decisive against the rushing floodwaters.

For example, the largest bridge in the town of Los Alamos—which spans the Pueblo Canyon—was saved by Congress' action and the efforts of the Army Corps of Engineers. Last year, recognizing the potential for floods, the Corps extended an 18-inch culvert to 7 feet in record time. I visited the culvert site during construction and was very impressed with the skill, dedication, and professionalism of the Corps of Engineers crew.

During the recent storms, the water swelled 55 feet and was within five feet from the top of the bridge. The bridge withstood the pressure, which it could not have done without the culvert. Without that culvert, the waters would have flowed over the roadway and probably destroyed the road and bridge. It would have cost $15 million to replace the bridge.

More importantly, if the bridge had been destroyed half of the community would have been cut off from the laboratories and from all paved access to services and hospital facilities. Instead of direct access to the town, residents north of the bridge would have been rerouted twenty miles on dirt roads that traverse deep canyons.

Fortunately, Mr. President, this culvert and other mitigation measures protected Los Alamos from its second natural disaster in two years. This is in large part due to the actions of my colleagues in Congress, and for this I extend my utmost gratitude. This assistance helped the people of Los Alamos to once again persevere against the odds.

SOUTH CAROLINA PEACHES

Mr. HOLLINGS. Mr. President, I rise to recognize South Carolina's peach farmers for their hard work and their delicious peaches.

Today, peaches from my home State have been delivered to offices throughout the Senate and the U.S. Capitol. Thanks to South Carolina's peach farmers, those of us here in Washington will be able to cool off from the summer heat with delicious peaches.

For a relatively small State, South Carolina is second in the Nation in peach production. In fact, this year farmers across my State planted more than 16,000 acres of peaches. However, a late freeze has reduced this year's crop size by 40 percent. Nevertheless, South Carolina's peach farmers wanted to give us, here in Washington, a taste of South Carolina. And as my colleagues can attest, these are some of the finest peaches produced anywhere in the United States.

As we savor the taste of these peaches, we should remember the work and labor that goes into producing such a delicious fruit. While Americans enjoy peaches for appetizers, entrees and desserts, most do not stop to consider where they come from. Farmers will be laboring all summer in the heat and humidity to bring us what we call the ''perfect candy.'' What else curbs a sweet tooth, is delicious, nutritious and satisfying, but not fattening?

The truth is, our farmers are too often the forgotten workers in our country. Through their dedication and commitment, our Nation is able to enjoy a wonderful selection of fresh fruit, vegetables, and other foods. In fact, our agricultural system, at times, is the envy of the world.

As Senators and their staff feast on these delicious peaches, I hope they will remember the people in South Carolina who made this endeavor possible: The South Carolina Peach Council, David Winkles and the entire South Carolina Farm Bureau. They have all worked extremely hard to ensure that the U.S. Senate gets a taste of South Carolina.

I am sure everyone in our Nation's Capitol will be smiling as they enjoy these delicious South Carolina peaches.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 9, 2001, the Federal debt stood at $5,709,925,391,754.47, five trillion, seven

hundred nine billion, nine hundred twenty-five million, three hundred ninety-one thousand, seven hundred fifty-four dollars and forty-seven cents.

Five years ago, July 9, 1996, the Federal debt stood at $5,151,107,000,000, five trillion, one hundred fifty-one billion, one hundred seven million.

Ten years ago, July 9, 1991, the Federal debt stood at $3,536,850,000,000, three trillion, five hundred thirty-six billion, eight hundred fifty million.

Fifteen years ago, July 9, 1986, the Federal debt stood at $2,073,910,000,000, two trillion, seventy-three billion, nine hundred ten million.

Twenty-five years ago, July 9, 1976, the Federal debt stood at $615,209,000,000, six hundred fifteen billion, two hundred nine million, which reflects a debt increase of more than $5 trillion, $5,094,716,391,754.47, five trillion, ninety-four billion, seven hundred sixteen million, three hundred ninety-one thousand, seven hundred fifty-four dollars and forty-seven cents during the past 25 years.

ADDITIONAL STATEMENTS

TENTH ANNIVERSARY OF COURT TV

• Mr. SMITH of New Hampshire. Mr. President, this month marks the 10th anniversary of Court TV, which has played a crucial role in educating the public about our nation's criminal justice system. When Court TV went on the air in July of 1991, about nine out of ten Americans had never seen a trial. Now ten years later, Court TV has aired more than 732 trials nationally and provides more than 60 million households with the opportunity to watch trials—as well as other criminal justice-related programming—on a daily basis.

During those years, Court TV has provided the Nation with an extraordinary civics lesson, enabling Americans to see their own criminal justice system first-hand. Viewers have seen some of the nation's finest judges, prosecutors and defense attorneys at work and have watched the judicial process unfold—with the benefit of expert commentators and analysts. As part of that civics lesson, Court TV has enabled viewers to watch live trial coverage—for the first time ever—of cases involving such issues as, among other things: appellate arguments, breach of contract, jury selection, libel, medical malpractice, negligence, parole hearings, product liability, and even war crimes.

Mr. President, Court TV has also made a special commitment to helping reduce youth violence. Its public affairs initiative, ''Choices and Consequences,'' has received the cable television industry's highest public service award, the Golden Beacon Award, for its efforts to keep our Nation's children out of our Nation's courts. A middle school curriculum, based on trial coverage of cases involving youth offenders, has been provided to more than 10,000 schools. A new high school curriculum, which addresses bullying among other issues, is now available online and through Court TV's ''Cable in the Classroom'' feed. Cable television operators in more than 50 cities in 24 states, plus the District of Columbia, have also partnered with Court TV in supporting ''Your Town'' town meetings, which have addressed a wide range of issues affecting adolescents and have been aired nationally.

Earlier this year, Court TV chairman and CEO Henry Schleiff was honored to be joined by the Speaker of the U.S. House of Representatives, J. Dennis Hastert, as well as Minority Leader Richard Gephardt and our colleague, Senator Sam Brownback, among other Congressional leaders, in announcing a new ''media literacy'' campaign designed to help students distinguished between the positive and negative images that they see in all forms of media—and to help them understand the consequences of actions in the real world that may seem inconsequential onscreen.

Court TV offers a unique mix of programming, including trial coverage by day and compelling stories of the criminal justice system in the evening. That mix has now made Court TV the fastest-growing basic cable network in the nation. Its growth is testament to the fact that high-quality programming can be both educational and entertaining.

Today, I am pleased to recognize the important contribution that Court TV has made to public understanding of the judicial branch of Government and to criminal justice issues more broadly, and we applaud and encourage its continued efforts to work with our nation's schools to reduce youth violence and help students understand that choices made in a moment can have consequences for a lifetime.•

CELEBRATING THE 150TH ANNIVERSARY OF THE PHOENIX HOME LIFE MUTUAL INSURANCE COMPANY

• Mr. DODD, Mr. President, I rise today to congratulate the Phoenix Home Life Mutual Insurance Company as it celebrates its 150th anniversary.

From its modest birth in 1851 as the Hartford-based American Temperance Life Insurance Company, the Phoenix has evolved into one of the largest and most well-respected insurance companies in the world. It has weathered many global watersheds of the nineteenth and twentieth centuries—including civil war, depressions, and world wars. But true to its name, the Phoenix has emerged from these and other trials with an unswerving commitment to corporate innovation, social progress, and community service.

The Phoenix's corporate ethos thrives on a unique and important principle—one that encourages employees to invest human capital as a means of promoting community development. As a result, Phoenix serves as a paradigm for businesses truly committed to improving the quality of life of the people they serve. In 2000 alone, the Phoenix Foundation contributed $1.6 million to charitable organizations across the country.

The Phoenix encourages its employees to devote 80 hours of company and personal time to community activities each year. The company also rewards its top 20 professional advisors through the Donor Award Program, which enables award recipients to designate up to $2,000 to a local charity. Over the years, the Donor Award Program has provided vital funds to many organizations, including the Juvenile Diabetes Foundation, Lou Gehrig Baseball, and the Make-A-Wish Foundation. Furthermore, Phoenix field offices have established a plethora of independent donation programs—many of which have benefited organizations such as the American Cancer Society, Habitat for Humanity, the YMCA, and the March of Dimes Birth Defects Foundation.

I am proud that the Phoenix's commitment to community development has helped many local organizations in the State of Connecticut. By lending their professional expertise, leadership, and time to a number of local outreach initiatives, Phoenix employees have worked assiduously to make a difference in their communities. For example, Phoenix employees in the Hartford office work in conjunction with Foodshare each summer to deliver vegetables donated by Connecticut farmers to area soup kitchens and homeless shelters. And in 1999, a group of Phoenix employees planned and organized Connecticut's first Adoption and Foster Care Exposition—an event that successfully promoted greater public awareness of these two important social issues.

The Phoenix has made significant contributions to the education of children. Through long-term partnerships with local schools such as the Fred D. Wish Elementary School in Hartford, Phoenix employees have worked individually with students in grades three through six to sharpen math skills and proficiency in the language arts. As a result, schools are seeing improved student attendance and higher student test scores. Phoenix also contributed $75,000 toward the establishment of the Trinity College Boys and Girls Clubs—two Hartford-based organizations that provide education, culture, citizenship, health, and physical education programs for neighborhood children and

adolescents. In terms of higher education, the Phoenix annually contributes $250,000 to a matching gifts program. The company has also spearheaded a $3 million ''Legacy Campaign'' to sustain and cultivate the Walter J. ''Doc'' Hurley Foundation. Phoenix's generous contribution to this worthy campaign will assist high school students in Connecticut and across the country through various scholarship and guidance programs.

In recent years, Phoenix has made a strong commitment toward promoting the Special Olympics. In 1995, the company pledged an eight-year commitment to Special Olympics International as its first Official Worldwide Partner, setting a new and unprecedented standard for civic responsibility, a standard that few corporations can match. When the Special Olympics World Games were held in New Haven, CN, six years ago, over 60 percent of Phoenix employees volunteered their time while field offices across the country raised money to assist local chapters with travel and lodging expenses.

Over the past decade, much of the Phoenix's financial vitality and community commitment can be attributed to the hard work and vision of Robert W. Fiondella, the company's President and Chief Executive Officer. Since taking the reigns of Phoenix in 1992, Mr. Fiondella has successfully undertaken the challenge of further molding and guiding the company in this new evolving era of business. With more than 30 years of experience, Bob Fiondella represents the epitome of the Phoenix tradition by dedicating himself to both the company and the surrounding community.

In its 150 years of existence, the Phoenix has become an indispensable asset to people and businesses of Connecticut and the country. Its contributions to both the business world and surrounding communities have been tremendous. It is therefore with great appreciation that I offer congratulations to the Phoenix Home Life Mutual Insurance Company on its 150th anniversary, and wish the company and all those associated with it continued success for many years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President 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.)

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–2661. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

EC–2662. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy, nomination, and the designation of acting officer for the position of Administrator, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2663. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and the discontinuation of service in acting role for the position of Administrator, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2664. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and the discontinuation of service in acting role for the position of Administrator, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2665. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and the discontinuation of service in acting role for the position of Chief Counsel for Advocacy, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2666. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chief Counsel for Advocacy, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2667. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, received on July 5, 2001; to the Committee on Small Business and Entrepreneurship.

EC–2668. A communication from the Public Printer of the United States Government Printing Office, transmitting, the Annual Report for Fiscal Year 2000; to the Committee on Rules and Administration.

EC–2669. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report on the impact of the National Voter Registration Act of 1993 (NVRA) on the administrative of elections for federal office during the preceding two-year period, 1999 through 2000; to the Committee on Rules and Administration.

EC–2670. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in the States of Massachusetts, et al.; Establishment of Marketing Quantity and Allotment Percentages; Reformation of Sales Histories and Other Modifications Under the Cranberry Marketing Order'' (FV01–929–2 FR and FV00–929–7 FR) received on July 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2671. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aminoethoxyvinylglycine (AVG); Time-Limited Pesticide Tolerances'' (FRL6790–7) received on July 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2672. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aminoethoxyvinylglycine, Temporary Tolerance'' (FRL6788–7) received on July 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2673. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''NIDRR—Rehabilitation of Persons who are Blind or Visually Impaired and Rehabilitation of Persons who are Deaf or Hard of Hearing'' received on July 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2674. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''NIDRR—Strategies for Promoting Information Technology—Based Educational Opportunities for Individuals with Disabilities; Strategies for Promoting Information Technology—Based Employment and Training Opportunities for Individuals with Disabilities; and Wayfinding Technologies for Individuals who are Blind'' received on July 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2675. A communication from the Special Assistant, White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Rehabilitative Services Administration, Office of Special Education and Rehabilitative Services, received on July 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2676. A communication from the Special Assistant, White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Vocational and Adult Education, received on July 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2677. A communication from the Special Assistant, White House Liaison, Department of Education, transmitting, pursuant

to law, the report of a vacancy in the position of Commissioner of Education Statistics, Office of Educational Research and Improvement, received on July 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2678. A communication from the Special Assistant, White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, received on July 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2679. A communication from the Acting Chairman of the Postal Rate Commission, transmitting, pursuant to law, the Annual Report on International Mail Costs, Revenues, and Volumes for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2680. A communication from the President and Chief Executive Officer of the Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the management reports of the twelve FHL Banks for calendar year 2000; to the Committee on Governmental Affairs.

EC–2681. A communication from the Counsel to the Inspector General, General Services Administration, the report of a nomination for the position of Inspector General, received on July 5, 2001; to the Committee on Governmental Affairs.

EC–2682. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on July 5, 2001; to the Committee on Governmental Affairs.

EC–2683. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2684. A communication from the Chief Operating Officer/President of the Financing Corporation, transmitting, pursuant to law, the Annual Report of Internal Controls and the Audited Financial Statements for 2000; to the Committee on Governmental Affairs.

EC–2685. A communication from the Acting Director of the Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Spruce-fir Moss Spider'' (RIN1018–AG38) received on June 29, 2001; to the Committee on Environment and Public Works.

EC–2686. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Standardized NUHOMS –24P and –52B Revisions'' (RIN3150–AG75) received on June 29, 2001; to the Committee on Environment and Public Works.

EC–2687. 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; Texas; Houston/Galveston Ozone Nonattainment Area Vehicle Miles Traveled Offset Plan'' (FRL7008–3) received on July 2, 2001; to the Committee on Environment and Public Works.

EC–2688. 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; Final Designation of Critical Habitat for the Wintering Piping Plovers'' (RIN1018–AG13) received on July 2, 2001; to the Committee on Environment and Public Works.

EC–2689. A communication from the Principal Deputy Associate Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Program of Delegation; Ohio'' (FRL7009–6) received on July 3, 2001; to the Committee on Environment and Public Works.

EC–2690. 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; Georgia: Approval of Revisions to Georgia State Implementation Plan'' (FRL7009–3) received on July 3, 2001; to the Committee on Environment and Public Works.

EC–2691. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan; Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District'' (FRL6997–6) received on July 6, 2001; to the Committee on Environment and Public Works.

EC–2692. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Attainment for Carbon Monoxide (CO); Anchorage CO Nonattainment Area, Alaska'' (FRL7010–6) received on July 9, 2001; to the Committee on Environment and Public Works.

EC–2693. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins'' (FRL7010–1) received on July 9, 2001; to the Committee on Environment and Public Works.

EC–2694. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed On or Before September 20, 1994'' (FRL7010–3) received on July 9, 2001; to the Committee on Environment and Public Works.

EC–2695. A communication from the Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 17a–25 under the Securities Exchange Act of 1934 relating to the electronic submission of securities transaction information by exchange members, brokers, and dealers'' (RIN3235–AH69) received on July 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2696. A communication from the Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Insurance Premiums in Multifamily Housing Programs'' (RIN2502–AH64) received on July 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2697. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of emergency with respect to the Taliban; to the Committee on Banking, Housing, and Urban Affairs.

EC–2698. A communication from the President of the United States, transmitting, pursuant to law, a report on the National Emergency with respect to the Taliban in Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–2699. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, the Annual Report on operations for calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2700. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Annual Report for calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2701. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' received on July 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2702. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Property Acquisition and Elevation Assistance'' (RIN3067–AD06) received on July 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2703. A communication from the Deputy Secretary of the Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Repurchase Agreements and Refunded Securities as an Acquisition of the Underlying Securities'' (RIN3235–AH56) received on July 6, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2704. A communication from the President of the United States, transmitting, pursuant to law, a Proclamation to Modify Duty-free Treatment under the Generalized Systems of Preferences; to the Committee on Finance.

EC–2705. 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 ''Weighted Average Interest Rate Update'' (Notice 2001–39) received on July 2, 2001; to the Committee on Finance.

EC–2706. A communication from the President of the United States, transmitting, pursuant to law, a report concerning a waiver of Jackson-Vanik Amendment for the Republic of Belarus; to the Committee on Finance.

EC–2707. A communication from the President of the United States, transmitting, pursuant to law, a report concerning emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, The Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

EC–2708. A communication from the Social Security Administration Regulation Officer,

transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Dates for Several Body System Listings'' (RIN0960–AF59) received on July 5, 2001; to the Committee on Finance.

EC–2709. 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 ''Notional Principal Contracts'' (Notice 2001–44 and 2001–30) received on July 5, 2001; to the Committee on Finance.

EC–2710. A communication from the Regulations Coordinator of the Health Care Financing Administrator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Child Health; Revisions to the Regulations Implementing the State Children's Health Insurance Program'' (RIN0938–AL00) received on July 5, 2001; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.

FEDERAL CAMPAIGN CONTRIBUTION REPORTS

Nominee: Pierre-Richard Prosper.

Post: Ambassador at Large for War Crimes Issues.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self:

$500, 1/31/01, Republican National Committee
$500, 10/28/00, Lazio 2000
$1000, 4/26/00, Bush-Cheney 2000 Compliance Committee
$500, 10/25/00, Republican National Committee
$1000, 8/23/99, Bush for President Inc.
$250, 10/8/99, N.Y. Republican Fed. Campaign Committee
$100, 5/29/00, Liddy for Congress
$100, 11/12/99, Liddy for Congress

2. Spouse: N/A.
3. Children: N/A.
4. Jacques Prosper (father)

$300, 9/15/95, Republican Senatorial Committee
$50, 2/11/99, Republican National Committee
$50, 2/15/99, National Republican Senatorial Committee
$50, 4/20/99, National Republican Congressional Committee
$50, 5/27/99, Republican Senatorial Committee
$50, 8/22/99, National Republican Senatorial Committee
$100, 9/27/99, Bush for President
$50, 10/29/99, Republican Senatorial Committee
$50, 1/26/00, National Republican Congressional Committee
$50, 2/14/00, National Republican Senatorial Committee
$50, 4/27/00, Republican Presidential Committee
$50, 6/26/00, Republican Congressional Committee
$100, 9/3/00, Republican Presidential Task Force
$50, 11/12/00, Republican National Committee
$100, 11/21/00, Republican Presidential Task Force
$50, 12/1/00, National Republican Congressional Committee

Jeanine C. Prosper (mother): none.

5. Grandparents: N/A.
6. Brothers: N/A.
7. Genevieve Prosper Bates (sister) none; Marty Bates (brother-in-law): none; Marjorie Prosper Gouraige (sister) none; Ghislain Gouraige (brother-in-law): $100, 11/99, Bush for President.

Charles J. Swindells, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

Nominee: Charles J. Swindells.

Post: Ambassador to New Zealand and Samoa.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self:

$1,000, 6/3/97, Molly Bordonaro for Congress 1998
$500, 8/1/97, Linda Peters for US Congress
$500, 8/14/97, Dirk Kempthorne for Senate
$1,000, 8/20/97, Campaign America Inc
$1,000, 1/27/98, Molly Bordonaro for Congress 1998
$250, 4/15/98, Linda Peters for US Congress
$250, 5/12/98, Walden for Congress Inc
$500, 6/26/98, Blumenauer for Congress
$500, 7/17/98, Wyden for Senate
$1,000, 12/4/98, Freedom and Free Enterprise PAC
$1,000, 5/1/99, Bush for President Inc
$1,000, 11/1/99, Bush-Cheney 2000 Compliance Committee
$500, 2/9/00, Friends of Giuliani Exploratory Committee
$5,000, 3/1/00, Impact America
$1,000, 4/20/00, Alive Schlenker for Congress
$10,000, 5/5/00, Republican National Committee Presidential Trust
$15,000, 6/11/00, Republican Naitonal Committee Presidential Trust
$2,500, 9/20/00, Oregon Republican Party/Oregon Victory 2000
$1,000, 12/4/00, Gordon Smith for US Senate 2002
($13,000), 6/14/01, Contribution Refund from RNC

2. Spouse—Caroline H. Swindells: $,1000, 6/30/97, Molly Bordonaro for Congress 1998.

3. Children and Spouses—Grant C. Swindells (no spouse):

$1,000, 5/1/99, Bush for President Inc
$1,000, 10/10/99, Senator Gordon Smith

Whitney C. Swindells (no spouse):

$1,000, 5/1/99, Bush for President Inc
$1,000, 10/10/99, Senator Gordon Smith

4. Parents—James G. Swindells, deceased; Helen A. Swindells:

$1,000, 5/1/99, Bush for President Inc
$1,000, 10/10/99, Senator Gordon Smith

5. Grandparents: Charles Jay and Rose Swindells, deceased, and Joseph and Sarah Matschiner, deceased.

6. Brothers and spouses: none.

7. Sisters and Spouses—Patricia Riedel (no spouse): $1,000, 5/1/99, Bush for President Inc.

Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to be Kingdom of Morocco.

Nominee: Margaret DeBardeleben Tutwiler.

Post: Ambassador to the Kingdom of Morocco. Nominated May 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self:

$250, 4–1–99, Robb for Senate
$500, 11–2–99, Friends of Giuliani Exp. Comm.
$500, 10–6–,99, Friends of Giuliani Exp. Comm.
$1,000, 4–20–99, Bush for President
$250, 9–5–99, Friends of Dylan Glenn
$200, 11–1–00, Kirk for Congress
$250, 4–2–99, Elizabeth Dole for Pres. Exp.
$1,100 7–9–99, Cellular Telecommunications Industry Association PAC
$250, 9–29–00, Lazio 2000 Inc.
$1,200, 9–29–00, Cellular Telecommunications Industry Association PAC
$250, 6–29–99, McCain 2000
$500, 9–29–97, Cellular Telecommunications Industry Association PAC
$250, 10–13–98, Value In Electing Women PAC
$500, 3–1–-98, McCain for Senate 98
$1,000, 5–21–98, Cellular Communications Industry Association PAC
$300, 6–10–96 Friends of John Warner 1996 Committee
$250, 3–1–96 Forbes for President Inc.
$250, 11–9–00, Kolbe 2002

2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Margaret Prince DeBardeleban—deceased; Temple Wilson Tutwiler, II—deceased.
5. Grandparents: Prince DeBardeleben—deceased; Mary Louise DeBardeleben—deceased; Herbert and Mary Addison—deceased.
6. Brothers and spouses—Temple Wilson Tutwiler (brother):

$250, 6–9–98, Alabama Republican Party Federal Account
$1,000, 6–30–99, Bush for President
$300, 11–6–95, Alabama Republican Party Federal Account

Lucy A. Tutwiler: none

7. Sisters and spouses—Ann Tutwiler West (sister):

$1,000, 4–5–99, Alexander for President
$1,000, 12,22–99, Bush for President
$1,000, 3–9–95, Alexander for President
$250, 10–18–95, Alexander for President

Axon West: none.

Wendy Jean Chamberlin, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Nominee: Wendy J. Chamberlin.

Post: Islamic Republic of Pakistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Chynna C. Hawes, none; Jade H. Hawes, none.
4. Parents: deceased.

5. Grandparents: deceased.
6. Brothers and spouses: Henry B. Chamberlin (brother) $100, 2000, Mr. Phiester, City Council Georgetown, Texas; William Chamberlin (brother), none.
7. Sisters and spouses: Shanta Chamberlin (sister-in-law), none; Ruth Chamberlin (sister-in-law), none.

William S. Farish, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: William S. Farish, III.

Post: U.S. Ambassador to the United Kingdom Nominated: May 22, 2001 of Great Britain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self:

$500, 02/25/97, Republican Party of Kentucky
$1,000, 03/07/97, National Republican Senatorial Committee
$1,000, 04/23/97, New Republican Majority Fund
$1,000, 05/21/97, Baesler for Senate
$1,000, 06/30/97, Citizens for Bunning
$1,000, 06/30/97, Citizens for Bunning
$2,000, 06/30/97, Anne Northrup for Congress
$1,000, 10/23/97, Am. Horse Council Committee Taxation/Legis.
$1,500, 04/15/98, Harry Reid
$2,000, 05/08/98, Charles J. Crist
$2,000, 05/27/98, National Republican Senatorial Committee
$1,000, 05/28/98, Fletcher for Congress
$125, 06/09/98, McConnell Senate Committee
$2,000, 07/09/98, National Republican Senatorial Committee
$1,000, 07/09/98, Fletcher for Congress '98
$1,000, 10/26/98, Scotty Baesler for U.S. Senate
$100, 02/18/99, Republican National Committee
$2,000, 03/31/99, Anne Northup for Congress
$2,000, 05/28/99, Fletcher for Congress[1]
$1,000, 06/15/99, McConnell Senate Committee[2]
$1,000, 07/01/99, George Bush Presidential Exploratory
$1,500, 09/07/99, Churchill Downs Federal PAC
$5,000, 09/07/99, Republican Party of Kentucky
$5,000, 09/20/99, American Horse Council
$1,000, 12/30/99, Baesler for Congress
$1,000, 12/30/99, Friends of Guilani[3]
$1,000, 03/02/00, Republican Senatorial Inner Circle[4]
$5,000, 06/16/00, Republican Party of Kentucky
$1,000, 08/03/00, Lazio 2000
$5,000, 08/13/00, Victory 2000 (NY Rep. Party)
$2,000, 08/13/00, Lazio 2000[5]
$1,000, 10/19/00, Anne Northup for Congress[6]
$5,000, 10/26/00, Churchill Downs Federal PAC

[1] Believe that $2,000 Fletcher Campaign reported as received from me on 06/28/99 was actually a contribution made by my son, W.S. Farish, Jr.
[2] FEC reports only an $875 contribution.
[3] FEC reports include second contribution to Guilani dated 03/09/2000 believed to be in error.
[4] Believed to be same as contribution to NRSC dated 03/06/00 on FEC report.
[5] FEC reports show ($1,000) credit against this contribution.
[6] Contribution refunded by Northup Campaign 06/12/01.

2. Spouse—Sarah S. Farish:

$1,000, 07/21/99, George W. Bush
$1,000, 09/16/99, Ernest Fletcher[1]
$1,000, 11/12/99, Anne Northup[2]
$2,000, 09/02/00, Rick A. Lazio
$1,000, 09/29/00, Ernest Fletcher
$5,000, 11/00, Florida Recount Fund

[1] Check originally issued by W.S. Farish and later corrected and credited to Sarah Farish.
[2] Northup Campaign reported second $1,000 contribution dated 10/23/2000 to FEC in error.

3. Children and spouses—W.S. Farish, IV and Kelley Farish:

$1,000, 05/19/98, Ernest Fletcher
$1,000, 09/25/98, Ernest Fletcher
$1,000, 09/25/98, Ernest Fletcher
$2,000, 06/18/99, Ernest Fletcher
$1,000, 06/30/99, George W. Bush
$1,000, 07/13/99, George W. Bush
$1,000, 09/29/99, American Horse Council
$1,000, 06/30/00, Ernest Fletcher

Stanford C. and Hillary F. Stratton:

$1,000, 07/21/99, George W. Bush
$1,000, 7/21/99, George W. Bush
$1,000, 08/30/00, Bush-Cheney 2000 Compliance
$1,000, 08/30/00, Bush-Cheney 2000 Compliance

Dennis N. and Mary F. Johnston:

$1,000, 06/07/1999, George W. Bush
$500, 10/11/2000, Republican National Committee
$2,000, 12/22/2000, Florida Recount

John H. and Laura F. Chadwick:

$1,000, 07/30/1999, George W. Bush
$1,000, 09/05/1999, Bill Frist
$250, 04/03/2000, Bill Frist
$1,000, 08/12/2000, Rudolph W. Giuliani
$2,000, 09/25/2000, Tennessee Republican Party

4. Parents—William S. Farish, Jr. and Mary Wood Farish: Deceased.
5. Grandparents—William S. Farish and Libbie Rice Farish: Deceased.
6. Brothers and spouses: N/A.
7. Sisters and spouses: N/A.

Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Nominee: Francis Xavier Taylor.

Post: Coordinator for Counterterrorism.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self: None.
2. Spouse—Constance O. Taylor: None.
3. Children and spouses: Jacquis B. Taylor, none; Justin X. Taylor, none.
4. Parents: Shari A. Taylor, none; Francis X. Taylor, deceased; Virginia T. Morgan, deceased.
5. Grandparents: Isreal W. Millsap, deceased; Hattie Millsap, deceased.
6. Brothers and spouses: Benjamin E. Taylor, deceased; Patricia Taylor, none.
7. Sisters and spouses; Agnes T. Jordan, none; William A. Jordan, none.

Robert D. Blackwill, of Kansas; to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Robert Dean Blackwill.

Post: India.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self: $1,000.00; 11/28/99, George W. Bush.
2. Spouse: None.
3. Children and spouses: Sarah Blackwill, none; Hannah Blackwill, none; Kirsten Blackwill, none.
4. Parents: Albert Blackwill, none; Roma Blackwill, deceased.
5. Grandparents: Charles and Mabel Blackwill, deceased.
6. Brothers and spouses: None.
7. Sisters and spouses: None.

Anthony Horace Gioia; of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Anthony H. Gioia.

Post: Ambassadorship.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee:

1. Self:

$1,000, 1/29/97, Paxon for Congress
$1,000, 2/3/97, Quinn for Congress
$1,000, 10/7/98, NY Republican Federal Campaign Committee
$1,000, 3/3/98, Quinn for Congress
$1,000, 4/1/98, Reynolds for Congress
$200, 10/13/98, Friends of Houghton
$1,000, 11/2/98, Friends of John LaFalce
$1,000, 2/24/99, Reynolds for Congress
$1,000, 3/8/99, Quinn for Congress
$1,000, 6/17/99, Friends of Giuliani Exploratory Cte.
$1,000, 6/30/99, Bush for President
$1,000, 11/2/99, Bush-Cheney 2000 Compliance Committee, Inc.
$1,000, 2/22/00, Quinn for Congress
$5,000, 3/3/00, NY Republican Federal Campaign Committee
$1,000, 3/13/00, Reynolds for Congress
$1,000, 3/20/00, Friends of LaFalce
$1,000, 4/26/00, Friends of Giuliani Exploratory Cte.
$3,600, 6/29/00, RNC Republican National State Elections Cte.—returned
$1,000, 6/30/00, Lazio 2000—Primary
$1,000, 6/30/00, Lazio 2000—General
$7,000, 10/10/00, RNC Victory 2000
$250, 10/30/00, Dallas County Republican Party
$1,000, 2/27/01, Reynolds for Congress
$1,000, 2/27/01, Quinn for Congress
$1,000, 3/6/01, Friends of Schumer

In-kind contributions generated by me for the fundraiser—Bush for President held in my home:

$100*, 8/10/00, Carol Buckowski
$250*, 8/23/00, Carol Buckowski
$335*, 8/24/00, Carol Buckowski
$200*, 8/29/00, Carol Buckowski
$250*, 9/8/00, Carol Buckowski
$250*, 9/15/00, Carol Buckowski
$3,909, 9/29/00, Floristry

*Clerical and administrative support.

2. Spouse—Donna:

$1,000, 6/01/97, Friends of D'Amato
$1,000, 5/28/99, George W. Bush Compliance Funds
$1,000, 9/2/99, George W. Bush Compliance Funds
$1,000, 10/15/99, Governor George W. Bush for President
$561, 10/17/00, RNC State Elections Cte.—returned
$1,000, 4/10/00, Friends of Giuliani
$2,000, 6/28/00, Lazio 2000
$1,000, 9/4/00, Reynolds for Congress

3. Children and spouses: Anthony Jr. Bioia: $1,000, 9/99, Governor George W. Bush for President; David Gioia: $1,000, 9/99, Governor George W. Bush for President;

Laura Gioia (daughter-in-law):

$1,000, 9/99, Governor George W. Bush for President
$1,000, 10/00, Lazio 2000

Elizabeth Gioia: $1,000, 9/99, Governor George W. Bush for President.

4. Parents—Anna Gioia:

$500, 3/98, Friends of D'Amato
$1,000, 9/99, Governor George W. Bush for President;
$1,000, 6/00, Lazio 2000
$2,500, 9/00, RNC-Presidential Trust

Horace Gioia, deceased.

5. Grandparents: not given.

6. Brothers and spouses Horace and Wendy Gioia, Jr., none; Frederick and Maureen Gioia, none.

Robert and Sally Gioia:

$1,000, 10/25/98, Committee to elect LaFalce
$1,000, 6/12/99, Governor Bush Presidential
$1,000, 9/19/99, Bush for President
$5,000, 9/14/00, RNC-Presidential Trust

Richard and Anne Gioia: $5,000.00, 10/00, RNC-Presidential Trust.

7. Sisters and spouses Angela and Gary Porter, none; Joyce Gioia, deceased.

Howard H. Leach, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Nominee: Howard H. Leach.

Post: Ambassador to France.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—Amount, Date, and Donee

$1,000, 14–Jan–97, Frank Riggs for Congress, California
$35,000, 17–Mar–97, RNSEC
$1,000, –20–Mar–97, Shelby for U.S. Senate, US Senate, Alabama
$1,000, 03–Apr–97, Missourians for Kit Bond Committee
$15,000, 23–May–97, 1997 Republican Senate, Senate-House Dinner
$1,000, 27–May–97, Citizens for Arlen Specter, US Senate, Pennsylvania
$1,000, 30–Jun–97, Friends of Senator Nickles, US Senate, Oklahoma
$1,000, 24–Jul–97, Randy Hoffman for Congress
$1,000, 24–Jul–97, Matt Fong, US Senate, California
$5,000, 07–Aug–97, Campaign America, Vice President-Dan Quayle
$1,000, 07–Aug–97, The Freedom Project, Congressman John Boshner-Ohio
$1,000, 07–Aug–97, Gisele Stavert, Congress, California
$10,000, 17–Sep–97, Gopac, 440 First Street, N.W.-Suite 400, Washington, D.C. 20077–0245
$1,000, 17–Sep–97, Christopher Cox, Congressional Committee, California
$1,000, 24–Sep–97, David Drier for Congress, Congress, California
$20,000, 17–Oct–97, Foundation of Responsible Government, 501(c)(4)
$5,000, 17–Oct–97, Republican Natioanl Leadership Council
$15,000, 29–Oct–97, Senate Majority Dinner
$25,000 29–Oct–97, American Education Reform Foundation, 501(c)(4)
$1,000, 07–Nov–97, McCain for Senate '98 Committee, Arizona
$1,000, 10–Nov–97, Tom Campbell for Congress
$5,000, 11–Dec–97, California Republican Party, Federal Account
$6,000, 11–Dec–97, RNSEC
$1,000, 12–Feb–98, Christopher Cox, Congressional Committee
$1,000, 19–Feb–98, Friends of D'Amato, Senate, New York
$10,000, 25–Feb–98, Republican National Committee
$15,000, 25–Feb–98, Republican National
$2,000, 14–Apr–98, State Election Committee
$25,000, 14–Apr–98, Americans for Hope Growth and Opportunity, Steve Forbes, 501(c)(4)
$25,000, 05–Aug–98, National Republican Senatorial Committee
$10,000, 05–Aug–98, GOPAC
$5,000, 25–Aug–98, Campaign American, Dan Quayle
$1,000, 01–Sep–98, Hosemann for Congress Mississippi
$20,000, 18–Sep–98, Foundation for Responsible Gov't, 501(c)(4), polling, advertising research issues advocacy
$5,000, 18–Sep–98, Republican National Leadership Council, Republican Candidates
$1,000, 27–Jan–99, Quayle 2000 Exploratory Committee
$1,000, 9–Mar–99, Governor George W. Bush Presidential Exploratory Committee
$1,000, 31–Mar–99, Tom Campbell for Congress Committee
$350, 31–Mar–99, Christopher Cox Congressional Committee
$20,000, 13–Apr–99, Republican National State Election Committee
$5,000, 13–Apr–99, Republican National State Election Committee
$2,000, 10–May–99, Friends of Guiliani
$1,000, 27–May–99, Rogan Campaign Committee
$2,000 2–Jun–99, Frist 2000
$1,000, 2–Jun–99, Friends of George Allen
$20,000, 15–Jun–99, 1999 Republican Senate-House Dinner
$410.89, 28–Jul–99, RNSEC, Dinner—Jim Nicholsen
$1,000, 16–Aug–99, Snowe for Senate
$10,000, 16–Aug–99, GOPAC
$1,000, 30–Sep–99, George W. Bush Compliance Committee
$10,000, 1–Nov–99, Republican Jewish Coalition 501(c)(4)
$1,000, 10–Nov–99, Christopher Cox for Congress, California
$1,000, 10–Nov–99, Abraham Senate 2000, Michigan
$5,000, 11–Nov–99, California Republican Party, Victory 2000—Federal
$1,000, 7–Dec–99, Friends or Dick Lugar, Indiana
$1,000, 7–Dec–99, Ashcroft for Senate, Senate, Missouri
$1,000, 7–Dec–99, Cunneen for Congress, Congress, California
$50,000, 2–Feb–00, Shape the Debate, Pete Wilson, 501(c)4
$25,000, 1–Feb–0, Republican Leadership council
$1,000, 22–Feb–00, McCollum for US Senate, Florida
$1,000, 22–Feb–00, Tom Campbell for Senate, California, primary
$20,000, 13–Mar–00, Giuliani Victory Committee, National Republican Senatorial Committee
$1,000, 13–Mar–00, Claude Hutchinson for Congress Committee
$65, 29–Mar–00, California Republican Party, Delegate Selection Convention
$1,000, 26–Apr–00, Tom Campbell for Senate, California—General
$46,000, 4–Apr–00, RNSEC
$400, 27–Apr–00, California Republican National, Convention Delegation
$25,000, 18–May–00, The Senatorial Trust
$1,000, 20–Jun–00, Giuliani Reimbursement
$2,500, 30–Jun–00, NRSC Convention
$50,000, 6–Jul–00, 2000 RNC Convention Gala
$5,000, 24–Jul–00, New Republican Majority Fund
$1,000, 24–Jul–00, Jim Cunneen for Congress, General
$10,000, 24–Jul–00, GOPAC
$25,000 (check from Leach Carital LLC), 24–Jul–00, RNSEC
$15,000, RNSEC
$50,000 (check from San Francisco Aviation Co), RNSEC
$1,000, 29–Jul–00, Roth Senate Committee
$1,000, 29–Jul–00, Friends of George Allen
$1,000, 25–Sep–00, Lazio 2000, Senate, New York
$1,000, 25–Sep–00, Bob Franks for U.S. Senate—General
$5,300, 23–Oct–00, RNSEC
$5,000, 13–Nov–00, Bush-Cheney Recount Fund
$5,000, 28–Nov–00, Bush-Cheney Presidential Transition Foundation
$100,000, 22–Dec–00, Presidential Inaugural Committee
2001, None.

2. Spouse, Gretchen C. Leach:

$1,000, 3–Apr–97, Missourians for Kit Bond Committee
$1,000, 27–May–97, Citizens for Arlen Specter
$1,000, 11–Dec–97, Matt Fong, U.S. Senate Committee
$1,000, 30–Apr–98, Gisele Stavert for Congress '98 California
$1,000, 27–May–98, The Coverdell Good Government Committee, Georgia
$1,000, 28–May–98, Oxley for Congress, California
$1,000, 30–Jun–98, Charles Ball for Congress, California
$1,000, 14–Jul–98, Matt Fong U.S. Senate, California
$5,000, 6–Aug–98, American Success PAC, David Drier, PAC
$1,000, 6–Mar–99, Governor George W. Bush Exploratory Committee
$1,000, 1–Mar–99, Tom Campbell for Congress, California.
$2,000, 10–May–99, Friends of Guiliani, Senate, New York
$2,000, 02–Jun–99, Friends of Frist, Tennessee
$1,000, 28–Jun–99, Friends of George Allen, Virginia
$1,000, 06–Aug–99, Snowe for Senate, Olympia Snowe, Maine
$1,000, 30–Sep–99, George W. Bush Compliance Committee
$1,000, 07–Dec–99, Aschroft for Senate, Tennessee
$5,000, 11–Nov–99, California Republican Party-Victory 2000
$20,000, 11–Nov–99, Republican National Committee
$1,000, 22–Feb–00, McCollum for US Senate, Florida
$1,000, 22–Feb–00, Tom Campbell-Primary, US Senate, California
$1,000, 26–Apr–00, Tom Campbell-General, US Senate, California
$1,000, 20–Jun–00, Friends of Giuliani Refund
$1,000, 25–Sep–00, Lazio 2000, Rick Lazio, New York
$10,000, 27–Oct–00, Republican National Committee
$5,000, 13–Nov–00, Bush-Cheney Recount Fund
$5,000, 28–Nov–00, Bush-Cheney Presidential Transition Foundation
2001, none

3. Children and spouses:

Howard A. Leach (son), $1,000, 6/20/99, G.W. Bush Exploratory Committee.

Elizabeth M. Leach (Betsy) (daughter-in-law), $1,000, 6/20/99, G.W. Bush Exploratory Committee.

Elizabeth Leach (daughter), none.

Michael H. Leach (son):

$35, 1/1/97, Republican National Committee

$35, 12/6/98, Repbulican National Committee

Elizabeth K. Leach (Lisa) (daughter-in-law), none.

Thomas H. Leach (son):

$20, 11/1/97, SAFEPAC, Safeway Stores Political Action Comm.

1998, none

$50, 3/12/99, Republican National Committee

$50, 5/22/99, Republican National Committee

$500, 7/7/99, George W. Bush for President

$100, 4/14/00, SAFEPAC, Safeway Stores Political Action Comm

$50, 4/15/00, Republican National Committee

2001, none

Margaret M. Leach (daughter-in-law): $500.00, 7/7/99, George W. Bush for President.

Stephanie Leach (daughter), none.

Lisa Colgate (step-daughter), none.

Stephen Green (son-in-law):

$1,000 6/27/00, Lazio 2000 Inc

$1,000 6/27/00, Lazio 2000 Inc

$500 11/3/00, Abraham for Senate

$500 11/5/00, Rehberg for Congress

Adreinne Colgate Jones (step-daughter): $1,000, 10/12/00, Lazio 2000 Inc.

Hugh Milton Jones: $100, 2000, McCain for President.

Hilary Colgate McInerney (step-daughter): $1,000, 1999, Bush for President.

Mark McInerney (son-in-law):

$1,000, 4/14/99, Bush for President

250, 3/21/00, Campbell for Senate-California

4. Parents: Deceased.

5. Grandparents; Deceased.

6. Brother and spouses:

Edmund J. Leach, Jr., none.

Carol Leach, none.

7. Sisters and spouses:

Eleanor Merritt, none.

Jack Merritt, none.

William A. Eaton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Nominee: Alexander R. Vershbow.

Post: U.S. Ambassador to Russian Federation.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee

1. Self, none.

2. Spouse, none.

3. Children and spouses, Benjamin and Gregory (sons), none.

4. Parents, Arthur and Charlotte Z. Vershbow, none.

5. Grandparents, names (deceased).

6. Brothers and spouses, none.

7. Sisters and spouse, Ann R. Vershbow and Charles Beitz.

$100, 11/27/97, Tom Allen, Maine Congressman

$100, 8/3/98, Tom Allen, Maine Congressman

$100, 10/13/00, Tom Allen, Maine Congressman

Clark T. Randt, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Nominee: Clark T. Randt, Jr.

Post: Ambassador to China.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee

1. Self, Clark T. Randt, Jr.:

$1,000, 5/26/1999, Governor George W. Bush Presidential Exploratory Committee

$20,000, 6/5/2000, RNC President Trust

$1,000, 7/24/2000, RNC Republican National State Elections Committee

$1,000, 12/1/2000, Bush-Cheney Recount Fund

$1,000, 12/6/2000, Bush/Cheney Presidential Transition Foundation

$2,200, 2/13/2001, RNC Republican National State Elections Committee

2. Spouse, Sarah T. Randt:

$1,000, 5/26/1999, Governor George W. Bush Presidential Exploratory Committee

$1,096.77, 10/4/2000, in-kind contribution of breakfast expenses to RNC Presidential Trust

3. Children and spouses: Clark T. Randt, III, none; Paull M. Randt, none; and Clare T. Randt, none.

4. Parents (deceased).

5. Grandparents (deceased).

6. Brothers and spouses: Thomas P. Randt:

$1,000, 5/20/1999, Governor George W. Bush Presidential Exploratory Committee; Kim-Kay Randt, none; Dana M. Randt, none; and Virginia H. Randt, none.

7. Sisters and spouses, none.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Nominee: Charles David Welch.

Post: Cairo, Egypt.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee

1. Self, none.

2. Spouse: Gretchen Gerwe Welch, none.

3. Children and spouses: Emma F. Welch, none; Margaret E. Welch, none; and Hannah A. Welch, none.

4. Parents: Donald M. Welch, $51, 10/4/96, Republican National Committee; and Jackie B. Welch, none.

5. Grandparents (deceased).

6. Brothers and spouses: Joseph M. Welch

$25, 3/4/99, Libertarian Party

$10, monthly, beginning January 2001, Libertarian Party

7. Sisters and spouses: Donna Elizabeth Welch, none; and Thomas Fisk, $100, 12/07/00, George W. Bush, Republican Recount Campaign.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Douglas Alan Hartwick.

Post: Laos.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee

1. Self, Douglas Hartwick, none.

2. Spouse, Regina Zuehlke Hartwick, none.

3. Children and spouses; Andrea Hartwick, none; and Kirsten Hartwick, none.

4. Parents: Tobias and Kay Hartwick, none.

5. Grandparents: Tolley/Emma Hartwick, none; and Mary/Elmer Thomas, none.

6. Brothers and spouses: Philip Hartwick, none; and Rachel Hartwick, none.

7. Sisters and spouses: Mrs. Marcia Mahoney, none; and Mr. Peter Mahoney, none.

Daniel C. Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Nominee: Daniel Charles Kurtzer.

Post: Ambassador to the State of Israel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, and donee

1. Self, Daniel Charles Kurtzer, none.

2. Spouse, Sheila Kurtzer, none.

3. Children and spouses: David Shimon Kurtzer, none; Jared Louis Kurtzer, none; and Jacob Doppelt Kurtzer, none.

4. Parents: Nathan and Sylvia Kurtzer, none; and Minnie Doppelt, none.

5. Grandparents (deceased).

6. Brothers and spouses: Benjamin and Melissa Kurtzer, none; and Ira Doppelt, none.

7. Sisters and spouses: Max and Gale Bienstock, none; Richard and Debra Forman, none; and Arthur and Joyce Miltz, none.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations, I report favorably the following nomination list which was printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Stephen K. Morrison and ending Joseph Laurence Wright II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 12, 2001.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly considered committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1158. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of

stock and securities of controlled corporations; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1159. A bill to direct the Secretary of the Army to repair and expand a wave attenuation system to protect fishermen and other boaters and promote the welfare of the town of Lubec, Maine; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 1160. A bill to amend section 1714 of title 38, United States Code, to modify the authority of the Secretary of Veterans Affairs to provide dog-guides to blind veterans and authorize the provision of service dogs to hearing-impaired veterans and veterans with spinal cord injuries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAIG (for himself, Mr. MCCONNELL, Mr. COCHRAN, Mr. ENZI, Mr. BURNS, Mr. FRIST, and Mr. HUTCHINSON):

S. 1161. A bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time, earned adjustment to legal status for certain agricultural workers; and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. BIDEN, Mr. MCCAIN, Mr. CAMPBELL, Ms. MIKULSKI, and Mr. CARPER):

S.J. Res. 18. A joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 124. A resolution congratulating the University of the Pacific, and its faculty, staff, students, and alumni on the University's 150th anniversary; considered and agreed to.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 125. A resolution commemorating the Major League Baseball All-Star Game and congratulating the Seattle Mariners; considered and agreed to.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 582

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 756

At the request of Mr. GRASSLEY, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 803

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 803, a bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

S. 805

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 824

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 829

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 838

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the

treatment of certain expenses of rural letter carriers.

S. 866

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 880

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 880, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 897, a bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

S. 906

At the request of Mr. ENZI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. 994

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1002

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1021

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1032

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1032, a bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis.

S. 1033

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1033, a bill to amend the Federal Water Pollution Control Act to protect 1/5 of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1135

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1135, a bill to amend title XVIII of the Social Security Act to provide comprehensive reform of the medicare program, including the provision of coverage of outpatient prescription drugs under such program.

S. RES. 121

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. WYDEN) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Res. 121, a resolution expressing the sense of the Senate regarding the policy of the United States at the 53rd Annual Meeting of the International Whaling Commission.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 34

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 45

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. Con. Res. 45, a concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

AMENDMENT NO. 862

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 862 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 863

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 863 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 865

At the request of Mr. VOINOVICH, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 865 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 866

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 866,

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 866, supra.

At the request of Mr. CONRAD, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 866, supra.

AMENDMENT NO. 869

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 869 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending

September 30, 2001, and for other purposes.

At the request of Mrs. CARNAHAN, her name was added as a cosponsor of amendment No. 869 proposed to S. 1077, supra.

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 869 proposed to S. 1077, supra.

AMENDMENT NO. 870

At the request of Mr. HUTCHINSON, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 870 proposed to S. 1077, an original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1158. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise today to introduce tax legislation which proposes only a small technical modification of current law, but, if enacted, would provide significant simplification of routine corporate reorganizations. The legation is identical to S. 773 which I introduced on April 13 of last year.

This proposed change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

Past Treasury Departments have agreed, and I have no reason to believe the current Treasury Department will feel any differently, that this change would bring welcome simplification to section 355 of the Internal Revenue Code. Indeed, the Clinton Administration in its last budget submission to the Congress had proposed this change. The last scoring of this proposal showed no loss of revenue to the U.S. Government, and I am aware of no opposition to its enactment.

Corporations, and affiliated groups of corporations, often find it advantageous , or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statue true to Congress's original purpose.

More specifically, section 355, and related provision of the Code, permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or ''spinoff,'' including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earning and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or ''look through'' rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business.

This lookthrough rule inexplicably requires, however, that ''substantially all'' of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling, less than 80 percent, interests in subsidiaries, controlled subsidiaries that have been owned for less than five years, which are not considered ''active businesses'' under section 355, or a host of non-business assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355(b)(2)(A), they must first undertake one or more, often a series of, preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reasons, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one has ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, no consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355(b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

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. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION.

(a) IN GENERAL.—Section 355(b)(2) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following: ''For purposes of subparagraph (A), all corporations that are members of the same affiliated group (as defined in section 1504(a)) shall be treated as a single corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions or transfers after the date of the enactment of this Act.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1159. A bill to direct the Secretary of the Army to repair and expand a wave attenuation system to protect fishermen and other boaters and promote the welfare of the town of Lubec, Maine; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce the Lubec Safe Harbor Act of 2001.

Small communities up and down the coast of Maine literally depend upon the sea for their survival. From the rich fishing grounds that supply Maine's great fishing industry to the beautiful coastlines that draw tourist

by both land and water, the sea provides Maine's coastal communities with their livelihoods.

But while the sea provides life and income to Maine's coastal communities, it can also take back what it gives.

One small community in Maine that has been particularly hard hit by the sea's fury is Lubec. In 1997, a winter storm took the lives of two Lubec fishermen.

Earlier this year, storms destabilized the existing wave attenuation system in Lubec and consequently caused extensive damage to the Lubec marina. The destruction has been very difficult for this small town, whose existence, like many coastal Maine communities, is largely dependent on fishing and tourists who arrive by boat. Without the attenuator, the marina, the pier, and the harbor will cease to function effectively. Without a harbor, Lubec can neither support its fishing industry nor provide landing capacity for tour boats. Without a safe berth for their boats, the lives of Lubec's fishermen are further at risk.

Today, I am introducing legislation that directs the Army Corps of Engineers to construct a wave attenuation system for the Town of Lubec. For the sake of the safety of the fishermen of Lubec and the well being of the community, this legislation directs the Army Corps to begin work immediately. My legislation authorizes $2.2 million dollars for the Army Corps to complete this project.

I call upon my colleagues to recognize the urgency of this situation. The longer Lubec goes without a safe harbor, the greater the risk to the lives of Lubec's fishermen, and the greater the threat to the economic well-being of this coastal community. I ask my colleagues to help me pass this legislation as soon as possible.

I am pleased to be joined in this effort by my colleague from Maine, Senator SNOWE. I know she will also work very hard on behalf of the people of Lubec to see this legislation enacted.

By Mr. ROCKEFELLER:

S. 1160. A bill to amend section 1714 of title 38, United States Code, to modify the authority of the Secretary of Veterans Affairs to provide dog-guides to blind veterans and authorize the provision of service dogs to hearing-impaired veterans and veterans with spinal cord injuries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today that would make guide dogs more available to veterans in need.

Service dogs, or ''guide dogs'', have traditionally been viewed as being helpful only to those who are visually impaired. However, in recent years, primarily as a result of the Americans With Disabilities Act, there has been a push to find alternative methods of providing assistance to people with various kinds of disabilities. While there have been many technological developments in this field, there still remains a need for long-term assistance that allows for the most possible independence on the part of the disabled individual.

Specifically, my legislation would enable the Department of Veterans Affairs to provide hearing-impaired veterans and veterans with spinal cord injury or dysfunction, in addition to blind veterans, the ability to obtain service dogs to assist them with everyday activities.

There are numerous ways in which service dogs can assist their owners. Tasks such as opening and closing doors, turning switches on and off, carrying bags, and dragging a person to safety in the case of an emergency are just a few of the standard duties for service dogs. Their ability to perform these types of duties makes them invaluable to those who require day-to-day aid. Having this sort of assistance can make a big difference in terms of offering not only physical support, but companionship as well.

Various types of evidence illustrate the value of companion pets, not just to the disabled, but to everyone. The Journal of the American Medical Association published a trial study a few years ago that examined the impact of service dogs on the lives of people with disabilities—both in terms of economic and social impacts.

With regard to social considerations, researchers found that all participants had increased levels of self-esteem, independence, and community integration. The economic benefit was exemplified through a sharp decrease in the number of paid assistance hours. Overall, the JAMA study concluded that service dogs can greatly improve the quality of life for the disabled.

In closing, I extend my thanks to the Paralyzed Veterans Association, who assisted me invaluably in preparing this legislation. Their hard work and dedication to this issue have been a great help, and I am proud to have worked with them to develop this bill.

I urge my Senate colleagues to join me in seeking to provide greater accessibility to assistance for disabled veterans. They have sacrificed for all of us, and deserve every effort we can make to restore their sense of independence.

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. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. MODIFICATION AND ENHANCEMENT OF AUTHORITY TO PROVIDE DOG-GUIDES AND SERVICE DOGS TO VETERANS WITH DISABILITIES.

(a) ENHANCEMENT OF AUTHORITY.—Subsection (b) of section 1714 of title 38, United States Code, is amended to read as follows:

''(b)(1) The Secretary may provide any blind veteran who is entitled to disability compensation with—

''(A) a dog-guide trained for the aid of the blind; and

''(B) mechanical or electronic equipment for aid in overcoming the disability of blindness.

''(2) The Secretary may provide a service dog to the following:

''(A) Any hearing-impaired veteran who is entitled to disability compensation.

''(B) Any veteran with a spinal cord injury or dysfunction who is entitled to disability compensation.

''(3) In providing a dog-guide or service dog to a veteran under this subsection, the Secretary may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) of the veteran to and from the veteran's home and incurred in becoming adjusted to the dog-guide or service dog, as the case may be.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of that section is amended to read as follows:

''§ 1714. Fitting and training in use of prosthetic appliances; dog-guides and service dogs''.

(2) The table of section at the beginning of chapter 17 of that title is amended by striking the item relating to section 1714 and inserting the following new item:

''1714. Fitting and training in use of prosthetic appliances; dog-guides and service dogs.''.

By Mr. CRAIG (for himself, Mr. MCCONNELL, Mr. COCHRAN, Mr. ENZI, Mr. BURNS, Mr. FRIST, and Mr. HUTCHINSON):

S. 1161. A bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time earned adjustment to legal status for certain agricultural workers; and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I am pleased to have joined several colleagues this week in introducing a new, improved version of the Agricultural Job Opportunity, Benefits, and Security Act, the ''AgJOBS'' bill.

We are facing a growing crisis, for both farm workers and growers.

We want and need a stable, predictable, legal work force in American agriculture.

Willing American workers deserve a system that puts them first in line for available jobs with fair, market wages. We want all workers to receive decent treatment and equal protection under the law.

Consumers deserve a safe, stable, domestic food supply.

American citizens and taxpayers deserve secure borders and a government that works.

Yet Americans are being threatened on all these counts, because of a growing labor shortage in agriculture, while the only program currently in place to respond, the H–2A Guest Worker Program, is profoundly broken.

The problem is only growing worse. Therefore, we are introducing a new, improved bill. The name of the bill says it all—''AgJOBS''.

Our farm workers need this reform bill.

There is no debate about whether many, or most, farm workers are aliens.

They are. And they will be, for the foreseeable future. The question is whether they will be here legally or illegally.

Immigrants not legally authorized to work in this country know they must work in hiding.

They cannot even claim basic legal rights and protections. They are vulnerable to predation and exploitation. They sometimes have been stuffed inhumanly into dangerously enclosed truck trailers and car trunks, in order to be transported, hidden from the view of the law.

In fact, they have been known to pay ''coyotes'', labor smugglers, $1,000 and more to be smuggled into this country.

In contrast, legal workers have legal protections.

They can assert wage, safety, and other legal protections. They can bargain openly and join unions. H–2A workers, in fact, are even guaranteed housing and transportation.

Clearly, the status quo is broken.

Domestic American workers simply are not being found to fill agricultural jobs.

Our own government estimated that half of the total 1.6 million agricultural work force are not legally authorized to work in this country.

That estimate is probably low; it's based on self-disclosure by illegal workers to government interviewers.

Some actually have suggested that there is no labor shortage, because there are plenty of illegal workers. This is not an acceptable answer.

Congress has shown its commitment over the past few years to improve the security of our borders, both in the 1996 immigration law and in subsequent appropriations.

Between computerized checking by the Social Security Administration and audits and raids by the Immigration and Naturalization Service, more and more employers are discovering they have undocumented employees; and more and more workers here illegally are being discovered and evicted from their jobs.

Outside of H–2A, employers have no reliable assurance that their employees are legal.

It's worse than a Catch-22, the law actually punishes the employer who could be called ''too diligent'' in inquiring into the identification documents of prospective workers.

The H–2A status quo is slow, bureaucratic, and inflexible. It does nothing to recognize the uncertainties farmers face, from changes in the weather to global market demands.

The H–2A status quo is complicated and legalistic. DOL's compliance manual alone is 325 pages.

The current H–2A process is so hard to use, it will place only about 40,000 legal guest workers this year, 2 to 3 percent of the total agricultural work force.

Finally, the grower can't even count on his or her government to do its job.

A General Accounting Office study found that, in more than 40 percent of the cases in which employers filed H–2A applications at least 60 days before the date of need, the DOL missed statutory deadlines in processing them.

The solution we need is the AgJOBS Act of 2001.

This is win-win legislation.

It will elevate and protect the rights, working conditions, and safety of workers. It will help workers, first domestic American workers, then other workers already here, then foreign guest workers, find the jobs they want and need.

It will assure growers of a stable, legal supply of workers, within a program that recognizes market realities. The adjusted-worker provisions also will give growers one-time assistance in adjusting to the new labor market realities of the 21st Century.

It will assure all Americans of a safe, consistent, affordable food supply.

The nation needs AgJOBS. I invite the rest of my colleagues to join us as cosponsors; and I urge the Senate and the House to act promptly to enact this legislation into law.

I ask unanimous consent that a summary of this bill be included in the RECORD.

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

THE AGRICULTURAL JOB OPPORTUNITY, BENEFITS, & SECURITY ACT OF 2001—SUMMARY

AgJOBS II is legislation reforming the current, cumbersome H–2A agricultural guest worker program and, for non-H–2A agricultural workers, creating a program in which farmworkers now in the U.S. without legal documentation could adjust to legal status.

This bill builds on the significant progress made last year, in legislation, hearings, and extensive discussions among Members of Congress, the Administration, and the agriculture community. This new bill chooses from among the best ideas in similar legislation introduced in the 106th Congress (S. 1814, the original Agricultural Job Opportunity, Benefits, and Security Act (AgJOBS)) and other proposals and ideas discussed before and since.

Enactment of H–2A reform and adjustment of status legislation is critically important to the continued health of American agriculture. Reform is needed to provide a stable, legal workforce and to extend basic legal protections and better conditions to more workers.

According to the federal government's own estimates, about half of our 1.6 million agriculture work force is not legally authorized to work here. This is certain to be a low estimate, because it is based upon self-disclosure by illegal workers to government interviewers.

Highlights of reforms to the H–2A program

American workers should have the first opportunity to hold American jobs. When enough domestic farmworkers are not available for upcoming work, growers currently are required to go through a lengthy and uncertain process of demonstrating that fact to the satisfaction of the federal government. A GAO study found that, under the current system, the Department of Labor misses processing deadlines 40 percent of the time, which increases costly delays and discourages use of the program.

The new bill would replace the current quagmire with a streamlined ''attestation'' process like the one now used for H–1B high-tech workers, speeding up certification of H–2A employers and the hiring of guest workers.

The new bill sets the prevailing wage as the standard, minimum wage for guest workers admitted under the H–2A program, instead of the unrealistic ''premium'' wage currently mandated on H–2A employers (called the Adverse Economic Wage Rate), that often combines completely dissimilar worker categories in computing one wage rate.

Participating employers would continue to furnish housing and transportation for H–2A workers. Other current H–2A labor protections for both H–2A and domestic workers would be continued.

Highlights of the new status adjustment program

To qualify for adjustment to legal status, an incumbent worker must have worked in the United States in agriculture for at least 150 days in any 12-month period in the last 18 months. (The average non-casual farm worker works 150 days a year.) The bill creates a one-time adjustment opportunity, only for experienced and valued workers who are already in the United States by July 4, 2001.

To earn adjustment of status and the right to stay and work legally in the United States, a qualified worker must continue to work in U.S. agriculture at least 150 days a year, in each of 4 of the next 6 years.

During this 4–6 year period, the adjusting worker would have non-immigrant status and would be required to return to his or her home country for at least 2 months a year, unless he or she is the parent of a child born in the United States (i.e., a U.S. citizen), gainfully employed, actively seeking employment, or prevented by a serious medical condition from returning home. The worker may also work in another industry, as long as the agriculture work requirement is satisfied. The worker would have to check in once a year with the INS to verify compliance with the law and report his or her work history.

Upon completion of the status adjustment program, the adjusted worker would be eligible for legal permanent resident status. Considering the time elapsed from when a worker first applies to enter the adjustment process, this gives adjusting workers no advantage over regular immigrants beginning the legal immigration process at the same time.

By Mr. SARBANES (for himself, Mr. BIDEN, Mr. MCCAIN, Mr. CAMPBELL, Ms. MIKULSKI, and Mr. CARPER):

S.J. Res. 18. A joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleagues Senators BIDEN, MCCAIN, CAMPBELL, MIKULSKI and CARPER, to recognize the courage and commitment of America's fire service and to pay special tribute to those firefighters who have made the ultimate sacrifice in the line of duty. Specifically, this legislation requires that the United States flag be flown at half-staff at all Federal facilities on the occasion of the annual National Fallen Firefighters Memorial Service at Emmitsburg, MD.

Our Nation's firefighters are among our most dedicated public servants. Indeed, few would question the fact that our fallen firefighters are heroes. Throughout our Nation's history, we have recognized the passing of our public servants by lowering our Nation's flag to half-staff in their honor. In the past, this list has included elected officials, members of the Armed Services and America's peace officers. In my view, our fallen firefighters are equally deserving of this high honor.

For the past nineteen years, a memorial service has been held on the campus of the National Fire Academy in Emmitsburg, to honor those firefighters who have given their lives while protecting the lives and property of their fellow citizens. Since 1981, the names of 2,081 fallen firefighters have been inscribed on plaques surrounding the National Fallen Firefighters Memorial, a Congressionally designated monument to these brave men and women. On October 7, at the 20th Annual National Fallen Firefighters Memorial Service, an additional 93 names will be added.

Over the years, I have worked very closely with the National Fallen Firefighters Foundation to ensure that the National Fallen Firefighters Memorial Service is an occasion befitting the sacrifices that these individuals have made. In my view, lowering the United States flag to half-staff is an essential component of this ''Day of Remembrance.'' It will be a fitting tribute to the roughly 100 men and women who die each year performing their duties as our Nation's career and volunteer firefighters. It will also serve to remind us of the critical role played by the 1.2 million fire service personnel who risk their lives every day to ensure our safety and that of our communities.

I ask unanimous consent that this joint resolution be printed in the RECORD and urge my colleagues to support its swift passage.

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

S.J. RES. 18

Whereas 1,200,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous jobs in the United States;

Whereas fire service personnel selflessly respond to over 16,000,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the United States flags on all Federal facilities will be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 124—CONGRATULATING THE UNIVERSITY OF THE PACIFIC, AND ITS FACULTY, STAFF, STUDENTS, AND ALUMNI ON THE UNIVERSITY'S 150TH ANNIVERSARY

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas the University of the Pacific, founded in 1851 as California's first chartered university, includes 11 schools and colleges on 3 different campuses with 130 majors and programs of study, including 18 graduate programs;

Whereas the University of the Pacific has gained national recognition as a pioneering independent university;

Whereas the University of the Pacific has remained, throughout its history, devoted to the teaching and development of students by a faculty of outstanding scholars;

Whereas the University of the Pacific's devotion to student learning and development has prepared more than 60,000 graduates for lasting achievements and responsible leadership in their careers and communities;

Whereas in the spirit of its pioneering heritage, the University of the Pacific was the first university to enroll women and to introduce coeducation and women's athletics in the West;

Whereas in 1871, the University of the Pacific established California's first school of medicine, known today as the Pacific Medical Center of San Francisco;

Whereas the University of the Pacific established the first Conservatory of Music in the West;

Whereas the University of the Pacific was the first university in the Nation to offer an undergraduate teacher corps;

Whereas the University of the Pacific was the first degree-granting university to be established in California's San Joaquin Valley;

Whereas the University of the Pacific's alumni are leaders in California and the western States in the professions of government, dentistry, pharmacy, law, education, religion, musical and theatrical performance, business, and engineering; and

Whereas in recognition of the historic chartering of the University of the Pacific by the California Supreme Court, the Chief Justice of California is joining with others to recognize fulfillment of the University of the Pacific's Charter of Establishment: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the University of the Pacific as a leader and pioneering innovator in higher education; and

(2) congratulates the University of the Pacific, and its faculty, staff, students, and alumni on the occasion of the Sesquicentennial Anniversary of the granting of the University of the Pacific's charter.

SENATE RESOLUTION 125—COMMEMORATING THE MAJOR LEAGUE BASEBALL ALL-STAR GAME AND CONGRATULATING THE SEATTLE MARINERS

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas the City of Seattle and the Seattle Mariners franchise are honored to host the Major League Baseball All-Star Game (in this resolution referred to as the ''All-Star Game'') for the second time, and the first time at beautiful Safeco Field;

Whereas the game of baseball is widely considered America's pastime, inspiring, challenging, and bringing together generations of all backgrounds;

Whereas the 72nd All-Star Game on July 10, 2001, is the fans' tribute to the skill, work ethic, dedication, and discipline of the best players in the game of baseball;

Whereas the players selected for the All-Star Game are an inspiration to baseball fans across the world;

Whereas 4 Seattle Mariners players (Bret Boone, Edgar Martinez, John Olerud, and Ichiro Suzuki) were selected by fans from around the world to start for the American League in the All-Star Game, and American League All-Star Game Manager Joe Torre chose three Mariners pitchers (Freddy Garcia, Jeff Nelson, and Kazuhiro Sasaki), and one Mariners fielder (outfielder Mike Cameron) to be on the All-Star Game roster, and Mariners Manager Lou Piniella to be an assistant coach;

Whereas Ichiro Suzuki, in his first year in Major League Baseball, received more votes to play in the All-Star Game than any other player;

Whereas the Seattle Mariners have reached the All-Star break with a record of 63-24, the fourth best record at such point in the season in the history of Major League Baseball;

Whereas this remarkable record has been reached not only because of the individual efforts of the team's 8 All-Stars, but because of the teamwork and timely contributions of every teammate and an extraordinary coaching staff led by Manager Lou Piniella;

Whereas the teamwork, work ethic, and dedication of the players and coaches of the

Seattle Mariners have been an inspiration to baseball fans across the world; and

Whereas it is appropriate and fitting to congratulate every All-Star Game participant and member of the Seattle Mariners baseball team for the records and accolades they have achieved: Now, therefore, be it

Resolved, That the Senate congratulates—

(1) every player participating in the 2001 Major League Baseball All-Star Game; and

(2) the Seattle Mariners team for their remarkable achievements and the skill, discipline, and dedication necessary to reach such heights.

AMENDMENTS SUBMITTED AND PROPOSED

SA 876. Mr. BYRD (for himself, Mr. STEVENS, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1077, making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

TEXT OF AMENDMENTS

SA 876. Mr. BYRD (for himself, Mr. STEVENS, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1077, making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 31, after line 3, insert the following:

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.

For an additional amount for ''State and Private Forestry'', $750,000 to be provided to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and communications equipment and $1,750,000 to be provided to the Municipality of Anchorage for emergency fire fighting equipment and response to wildfires in spruce bark beetle infested forests, to remain available until expended: *Provided*, That such amounts shall be provided as direct lump sum payments within 30 days of enactment of this Act.

NATIONAL FOREST SYSTEM

For an additional amount for the ''National Forest System'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $10,000,000, to remain available until expended.''

On page 31, after line 14, insert the following:

''For an additional amount for ''Capital Improvement and Maintenance'' to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $4,000,000, to remain available until expended.''

On page 13, after line 23, insert the following:

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for 'Watershed and Flood Prevention Operations', to repair damages to waterways and watersheds, resulting from natural disasters occurring in West Virginia on July 7 and July 8, 2001, $5,000,000, to remain available until expended.

On page 14, after line 25, insert the following:

SEC. 2106. Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out Employment and Training programs, $38,500,000 made available in prior years are rescinded and returned to the Treasury.

On page 14, after line 25, insert the following:

SEC. 2107. In addition to amounts otherwise available, $2,000,000 from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance related to water conservation to eligible producers in the Yakima Basin, Washington, as determined by the Secretary.

On page 41, between lines 6 and 7, insert the following:

SEC. 2703. IMPACT AID.

(a) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—Section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)(B)(iv) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted by law by section 1 of Public Law 106–398)) is amended by inserting ''or less than the average per-pupil expenditure of all the States'' after ''of the State in which the agency is located''.

(b) FUNDING.—The Secretary of Education shall make payments under section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 from the $882,000,000 available under the heading ''Impact Aid'' in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1 of Public Law 106–554) for basic support payments under section 8003(b).

On page 33, after line 7, add the following:

SEC. 2608. SUDDEN OAK DEATH SYNDROME.

In addition to amounts transferred under section 442(a) of the Plant Protection Act (7 U.S.C. 7772(a)), the Secretary of Agriculture shall transfer to the Forest Service, pursuant to that section, an additional $1,400,000 to be used by the appropriate offices within the Forest Service that carry out research and development activities to arrest, control, eradicate, and prevent the spread of Sudden Oak Death Syndrome, to be derived by transfer from the unobliged balance available to the Secretary of Agriculture for the acquisition of land and interests in land.

On page 46, after line 2, insert the following:

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', $5,000,000, to remain available until expended: Provided, That these funds shall be made available to the Turtle Mountain Band of Chippewa for emergency housing, housing assistance and other assistance to address the mold problem at the Turtle Mountain Indian Reservation: Provided further, That these funds shall be released upon the submission of a plan by the Turtle Mountain Band of Chippewa to the Secretary of Housing and Urban Development to address these emergency housing needs and related problems: Provided further, That the Federal Emergency Management Agency shall provide technical assistance to the Turtle Mountain Band of Chippewa with respect to the acquisition of emergency housing and related issues on the Turtle Mountain Indian Reservation.

SECTION 2403. INCLUSION OF RENAL CANCER AS BASIS FOR BENEFITS UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–502) is amended by adding at the end the following new subparagraph:

''(C) Renal cancers.''.

On page 42, after line 19, insert the following:

SEC. 2804. That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, be represented by six Members of the majority party and five Members of the minority party.

On page 11, after line 8, insert the following:

SEC. 1209. None of the funds available to the Department of Defense for fiscal year 2001 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit, or the facility, to which assigned as of that date.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 12, 2001, at 10 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 Montana Wyoming Tribal Leaders Council for the 107th session of the Congress.

Those wishing additional information may contact Committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 10, 2001, at 9:30 a.m., in open session to receive testimony on the fiscal year 2002 budget amendment, in review of the defense authorization request for fiscal year 2002.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 10, 2001, at 9:30 a.m. on climate change.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 10, 2001, to hear testimony regarding The Role of Tax Incentives in Energy Policy, Part I.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 10, 2001 at 2:15 p.m. to hold a business meeting.

The committee will consider and vote on the following agenda items:

Nominations:

1. The Honorable Robert D. Blackwill, of Kansas, to be Ambassador to India.
2. The Honorable Wendy J. Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.
3. Mr. William A. Eaton, of Virginia, to be Assistant Secretary of State (Administration).
4. Mr. Clark K. Ervin, of Texas, to be Inspector General, Department of State.
5. Mr. William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.
6. Mr. Anthony H. Gioia, of New York, to be Ambassador to the Republic of Malta.
7. Mr. Douglas A. Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.
8. The Honorable Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel.
9. Mr. Howard H. Leach, of California, to be Ambassador to France.
10. Mr. Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.
11. Mr. Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China.
12. Mr. Charles J. Swindells, of Oregon, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa.
13. General Francis X. Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank of Ambassador at Large.
14. The Honorable Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Russian Federation.
15. The Honorable Margaret D. Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco.
16. The Honorable C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt.
17. FSO promotion list—Mr. Morrison, et. al., dated June 12, 2001.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 10, 2001 at 2:30 p.m. to hold a nomination hearing on Mrs. Lori A. Forman, of Virginia, to be an Assistant Administrator (for Asia and Near East) of the United States Agency for International Development.

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

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 10, 2001, at 2:30 p.m., in open session, to receive testimony on the F–22 Aircraft Program, in review of the defense authorization request for fiscal year 2002 and the Future Years Defense Program.

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

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson, who is from my committee staff, be granted the privilege of the floor during the remainder of the debate.

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

CONGRATULATING THE UNIVERSITY OF THE PACIFIC

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 124 submitted earlier today by Senators Feinstein and Boxer.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 124) congratulating the University of the Pacific, and its faculty, staff, students and alumni on the University's 150th anniversary.

There being no objection, the Senate proceeded to the resolution.

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate will pass this resolution to honor the 150th anniversary of the University of the Pacific. Today, the University of the Pacific celebrates its founding in 1851.

The University of the Pacific has remained throughout its history, devoted to the teaching and development of students by a faculty of outstanding scholars. It has prepared more than 60,000 students for lasting achievement and responsible leadership in their careers and communities.

The University of the Pacific is also a trailblazer in higher education. Pacific was the first university in the West to enroll women and to introduce coeducation. It also established California's first medical school and music conservatory.

I am pleased to sponsor this resolution to congratulate the University of the Pacific, and its faculty, staff, students, and alumni on the university's 150th anniversary.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 124) was agreed to.

The preamble was agreed to.

(The text of S. Res. 124 is located in today's RECORD under ''Submitted Resolutions.'')

TRIBUTE TO MLB ALL-STAR GAME AND THE SEATTLE MARINERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 125 submitted earlier today by Senators CANTWELL and MURRAY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res 125) commemorating 72nd Major League Baseball All-Star game and to congratulate the Seattle Mariners on hosting the All-Star game and on their extraordinary start to the season.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, today I rise to introduce a resolution to commemorate the 72nd Major League Baseball All-Star Game and to congratulate the Seattle Mariners on their extraordinary start to the season.

The game of baseball is widely considered America's pastime. Walt Whitman once said: ''I see great things in baseball. It's our game—the American game. It will take our people out-of-doors, fill them with oxygen, give them a larger physical stoicism, tend to relieve us from being a nervous, dyspeptic set, repair these losses, and be a blessing to us.''

Baseball also has been a reflection of our nation's struggles and triumphs. During the Civil War, soldiers played baseball during their free moments, whether in a fort or in a prison camp. In 1942, President Franklin Delano Roosevelt requested that professional baseball continue during the war effort to help maintain our nation's morale, even as baseball stars such as Ted Williams and Bob Feller contributed to the war effort on the front lines as soldiers. During the civil rights movement, Jackie Robinson epitomized the struggle of African Americans as he broke baseball's color barrier and continued to fight prejudice throughout his career. Now today, as our world has become smaller, the game has become larger, uniting fans and attracting star players from around the world.

The All-Star game is a showcase of this special sport and of baseball's most talented players, selected by baseball fans around the world and by

All-Star Managers Joe Torre and Bobby Valentine. It is also a broader celebration of baseball as fans are treated to not only the All-Star game between the National League and the American League, but other events as well, including a FanFest featuring interactive games and displays, a homerun derby by baseball's greatest sluggers, a game between the top minor league baseball prospects of the American League and National League, and a softball game featuring All-Star game legends and other celebrities.

It is an honor and pleasure for the City of Seattle to once again host this celebration. In 1979, Seattle hosted the 50th All-Star game in just the third season for the Seattle Mariners. After two years of planning, Seattle gave baseball fans what is still considered one of the greatest All-Star celebrations in the history of the event.

That year, the Mariners were represented by only one All-Star, first baseman Bruce Bochte. A deserving player on a struggling team, Bochte had a pinch-hit, run-scoring single that evening—the first hit and RBI for a Mariners All-Star.

This season, as Seattle hosts the 72nd All-Star Game, the Mariners are represented by eight players and Manager Lou Piniella. The eight Mariners players are the most to participate from one team since the 1960 Pittsburgh Pirates also had eight players. This collection of talent—and the hard work, discipline, and determination that these players have demonstrated to reach All-Star status—is at the core of one of the best starts in Major League Baseball history. The Mariners have compiled a 63–24 record, the fourth best of all time after 87 games. Importantly though, the team's success has resulted not only from the talents of All-Stars Bret Boone, Mike Cameron, Freddy Garcia, Edgar Martinez, Jeff Nelson, John Olerud, Kazuhiro Sasaki, and Ichiro Suzuki, but the contributions and teamwork of each player and coach.

The work of Mariners General Manager Pat Gillick must also be recognized. Mr. Gillick has shrewdly made trades and acquired free agents who have contributed to the improvement of the Mariners both years he has been with the franchise. The result has been a team of remarkable consistency, discipline, and talent. Last year the Mariners finished with a franchise-record 91 victories and this year they are on pace to win over 110 games.

Once again, I would like to commemorate the 72nd Major League Baseball All-Star game and the remarkable start by the Seattle Mariners.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

(The text of S. Res. 125 is located in today's RECORD under "Submitted Resolutions.")

EXECUTIVE SESSION

NOMINATION OF EUGENE HICKOK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from the consideration of the following nomination: Eugene Hickok, to be Under Secretary of Education, that the nomination be considered and confirmed, the motion to reconsider be laid upon the table, that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF EDUCATION

Eugene Hickok, of Pennsylvania, to be Under Secretary of Education.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. REID. 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. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ORDERS FOR WEDNESDAY, JULY 11, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, July 11. I further ask consent that on Wednesday, 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 there be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exception: Senator SPECTER from 10:15 to 10:30 a.m.

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

PROGRAM

Mr. DASCHLE. Mr. President, on Wednesday, the Senate will convene at 10 o'clock in the morning with a period for morning business until 10:30 a.m. We expect to begin consideration of the Interior appropriations bill on Wednesday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DASCHLE. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:23 p.m., adjourned until Wednesday, July 11, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 2001:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MELODY H. FENNEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE HAL C. DECELL III.

SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2005, VICE ISAAC C. HUNT, JR., TERM EXPIRED.

DEPARTMENT OF ENERGY

THERESA ALVILLAR-SPEAKE, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY, VICE JAMES B. LEWIS, RESIGNED.

DEPARTMENT OF STATE

J. RICHARD BLANKENSHIP, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

THOMAS J. MILLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

LARRY C. NAPPER, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

THOMAS C. HUBBARD, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROSS J. CONNELLY, OF MAINE, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE KIRK K. ROBERTSON, RESIGNED.

DEPARTMENT OF LABOR

EMILY STOVER DEROCCO, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE RAYMOND L. BRAMUCCI.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOAN E. OHL, OF WEST VIRGINIA, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE PATRICIA T. MONTOYA, RESIGNED.

THE JUDICIARY

JAMES E. GRITZNER OF IOWA, TO THE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE CHARLES R. WOLLE, RETIRED.

MICHAEL J. MELLOY, OF IOWA, TO THE UNITED STATES CIRCUIT JUDGE FOR THE EIGHT CIRCUIT, VICE GEORGE G. FAGG. RETIRED.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI, VICE NEAL S. BIGGERS, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate July 10, 2001:

DEPARTMENT OF EDUCATION

EUGENE HICKOK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF EDUCATION.

EXTENSIONS OF REMARKS

TRIBUTE TO COLONEL DANIEL W. KRUEGER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American soldier and citizen, and I am proud to recognize Colonel Daniel W. Krueger in the Congress for his invaluable contributions and service to the Mid-South region and our nation.

Colonel Krueger has served for the past three years as the Memphis District Commander for the U.S. Army Corps of Engineers, and he has distinguished himself by focusing on meeting the region's water resource needs, reducing costs, and decreasing project delivery time without sacrificing quality. His exceptional leadership skills guided the Memphis District into the 21st Century with an engaged workforce dedicated to open communications, improved safety and mission focused training.

Key projects completed under his command include: Hickman Bluff Stabilization, Whiteman's Creek, Francis Bland Floodway, and the initial on-farm construction phase of the Grand Prairie Demonstration Project.

He has dedicated his life to serving his fellow soldiers and citizens as a leader in both his profession as an engineer and his military service, and he deserves our respect and gratitude for his contributions.

On behalf of the Congress, I extend congratulations and best wishes to this faithful servant, Colonel Daniel W. Krueger, on his successes and achievements.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. ROGERS of Michigan. Mr. Chairman, I want to commend my colleague from Michigan.

This is a solution though, that is looking for a problem. There is not one State in the Great Lakes Basin that allows off-shore drilling, not one. In Michigan, there is a moratorium on new directional angle drilling wells. What are we doing with this amendment?

This amendment is not about protecting the Great Lakes. For instance, it does nothing to address the potential for diversion of our fresh Great Lakes water. This amendment goes in a direction that I hope many in this chamber find disagreeable as it deeply involves the federal government in Great Lakes decision-making. I trust my Governor. I trust the Governors of the Great Lakes States to be in charge of the water of the Great Lakes States.

As a matter of fact, underneath the Great Lakes today, there are roughly 22,000 barrels of crude oil that float per hour under the Great Lakes. There are 550 off-shore wells operated by Canadians. This bill addresses none of that. There are 5 million tons of oil bobbing around on the Great Lakes every year via cargo ship, which leads to an average of 20 spills a year on our Great Lakes. This amendment does nothing to address any of those issues.

This amendment is not about protecting the Great Lakes; instead, it is about the federal government going into the State of Michigan and telling the legislators in Lansing that they do not know what they're doing. There are some great protections of our Great Lakes, and I trust those Governors, and I trust those Great Lakes state legislators to do the right thing.

I want to say it again, because this is very important, and I've heard it 10 times if I've heard it once, that somebody is out there trying to build an oil rig in the Great Lakes and that President Bush is leading the charge. This is ridiculous. There is not one State in the Great Lakes Basin that permit off-shore drilling. Not one. There is a moratorium on new licenses for directional drilling in the State of Michigan today. So what is the purpose for the Bonior Amendment?

Mr. Chairman, I do not believe that a bureaucrat in Washington, DC, whose only experience with Michigan's Upper Peninsula is a picture in the National Geographic, is better equipped to protect our shoreline and our Great Lakes. I want the people who live on the Great Lakes to make those decisions. The gentlewoman from Ohio talked about HOMES, the acronym by which schoolchildren learn the names of the Great Lakes. HOMES is appropriate because the people who make their homes in the Great Lakes States should be making decisions about the Great Lakes. Why? Because we live there. We see the water, we see the pollution, we fought back and reclaimed Lake Erie. We can again eat the fish that swim in our lakes. Why? Because the people of the Great Lakes States took action. It is nothing that Congress did. That is why this argument should not be taking place on the floor of the United States House, it should be taking place in the legislatures of the Great Lakes States.

Mr. Chairman, I am passionate about the Great Lakes, but we have a true difference of opinion on the proper role of Congress in this debate. For example, look at the issue of water diversion. There is a bill in this House to empower Congress to decide what happens on diversion issues in the Great Lakes. The last I checked, the dry states of the Plains and Southwest could use a bit more extra water; and, the last I checked, there are more members from those states in this chamber than from Great Lakes States. These issues have no business in this Chamber. It has all the business in the chambers in our State legislatures back home.

This is a solution that is looking for a problem.

There is a package of bills in the House to address this issue in a manner that doesn't encroach on our States' rights. One concerns the diversion and export of Great Lakes water. Another is a resolution urging States to continue the ban on off-shore drilling in our Great Lakes and that goes after those 550 wells currently in operation in Canada.

It is important to remember that what the Federal Government can give us, they can take away. Pretty soon, maybe the faces of this Chamber will change, and maybe pretty soon the folks in this Chamber will decide that we want oil production from the Great Lakes. And since most of the members of this Chamber do not reside in the Great Lakes Basin, nor do the Washington, DC bureaucrats overseeing federal policy, the decision may come from Washington to tap into the Great Lakes oil reserves.

There is only one thing that can protect us from that: Our state legislators and our governors of the Great Lakes States.

Mr. Chairman, I want to urge this body to reject the Bonior Amendment, to throw out all the rhetoric about how without this amendment there will be polluted water, people rushing to put oil rigs on the Great Lakes, and how oil will start gushing into the waters of Lake Michigan or Superior. This is just absolutely untrue.

What I would encourage the gentleman from Michigan to do is to work with us. We should take a look at studying the quality of those pipes that are pumping those 22,000 barrels an hour under the Great Lakes today. Let us get together and tell Canada, get off the water. Shut down those rigs that are pumping on the water as we speak. We should work together to ensure that those ships bobbing around on the Lakes carrying 5 million tons of oil are safe and don't continue to average 20 spills each year.

Does the gentleman want to do something for the Great Lakes? Let us partner with our states and help solve this issue. The federal government should not come in and flex its muscles and tell state legislators that they really don't know what they are doing.

I used to be an FBI agent, and when I would walk into a local police station and tell them the federal government was here to help, I can tell you I never received a warm welcome. And I can tell you that passing legislation like the Bonior Amendment ensures that Congress will not receive a warm welcome in the State halls of Lansing and other Great Lakes capitals.

Mr. Chairman, this is an important issue. It is an extremely important issue. I grew up on

a lake. I want that lake safe for my kids. I want them to go to Lake Michigan and be able to play in the water and not have to worry about turning green when they come home. I want them to be able to eat the fish in Lake Erie.

I mean no disrespect to this Chamber; but, I just came from the State legislature, and I have seen the good things that Congress can do, and I have seen the bad things that Congress can do. I also served with some very bright people in that State legislature. I served with a great Governor who understood that we had to protect our Great Lakes while we have a moratorium on new drilling. I want those people empowered to make a difference for our Great Lakes.

I would urge this today's strong rejection of the Federal Government encroaching into the business of the Great Lakes States.

I applaud all of the Members for getting up on the floor and talking about their passion for protecting one of our greatest natural resources. Well, let us do just that, but let us be a partner with the States.

Talk to our state legislators, talk to our governors. They will be with us. Talk to the people who live there and ask them who do they best trust to protect our Great Lakes? Is it the people that get up every morning and eat breakfast, go to work, and send their children to school in the shadow of the Lakes, or is it a bureaucrat that they have never met in the halls of some Washington, DC bureaucracy? Or is it a future member of Congress from a dry state like California who stands up, maybe 50 years from now, and argues that it is worth the risk to stick a pipe in fresh water to extract oil? The answer is clear, our States are the best guardians of the Great Lakes.

I urge my colleagues to stand up for the Great Lakes today. Stand up for the environment of Michigan, Ohio, Pennsylvania, Indiana, Minnesota, New York, and Wisconsin. Stand up for these states by rejecting the Federal Government's role of encroaching on our ability back home to protect our greatest natural resource. I would urge this body's rejection of the Bonior Amendment.

2001 OHIO YOUTH HUNTER EDUCATION CHALLENGE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. TRAFICANT. Mr. Speaker, today I want to congratulate the extraordinary young people that excelled in the 2001 Ohio Youth Hunter Education Challenge.

This respectable program is a comprehensive youth program of outdoor skills and safety training for young hunters who have completed hunter-safety training at the state-or provincial-level. Developed by the National Rifle Association in 1985, volunteer hunting education instructors provide expertise and hands-on training in various methods of take and game. The Challenge offers young people the opportunity to show their knowledge and ability, which was earned through hard work and dedication.

The following is a list of this year's winners:

2001 OHIO YOUTH HUNTER EDUCATION CHALLENGE

Top Senior Overall: Bryan Hum, Columbiana Pathfinders, 2112 pts. 2nd place: Tony Utrup, Putnam Sr., 1984 pts. 3rd place: Jeremy McCoy, 1796 pts.

Top Junior Overall: David Tobin, Columbiana Hawkeyes, 1807 pts. 2nd place: Travis Tourjee, Putnam Jr., 1777 pts. 3rd place: Nathan Mullen, Columbiana Hawkeyes, 1636 pts.

Rifle: Senior: 1st place: Bryan Hum, Col., 260 pts. 2nd place: Brandon McCoy, Putnam, 260 pts. 3rd place: Jerrod Miller, Col., 260 pts. Junior: 1st place: Megan McCoy, Putnam, 170 pts. 2nd place: Bill McGuire, Columbiana, 160 pts. 3rd place: Derek Haselman, Putnam, 150 pts.

Muzzleloader: Senior: 1st place: Tony Utrup, Putnam, 300 pts. 2nd place: Judson Sanor, Col.,300 pts. 3rd place: Bryan Hum, Col., 275 pts. Junior: 1st place: David Tobin, Col., 275 pts. 2nd place: Travis Tourjee, Putnam, 275 pts. 3rd place: Nathan Mullen, Col., 250 pts.

Shotgun: Senior: 1st place: Bryan Hum, Col., 275 pts. 2nd place: Tony Utrup, Putnam, 250 pts. 3rd place: Josh Heckman, Putnam, 220 pts. Junior: 1st place: David Tobin, Col., 270 pts. 2nd place: Travis Tourjee, Putnam, 250 pts. 3rd place: Bill McGuire, Col., 200 pts.

Archery: Senior: 1st place: Bryan Hum, Col., 272 pts. 2nd place: Tony Utrup, Putnam, 269 pts. 3rd place: Jerrod Miller, Col., 244 pts. Junior: 1st place: Nathan Mullen, Col., 256 pts. 2nd place: Travis Tourjee, Putnam, 252 pts. 3rd place: Kyle Westbeld, Putnam, 252 pts.

Orienteering: Senior: 1st place: Matt McSherry, Fitchville, 275 pts. 2nd place: Bryan Hum, Col., 260 pts. 3rd place: Judson Sanor, Col., 260 pts. Junior: 1st place: David Tobin, Col., 280 pts. 2nd place: Nathan Mullen, Col., 265 pts. 3rd place: Colin Grosse, Fitchville, 230 pts.

Safety Trail: Senior: 1st place: Tyler Finley, 265 pts. 2nd place: Bryan Hum, Col., 260 pts. 3rd place: Jeremy McCoy, Putnam, 260 pts. Junior: 1st place: Kyle Westbeld, Putnam, 255 pts. 2nd place: Tiffany Utrup, Putnam, 251 pts. 3rd place: Andy Clutter, Col., 245 pts.

Exam: Senior: 1st place: Tony Utrup, Putnam, 260 pts. 2nd place: Bryan Hum, Col., 255 pts. 3rd place: Jeremy McCoy, Putnam, 255 pts. Junior: 1st place: David Tobin, Col., 250 pts. 2nd place: Nathan Mullen, Col., 225 pts. 3rd place: Travis Tourjee, Putnam, 225 pts.

Wildlife ID: Senior: 1st place: Jeremy McCoy, Putnam, 300 pts. 2nd place: Tony Utrup, Putnam, 285 pts. 3rd place: Bryan Hum, Col., 260 pts. Junior: 1st place: Kyle Westbeld, Putnam, 265 pts. 2nd place: Travis Tourjee, Putnam, 245 pts. 3rd place: Megan McCoy, 240 pts.

Top Teams: Senior: Putnam Senior, 8673 pts.—Josh Heckman, Brandon McCoy, Jeremy McCoy, Tony Utrup, Trevor Utrup, Justin Winstead. 2nd place: Columbiana Pathfinders, 8190 pts.—Chris Dattilio, Jamie Garrod, Bryan Hum, Jerrod Miller, Judson Sanor, Justin Ross. Junior: Columbiana Hawkeyes, 7535 pts.—Andy Clutter, Bill McGuire, Samantha Miller, Nathan Mullen, David Tobin, Candie Grubbs. 2nd place: Putnam Juniors, 7337 pts.—Derek Haselman, Megan McCoy, Travis Tourjee, Tiffany Utrup, Kyle Westbeld.

HONORING THE EFFICIENCY OF NISSAN'S SMYRNA PLANT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. GORDON. Mr. Speaker, I rise today to honor the hard work and dedication of the employees of Nissan's Smyrna, Tennessee, plant. Their work ethic has produced the most efficient car and small truck assembly plant in North America.

The Harbour Report, an annual study in productivity that's used as an industry benchmark, has picked the Smyrna plant as the most efficient for seven consecutive years. At a time when the sluggish economy forced most automakers to slow production at their assembly plants, Nissan's Smyrna plant boosted its overall productivity by seven percent. That's a real indication of the know-how and dedication of the plant's work force.

Since June 16, 1983, when the first automobile rolled of the Smyrna plant's assembly line, Nissan has contributed immensely to the area's quality of life with good-paying jobs and responsive corporate citizenship. Nissan's corporate commitment to diversity within its employee population, supplier base and dealer body, encourages a variety of ideas and opinions that inspire the team behavior that wins these kinds of accolades.

My home is in Rutherford County, Tennessee, where the Smyrna plant is located. I was excited when I heard the news that Nissan was building a new plant in Smyrna. As the plant was being built, I watched its progress knowing that good-paying jobs were coming to Middle Tennessee. Since its completion, I have visited the plant on numerous occasions.

One of my more memorable visits came on the day the 1 millionth vehicle rolled off the assembly line. On that day, a young lady who worked at the Smyrna plant spoke to a large crowd that had gathered for the special occasion. She recalled for us the time she and her children were waiting at a traffic light in their car when a Nissan pickup truck pulled up to the same traffic light. She said her children asked if she had built the vehicle. With a wide smile and obvious pride, she told us that she responded to the question with an emphatic, "Yes, I did."

That young woman's story is a perfect example of the pride all Nissan employees have in their workmanship. I congratulate each and every Nissan employee at the Smyrna facility for a job well done.

TRIBUTE TO CHARLES "CHICKEN" JEANS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and an outstanding citizen, and I am proud to recognize Charles "Chicken" Jeans in the Congress for

his invaluable contributions and service to his community, to our state, and our nation.

"Chicken" has worn many hats during his lifetime: husband, father, grandfather, farmer, car salesman, and county road supervisor—to name just a few. But he will always tell you that he is "nothing but a bird."

In Lonoke County and around Arkansas, "Chicken" is well known as the man to see if you need anything. "Chicken" came to work for the county on September 24, 1984, and he retired sixteen years later, on September 16, 2000 after serving under three county judges. Judge "Dude" Spence, Judge Don Bevis, and Judge Carol Bevis all valued "Chicken" for his experience and knowledge of the county.

Ask any politician, farmer, or businessman in central Arkansas what they will be doing on the second Thursday in August, and they will say, "I'm going to Coy for the Po' Boy Supper to see Chicken!" The Po' Boy Supper has been an annual event for many years. Several hundred people gather to eat barbecue bologna with all the trimmings, and to listen to Chicken laugh and tell tall tales.

On behalf of the Congress, I extend congratulations and best wishes to Charles "Chicken" Jeans, on his successes and achievements. He has made life better for Lonoke County citizens, and richer for all—like me—who are lucky enough to call him a friend.

PAYING TRIBUTE TO KATHERINE E. WHITE

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Katherine E. White of Ann Arbor, Michigan for being named a 2001–2002 White House Fellow by President Bush.

Lyndon Johnson once said "a genuinely free society cannot be a spectator society." Through her hard work and service, Katherine White has proven to be anything but a spectator.

Mrs. White is an assistant professor of law at Wayne State University where she teaches about intellectual property laws.

In previous experience, Mrs. White was a Fulbright Senior Scholar, a Major in the U.S. Army Judge Advocate General's Corp, as well as a legal clerk for Judge Randall R. Rader, U.S. Court of Appeals. She currently serves on the National Patent Board and is a member of the University of Michigan's Board of Regents. She was chosen out of a field of 540 applicants to receive a White House Fellowship.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Katherine E. White for appointment as one of the 12 new White House fellows.

FRENCH HERITAGE WEEK IN THE U.S. VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mrs. CHRISTENSEN. Mr. Speaker, I rise today on behalf of all the people of French descent in my district, the U.S. Virgin Islands, on the occasion of the annual observance of French Heritage Week, an event that revolves around Bastille Day—which commemorates the destruction of the Bastille, the state prison in Paris, France, on July 14, 1789, which brought about one of the most significant movements in world history—the French Revolution.

The destruction of the Bastille, Mr. Speaker, was a significant act of bravery that not only brought on the French Revolution, but also became the symbol of democracy and human rights and the founding event for the movement towards liberty and liberal democracy around the world.

Today, I am proud to represent a striving and vibrant community of people of French descent who have inhabited the U.S. Virgin Islands for centuries—contributing their expertise in fishing, farming, the professions and other vocations that have made significant differences in the political, social, cultural and economic progress and growth on the Territory.

Among the many treasures that make the Virgin Islands unique and special is our diversity. In particular, the French community has been a cultural asset through its presence and the many cultural, business and civic activities it promotes. One event put on by the Virgin Islands French Community that comes to mind, is the Father's Day celebration held each year in Frenchtown. Here, the French community recognizing the value in our fathers sponsors a weeklong celebration in their honor.

I am especially pleased and privileged to be able to pay homage to our French Community and the Virgin Islands community at-large during the 2001 French Heritage Week celebrations. While it is not generally known, my maternal great grandmother was a Parisian, and so I proudly claim kinship, although my command of the French language is limited.

This U.S. Virgin Islands French Heritage Week is a celebration of our heritage and national pride—two things that are important to the survival of any society. I congratulate Senator Lorraine L. Berry, a ten-term member of the Virgin Islands Legislature, for her continual efforts to enlighten her fellow Virgin Islanders on the rich traditions of French culture and history.

On behalf of my family, staff and myself, I wish to congratulate the members of the French community of the U.S. Virgin Islands for their many contributions to our community and for so generously sharing their history, culture and crafts with each generation of Virgin Islanders.

May God continue to bless our citizens of French descent and may they continue in the rich and strong democratic traditions of their motherland, France. Best wishes for an eventful, fulfilling "French Heritage Week."

HONORING VACHE AND JANE SOGHOMONIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Vache and Jane Soghomonian for being named Honorary Presidents at the 26th Annual Homenetmen Navasartian Games. The announcement was made on May 28 in Los Angeles, CA.

The Soghomonians are long-time supporters and activists within the Armenian community. Vache has been a member of the Homenetmen since age seven. Vache and Jane have both remained active in the physical, moral, and social education of Armenian youth, organizing many events and fund-raisers. Vache and Jane Soghomonian are active participants in the Fresno, CA community, and continue to support the Armenian population. They have recently made a generous donation to the Homenetmen Navasartian Games, and will always keep their hearts close to the Armenian community.

Mr. Speaker, I am pleased to recognize Vache and Jane Soghomonian for their dedication to the local Armenian community. I urge my colleagues to join me in honoring Mr. and Mrs. Soghomonian and wishing them continued success.

TRIBUTE TO WILLIAM JACKSON BEVIS, SR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and an outstanding citizen, and I am proud to recognize William Jackson Bevis, Sr. in the Congress for his invaluable contributions and service to his community, to our state, and our nation.

William was from Scott, Arkansas, and was born on August 14, 1922, in Pulaski County, Arkansas. He married Mary Jo Barnett in 1942, and they were blessed with three sons, Bill Bevis, Jr., Don R. Bevis, and Bob Bevis.

William was President of W.J. Bevis & Sons, Inc. and owner of William J. and Mary Jo Bevis Farms. He attended Peabody School and graduated from Scott High School in 1941. He was elected to Lonoke County Agriculture Conservation and Stabilization Service Commission in 1950 and served off and on for 25 years. He served 20 years on the District Soil and Water Conservation Board and was appointed by then-Gov. Dale Bumpers to chair a study of water diversion from the Arkansas River to the eastern Arkansas Delta. He served on the Lonoke School Board from 1962 and 1972. William was elected to the Federal Land Bank Board and served 15 years, 10 years as chairman. He was President of Farm Credit Services of Central Arkansas for 10 years and was appointed by Farm Credit of St. Louis to a task force for Missouri, Illinois, and Arkansas, to restructure regulations for farm loans and credit in these states.

He was appointed by then Gov. David Pryor to the State Board of Corrections for a five-year term. He was appointed by then Gov. Bill Clinton to the Arkansas Agriculture Museum Board in Scott and he, along with Governor Clinton and State Rep. Bill Foster were instrumental in securing funding for this preservation project for the farming community of Scott. ''This,'' as said by William, ''is a project that is very dear to me.''

William was a life-long member of All Souls Church in Scott. He has served as Sunday School Superintendent, Chairman of the church Board of Directors, and as All Souls Church Trustee until the age of 75.

Sadly, William died last month. He was preceded in death by one son, Judge Don Bevis of Cabot, and he is survived by his wife of 58 years, Mary Jo Bennett Bevis, two sons—Rep. Bill Davis, Jr. and his wife Kay of Scott and Bob Bevis and his wife Liz of Scott—along with numerous grandchildren and great-grandchildren and a host of friends.

On behalf of the Congress, I extend sympathies and condolences to the family of William Jackson Bevis, Sr. His name commands respect and honor from all who knew him.

TRIBUTE TO MRS. OLLYE BALLARD CONLEY OF HUNTSVILLE, ALABAMA

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. CRAMER. Mr. Speaker, I rise today to honor Mrs. Ollye Ballard Conley on her June 30th retirement after more than 35 years of dedicated service to the Huntsville City school system. Mrs. Conley has made the students of the Huntsville community shine through her creation of a top-notch magnet school, the Academy for Science and Foreign Language.

Her career in education is extensive and very impressive. Beginning as a teacher in Limestone County, Mrs. Conley has spent time teaching in Germany with the Department of Defense as well. After returning to Huntsville, her career took off and she soon rose through the ranks to become an administrator and then principal. She has led the schools of University Place, Rolling Hills and most recently the Academy for Science and Foreign Language to be more efficient, better organized schools. She believes in mission and her mission has been to provide the best environment possible for children to excel. She is innovative bringing in new curriculums such as the National Service-Learning program. The Academy is the only middle school in Alabama and only one of 34 nationwide to implement the service-learning program. She has shared her knowledge and the benefits of the service-learning program as a Regional Trainer for the Southern Region Corporation for National Service-Exchange.

Mrs. Conley believes that an education does not have to be limited to the classroom. Along with her students whom she inspires to achieve more and give back to their community, she established the first annual Community Day at Glenwood cemetery earning the Huntsville Historical Society Award and the Alabama Historical Commission Distinguished Service Award.

On behalf of the United States Congress and the people of North Alabama, I want to personally thank Mrs. Conley and pay tribute to her for her being an unsung hero. The difference she has made in countless children's lives over the years is incalculable. I would like to extend my best wishes to her, her family, friends and colleagues as they celebrate her well-deserved rest and a job well done.

INTRODUCTION OF THE CYBER SECURITY INFORMATION ACT OF 2001

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am pleased to rise today to reintroduce legislation with my good friend and colleague from northern Virginia, Representative, JIM MORAN. Last year, we introduced H.R. 4246 to facilitate the protection of our nation's critical infrastructure from cyber threats. We aggressively pushed forward with the legislation and held a productive Subcommittee hearing with the then-Subcommittee on Government Management, Information, and Technology on the importance of the bill. Based on comments made at that hearing, we have worked hard with a wide range of industries to refine and improve this legislation. Today, we are again introducing this legislation with the full partnership of the private sector. Over the past several months, I have worked with the industry leaders from each of our critical infrastructure sectors to draft consensus legislation that will facilitate public-private partnerships to promote information sharing to prevent our nation from being crippled by a cyber-terrorism threat.

In the 104th Congress, we called upon the previous Administration to study our nation's critical infrastructure vulnerabilities and to identify solutions to address these vulnerabilities. Through that effort, a number of steps were identified that must be taken in order to eliminate the potential for significant damage to our critical infrastructure. Foremost among these suggestions was the need to ensure coordination between the public and private sector representatives of critical infrastructure. The bill we are again introducing today is the first step in encouraging private sector cooperation and participation with the government to accomplish this objective.

Since early spring of this year, Congress has held a number of hearings examining the ability of our nation to cope with cyber security threats and attacks. For instance, the House Energy and Commerce has held numerous hearings regarding the vulnerability of specific Federal agencies and entities, and how those agencies are implementing—or not implementing—the appropriate risk management tools to deal with these threats. The House Judiciary Subcommittee on Crime has held a number of hearings specifically looking at cybercrime from both a private sector and a federal law enforcement perspective. These hearings have demonstrated the importance of better, more efficient information sharing in protecting against cyber-threats as is encompassed in the legislation I have introduced today.

Also, the National Security Telecommunications Advisory Committee (NSTAC) met in early June of this year to discuss the necessary legislative action to encourage industry to voluntarily work in concert with the federal government in assessing and protecting against cyber vulnerabilities. The bill I am introducing today was endorsed at the June meeting. In recent months, the Bush Administration has aggressively been working with industry to address our critical infrastructure protection needs and ensure that the federal government is better coordinating its' cybersecurity efforts. I look forward in the coming weeks to working with the Administration to enhance the public-private partnership that industry and government must have in order to truly protect our critical infrastructure.

The critical infrastructure of the United States is largely owned and operated by the private sector. Critical infrastructures are those systems that are essential to the minimum operations of the economy and government. Our critical infrastructure is comprised of the financial services, telecommunications, information technology, transportation, water systems, emergency services, electric power, gas and oil sectors in private industry as well as our National Defense, and Law Enforcement and International Security sectors within the government. Traditionally, these sectors operated largely independently of one another and coordinated with government to protect themselves against threats posed by traditional warfare. Today, these sectors must learn how to protect themselves against unconventional threats such as terrorist attacks, and cyber intrusions.

These sectors must also recognize the vulnerabilities they may face because of the tremendous technological progress we have made. As we learned when planning for the challenges presented by the Year 2000 rollover, many of our computer systems and networks are now interconnected and communicate with many other systems. With the many advances in information technology, many of our critical infrastructure sectors are linked to one another and face increased vulnerability to cyber threats. Technology interconnectivity increases the risk that problems affecting one system will also affect other connected systems. Computer networks can provide pathways among systems to gain unauthorized access to data and operations from outside locations if they are not carefully monitored and protected.

A cyber threat could quickly shutdown any one of our critical infrastructures and potentially cripple several sectors at one time. Nations around the world, including the United States, are currently training their military and intelligence personnel to carry out cyber attacks against other nations to quickly and efficiently cripple a nation's daily operations. Cyber attacks have moved beyond the mischievous teenager and are now being learned and used by terrorist organizations as the latest weapon in a nation's arsenal. During this past spring, around the anniversary of the

U.S. bombing of the Chinese embassy in Belgrade, U.S. web sites were defaced by hackers, replacing existing content with pro-Chinese or anti-U.S. rhetoric. In addition, an Internet worm named ''Lion'' infected computers and installed distributed denial of service (DDOS) tools on various systems. An analysis of the Lion worm's source code revealed that it could send password files from the victim site to e-mail address located in China.

We have learned the inconveniences that may be caused by a cyber attack or unforeseen circumstance. Last year, many of individuals and companies were impacted by the ''I Love You'' virus as it moved rapidly around the world disrupting the daily operations of many of our industry sectors. The Love Bug showed the resourcefulness of many in the private sector in identifying and responding to such an attack but it amply demonstrated the weakness of the government's ability to handle such a virus. Shortly after the attack, Congress learned that the U.S. Department of Health and Human Services' (HHS) operating systems were so debilitated by the virus that it could not have responded adequately if we had faced a serious public health crisis at the same time. Additionally, the federal government was several hours behind industry in notifying agencies about the virus. If the private sector could share information with the government within a defined framework, federal agencies could have been made aware of the threat earlier on.

Last month, NIPC and FedCIRC received information on attempts to locate, obtain control of and plant new malicious code known as ''W32-Leaves.worm'' on computers previously infected with the SubSeven Trojan. SubSeven is a Trojan Horse that can permit a remote computer to gain complete control of an infected machine, typically by using Internet Relay Chat (IRC) channels for communications. In June 1998 and February 1999, the Director of the Central Intelligence Agency testified before Congress that several nations recognize that cyber attacks against civilian computer systems represent the most viable option for leveling the playing field in an armed crisis against the United States. The Director also stated that several terrorist organizations believed information warfare to be a low cost opportunity to support their causes. We must, as a nation, prepare both our public and private sectors to protect ourselves against such efforts.

That is why I am again introducing legislation that gives critical infrastructure industries the assurances they need in order to confidently share information with the federal government. As we learned with the Y2K model, government and industry can work in partnership to produce the best outcome for the American people. Today, the private sector has established many information sharing organizations (ISOs) for the different sectors of our nation's critical infrastructure. Information regarding a cyber threat or vulnerability is now shared within some industries but it is not shared with the government and it is not shared across industries. The private sector stands ready to expand this model but have also expressed concerns about voluntarily sharing information with the government and the unintended consequences they could face for acting in good faith. Specifically, there has been concern that industry could potentially face antitrust violations for sharing information with other industry partners, have their shared information be subject to the Freedom of Information Act, or face potential liability concerns for information shared in good faith. My bill will address all three of these concerns. The Cyber Security Information Act also respects the privacy rights of consumers and critical infrastructure operators. Consumers and operators will have the confidence they need to know that information will be handled accurately, confidentially, and reliably.

The Cyber Security Information Act is closely modeled after the successful Year 2000 Information and Readiness Disclosure Act by providing a limited FOIA exemption, civil litigation protection for shared information, and an antitrust exemption for information shared among private sector companies for the purpose of correcting, avoiding, communicating or disclosing information about a cyber-security related problem. These three protections have been requested by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Edison Electric Institute, the Information Technology Association of America, Americans for Computer Privacy, and the Electronics Industry Alliance. Many private sector companies have also asked for this important legislation. I have attached to my statement a letter from the many professional associations and private sector companies supporting the introduction of this measure.

This legislation will enable the private sector, including ISOs, to move forward without fear from the government so that government and industry may enjoy a mutually cooperative partnership. This will also allow us to get a timely and accurate assessment of the vulnerabilities of each sector to cyber attacks and allow for the formulation of proposals to eliminate these vulnerabilities without increasing government regulation, or expanding unfunded federal mandates on the private sector.

ISOs will continue their current leadership role in developing the necessary technical expertise to establish baseline statistics and patterns within the various infrastructures, as clearinghouses for information within and among the various sectors, and as repositories of valuable information that may be used by the private sector. As technology continues to rapidly improve industry efficiency and operations, so will the risks posed by vulnerabilities and threats to our infrastructure. We must create a framework that will allow our protective measures to adapt and be updated quickly.

It is my hope that we will be able to move forward quickly with this legislation and that Congress and the Administration will work in partnership to provide industry and government with the tools for meeting this challenge. A Congressional Research Service report on the ISOs proposal describes the information sharing model as one of the most crucial pieces for success in protecting our critical infrastructure, yet one of the hardest pieces to realize. With the introduction of the Cyber Security Information Act of 2001, we are removing the primary barrier to information sharing between government and industry. This is landmark legislation that will be replicated around the globe by other nations as they too try to address threats to their critical infrastructure.

Mr. Speaker, I believe that the Cyber Security Information Act of 2001 will help us address critical infrastructure cyber threats with the same level of success we achieved in addressing the Year 2000 problem. With government and industry cooperation, the seamless delivery of services and the protection of our nation's economy and well-being will continue without interruption just as the delivery of services continued on January 1, 2000.

JULY 5, 2001.

Hon. ——
U.S. House of Representatives,
Washington, DC

DEAR REPRESENTATIVE: We, the undersigned, representing every sector of the United States economy, write today to strongly urge you to become an original cosponsor of the Cyber Security Information Act to be shortly introduced by Representatives Tom Davis and Jim Moran. This important bill will strengthen information sharing legal protections that shield U.S. critical infrastructures from cyber and physical attacks and threats.

Over the past four years, industry-government information sharing regarding vulnerabilities and threats has been a key element of the federal government's critical infrastructure protection plans. Several industry established information sharing organizations, including Information Sharing and Analysis Centers (ISACs) and the Partnership for Critical Infrastructure Security (PCIS), have been set up to support this initiative. The National Plan for Information Systems Protection, version 1.0, also calls for private sector input about actions that will facilitate industry-government information sharing.

As representative companies and industry associations involved in supporting the ongoing development of a National Plan for critical infrastructure protection, we believe that Congress can play a key role in facilitating this initiative by passing legislation to support the Plan's strategic objectives.

Currently, there is uncertainty about whether existing law may expose companies and industries that voluntarily share sensitive information with the federal government to unintended and potentially harmful consequences. This uncertainty has a chilling effect on the growth of all information sharing organizations and the quality and quantity of information that they are able to gather and share with the federal government. As such, this situation is an impediment to the effectiveness of both industry and government security and assurance managers to understand, collaborate on and manage their vulnerability and threat environments.

Legislation that will clarify and strengthen existing Freedom of Information Act and antitrust exemptions, or otherwise create new means to promote critical infrastructure protection and assurance would be very helpful and have a catalytic effect on the initiatives that are currently under way.

Companies in the transportation, telecommunications, information technology, financial services, energy, water, power and gas, health and emergency services have a vital stake in the protection of infrastructure assets. With over 90 percent of the country's critical infrastructure owned and/or operated by the private sector, the government must support information sharing between the public and private sectors in order to ensure the best possible security for all our

citizens. A basic precondition for this cooperation is a clear legal and public policy framework for action.

Businesses also need protection from unnecessary restrictions placed by federal and state antitrust laws on critical information sharing that would inhibit identification of R&D needs or the identification and mitigation of vulnerabilities. There are a number of precedents for this kind of collaboration, and we believe that legislation based on these precedents will also assist this process.

Faced with the prospect of unintended liabilities, we also believe that any assurances that Congress can provide to companies voluntarily collaborating with the government in risk management planning activity—such as performing risk assessments, testing infrastructure security, or sharing certain threat and vulnerability information—will be very beneficial. Establishing liability safeguards to encourage the sharing of threat and vulnerability information will add to the robustness of the partnership and the significance of the information shared.

Thank you for considering our views on this important subject. We think that such legislation will contribute to the success of the institutional, information-sharing, technological, and collaborative strategies outlined in Presidential Decision Directive—63 and version 1.0 of the National Plan for Information Systems Protection.

Sincerely,

Americans for Computer Privacy.
Edison Electric Institute.
Fannie Mae.
Internet Security Alliance.
Information Technology Association of America.
Microsoft.
National Center for Technology and Law, George Mason University.
Owest Communications.
Security.
Computer Sciences Corporation.
Electronic Industries Alliance.
The Financial Services Roundtable.
Internet Security Systems.
National Association of Manufacturers.
Mitretek Systems.
The Open Group.
Oracle.
U.S. Chamber of Commerce.

WHY INFORMATION SHARING IS ESSENTIAL FOR CRITICAL INFRASTRUCTURE PROTECTION

FREQUENTLY ASKED QUESTIONS

What are Critical Infrastructures?

Critical Infrastructures are those industries identified in Presidential Decision Directive—63 and version 1.0 of the National Plan for Information Systems Protection, deemed vital for the continuing functioning of the essential services of the United States. These include telecommunications, information technology, financial services, oil, water, gas, electric energy, health services, transportation, and emergency services.

What Is the Problem?

90% of the nation's critical infrastructures are owned and/or operated by the private sector. Increasingly, they are inter-connected through networks. This has made them more efficient, but it has also increased the vulnerability of multiple sectors of the economy to attacks on particular infrastructures. According to the Carnegie-Mellon Computer Emergency Response Team (CERT), cyber attacks on critical infrastructures have grown at an exponential rate over the past three years. This trend is expected to continue for the foreseeable future. In our free market system, it is not feasible to have a centralized-government monitoring function. A voluntary national industry-government information sharing system is needed in order for the nation to create an effective early warning system, find and fix vulnerabilities, benchmark best practices and create new safety technologies.

How Do Industries and the Government Share Information?

Based on PDD–63 and the National Plan, a number of organizations have been created to foster industry-government cooperation. These include Information Sharing and Analysis Centers (ISACs). ISACs are industry-specific and have been set up in the financial services, telecommunications, IT, and electric energy industries. Others are in the process of being organized. ISACs vary in their membership structures and relationship to the government. Most of them have a formal government sector liaison as their principal point of contact.

What Are Current Concerns?

Companies are concerned that information voluntarily shared with the government that reports on or concerns corporate security may be subject to FOIA. They are also concerned that lead agencies may not be able to effectively control the use or dissemination of sensitive information because of similar legal requirements. Access to sensitive information may fall into the hands of terrorists, criminals, and other individuals and organizations capable of exploiting vulnerabilities and harming the U.S. Unfiltered, unmediated information may be misinterpreted by the public and undermine public confidence in the country's critical infrastructures. Also, competitors and others may use that information to the detriment of a reporting company, or as the basis for litigation. Any and all of these possibilities are reasons why the current flow of voluntary data is minimal.

What Can Be Done?

Possible solutions include creating an additional exemption to current FOIA laws. There are currently over 80 specific FOIA Exemptions throughout the body of U.S. law, so it is clear that exempting voluntarily shared information that could affect national security is consistent with the intent and application of FOIA. Another solution is to build on existing relevant legal precedents such as the 1998 Y2K Information and Readiness Disclosure Act, the 1984 National Cooperative Research Act, territorially limited court rulings, and individual, advisory Department of Justice Findings.

Why Pursue a Legislative Solution?

The goal is to provide incentives for voluntary information sharing. Legislation can add legal clarity that will provide one such incentive, as well as also demonstrate the support and commitment of Congress to increasing critical infrastructure assurance.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Ms. BERKLEY. Mr. Speaker, flight delays caused me to miss rollcall votes Nos. 186, 187, and 188. Had I been present, I would have voted "yes" on No. 186, "yes" on No. 187, and "yes" on No. 188.

CELEBRATING THE DEFENSE LOGISTICS AGENCY'S 40TH ANNIVERSARY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate the Defense Logistics Agency's 40th anniversary. The Defense Logistics Agency has a distinguished history as the nation's combat support agency. Its origins date back to World War II when America's entrance into the global conflict required the rapid procurement of large amounts of munitions and supplies. When the agency was first founded, managers were appointed from each branch of the armed services for this task. In 1961, the Department of Defense centralized management of military logistics support by establishing the Defense Supply Agency. After 16 years of increasing responsibilities, the Defense Supply Agency expanded its original charter and was renamed the Defense Logistics Agency in 1977.

I would like to commend the Defense Logistics Agency's impeccable record of supporting defense and humanitarian missions. It stands as a testament to the agency's commitment to provide seamless support of our armed forces around the world and to extend a helping hand to victims of all types of adversity.

As the world has changed and evolved, the Defense Logistics Agency also has adapted and proven its ability to streamline. Agency employees have shown dedication to improving quality, reducing costs and improving responsiveness to their warfighter customer needs. They have also demonstrated their ability to embrace the latest technologies of today's competitive business world, which has resulted in saving the taxpayers billions of dollars. The Defense Logistics Agency's record of achievement serves as an example of government service at its best, highlighted by two Joint Meritorious Service Awards.

On behalf of my colleagues, I would like to praise the individual efforts of the men and women involved in the Defense Logistics Agency, and thank them for making the Agency a world-class organization. In honor of the 40th anniversary of the Defense Logistics Agency, we are proud of the Defense Logistics Agency's past endeavors and look forward to a bright and successful future of continued commitment and service to our nation.

Mr. Speaker, I ask you to join me in extending congratulations and best wishes to the employees of the Defense Logistics Agency on this memorable occasion and achievement.

TRIBUTE TO JAMES H. MULLEN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and outstanding educator. I am proud to recognize James H. Mullen in the Congress for his invaluable contributions and service to his community, to our state, and to our nation.

For over three decades James Mullen of DeWitt, Arkansas has made a profound impact on the lives of people. Born in Mendenhall, Mississippi, James served in the United States Air Force during World War II. After being honorably discharged, he used the GI benefits to attend Mississippi State University, where he earned a degree in agriculture. That government investment would reap tremendous returns.

After graduating from Mississippi State, James moved to DeWitt, an area primarily dependent on its agrarian strengths. It was his responsibility to assist other veterans in developing their agricultural proficiency.

In 1955, James accepted a job with the DeWitt Independent School system teaching agriculture. For the next eleven years he would remain in this position. His influence far exceeded his teaching responsibilities.

It was not uncommon for young men to seek him out for personal counsel. His home was always open to young men who needed a listening ear, wise counsel, or any type of support. On one occasion a former student came to James and informed him he was going to quit college because of lack of funds. Although James didn't have the money to loan the student, he did the next best thing and went to the bank and secured a personal loan.

Each summer, in addition to visiting in the home of each student, James would take a group of students to camp. He had the unique ability to have fun with the students while maintaining an authoritarian position. On one visit to summer camp, the students destroyed his hat. With James, there were two things you never messed with: his hat or his pipe! Before nightfall, he had driven all those boys to town and required them to purchase a new hat. He never lost control!

In 1966, James joined the Arkansas State Department of Education as Associate Director of Petit Jean Vocational Technical School in Morrilton, Arkansas. He would remain in that position until 1970 when he was named Director of the Crowley's Ridge Vocational Technical School in Forrest City, Arkansas. At Crowley's Ridge, he inherited a fledgling institution and successfully restored the integrity of the institution.

Construction of the Rice Belt Vocational Technical School was approved in 1974. Community leaders from DeWitt would accept no other than James Mullen as first choice to head the school. Building a school from the ground had been his ambition, and he quickly acquiesced to return to his adopted hometown. Because of the strong foundation laid by James and others, Rice Belt still stands as a model institution for continuing education.

James is probably most proud of his long marriage to Mary Helen, and his children: Terry Mullen of Canyon Lake, Texas and Steve Mullen of Burleson, Texas.

James H. Mullen is an educator, advisor and friend to many. He has dedicated his life to serving his fellow citizens as a leader in both his profession and his community, and he deserves our respect and gratitude for his priceless contributions. On behalf of the Congress, I extend congratulations and best wishes to my good friend James H. Mullen, on his successes and achievements.

WE MUST NOT REWARD CHINESE TYRANNY BY GIVING THE OLYMPICS TO BEIJING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2001

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to a powerful testimonial that appeared in today's Wall Street Journal by three human rights heroes, Wei Jingsheng, Vladimir Bukovsky, and Gerhard Loewenthal who are united in opposition to China's bid to host the 2008 Summer Olympics. The authors are witnesses to and victims of human rights violations by three of the most brutal regimes of recent history, Communist China, the Soviet Union, and Nazi Germany. In the article, they urge the International Olympic Committee (IOC), when it votes on the host city for the 2008 Olympics in Moscow this Friday, July 13th, to avoid the shameful decision of two past IOC's to award the games to totalitarian states—Germany in 1936, and the Soviet Union in 1980.

The Chinese leadership in Beijing has argued strenuously that "politics" should be kept out of the IOC's decision. They assert that the potential candidates should only be judged by their ability to build a new sports facility, construct a new subway stop or erect more shining hotels. But focusing on bricks and mortar—and turning a blind eye to the egregious human rights violations taking place every day in China—does not remove politics from the Olympics. It simply permits a brutal regime to exploit the Olympics to prop up its faltering legitimacy—as Nazi Germany did in 1936 and the Soviet Union did in 1980—by basking in the reflected glow of the Summer Games.

Four months ago, I was joined by my colleagues from California, Mr. COX and Ms. PELOSI, and by Mr. WOLF from Virginia in introducing H. Con. Res. 73, which expresses strong opposition to Beijing's Olympic bid due to China's horrendous human rights record. This resolution was overwhelmingly approved by the International Relations Committee on March 27th by a vote of 27–8. Unfortunately, the leadership has failed to schedule a vote on the resolution.

Mr. Speaker, I ask that the entire article "Don't Reward Beijing's Tyranny," by Wei Jingsheng, Vladimir Bukovsky, and Gerhard Loewenthal and published in the July 10th edition of The Wall Street Journal be placed in the CONGRESSIONAL RECORD. I urge my colleagues to consider the poignant testimony provided in this article to the tragic human suffering that was contributed to by granting the Olympics to Nazi Germany in 1936 and the Soviet Union in 1980. In the hope of preventing a similar travesty in 2008, I call on the leadership to immediately schedule a vote on H. Con. Res. 73. The House must be given an opportunity to express its views on this critical moral issue.

DON'T REWARD BEIJING'S TYRANNY

Wei Jingsheng, Vladimir Bukovsky and Gerhard Loewenthal

The International Olympic Committee should not offer the 2008 Olympic Games to the one-party dictatorship of the Chinese government. Such a decision would not only be harmful to the interests of the Chinese people, but it could also threaten the interests of China's neighbors and ultimately world peace. That's hardly what the Olympic spirit is all about. The IOC offered the 1936 games to Nazi Germany. Adolf Hitler and his party exploited that opportunity to fan their political fanaticism, and ultimately initiated a war that caused tens of millions of deaths. Although the Olympic Games were not the cause of World War II, they were indeed one of the tools Hitler used for his purposes. Does the IOC feel no shame for offering the games to a regime that killed six million Jews and many millions more? I, Gerhard Loewenthal, am one of the witnesses and victims of that tragedy.

The IOC offered the 1980 games to the Communist Soviet Union, which cruelly oppressed its own people and the Eastern Europeans, and sought control of the rest of the world too. The Soviet Communist Party used the games as an opportunity to shore up faith in their system. Moscow also started a war in Afghanistan that resulted in many Soviet and Afghan deaths. Only the effort and unity of various peace-loving parties turned back that aggression and stopped the spread of the war. Does the IOC feel regret for helping the Soviet dictators? I, Vladimir Bukovsky, witnessed the disaster of the former Soviet Union and the Eastern European countries.

Apparently ignorant of history, the IOC may now be on the verge of giving the Chinese Communist dictatorship the honor of hosting the 2008 Olympic Games. The Chinese Communist government is already using this opportunity to whip up extreme nationalism and fanaticism in China, in an effort to encourage and prepare for military aggression that could threaten China's neighbors and ultimately world peace.

Beijing will surely use this opportunity to oppress those Chinese who fight for human rights and democracy. This oppression will delay China's democratic progress and extend the life of a dictatorial and corrupt government. I, Wei Jingsheng, have seen what the Chinese people have had to suffer for the last half century. I protest the wrongful deaths of 80 million Chinese under the Communists. I do not want to see more disasters in the future.

All three of us are pleading with you, the members of the IOC, to cast your votes for the 2008 host city with your conscience, to avoid the regret you may have when the future replays the nightmares we had.

Mr. Wei spent 18 years in Chinese prison for dissident activity. Mr. Bukovsky spent 12 years in Soviet prison for opposing the government. Mr. Loewenthal, a Jew, is a German TV journalist and a concentration camp survivor.