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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC,
July 16, 2001,
I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.
J. DENNIS HASTERT,
Speaker of the House of Representatives.

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

Praise the Lord, as servants of the Lord, let us praise the name of the Lord together.
From the rising of the Sun in the east to its setting in the west may praise of the Lord for blessings be heard from coast to coast. Our God, who is above all the nations of the Earth does not overlook the most lowly or the most unfortunate in this world.
The Lord’s greatness does not distance the Lord from His people. Our God is to be found always in their midst.
None is like the Lord in love and concern. That is why the Lord is the model and the guide of the Members of this House and all public servants everywhere.
The Lord lifts up the weak to confront the proud-hearted and raises the poor to equal status with the powerful.
The Lord is mindful always that parents are the most powerful on Earth over their children, yet all are one in His sight.
For all the great deeds of mercy, let us praise the name of the Lord now and forever. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the House and all public servants every day.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:
H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.
The message also announced that the Senate insists upon its amendment to the bill (H.R. 2217) “An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. INOUYE, Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, and Mr. CAMPBELL to be the conferees on the part of the Senate.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE 107TH CONGRESS
The SPEAKER pro tempore. The Chair announces that the official objectors for the Private Calendar for the 107th Congress are as follows:
For the majority:
Mr. COBLE, North Carolina.
Mr. BARR, Georgia.
Mr. CHABOT, Ohio.
For the minority:
Mr. BOUCHER, Virginia.
Ms. DEAUBO, Connecticut.

RECESS
The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess subject to the call of the Chair.
Accordingly, the House stood in recess, (at 2 o’clock and 5 minutes p.m.)

□ 1906
AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Goss) at 7 o’clock and 6 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2500. DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002
Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–141) on the resolution (H. Res. 192) providing for consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT
Mr. LINDER, Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 7 o’clock and 7 minutes p.m.), under its previous order, the House adjourned until tomorrow, July 17, 2001, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
2894. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting the Department’s Assessment of Fiscal Year 1998 Sexual Harassment Complaints and Sexual Misconduct; to the Committee on Armed Services.
2895. A letter from the Chief, Division of General and International Law, Department of Transportation, transmitting the Department’s final rule—Service Obligation Reporting Requirements for United States Merchant Marine Academy and State Maritime School Graduates (Docket No. MARAD-2000-xxxx) received July 9, 2001, pursuant to 5 U.S.C. 553(a)(1)(A); to the Committee on Armed Services.
2896. A communication from the President of the United States, transmitting a report on United States military personnel and United States civilians retained as contractors in Colombia in support of Plan Colombia; to the Committee on Armed Services.
2897. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 2000, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.
2898. A letter from the Principal Deputy Associate Administrator, Environmental
Protection Agency, transmitting the Agen-
cy's final rule—Approval and Promulgation of Implementation Plans; Alabama: Nitrogen Oxides Budget and Allowance Trading Pro-
gram [AL-057-200116; FRL-7012-1] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2890. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy's final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/ Galveston Volatile Organic Compound Rea-
sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2891. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy's final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/ Galveston Volatile Organic Compound Rea-
sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
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sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2893. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court; to the Committee on Energy and
Commerce.
2894. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Iran in 1987, to continue in effect beyond July 4, 2001, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107-99); to the Committee on International Relations and ordered to be printed.
2895. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the Taliban in Afghanistan that was declared in Executive Order 13129 of July 4, 1999, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 107-100); to the Committee on Interna-
tional Relations and ordered to be printed.
2896. 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- 101); to the Committee on International Relations and ordered to be printed.
2897. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services [Transmittal No. 01-21], pursuant to 22 U.S.C. 276(b); to the Committee on International Relations.
2898. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 01-21), pursuant to 22 U.S.C. 276(b); to the Committee on International Relations.
2899. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense artic-
les and services (Transmittal No. 01-13), pursuant to 22 U.S.C. 276(b); to the Com-
mitee on International Relations.
2900. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting a 6-month periodic report on the national emergency declared in Executive Order 13129 of July 4, 1999, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 107-100); to the Committee on Energy and
Commerce.
2901. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/ Galveston Volatile Organic Compound Rea-
sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2902. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/ Galveston Volatile Organic Compound Rea-
sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2903. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/ Galveston Volatile Organic Compound Rea-
sonably Available Control Technology Revision [TX-133-1-7835a; FRL-7011-6] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and
Commerce.
2904. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the Taliban in Afghanistan that was declared in Executive Order 13129 of July 4, 1999, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 107-99); to the Committee on International Relations and ordered to be printed.
2905. 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. 107-101); to the Committee on International Relations and ordered to be printed.
2906. 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. 107-101); to the Committee on International Relations and ordered to be printed.
2907. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey (Transmittal No. 07-01), pursuant to 22 U.S.C. 276(b); to the Committee on International Relations.
2908. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 01-21), pursuant to 22 U.S.C. 276(b); to the Committee on International Relations.
CONGRESSIONAL RECORD—HOUSE

Mr. HANSEN: Committee on Resources.
H. Res. 137. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; with an amendment (Rept. 107–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules, House Resolution 192. Resolution providing for consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–141). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 2 of rule XII the Committees on Financial Services and Government Reform discharged from further consideration H.R. 2500 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

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:

H.R. 2502. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives in complying with Environmental Protection Agency sulfur regulations; to the Committee on Ways and Means.

H.R. 2508. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Memorandum 37 of 1962; to the Committee on Armed Services.

H.R. 2504. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for involvement of the lives of their children in space-related activities; to the Committee on Ways and Means.

H.R. 2505. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

H.R. 2510. A bill to authorize the President to institute and enforce legislation designed to end the practice of child slavery internationally; to the Committee on International Relations.

H.R. 2526. A bill to amend the Mineral Management Service Act of 1987, to authorize the Secretary of the Interior to authorize the Minerals Management Service to develop a program of non-federal charters for commercial fishing vessels, which program could include recommendations for the development of commercial fishing vessels to be used for research and education, and to provide for the review of applications for the issuance of charters; to the Committee on Resources.

H.R. 2540. A resolution concerning the establishment of a permanent United Nations security force; to the Committee on International Relations.

MEMORIALS
Under clause 3 of rule XII, memorials were presented and referred as follows:

148. The SPEAKER presented a memorial of the General Assembly of the State of Vermont, relative to Joint Senate Resolution No. 157 memorializing the United States Congress to increase federal special education funding immediately to 40 percent, the level to which Congress previously committed the federal government, and the Committee on Education and the Workforce.

149. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 116 memorializing the United States Congress and the President to institute and enforce legislation and diplomatic action toward the eradication of child slavery internationally; to the Committee on International Relations.

150. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 116 memorializing the United States Congress to enact the Detroit River International Wildlife Refuge Establishment Act; to the Committee on Resources.

151. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 149 memorializing the United States Congress to support, with funding, the expedient implementation of the proposed Bayou Lafourche restoration and diversion project from the Mississippi River, to the Committee on Resources.

152. Also, a memorial of the Legislative Council of the State of Texas, relative to Senate Concurrent Resolution No. 54 memorializing the United States Congress to consider the removal of trade, financial, and travel restrictions relating to Cuba, jointly to the Committees on International Relations and Ways and Means.

153. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 198 memorializing the United States Congress to support, with funding, the expenditures and improvements for the proposed Beaumont–Port Arthur Harbor Improvement project to improve transportation and infrastructure.

154. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 54 memorializing the United States Congress to consider the removal of trade, financial, and travel restrictions relating to Cuba, jointly to the Committees on International Relations and Ways and Means.

155. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 54 memorializing the United States Congress and the President, in light of the proposed change in federal policy that will further open the border areas to Mexican truck traffic, to declare the unique planning, capacity, and infrastructure needs of Texas' border ports of entry.
and the high-priority transportation corridors; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Show, Mr. Latham, and Mr. Camp.
H.R. 510: Mrs. Capp and Mr. Honda.
H.R. 612: Mr. Rogers of Kentucky.
H.R. 663: Mr. Evans.
H.R. 1163: Mr. Souder and Mr. Pence.
H.R. 1164: Mr. Honda.
H.R. 1292: Mr. Nadler, Mr. Oxlery, Mr. Blagosevich, and Mr. Pallone.
H.R. 1216: Ms. Carson of Indiana, Mr. Filner, Mr. Gonzalez, Mr. Meeks of New York, Ms. McKinney, Mr. Serrano, Ms. Velazquez, Mr. Baldacci, Ms. Jackson-Lee of Texas, Mr. McGovern, Mr. Frost, and Mr. Ortiz.
H.R. 1294: Mr. Brady of Texas, Mr. Gutiérrez, and Mr. Simmons.
H.R. 1425: Mr. Abercombie, Mr. Ceyzendo-Vila, Mr. Baldacci, Mr. Brady of Pennsylvania, Mrs. Clayton, Mr. Davis of Illinois, Mr. Farr of California, Mr. Ford, Mr. Hoven, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. McKinney, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Os, Mr. Payne, Mr. Reyes, Mr. Rush, and Mr. Towns.
H.R. 1334: Mr. Kilwe.
H.R. 1460: Mr. Baca, Mr. Wamp, Mr. Stenholm, Mr. Weldon of Florida, and Mr. Burton of Indiana.
H.R. 1489: Mr. Delauro.
H.R. 1517: Mr. Blagosevich, Mr. Smith of New Jersey, Mr. Bono, Mr. Riley, Mr. Cramer, Ms. Rivers, Mr. Levin, and Mr. Hilliard.
H.R. 1602: Mr. Pence.
H.R. 1745: Mr. Moran of Virginia.
H.R. 1804: Mr. Kildee.
H.R. 1801: Mr. Etheredge and Mr. Pickering.
H.R. 1896: Mr. McGovern.
H.R. 1911: Mr. Sessions.
H.R. 1957: Mr. Nethercutt.
H.R. 1983: Mrs. Wilson and Mr. Reichberg.
H.R. 1990: Mr. Filner, Mr. Maloney of Connecticut, Mrs. Mink of Hawaii, Mr. Blagosevich, Mr. Connors, and Ms. Woolsey.
H.R. 2009: Mr. McDermott and Mr. Blumenauer.
H.R. 2108: Mrs. Christensen.
H.R. 2149: Mr. Leach.
H.R. 2175: Mr. Cunningham, Mr. Stenholm, and Mr. Baily of Georgia.
H.R. 2219: Mr. Meeks of New York and Mr. Hinchey.
H.R. 2221: Mr. Lantos.
H.R. 2310: Mr. Visclosky, Mr. McGovern, Ms. McKinney, Mr. Kucinich, Mr. Pastor, Ms. Kaptur, Mr. Price of North Carolina, Ms. Norton, and Ms. Solis.
H.R. 2388: Mr. C. Baca.
H.R. 2388: Mr. Ose.
H.R. 2365: Mr. Johnson of Illinois.
H.R. 2367: Mr. Bercerra, Ms. Roybal-Albard, Mr. Berman, Mr. Matsum, Mr. Schiff, Mr. Gallegly, Mr. Thomas, Mr. Farr of California, Mr. Calvert, Mrs. Napolitano, Mrs. Emerson, Mr. Dooley of California, and Mr. Raca.
H.R. 2392: Ms. Woolsey.
H.R. 2413: Mr. Pastor.
H.R. 2422: Mr. Frost.
H.Con. Res. 17: Mrs. Davis of California.
H.Con. Res. 152: Mr. Kilde and Mr. English.
H.Con. Res. 162: Mr. Rivers and Mr. Hinchey.
H.Con. Res. 178: Mr. Hoefelf.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: Mr. Sensenbrenner

AMENDMENT No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Solutions Act of 2001".

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1</td>
<td>Title short; table of contents</td>
</tr>
<tr>
<td>Sec. 2</td>
<td>Title I—Charitable Giving incentives package</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>Title II—Expansion of charitable choice</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>Title III—Individual development accounts</td>
</tr>
<tr>
<td>Sec. 5</td>
<td>Title IV—Charitable donations liability reform for in-kind contributions</td>
</tr>
<tr>
<td>Sec. 6</td>
<td>Title V—the applicable amount</td>
</tr>
<tr>
<td>Sec. 7</td>
<td>Title VI—Qualified charitable distribution</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
<th>Item</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1</td>
<td>(a)</td>
<td>In general—Section 176 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(m)</td>
<td>Deduction for individuals who do not itemize their deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(A)</td>
<td>The amount allowable under subsection (a) for the taxable year for cash contributions, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(B)</td>
<td>The applicable amount.</td>
</tr>
</tbody>
</table>

(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

For taxable years beginning in: | The applicable amount is: |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2002 and 2003</td>
<td>$25</td>
</tr>
<tr>
<td>2004, 2005, 2006</td>
<td>$50</td>
</tr>
<tr>
<td>2007, 2008, 2009</td>
<td>$75</td>
</tr>
<tr>
<td>2010 and thereafter</td>
<td>$100</td>
</tr>
</tbody>
</table>

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.

(3) DIRECT CHARITABLE DEDUCTION.—

(I) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "and", and by adding at the end thereof the following new paragraph:

(3) the direct charitable deduction.

(2) DEFINITION.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

(g) Direct Charitable Deduction.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m). |

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "and", and by adding at the end thereof the following new paragraph:

the direct charitable deduction.

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

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES

(a) In General.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end of the following new paragraph:

(6) Distributions for charitable purposes. |

(A) In general.—No amount shall be includable in gross income by reason of a qualified charitable distribution.

(B) Qualified charitable distribution.—

For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—
(i) Charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)(I));

(ii) a pooled income fund (as defined in section 664(c)(5)); and

(iii) a charitable gift annuity (as defined in section 971).

(b) Modifications relating to information returns by certain trusts.—

SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

(a) Trusts described in section 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

(b) Trusts claiming a charitable deduction under section 642(c).—For purposes of this paragraph—

(1) The amount paid out of principal in the current and prior years for charitable, etc., purposes;

(2) The total income of the trust within such year and the expenses attributable thereto;

(3) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year;

(4) An annual information return (as defined in section 6034) with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>10%</td>
</tr>
<tr>
<td>2003</td>
<td>11%</td>
</tr>
<tr>
<td>2004</td>
<td>12%</td>
</tr>
<tr>
<td>2005</td>
<td>13%</td>
</tr>
<tr>
<td>2006</td>
<td>14%</td>
</tr>
<tr>
<td>2007</td>
<td>15%</td>
</tr>
</tbody>
</table>

(c) Applications.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Applicable Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>10%</td>
</tr>
<tr>
<td>2003</td>
<td>11%</td>
</tr>
<tr>
<td>2004</td>
<td>12%</td>
</tr>
<tr>
<td>2005</td>
<td>13%</td>
</tr>
<tr>
<td>2006</td>
<td>14%</td>
</tr>
<tr>
<td>2007</td>
<td>15%</td>
</tr>
</tbody>
</table>

(d) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.
at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not sold at such time, in the recent past)." "(iii) Apparently wholesome food.—For purposes of this subparagraph, the term "apparently wholesome food" shall mean the meaning given to such term by section 28(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1701(b)(2)), as in effect on the date of the enactment of this subparagraph.".

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

SEC. 105. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) In General.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to tax on net investment income) is amended by striking "2 percent" and inserting "1 percent".

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Subparagraph (d) of section 4940(b) of such Code is amended by striking subsection (e).

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

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINder TRUSTS.

(a) In General.—Subsection (c) of section 661 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—
"(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) Excise tax.—
"(A) In General.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter A of chapter 1 of subtitle A of the Code is not in effect) and that is not a trust described in section 4947(a)(11), there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed under section 512 for purposes of this title other than subpart F of subchapter J of chapter 1 of subtitle A of the Code.

"(C) Character of distributions and coordination with distribution requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—
"(i) subsection (b),
"(ii) determining the value of trust assets under subsection (d)(2), and
"(iii) determining income under subsection (d)(3).

"(D) Tax court proceedings.—For purposes of this paragraph, the references in section 6221(c)(1) to section 4946 shall be deemed to include references to this paragraph.

"(e) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting "or assemblage of" after "constructed".

(b) Computer Technology and Equipment for Educational Purposes.—Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting "or assemblage of" after "constructed" and "or assemblage of" after "construction".

(c) Conforming Amendment.—Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting "or assemblage of" after "constructed" and "or assemblage of" after "construction".

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

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (1) of section 1367(a) of such Code (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking "and" at the end of subparagraph (A) and inserting a semicolon at the end of subparagraph (C) and inserting "and", and by adding at the end the following new subparagraph:

"(D) the excess of the amount of the shareholder's deduction for any charitable contribution made by the S corporation over the shareholder's proportionate share of the adjusted basis of the property contributed.

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

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title XXIV of the Revised Statutes of the United States is amended by inserting after section 601 (42 U.S.C. 6001 et seq.) the following:

"SEC. 1991. CHARITABLE CHOICE.

"(a) Short Title.—This section may be cited as the 'Charitable Choice Act of 2001'.

"(b) Purposes.—The purposes of this section are—

"(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

"(2) to supplement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c);

"(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

"(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

"(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the ability of eligible individuals and families to choose to receive services from a religious organization providing such assistance.

"(c) Religious Organizations Included as Providers of Government Assistance.—

"(1) In General.—

"(A) Inclusion.—For any program described in paragraph (4) that is carried out by the Federal Government, a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to be eligible to provide government assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the First Amendment to the Constitution.

"(B) Discrimination Prohibited.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

"(2) Funds Not Aid to Religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions of title I of the Civil Rights Act of 1964 (42 USC 2000d et seq.), shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

"(3) Funds Not Endorsement of Religion.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

"(4) Programs.—For purposes of this section, a program is described in this paragraph—

"(A) if it involves activities carried out using Federal funds—

"(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

"(ii) related to the prevention of crime and associated activities described in title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 301 et seq.);

"(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(v) related to the Older Americans Act of 1965 (42 U.S.C. 3002 et seq.);

"(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 1401 et seq.);

"(vii) related to hunger relief activities; or

"(viii) under the Job Access and Reverse Commute Grant Program established under section 1037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note);

"(B)(i) if it involves activities to assist students in obtaining recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105-220); or

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"(a) is an alternative that is accessible to the individual and unobjectionable to the individual on whose behalf it is offered; and

"(b) has a value that is not less than the value of the assistance that the individual would have received from such organization.

"(2) Nothing in this section alters the duty of a State, or local governmental entity to—

"(A) remove religious art, icons, scripture, or other symbols or provisions in its charter documents; or

"(B) remove religious art, icons, scripture, or other symbols or provisions in its charter documents;

"(3) remove religious art, icons, scripture, or other symbols or provisions in its charter documents; or

"(4) remove religious art, icons, scripture, or other symbols or provisions in its charter documents.

"(3) INDIVIDUAL DESCRIBED.—An individual described in paragraph (3) (of the rights of such individuals under this section.

"(4) NONDISCRIMINATION AGAINST BENEFICIARIES.—

"(1) GRANTS AND COOPERATIVE AGREEMENTS.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

"(2) INDIRECT FORMS OF ASSISTANCE.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

"(5) ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraphs (1) and (3) (religion, a religious belief, or a refusal to hold a religious belief) the individual described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accordance with generally accepted accounting principles for the use of such funds and its performance of such programs.

"(6) LIMITED AUDIT.—

"(1) GRANTS AND COOPERATIVE AGREEMENTS.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall conduct an annual self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government entity.

"(2) INDIRECT FORMS OF ASSISTANCE.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

"(7) SELF AUDIT.—A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government entity.

"(8) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

"(1) IN GENERAL.—If an individual described in subsection (c)(4) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance and attaches such a provision to such objection, the appropriate Federal, State, or local governmental entity shall provide to such individual, whether or not the person receiving such assistance is a member of the religious organization, a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government entity.

"(2) LIMITATIONS ON USE OF FUNDS; VOLUNTARY AGREEMENTS.—A religious organization providing assistance under any program described in subsection (c)(4) may voluntarily agree to any condition, provision, or restriction on the use of funds to further the public welfare, including, but not limited to, the prohibition of discrimination on the basis of race, color, national origin, sex, familial status, or disability, or any such purpose as the governmental entity provides.

"(3) TRAINING AND TECHNICAL ASSISTANCE FOR SMALL NONGOVERNMENTAL ORGANIZATIONS.—

"(1) IN GENERAL.—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component, or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through awards to other organizations, relating to potential application and participation in programs identified in subsection (c)(4), and any provisions apply to the Federal funds.
for Independence Act (42 U.S.C. 604 note) is amended by striking “demonstration” each place it appears:

1. Section 403.
2. Section 404(2).
3. Section 405(c)(1).
4. Section 405(b).
5. Section 405(c).
6. Section 405(d).
7. Section 405(e).
8. Section 405(g).
9. Section 406(a).
10. Section 406(b).
11. Section 407(c)(1).
15. Section 407(c)(1)(D).
16. Section 407(d).
17. Section 408(a).
18. Section 408(b).
19. Section 409.
20. Section 410.
21. Section 411.
22. Section 412(a).
23. Section 412(b).
24. Section 412(c).
25. Section 413(a).
26. Section 413(b).
27. Section 414.
28. Section 414(c).
29. Section 414(d).
30. Section 415.
31. Section 415(a).
32. Section 415(b).
33. Amendments to Section Headings.—The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking “DEMONSTRATION”:

1. Section 405(a).
2. Section 406(a).
3. Section 407(a).
4. Amendments to Section Headings.—The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking “DEMONSTRATION”:

C. APPLICABILITY.—The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

D. PRIOR AMENDMENTS.—The amendments made by title VI of 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) shall apply to funds provided before, on or after the date of the enactment of such Act.

TITLE IV—CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

SEC. 401. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) DEFINITIONS.—For purposes of this section:

1. AIRCRAFT.—The term “aircraft” has the meaning provided in section 40102(6) of title 49, United States Code.

2. BUSINESS ENTITY.—The term “business entity” means a firm, corporation, association, partnership, corporation, joint venture, or other form of enterprise.

3. EQUIPMENT.—The term “equipment” includes mechanical equipment, electronic equipment, and office equipment.

4. FACILITY.—The term “facility” means any real property, including any building, improvement, or appurtenance.

(b) GROSS NEGLIGENCE.—The term “gross negligence” means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(c) INTENTIONAL MISCONDUCT.—The term “intentional misconduct” means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(d) MOTOR VEHICLE.—The term “motor vehicle” has the meaning provided in section 30102(6) of title 49, United States Code.

(e) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means:

1. any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

2. any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(f) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(g) LIABILITY.—The liability of a business entity to a nonprofit organization (A) in general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) application.—This paragraph shall apply with respect to civil liability under Federal and State law.

(h) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(c) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.
OFFERED BY: Mr. HINCHEY
AMENDMENT No. 1: Page 63, after line 9, insert the following:

TITLE IIIA—DEPARTMENT OF JUSTICE
KLAMATH PROJECT WATER RIGHTS
COMPENSATION

For just compensation for private property taken for public use, as required by the 5th Amendment to the Constitution of the United States, the Department by the Attorney General to the water users of the Klamath Project for the Federal taking of water rights pursuant to the Klamath Reclamation Project 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead implements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in this Act for “National Oceanic And Atmospheric Administration—Operations, Research, and Facilities” (and the amounts specified under such heading for direct obligations, appropriation from the General Fund, and the National Marine Fisheries Service) are hereby reduced by: $200,000,000.

H.R. 2500
OFFERED BY: Mr. HINCHEY
AMENDMENT No. 2: In title I, in the item relating to “FEDERAL PRISON SYSTEM—BUILDINGS AND FACILITIES”, after the aggregate dollar amount, insert the following: (reduced by $73,000,000). In title II, in the item relating to “ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC SECURITY ASSISTANCE PROGRAMS”, after the aggregate dollar amount, insert the following: (increased by $73,000,000).

H.R. 2500
OFFERED BY: Mr. HINCHEY
AMENDMENT No. 3: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

S. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2500
OFFERED BY: Mr. KEEN
AMENDMENT No. 4: At the end of the bill, insert the following (preceding the short title) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

S. 801. None of the funds made available in this Act may be used in connection with any system to perform background checks on persons purchasing a firearm that does not provide for the immediate destruction of all information submitted under the system by, or on behalf of, each person determined under such system not to be prohibited from receiving a firearm.

H.R. 2500
OFFERED BY: Mr. MANZULLO
AMENDMENT No. 5: Page 96, line 10, strike “$4,100,000,000” and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

H.R. 2500
OFFERED BY: Mr. PAUL
AMENDMENT No. 6: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

S. 801. None of the funds made available in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

H.R. 2500
OFFERED BY: Mr. PAUL
AMENDMENT No. 7: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

S. 801. None of the funds made available in this Act may be used for any United States contribution for United Nations peacekeeping operations.

H.R. 2500
OFFERED BY: Mr. ROEMER
AMENDMENT No. 8: Page 70, after line 7, insert the following:

S. 365. (a) The Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the “Robert F. Kennedy Department of Justice Building”.

(b) Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Robert F. Kennedy Department of Justice Building”.

H.R. 2500
OFFERED BY: Mr. WALDEN OF OREGON
AMENDMENT No. 9: Page 108, after line 22, insert the following new title:

TITLE VIII—ON USE OF FUNDS

S. 801. None of the funds made available in this Act may be used to implement or to plan to implement any of the recommenda-

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the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).
The Senate met at 2 p.m. and was called to order by the Presiding Officer, the Honorable Jon Kyl, a Senator from the State of Arizona.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, thank You for this moment of prayer in which we can affirm Your call to seek unity in the midst of differences in the parties and politics. So often we focus on what separates us rather than the bond of unity that binds us together. We are one in our calling to serve You and our Nation and in the belief that You are the ultimate and only sovereign. You are the magnetic and majestic Lord of all who draws us out of pride and self-serving attitudes to work together for You. We find each other as we join our hearts in gratitude for the privilege of leading our Nation. Keep us so close to You and so open to one another that this will be a week of great progress. Help us to work expeditiously and with excellence for Your glory and our Nation’s good. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jon Kyl 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 assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jon Kyl, a Senator from the State of Arizona, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. Kyl 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.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of H.R. 2311, which the Clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. Reid. As has been announced by the Chair, the Senate will begin consideration of the energy and water appropriations bill. Today will be for debate only. There will be no rollcall votes today. The next vote is expected tomorrow at approximately 12 noon on cloture on the substitute amendment to the Bankruptcy Reform Act. I am to remind everyone that there is a 3 p.m. filing deadline for first-degree amendments to the bankruptcy reform substitute amendment.

We hope to complete action on the energy and water appropriations bill, the transportation appropriations bill, and/or the legislative branch appropriations bill before the end of this week.

I would say to all those listening, it is going to be extremely difficult to do that, but we can do it. There are only a few issues on the energy and water appropriations bill. We hope to resolve those so it does not take a lot of time. And then, of course, the appropriations bill dealing with transportation has in the last few years gone quite rapidly, and we hope it will again this year.

We are not in a position at this time, Senator Domenici and I, to offer a unanimous consent agreement as to when the amendments to the energy and water appropriations bill should be filed, but we are going to work on that. Senator Domenici is indisposed for the next hour and a half or so. But we expect him to be here at 3:30 today, at which time we will begin opening statements on the energy and water appropriations bill.

MORNING BUSINESS

Mr. Reid. I see my friend from Iowa here. Does he wish to speak on the bill or as if in morning business?

Mr. Grassley. Morning business.

Mr. Reid. Certainly I would have no problem asking unanimous consent. As I said, Senator Domenici is indisposed now for the next hour or so. So what time does the Senator from Iowa expect to use?

Mr. Grassley. I would expect to be done by 2:30.

Mr. Reid. Fine. I ask unanimous consent. Mr. President, the Senator from Iowa be recognized for 30 minutes to speak in morning business. When he completes his work, we will return to the energy and water appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa is recognized.

TAX CUT ACHIEVEMENT

Mr. Grassley. Mr. President, I want to visit with my colleagues and our constituents about the issues of the tax relief bill that was recently passed by the Congress of the United States and signed by the President on June 7 and will be the reason that tax rebate checks will go out, distributing $65 billion of overtaxation to the American people—back to the American people so they can spend it, so it will do more economic good than if it is politically distributed here in Washington, DC.

That bill not only has the $65 billion of tax refunds that will start going out next week and be out by September 30, but it already has reductions for other rates. The tax rebates come from the new 10-percent rate that is going into effect retroactive to January 1. It is my understanding there will be about 90 million Americans who will be getting rebate checks up to $1200 if they are single, $600 if they are a single parent, and also those up to $600 if they are married.

Also, remember that this is not a one-shot rate reduction, or tax rebate; that these rebates, even though they will never be received in a check again, will continue on into the future as permanent reductions in taxation for people in the 10-percent bracket. And also remember that everybody who pays taxes would pay some of that 10-percent bracket so that it does affect all taxpayers. But checks are going out for those up to the amount of $12,000 of taxable income.

I think this tax bill is going to make real changes in the lives of folks across our country. The changes I am going to discuss today result in the greatest tax relief provided in a generation—tax relief, I might add, powerfully brought about in a bipartisan consensus.

Some might ask, Why talk about something we have already done? The
answer is that the legislation is quite comprehensive and to do it justice we really need to take a thorough and methodical look at it. It just
stands clear that the administration's tax relief plan is needed now as a stimulus. I confess not to have thought that way last March and April when we started working on tax relief. But we ended up with tax rebates—$355 billion—and most economists are saying they could not have come at a more opportune time for an economy that is flat and in need of some stimulus.

There are three reasons for this bipartisan tax relief package. One is that it is necessary to reduce tax rates to avoid over-taxation. No. 2, it is necessary to respond to the current and long-term economic problems. In the short-term stimulus, but there are long-term economic benefits from this bill that are going to enhance the economy. Third, there is sufficient surplus outside Social Security and Medicare that is still available to accomplish a tax cut that addresses certain inequities in the Tax Code, such as the marriage penalty.

I will start with reason No. 1, that the tax cut corrected over-taxation. Before the tax cut, the Federal Government was collecting too much. The Federal Government was on a path to collect over $3.1 trillion in excess tax collections over the next 10 years. Federal tax receipts were at their highest level ever in our Nation's history.

The bulk of these excess collections came from the individual income-tax payer. Individual income tax collections were near an all-time high, even higher than some levels imposed by World War II.

The chart I have in the Chamber demonstrates this better than I can, how, since 1960, we have seen very high income taxation. In this particular case, we are seeing taxes, as a whole, collected by the Federal Government, not just the income taxes but everything at the highest level by the year 2000 at 20.6 percent of gross national product.

This chart shows total tax receipts as a percentage of gross domestic product over 40 years. Tax receipts have naturally fluctuated frequently since 1960, but most shockingly they spike up since there have been two stimulus programs that have been signed into law. The January 2001 Congressional Budget Office report to Congress shows that in 1992, total tax receipts were around 17 percent of gross domestic product. As I said, by the year 2000, they were at 20.6 percent. The significance of this percentage can only be appreciated in the historical comparisons to which I have already referred. But I want to be more specific.

In 1944, at the height of World War II, taxes, as a percentage of gross domestic product, were 20.9 percent—5.4 percent higher than they are today. By 1945, those taxes had dropped to 20.4 percent of GDP, which is actually lower than the collection level today.

It is unbelievable that in a time of unprecedented peace and prosperity, which defines the last decade, the Federal Government would take in taxes at a wartime level. The sorriest part of this whole story is that this huge increase in taxes has been borne almost exclusively by the American people who pay the individual Federal income tax.

I have another chart which shows tax collection levels for payroll taxes, corporate taxes, and all other taxes over the past decade. It shows they have been relatively stable. Corporate taxes, during the past 10 years, have increased from 1.6 percent of GDP to 2.1 percent of GDP. Estate taxes have remained relatively stable over that period of time.

However, collection of individual income taxes by the Federal Government has soared. There was a 50-percent increase during that period of time; 7.7 percent of gross domestic product in 1992 to 10.2 percent of gross domestic product as of the year 2000.

Individual income taxes now take up the largest share of GDP in the history of the individual income tax. And that dates back to 1916, except for the Civil War when there was one that the courts declared unconstitutional.

Even during World War II collections from individuals were 9.4 percent. So you see it was a full percentage point below what they are today in peace-time. As you can see, the source of current and future surpluses is from a huge buildup in individual income tax collections, and not in runups in any other form of taxes and levies that the Federal Government makes on the taxpayers of this country or the businesses of this country.

Part of this is because the 1993 Clinton tax increase was too much. These excess collections are attributable to that enactment, in August 1993, of the largest tax increase in the history of the world.

Since then, personal income has grown an average of 5.6 percent. Federal income tax collections, however, have grown an average of 9.1 percent a year, outstripping the rate of personal income growth by 64 percent.

The Joint Committee on Taxation, at the request of the Joint Economic Committee of the Congress, estimated that just repealing the revenue-raising provisions of President Clinton's 1993 biggest-in-the-world tax hike would yield a tax relief of more than $1 trillion over 10 years.

We ought to take a closer look at that 1993 world's biggest tax increase. The 39.6-percent top bracket reflected a
10-percent surcharge on the basic 36-
percent rate. The itemized deductions you
can subtract from your taxable in-
come, known as the phaseout, and the
phaseout of personal exemptions, which
we refer to as PEP, the personal
exemption phaseout, were temporary
bipartisan deficit reduction provisions
that were made permanent under the
1993 Budget Act.

So remember, you had a top marginal
tax rate of 36. That was meant to be
permanent. But you had a temporary
10 percent put on top of that, bringing
that to 36.9 percent. Yet for higher
brackets they wanted to camouflage it.
We had a phaseout of exemptions so
that higher income people did not get
the full advantage of the personal ex-
ception, as an example, which ought
to tell you that in a time of budget sur-
plus don’t crease are in tight now; any-
body who was intellectually honest about putting a 10-percent surtax on
the basic 36-percent rate just to get rid of
the annual budget deficit ought to
take that 10-percent rate off. But, no,
it was never done by those who pro-
posed it and those who did it. We did it
through the gradual reduction of the
rates that were in the bill signed by the
President June 7.

The chairman of the Finance Com-
mittee at the time of the 1993 Clinton
tax increase actually called this the what I
have already referred to as—“a world
record tax hike.” Obviously, with in-
come tax collections as high as they
have ever been in the history of the
country, we know that to be a fact.

The rationale for the tax increases
was deficit reduction. It is reasonable
to think that if deficit reduction was a
reason for raising taxes to record lev-
els, then in the era of surpluses we are
in now, those tax overcharges, those
tax overpayments, should be left with
the taxpayers of America, not run
through the Federal budget anymore,
for two reasons: No. 1, because they are not
needed, once you balance the budg-
et; and, No. 2, if I distribute that in-
come tax increases as high as they
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country, we know that to be a fact.
There is some speculation by some on my side of the aisle that those on the other side are hoping the recession comes about for political reasons. I disagree with that speculation. I believe everyone here wants to get the economy on a steady path. Everyone knows that the worst thing you can do in an economic downturn is to raise taxes. On the other hand, a tax cut is a stimulus to economic activity. So if your goal were to further slow down the economy, one sure way to do it would be to raise taxes. On the other hand, if you see a slowdown coming, a tax cut would be a wise response to get the economy growing again.

In other words, if we had not cut taxes, not had these rebate checks going out, we would be nervously trying to cut taxes to stimulate the economy. A tax cut stimulates economic growth in two ways. First is to the extent the tax cut currently provides more money for consumers to spend, it creates more demands for goods and services. Secondly, and most importantly, the tax cut stimulates the economy through changes in expectations for workers, investors, and businesses. In other words, a lower tax bite means that workers, investors, and businesses can expect to retain more of the income generated by their activities. That expectation will change what workers and investors and businesses do right now. That does more economic good than if we have a political decision to distribute the goods and services.

Chairman Alan Greenspan and others have alluded to a new form of “bracket creep” brought about by high tax rates. In a sense, through this new form of bracket creep, the Federal Government was getting a windfall from workers, investors, and businesses. With the lower marginal tax rates, some of the damaging bracket creep has been eliminated over the long term. That change should free up more income to flow through the marketplace and stimulate the economy.

So it was pretty clear some action needed to be taken to stimulate the economy. Action was taken and now, hopefully, for the folks back home, the economy will start to grow significantly.

Now if I can go to the third and last reason why the tax cut needed to be passed—the issue of fairness. We heard during the debate, and even recently, a hue and cry from some on the other side of the aisle that not all taxpayers should receive a rate reduction. They said the bipartisan tax relief bill that was signed by the President disproportionately benefits upper income taxpayers and does not provide enough relief at the lower income scale.

Well, we have news for that group of people. None of those allegations is true, and the charts that I have will show that. But we first need to understand the current distribution of tax liability anybody in America. We already have a highly progressive income tax system. According to the Congressional Budget Office, the top 20 percent of income taxpayers pay over 75 percent of all the income taxes coming into the Federal Government. By contrast, households in the bottom three-fifths of the income distribution pay 7 percent of all individual taxes.

Sometimes I get the feeling around here that when it comes to progressivity, the only way it is going to satisfy anybody here is if the richest man in America is supporting the Federal Government totally. But for those who are worried about this tax bill not being progressive enough, it not only preserves an already progressive system; it actually makes it more progressive. Those who don’t like progressive income tax systems don’t like to hear me say that. But for those who say our tax bill has made it less progressive, I hope it causes them to keep their mouths shut.

So to all who are critical of the bipartisan tax relief package as a tax cut for the rich, I invite them to pay special attention to data prepared by a neutral source, the Joint Committee on Taxation. These professionals work for both sides of the aisle, Republicans and Democrats, and for both the House and the Senate. As the Joint Committee on Taxation says, the marginal tax rate reductions in our bill, as signed by the President, combined with the increase in the child credit, and its added refundability, the marriage penalty, the education provisions, and the individual retirement accounts and pension provisions—all these aspects of this bill provide the greatest reduction in tax burden for the lower income taxpayer.

I ask unanimous consent that the tables prepared by the Joint Committee on Taxation be printed in the RECORD.

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

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### DISTRIBUTIONAL EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 1836 [1]

(Prepared by the staff of the Conference Agreement for H.R. 1836, May 26, 2001)

<table>
<thead>
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<th>Income category 2</th>
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### CALENDAR YEAR 2002

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### CALENDAR YEAR 2003

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<th>Effective Tax Rate 4</th>
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</tr>
</tbody>
</table>
Mr. GRASSLEY. Mr. President, I will go to a couple of the charts I referred to prepared by Joint Tax. Look at the levels of reduction in tax burden shown on this chart. You can see that the lowest income brackets receive the highest reduction.

Now, for the year 2006—and I say for the year 2006 because that is when the individual tax provisions or rates are implemented—taxpayers with over $100,000 of income receive a tax cut of between 5 and 6 percent. Taxpayers earning between $10,000 and $50,000 get a tax cut of between 6.5 percent and 13.6 percent, with those at the lower income levels getting the biggest percentage of reduction. Even those with incomes below $10,000, who, by and large, don’t pay income and payroll taxes, receive a tax cut under the bipartisan tax relief package.

Under the tax relief, 6 million American children will be taken off the income tax rolls. Those are lower bracket people. Just tell 6 million people who are not going to be paying income tax in the future that they aren’t getting a benefit from this greater than higher income people who are going to be paying income taxes the rest of their lives. A four-person family earning $35,000 a year will no longer have any income tax burden.

As the Joint Tax data also shows, a large reduction of the tax burden is targeted toward taxpayers between the $30,000 and $75,000 income brackets. These taxpayers will enjoy significant effective tax relief.

I also said that the bipartisan tax relief actually makes our tax system more progressive. The Joint Tax Committee again provides the proof. As the Joint Tax tables demonstrate, under the bipartisan tax relief package, the overall burden goes down for taxpayers earning below $100,000. For taxpayers making $100,000 or more, however, their share of the Federal tax burden will actually increase under the bipartisan tax relief legislation. For example, for taxpayers earning between $100,000 and $200,000 a year, their share of the burden will increase by three-tenths of a percent. This is not the case for taxpayers earning between $10,000 and $50,000. Their share of the overall burden will decrease by three-tenths of a percentage point.

So the bipartisan tax relief legislation not only retains the progressivity of the tax system, but that progressivity is enhanced.

Now, it is clear that distribution tables aren’t the only way to define tax fairness. There were other categories of tax relief that carried bipartisan priority in terms of fairness. First, on a bipartisan basis, there is concern about the added burden for couples who decide to marry. This important social objective was impaired by the marriage penalty. The bipartisan tax relief legislation provided marriage tax relief.

Second, on a bipartisan basis, there was concern about the Tax Code’s failure to recognize the cost of raising children. The bipartisan tax relief legislation provides tax relief for millions of families with children, including those who pay no Income tax at all. In addition, the dependant care tax credit was enhanced for families with children in day care.

Third, on a bipartisan basis, there was concern about helping families with the rising cost of education. As a response, the bipartisan tax relief legislation includes a package of education tax relief measures.

Fourth, on a bipartisan basis, there was concern about declining savings

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**Table: Income category, Change in Federal taxes, Federal taxes under present law, Federal taxes under proposed law, Effective Tax Rate**

<table>
<thead>
<tr>
<th>Income category</th>
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<th>Federal taxes under present law</th>
<th>Federal taxes under proposed law</th>
<th>Effective Tax Rate</th>
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**Notes:**
1. Includes provisions affecting the child credit, individual marginal rates, a 10% bracket, limitation of itemized deductions, the personal exemption phased out, the standard deduction, 15% bracket and EIC for married couples, deductible IRA contributions, and the AMT.
3. The effective tax rate is equal to Federal taxes described in footnote (3) divided by: income described in footnote (2) plus additional income attributable to the proposal.
rates and the need for more secure retirement plan benefits for more workers to help baby boomers who are saving less. As a response, the bipartisan tax relief legislation included significant enhancements to individual retirement accounts and retirement plans. This package was then perhaps the greatest improvement in our individual IRA's and retirement plans in a generation.

Finally, there was a bipartisan concern about the confiscatory impact of the death tax, especially for family farmers and small businesses. As a response, the bipartisan tax relief legislation includes death tax relief, including repeal.

Today I have talked about the three most important reasons from my perspective why we were able to pass the largest bipartisan tax relief measure in a generation.

The first reason is to correct the policy of overtaxation that stemmed from the heavy tax hike of 1993.

The second is to respond with an economic stimulus against the current economic slowdown.

The third is there are sufficient budgetary resources to address tax fairness problems.

It is important to realize that the major tax legislation just enacted rests on a very sound foundation. It should not be dismissed, it should not be obfuscated, and it should not otherwise be distorted by budgetary demagoguery. Let us not forget that revenue is not an abstract notion. Revenue reflects the sum total payments to Washington by hard-working men and women. It is not abstract when paid and should not be treated as an entitlement by those of us fortunate enough to be blessed here to make policy decisions to represent the folks back home.

We have a very good tax bill. Our challenge is to make sure that those in Congress who want to spend more money and do not like giving the people back their money—we are intent upon keeping this reduction of revenue coming into the Federal Treasury, not because we are concerned about the taxpayers, but because if those taxpayers spend that money, it is going to do more economic good and turn over the economy, create more jobs and more wealth than if I spend it as a Member of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for approximately 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the proliferation of small arms around the world and, specifically, the remarks made by John Bolton, the Under Secretary of State for Arms Control and International Security Affairs before the United Nations this past July 9 at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

I begin by saying what I sincerely believe: I think it is right and necessary to limit the illicit sale of small arms and light weapons on a worldwide basis. In order to do that, however, one also has to address transparency and legal transfers of small arms and light weapons because so much of the illicit proliferation problem has its roots in legal sales. I was therefore very surprised that Under Secretary Bolton said the United States may well be opposed to any consideration by the conference that are aimed at curtailing the international proliferation of small arms and light weapons.

Before I address Mr. Bolton's speech, and the question it raises about the direction of the administration's policy in this area, I would like to briefly sketch out the scope and scale of this problem:

The worldwide proliferation of small arms—this includes shoulder-mounted missiles, assault weapons, grenade launchers, and high-powered sniper rifles—is a staggering problem today. Right now there are an estimated 500 million illicit small arms and light weapons in circulation around the globe.

In the past decade alone, an estimated 4 million people have been killed in civil war and bloody fighting, many of these by small arms.

As a matter of fact, 9 out of 10 of these deaths are attributed to small arms and light weapons. According to the International Committee of the Red Cross, more than 50 percent of the 4 million people killed—that is 2 million people—are believed to be civilians. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, as well as the sort of violence endemic to narcotrafficking in Colombia and Mexico. These conflicts undermine the regional stability, and they endanger the spread of nuclear, chemical, and biological weapons around the world.

The United Nations and the Red Cross estimate that more than 10 million small arms and light weapons, ranging from pistols to AK-47's to hand grenades to shoulder-launched missiles, are today in circulation in Afghanistan where the terrorist organization of Osama bin Laden is based.

The United Nations estimates that over 650,000 weapons disappeared from government depots in Albania in the 3 years following the end of the civil war and violence in the Balkans, including 20,000 tons of explosives.

NATO peacekeepers and U.S. soldiers in the region are under threat and in danger from these weapons. In fact, the increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to all U.S. participants in peacekeeping operations and U.S. forces based overseas.

Clearly, this is a substantial problem, and it has profound implications for U.S. security interests. It is because of the scope and scale of the problem that the United Nations conference on the illicit trade in small arms and light weapons, I believe, is so important.

Unfortunately, as the Washington Post editorial on July 10 put it, Mr. Bolton's opening address "appeared designed to cater to the most extreme dom-estic opponents of gun control ..." Although I do not disagree with all that Mr. Bolton said, I want to ask that we examine more closely the implications of some of his statements, and how they conflict with both settled Supreme Court precedent and the goals of stemming the tide of illicit arms into the hands of terrorists, drug cartels, and violent rebellions.

First, Mr. Bolton stated that "The United States will not join consensus on a final document that contains measures contrary to our constitutional right to keep and bear arms." As the Post's editorial points out, "No such measures appear in the draft documents before the conference."

Why, exactly, did he do that? I believe not only is Mr. Bolton wrong in his assertion about the connection between the Second Amendment and the work of conference, but in any case Mr. Bolton's position on the Second Amendment is in direct contradiction to decades of Supreme Court precedent.

Not one single gun control law has ever been overturned by the Court on Second Amendment grounds.

Contrary to the constant claims of the NRA, the meaning of the Second Amendment has been well-settled for more than 60 years—ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on Second Amendment grounds, the Court held that the "obvious purpose" of the Second Amendment was "to assure the continuation and render possible the effectiveness" of the "state Militia." Because a sawed-off shotgun was not a weapon that would be used by a "state Militia," like the
National Guard, the Second Amendment was in no way applicable to that case, said the Government.

If a sawed-off shotgun is not protected by the Second Amendment, why does the Administration seem to be taking the position that the Second Amendment protects the international trafficking of shoulder-launched missiles?

If an American citizen cannot freely transport a sawed-off shotgun across state lines, why can’t we work to stop the international transportation of grenade launchers and high powered, military sniper rifles?

This second amendment argument simply makes no sense, and has no place in this debate.

Second, Mr. Bolton’s opening statement attacked language that calls on governments to “seriously consider curtailing ‘unrestricted sales and ownership’ of arms specifically designed for military purposes.

So Mr. Bolton essentially objected to even considering merely curtailing the “unregulated sale and ownership” of military weapons.

In point of fact the United States already curtails the sale and ownership of many of these guns.

The National Firearms Act, for instance, places severe restrictions on the manufacture and possession of machine guns, sawed-off shotguns, grenades, bombs, rockets, missiles, and mines.

We also passed the 1994 assault weapons ban, which stopped the production of semi-automatic, military-style assault weapons.

These firearms have no sporting purpose, and our laws recognize that fact. Yet these guns contribute enormous to terrorist threats, drug cartel violence, and civil strife throughout the world.

Congress has already recognized that curtailing the use of military-style weapons is reasonable, appropriate, and even life-saving. To now object to a clause that would call upon other governments around the world to do the same is nonsensical at best, and undermines U.S. security interests—and the lives of U.S. military personnel—at worst.

Next, Mr. Bolton stated that the United States would “not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons.” That may be legitimate read on its face. People can understand that.

Although it is my belief that the United States is not the biggest contributor to the problem of the global proliferation of small arms and light weapons—the United Nations has found that almost 300 companies in 50 countries now manufacture small arms and related equipment—in 1999 the U.S. licensed for export more than $470 million in light military weapons.

With the average price of $100–$300 per weapon, this represents a huge volume of weapons.

The Administration in addressing the issue of the international proliferation of small arms and light weapons one cannot simply address the illicit side of the equation without also looking at the interactions between the legal trade and the illegal trade.

In fact, there is good evidence of an increased incidence of U.S. manufactured weapons—legally manufactured and legally traded or transferred—flowing into the international black market.

In April, 1998, for example, The New York Times reported that the United States had to rescind pending licenses for sale of U.S. firearms to the United Kingdom based on the European Union’s traceability requirement of gun transfers between EU members without review or oversight.

In 1999 the State Department stopped issuing licenses from the U.S. to dealers in Venezuela because of concern that these guns—legally exported and sold—were in fact ending up in the hands of narco-traffickers and guerrillas in Colombia.

In 2000 and to date in 2001, the ATF has processed more than 19,000 trace requests from foreign countries for firearms used in crimes: 8,000 of these guns were sold legally in the United States. So they are sold legally and they get into the black market and they become part of a crime.

In 1994, Mexico reported 3,376 illegally acquired U.S.-origin firearms. Many of these weapons were originally sold legally to legitimate buyers but then transferred illegally, to many Mexican drug cartels. Between 1989 and 1993, the State Department approved 108 licenses for the export of $34 million in small arms to Mexico, but it performed only three follow-up inspections to ensure that the weapons were delivered to and stayed in the hands of the intended users.

According to the South African Institute for Security Studies, an estimated 30,000 stolen firearms—again, firearms originally manufactured and traded, sold or transferred in a legal manner—enter the illegal marketplace annually in South Africa.

Given this undeniable connection between legal sales and illicit trade, the approach suggested by Mr. Bolton to the Conference—that it should only address one part of the equation while ignoring the other, appears to me to be untenable.

I would also suggest that certain measures which may be seen by some as constraints on legal manufacture and trade—such as international agreements for the marking and tracing of small arms and light weapons, or seeing that there are international regulations governing the activities of arms brokers—are in fact wise policy.

Mr. Bolton also stated:

Neither will we, at this time, commit to begin negotiations and reach agreements on legally binding international measures that the feasibility and necessity of which may be in question and in need of review over time.

Yet, as Mr. Bolton himself points out in his statement, the United States has some of the best laws and regulations on the books regarding the sale and transfers of light weapons.

In my view it is clearly in the U.S. interest to see that those standards are replicated by the world community.

Mr. Bolton’s statement is fulsome in its praise of U.S. brokering regulations. Why do we not want to see others rise to the same standards?

Mr. Bolton’s statement cites U.S. regulations governing the transfer of military articles of U.S. origin and U.S. exports of small arms and light weapons.

Instead of going it alone—with limited success even when it comes to some of our closest allies, like the United Kingdom, as the example I cited above shows—we should be working to see to it that the rest of the international community adopts similar standards? I think so.

In approaching the United Nations Conference, the U.S. government should negotiate and support making the trafficking of small arms traceable, strengthen international regulations of transfers, bolster rules governing arms brokers, and eliminate the secrecy that permits thousands of weapons to fuel crime and war without anyone’s knowledge of their source.

We should be taking the lead on this issue based on our foreign policy and national security interests, not taking the NRA line based on domestic political considerations.

And U.S. leadership should ensure that the Conference is the first step, not the last, in the international community’s efforts to control the spread of small arms and light weapons.

The problem is for us to look at the illicit trade of small arms and light weapons, which is killing millions upon millions of people, 50 percent of them innocent civilians, without increasing the transparency of the legal market because so many of these weapons go from the legal market into the black market—the illicit market.

I yield the floor.

The PRESIDING OFFICER (Mr. Bingaman). The Senator from Arizona.

Mr. KYL. Mr. President, I ask consent to speak in morning business for 5 minutes, and following my remarks, the Senator from Washington speak.

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

Mr. KYL. Mr. President, I first thank the Senator from Washington State for her kindness letting me speak next. I hope to make an appointment in my office. I will cut my remarks short and give a summary and put the remainder
in the RECORD. I appreciate her generosity and that of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Arizona.

CONFIRMATION OF NOMINEES

Mr. KYL. We started this session of Congress, I think, on a fairly high note of bipartisanship. While there have been some recent events that may have detracted from that, I think most of us would like to proceed with as much bipartisanship as possible. Part of this, of course, concerns relationships between the Congress and the President.

Since the majority in the Senate and the President are of different parties, that may be a little more difficult. I have a suggestion today which I hope will enable us to move in that direction.

The President has a number of nominees, executive branch nominees, that are a few legislative branch nominees that require our actions, and then there are some judicial nominees. I hope in a real spirit of bipartisanship we can get those nominees cleared; that the Senate can confirm the President’s nominations and the personnel that he needs in the executive branch to get his work done, and that we can confirm the judges the courts need. These are people who need to be put into place so our country can move forward for all of the American people.

Up until last week, unfortunately, the Senate had been acting at a relatively slow pace. I might also add the change from the majority to the minority, and vice versa, undoubtedly complicated this, but we were not making very good progress.

Last week, I note that 54 nominees were confirmed by the Senate. In fact, 36 were confirmed just last Thursday. So we are finally beginning to make some progress. I urge my colleagues to continue this progress because, by my count, there are 93 executive branch nominees pending as of today. Only 26 have had hearings. But as we know, it does not take too much for the committee work to follow shortly after a hearing so the nominees can actually come to the Senate for full debate and confirmation by the full Senate.

As of today, according to the administration’s figures, approximately 347 nominees have come to the Senate, and only 187 have been confirmed. So we still have a fair amount of work to do.

In terms of judicial nominees, my understanding is that there are 29 nominations pending, 3 of which have had hearings. Of those, 20 are circuit court nominees, 9 are district court nominees. The bottom line with regard to the circuit is that as of today, no circuit or district court judges have been confirmed this year. We are, of course, now past the midway point of this year.

I am going to have to get going. Again, I do not want to point any fingers at the spirit of bipartisanship which I am involving here today. I am hoping Republicans and Democrats in the Senate and the administration can work very closely together.

What I would like to do, and I will do at the end of this week, is submit for the RECORD the names of the nominees who are pending. I was going to read the names of the people who are currently pending, but I do not need to do that. I will submit those for the RECORD. But I would note some of those have been pending going back to the month of April. Clearly the Senate can act on those nominees who have been before us for a long period of time, and we should expedite those who have come before us, even fairly recently. It should be out by the time we conclude our work in July and return to our States for the August recess, that all of the nominees who have come to the Senate, except maybe in the last couple of days before that period of time, will have been cleared; that is to say, they will have had their hearings, come out of committee, and been acted upon by the full Senate.

Very few of them are controversial, as I go down the list.

I do note in a couple of cases nominees are being held up by Senators—actually in four or five cases. A couple of those are being held up by Republicans, and a few more are being held up by Democrats. I am going to urge my Republican colleagues to cooperate so the concerns they have expressed can be dealt with and the nominees can move forward. I hope my Democratic colleagues will do the same on their side of the aisle. I think it is important that we all work together on this, but a technical hold on a nomination, we all appreciate all that means is that they have requested to be notified if the majority leader is going to call that nominee up for a full Senate consideration so that Senator will then have an opportunity to object. Obviously, we do not want to put Members in that position, but I do think it is important for the full Senate to be able to work its will on these nominees.

That is why I am going to ask both Republicans and Democrats where they have a problem with somebody, to try to work that out with the administration so we can proceed.

Finally, last week I worked with the distinguished majority leader and the assistant majority leader in ensuring we could both bring the appropriations bills that we have to deal with to the Senate floor and get these nominees done at the same time. There is nothing to prevent us from bringing an appropriation bill to the floor today. Then, toward the end of the day, for those nominees that do not require debate and rollcall vote, having them considered in the wrap-up.

I will continue to do that because it is my expectation that we will not have to use the cumbersome parliamentary procedure that we all have available to us to hold up business of the Senate in order to get these nominees done since they are the top priority; that we can actually do both at the same time.

That is my request of the majority leader and of the assistant majority leader—to continue to work in that spirit moving forward both with the appropriations bill and with the nominees. I will have more to say about this later.

I ask unanimous consent that the names of the nominees who are currently pending be printed in the RECORD.

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

BUSH ADMINISTRATION NOMINEES PENDING

SENATE ACTION

AGRICULTURE

Thomas C. Dorr, Undersecretary for Rural Development.

Hilda Gay Legg, Administrator, Rural Utilities Services.

Mark Edward Rey, Undersecretary for Natural Resources and Environment.

COMMERCE

Samuel W. Bodman, Deputy Secretary of Commerce.

David Sampson, Assistant Secretary for Economic Development.

Michael J. Garcia, Assistant Secretary for Export Enforcement.

William Henry Lash III, Assistant Secretary for Market Access and Compliance.


DEFENSE


Stephen A. Cambone, Principal Deputy Undersecretary for Policy.

Susan Morrissey Livinston, Undersecretary of the Navy.

Alberto Jose Mora, General Counsel, Navy.

Michael Parker, Assistant Secretary for Civil Works, Army.

John Stenbit, Assistant Secretary for Command, Control, Communications & Intelligence.

Ronald M. Sega, Director, Defense Research and Engineering.

Joseph E. Schmitz, Inspector General.

Michael L. Domnguez, Assistant Secretary (Air Force) for Manpower, Reserve Affairs.

James Edward Rogan, Undersecretary of the Navy.

H.T. Johnson, Assistant Secretary (Navy) for Installations & Environment.

William F. Persigo, Assistant Secretary (Army) for Installations & Environment.

EDUCATION

Carol D’Amico, Assistant Secretary for Vocational and Adult Education.

Brian Jones, General Counsel.

Laurie Rich, Assistant Secretary for Intergovernmental and Intergency Affairs.

Robert Pastrnack, Assistant Secretary for Special Education and Rehabilitative Services.

Joanne M. Wilson, Commissioner, Rehabilitation Services Administration.
July 16, 2001

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ENERGY

Dan R. Brouillette, Assistant Secretary for Congressional and Intergovernmental Affairs.

Theresa Alviar-Speake, Director, of Minority Economic Impact.

HEALTH AND HUMAN SERVICES

Wade F. Horn, Assistant Secretary for Family Support.

Kevin Keane, Assistant Secretary for Public Affairs.

Janet Hale, Assistant Secretary for Management and Budget.

Alex Azar, III, General Counsel.

Janet Rehnquist, Inspector General.

Joséfa Carbonell, Assistant Secretary for Aging.

Joan E. Ohi, Commissioner, Administration for Children, Youth and Families.

Michael Ninom Fawn Liu, Assistant Secretary for Public and Indian Housing.

Melody H. Fennel, Assistant Secretary for Congressional and Intergovernmental Affairs.

JUSTICE

Ralph F. Boyd, Jr., Assistant Attorney General for Civil Rights.

Deborah J. Daniels, Assistant Attorney General for Antitrust.

Thomas L. Sansonetti, Assistant Attorney General for Environment & Natural Resources.

Robert D. McCallum, Jr., Assistant Attorney General for the Civil Division.

Eileen J. O’Connor, Assistant Attorney General for Tax Division.

Sarah V. Hart, Director, National Institute of Justice.

Richard R. Neldzhoff, Director of the Bureau of Justice Assistance.

J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention.

James W. Ziglar, Commissioner, Immigration and Naturalization Service.

John W. Gillis, Director, Office for Victims of Crime.

Ana Hutchinson, Administrator, Drug Enforcement Agency.

Sharee M. Freeman, Director, Community Relations Service.


LABOR

Eugene Scalia, Solicitor of Labor.

John Lester Henshaw, Assistant Secretary, Occupational Safety and Health.

Emily Stover DeRocco, Assistant Secretary for Employment Training Administration.

STATE


Otto J. Reich, Assistant Secretary for Western Hemisphere Affairs.

Charlotte L. Beers, Undersecretary for Public Diplomacy.

Clark Kevin Ervin, Inspector General.

Dennis L. Schornack, Commissioner, International Joint Commission.

William A. Eaton, Assistant Secretary for Administration.

TRANSPORTATION

Allan Rutter, Administrator, Federal Railroad Administration.

Kirk Van Tine, General Counsel.

Ellen G. Englishman, Administrator, Research and Special Programs.


TREASURY

Michele Davis, Assistant Secretary for Public Affairs.

Kenneth Dam, Deputy Secretary of the Treasury.

Peter R. Fisher, Undersecretary for Domestic Finance.

Jimmy Gurule, Undersecretary for Enforcement.

Rosario Marin, Treasurer of the United States.

Brian Carlton Roseboro, Assistant for Financial Markets.

Henrietta Holmes Fore, Director, U.S. Mint.

Robert C. Bonner, Commissioner of Customs.

Shelia C. Bair, Assistant Secretary for Prinancial Institutions.

VETERANS AFFAIRS

Gordon H. Mansfield, Assistant Secretary for Congressional Affairs.

Claude Klickiger, Assistant Secretary for Policy and Planning.

EXECUTIVE BRANCH

John D. Graham, Administrator of the Office of Information and Regulatory Affairs.

Jon M. Huntsman, Deputy USITC.

Mark B. McClellan, Member, Council of Economic Advisors.

Allen Frederick Johnson, Chief Agricultural Negotiator, USTR.

John Walters, Director, Office of Drug Control Policy.

AGENCIES

Robert E. Fabricant, General Counsel, EPA.

Hector Baretto, Administrator, Small Business Administration.

Roger Walton Ferguson, Governor, Federal Reserve System.

Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, EPA.

George Tracey, III, Assistant Administrator for Water, EPA.

Eduardo Aguire, Jr., First Vice President & Vice Chair, Export-Import Administration.


Harvey L. Pitt, Chairman, Securities and Exchange Commission.

Rose J. Connelly, Executive Vice President, OPIC.

Carole L. Brookins, US Executive Director of the International Bank for Reconstruction.

Judith Elizabeth Ayres, Assistant Administrator for International Activities.

Daniel R. Levinson, Inspector General, GSA.

Marion Blakey, Chairman, National Transportation Safety Board.

John Arthur Hammerschmidt, Member, National Transportation Safety Board.

Donald Schregardus, Assistant Administrator for Enforcement.

JUDICIARY

John G. Roberts, Jr., U.S. Circuit Court, District of Columbia.

Miguel A. Estrada, U.S. Circuit Court, District of Columbia.

Edith Brown Clement, U.S. Circuit Court, Fifth Circuit.

Priscilla Richman Owen, U.S. Circuit Court, Fifth Circuit.

Dennis W. Shedd, U.S. Circuit Court, Fourth Circuit.

Roger L. Gregory, U.S. Circuit Court, Fourth Circuit.

Terrence W. Boyle, U.S. Circuit Court, Fourth Circuit.

Barrington D. Parker, U.S. Circuit Court, Second Circuit.

Deborah L. Cook, U.S. Circuit Court, Sixth Circuit.

Jeffrey S. Sutton, U.S. Circuit Court, Sixth Circuit.

Michael E. McConnell, U.S. Circuit Court, Tenth Circuit.


Lakenski B. Smith, U.S. Circuit Court, Eighth Circuit.

William J. Riley, U.S. Circuit Court, Eighth Circuit.

Charles W. Pickering, Sr., U.S. Circuit Court, Fifth Circuit.

Timothy M. Tymkovich, U.S. Circuit Court, Tenth Circuit.

Harris L. Hartz, U.S. Circuit Court, Tenth Circuit.

Carolyn B. Kuhl, U.S. Circuit Court, Ninth Circuit.

Richard R. Clifton, U.S. Circuit Court, Ninth Circuit.

Michael J. Melloy, U.S. Circuit Court, Eighth Circuit.

Richard F. Cebul, U.S. District Court, District of Montana.

Sam E. Haddon, U.S. District Court, District of Montana.

Terry L. Wooten, U.S. District Court, District of South Carolina.

Laurie Smith Camp, U.S. District Court, District of Nebraska.

Paul G. Cassell, U.S. District Court, District of Utah.


Michael P. Mills, U.S. District Court, Northern District of Mississippi.

James E. Gritzner, U.S. District Court, Southern District of Iowa.

Mr. KYL. Mr. President, I will continue to work with the majority and minority leaders to ensure that we can consider these nominees.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Thank you, Mr. President.

REGULATION OF ENERGY MARKETS

Ms. CANTWELL. Mr. President, I rise today to address an issue of extraordinary importance to the State of Washington, the Pacific Northwest, and the entire west coast. That is the role of the Federal Energy Regulatory Commission in regulating our Nation’s energy markets and righting the wrongs that have been visited upon ratepayers in the West by runaway energy prices over the last year.

We are now 22 days into an expedited review process by the Federal Energy Regulatory Commission, designed to determine refunds for the unjust and unreasonable rates paid by Western consumers.

At the urging of my colleagues from the Northwest, Senators MURRAY, WYDEN, SMITH, and myself, FERC finally recognized the realities of the energy markets in the West when they allowed Pacific Northwest utilities to participate in these proceedings and the expedited review process. But my
main concern is that in the haste of putting the California debacle behind it, FERC will again overlook the Northwest and consumers who have been impacted by as much as 50-per-cent rate increases. I am afraid my suspicions were borne out last week when the administrative law judge charged with overseeing this refund matter issued his recommendations to FERC, again paying little attention to the Northwest problem. It is now up to FERC to determine what to do with the judge's recommendation. I believe the Commission could and—cannot—in the interest of fairness ignore the Northwest in its refund calculation. While many of my colleagues are well aware of the toll this crisis has taken on California, we—and FERC—cannot disregard the impact that it has had on Northwest citizens, businesses, and communities of Washington State.

Equitable treatment in this refund proceeding requires that the Commission recognize a certain fundamental truth: That Northwest consumers have been harmed, and they have been harmed by unjust and unreasonable prices that have prevailed in all energy markets throughout the West—inside and outside California, and in spot, forward, and long-term power markets.

There are differences between how California and Northwest utilities manage their obligations to serve consumers. Thus, FERC should not come up with a one-size-fits-all solution for a refund methodology. The basic litmus test should be this: Did power rates meet the commonsense test of reasonableness? If the answer is no, then the Commission should order refunds. This determination should not depend on whether the utilities bought energy on the spot market or made their purchases under long-term contracts.

The Northwest has been hurt by California's dysfunctional marketplace, and yet we now also risk being hurt because we in the Pacific Northwest do not operate the same way as the California ISO, when it comes to the issue of refunds. We run the risk of being penalized twice.

Western consumers have been impacted by the havoc unleashed by California's unstable energy markets and the apparent gamesmanship of a few who have taken advantage of this broken power market. This topic is of particular concern to the Northwest because, as the crisis has evolved, FERC has been slow to respond to the situation in California, and slower to respond in the Northwest. In the refund proceeding, focusing solely on California's spot markets would significantly harm the utilities of my State and ignore the residual damage that California has caused in all of the energy markets throughout the West.

What are some of those impacts? Make no mistake. The pain inflicted by this crisis has been real on the people of Washington State. Over the last year skyrocketing energy prices have caused consumers to rise in all corners of my State: 20 percent in Clark County, 30 percent in Cowlitz, Skamania, and Okanogan counties, 35 percent in Snohomish County, and 50 percent in the cities of Tacoma and Seattle. Even as these utilities have passed on rate increases to consumers, some have been forced to issue hundreds of millions of dollars' worth of bonds to cover the cost. Seattle, for example, normally spends $100 million per year on purchasing power. This year the city spent over $450 million to keep the lights on—and that is just in the first 6 months of the year.

While the utility in its first 98 years of history issued a total of only about $1 billion in bonds. It is having to issue $700 million in debt this year alone to pay for its purchased power bills. A number of Northwest utilities have even had their bond ratings downgraded as a result of this crisis.

Indeed, the impacts on Washington have already begun to take root. Energy-intensive industries such as aluminum smelting and pulp and paper industries have been driven to the brink of collapse, and layoffs already number in the tens of thousands. There are innumerable other businesses that are on the brink as well.

For example, Georgia-Pacific has shut down its pulp and paper mill in Bellingham, WA, laying off 420 workers. Another pulp and paper mill in Stellacom, WA, has had to idle its workforce due to escalating power prices.

Washington's aluminum industry, which provides my State with between 6 percent of its employment and 7 percent of its taxable personal income, has been hurt. If it continues, the economic impact of this crisis is going to continue to be felt at the local level as well. In the State of Washington, the aluminum industry represents the second largest economic sector, second only to transportation. So the agricultural impact is being felt broadly in our State.

The effect on small businesses has been equally harrowing. At a Small Business Committee field hearing that was held in Seattle by the chairman, Senator KERRY, I heard from the president of a steel foundry based in Tacoma, which has been in operation since 1899—a company that employs over 350 people. In the face of this crisis, this plant, with a very aggressive approach, reduced its power consumption by over 20 percent. At the same time, the foundry has increased its efficiency and will actually produce more steel this year. But despite this extraordinary effort to reducing energy consumption, the company's power bills are 60 percent over what it was the year before, virtually I have just any profits and already forcing a handful of layoffs. In the words of the company's president, any further rate increase will mean that the foundry will have to close its doors.

This crisis has a very human face. The LIHEAP caseload in the State of Washington is expected to grow 50 percent this year. I have heard from many senior citizens who can't afford to light their homes at night and will be making hard choices later this fall and winter about heating their homes and buying food. I have visited children who are worried that their parents, in some of these industries I mentioned, will lose their jobs. And those children are concerned they will then lose their homes when their mothers and fathers do not have the work to pay their bills.

Our schools have also had to cut corners. The Central Valley School District near Spokane, for example, has had to divert over $200,000, that would otherwise be used to purchase textbooks, to pay its energy bills.

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What is more startling is the gravity of these impacts, and the number of Washington residents suffering from this crisis, is going to continue to grow. I say that because the Bonneville Power Administration, which provides Washington with 70 percent of its power, will be forced to raise its rates another 46 percent this October.

It is clear that FERC has an obligation to make right past wrongs, and to help the State of Washington overcome the economic impacts caused by the California market and by a serious drought. FERC must not only stabilize our market and ensure fair rates in the future, but also must address past wrongs and the harm that has impacted consumers. FERC took its first serious step in its June 19 price mitigation order. Given the economic casualties in my State, I believe we must press FERC further. But it was a positive first step.

The effectiveness of FERC's price mitigation plan will remain of vital concern to all of us from the West. We...
need to remain mindful of what the effects of this California-focused mechanism on supply in the Northwest, as our region breaks winter heating season approaches.

But let me address specifically the issue of refunds and where we are today in the process. Of particular concern to me is the fact that, as part of the June 19 order, FERC established a 15-day settlement conference for participants in California energy markets, and others in the West, to reach agreement on potential refunds for overcharges and settlement of California’s unpaid accounts.

As has been the case throughout this crisis, the order was initially silent on the issue of relief for the Pacific Northwest. It was only after the intervention of a bipartisan group of Northwest Senators, Congressmen, and the Northwest Utilities Commission clarifying that Northwest parties would also participate in those discussions.

But the 15-day settlement window has now closed and no agreement has been reached—nor has BPA reached an agreement with Washington State or California. As I have mentioned, the administrative law judge made his recommendation last week on how to proceed. He was mostly silent on the issue of relief for the Pacific Northwest. It should also be noted that, to the extent the recommendations did comment on our concerns, it was not factually correct. While the recommendations said Pacific Northwest parties “did not have data on what they were owed, nor an amount of refunds due them,” it is a matter of public record that a group of Northwest utilities—net purchasers in the West’s dysfunctional power markets—submitted a claim for $650 million, as well as documentation and a proposed methodology for calculating those refunds.

That notwithstanding, this is a silence the Commission itself cannot, in the interest of fairness, sustain. FERC must seek an equitable solution for the Northwest. In order to do that I believe it is critical that FERC recognize some fundamental differences between the Northwest and California energy markets—and that fundamental fairness requires that refunds go to customers in California.

First, FERC needs to recognize that most Northwest participants in the California markets are load-serving utilities. These load-serving utilities are responsible for a very small percentage of the power sold into the California market—certainly no more than 4 percent—and they are clearly not the parties that broke the market. Furthermore, many in the Northwest, especially the Bonneville Power Administration, have been partners in helping solve the California problem by keeping the lights on during emergencies, at costs to the Northwest that cannot necessarily be quantified par-

Unlike power marketers or merchant generators, Northwest utilities operate under a statutory obligation to meet all their customers’ electricity needs. Further, our region’s power supply is essentially based on hydropower. A full 78 percent of Washington state’s generation comes from hydropower. As has been made painfully clear by this year’s drought—which has amounted to the second worst year of drought on record in the history of our State—the vagaries of hydroelectric production require that our utilities make other wholesale power purchases to meet load. In keeping with reasonable utility planning practices, these companies buy a portfolio of products of varying duration.

This points to a second, fundamentally different difference between the Northwest and California markets: Whereas California utilities were forced, under the State’s restructuring law, to make all of their purchases in a centralized hour-ahead or day-ahead market, we have no such centralized market in the Northwest.

While we do have very short-term bilateral markets, our utilities have traditionally only used these to balance the difference between forecasted and actual loads, streamflows, weather conditions, and other similar factors.

Unlike the California ISO market, the Northwest utilities rely heavily on “forward” or long-term contracts that last for periods varying from a month ahead to a quarter or two or even longer.

But these contracts have been closely affected by the skyrocketing spot market prices in California. It is thus absolutely crucial, for the purposes of its refund proceeding, that FERC recognize that power prices throughout the West—and not just in spot markets, but in these forward contracts as well—are unjust and unreasonable. Washington State’s prices have moved in lockstep with the spot market prices.

In its June 19 order, the Commission itself commented on this, stating that there is a “critical interdependence among prices in the ISO’s organized spot markets, the prices in the bilateral spot markets in California and the rest of the West, and the prices in forward markets.”

So the Commission itself has recognized the relationship between these prices. Indeed, when one compares forward contract prices in the Northwest with spot market rates both within the region and regionally, over the last year, they show a correlation of more than 80 percent on a monthly average basis; that is, forward prices in the Northwest have moved in tandem with California’s prices, which the Commission has deemed unjust and unreasonable. It is these forward prices that have largely driven the rate increases in the Northwest.

It is clear, then, that any FERC refund order that seeks to treat all Western participants fairly, as the Power Act says it must, must recognize the relationship between spot markets and forward markets.

Simply put, any refund policy must not disadvantage the utilities in the Northwest because of the contractual mechanism they have used to acquire power.

Let me just touch on the case of BPA because I mentioned it earlier. Throughout this crisis, BPA has responded to the California ISO’s urgent calls for power supply when the State was teetering on the edge of rolling blackouts. In fact, on three separate occasions, the Department of Energy issued emergency orders directing Bonneville to sell power into the State of California. It should also be noted, however, that California entities have yet to repay BPA for about $100 million of these transactions.

As one of these entities has entered into bankruptcy, it remains questionable how the Northwest will ever receive this $100 million repayment. Meanwhile, BPA has at times drawn down its reservoirs, arguably compromising the reliability of Northwest power system to aid California. So while BPA has sold into the California spot market, it has actually been a net purchaser during the crisis, when one takes into account its forward contracts. And when faced with the volatile energy prices throughout the West, Bonneville earlier this year made the difficult decision to pay consumers to curtail their loads rather than to venture into the market.

I mentioned various of those efforts earlier in my remarks about the aluminum industry. Bonneville and the Northwest customers it serves have been victims of the power crisis touched off by this experimentation in partial deregulation, which has created this dysfunctional market.

In conclusion, it is important that the Commission act fairly and that my State’s utilities not be penalized for sales into California when they have been forced to purchase power at a similar unjust and unreasonable rate.

It is very important that the Commission work toward a solution that gives the Northwest refunds, just as it is important for FERC to do the same in California. FERC must work towards a comprehensive settlement that addresses the claims of both California and the Northwest. In order to reach an equitable solution, it must acknowledge the fundamental differences in the two markets. I believe a fair outcome requires FERC to take a few simple steps.

First, FERC must recognize an inescapable commonsense conclusion: that
all Western power markets have been dysfunctional for quite some time. The Commission’s duty under the Federal Power Act is to ensure just and reasonable rates in all markets at all times. I urge the Commission to act in accordance with section 309 of the Power Act in doing this.

Second, power prices have been unjust regardless of the type of market which the Northwest operates in. The fact is, we in the Northwest have a different market than California, and FERC simply cannot use the same formula when calculating refunds for our consumers. It must take into account both forward and long-term contracts. Those utilities that can, using this methodology, demonstrate a legitimate complaint should receive refunds.

Third, FERC must not leave the Northwest behind. Northwest utilities must be allowed to plead their case during the upcoming evidentiary hearing.

Finally, repayments of amounts due to the Northwest for sales into California must be an integral part of any refund calculation.

I call on the FERC Commissioners to incorporate these principles into a refund policy for the Northwest. It is indisputable that the Northwest has been harmed. Now it is up to FERC to take the action to mitigate those damages and to repay the consumers in Washington State.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE GREAT COMPROMISE

Mr. BYRD. Mr. President, 214 years ago today, on July 16, 1787, the members of the Constitutional Convention agreed upon a plan which is known as the Great Compromise. Edmund Randolph, on May 29, 1787, had introduced the “Virginia Plan”, drafted by James Madison, which provided for a Senate and a House of Representatives. The question was far from academic, for Madison, James Madison, George Mason, Edmund Randolph. From Massachusetts, there were Elbridge Gerry and Rufus King. From Pennsylvania, there were James Wilson, Benjamin Franklin, and the man with the peg leg, Gouverneur Morris. And from New York, there was the great Alexander Hamilton—small in stature but large in wisdom. Here was a constitutional “dream team” for the ages. Fifty-five men, in all, presented their credentials to the Constitutional Convention, representing every State, save one—Rhode Island. And with passion and gusto, they had set about devising a plan that would create a new nation.

In our own time, in these sometimes disgusting partisan days, many of us are prone to overlook the tremendous physical and mental effort expended in drafting the Constitution. In reading this short document—here it is, the Constitution of the United States. I hold it in my hand, and reading this short document with its precise and careful phrases, it is easy to forget the toil, the sweat, the prayers, the concerns, the frustrations, the shouting, and the argumentation and the thinking and the pleading and the speeches that went into its creation during that hot Philadelphia summer.

Progress was so slow that upon one occasion, we will remember that Benjamin Franklin, the oldest man in the gathering, stood to his feet and added the observation that “if we had not been tired of the business before, we are now quite tired of the meeting.”

The greatest sticking point, and the most threatening that was encountered in framing the Constitution, according to Madison, was the question of whether States should be represented in Congress equally or on the basis of population. The question was far from academic. The small States feared that a Congress based on population would be dominated by the large States. The small States feared that a Congress based on population would be dominated by the large States. Virginia would have 16 times as

haphazard council of mediocre minds, but, in dignity and statesmanship, veritably “an assemblage of kings.”

Virginia would have 16 times as important a vote as the smallest of the members of the Constitutional Convention. Never before or after, since conclusions on Mount Olympus, attended by the “gods of Greece” in Rome, has there been a gathering like it. From Virginia alone, there were George Washington, James Madison, George Washington, James Madison, James Madison, George Mason, Edmund Randolph. From Massachusetts, there were Elbridge Gerry and Rufus King. From Pennsylvania, there were James Wilson, Benjamin Franklin, and the man with the peg leg, Gouverneur Morris. And from New York, there was the great Alexander Hamilton—small in stature but large in wisdom. Here was a constitutional “dream team” for the ages. Fifty-five men, in all, presented their credentials to the Constitutional Convention, representing every State, save one—Rhode Island. And with passion and gusto, they had set about devising a plan that would create a new nation.

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many votes as would Delaware. And this fact led New Jersey’s Delegates to declare that they would not be safe to allow the States to act as such—an act which would have been the case with the Congress under the Articles of Confederation. They rejected the Virginia Plan, which had been proposed by Gov. Edmund Randolph, and they proposed a Congress with a single legislative chamber in which the States had an equal vote, as had been the case with the Congress under the Articles of Confederation.

The Continental Congress had been a single chamber. It was followed by the Congress under the Articles of Confederation in 1781, again a unilateral legislative branch. It was the legislative, it was the executive, and to a degree it was the judicial—all in one. There was no chief executive, no president, no king, in the form of an individual. Congress was the executive under the Confederation.

There had been days and weeks of prolonged and acrimonious debate, but the issue had not been resolved. There were suggestions that the State boundaries should be redrawn so that the States would achieve roughly the same size. Connecticut advanced a proposal, initially made by Roger Sherman, calling for equal representation of States in the Senate. This had failed to win support, with James Madison, surprisingly, labeling it as unjust.

Can you hear the rafters ring? The doors were closed. Sentries were at the door. Nobody outside knew what was going on. Rufus King of Massachusetts had angrily announced that he would not listen to any talk of equal representation in the Senate. James Wilson of Pennsylvania maintained that the small States had nothing to fear from the larger States. Whereupon, Gunning Bedford of Delaware retorted, “I don’t trust you, sir; I have warned my colleagues that the small States might form a confederation among themselves, or even find some foreign ally of more honor and good faith who will take them by the hand and do them justice.”

Can’t you sense the tense feeling of the moment? Of course, Bedford was roundly rebuked for his words, but the threat of foreign alliances hovered above the Convention in the stale and sticky summer air. There was no air-conditioning, much like it was in this Chamber until 1929. That was the year of the great stock market crash—1929. That same year, though, air-conditioning came to the Senate Chamber. Ah, how great it is—air-conditioning. Efforts to resolve this question, this nettlesome question “nearly terminated in a dissolution of the Convention”—it came just that close. Washington, who kept his thoughts mostly to himself, confided to Alexander Hamilton on July 4th that he “almost despaired” of success. Roger Sherman of Connecticut lamented that “it seems we have got to a point that we cannot move one way or another.”

But the Delegates finally did settle the question on Monday, July 16, 1787—there it was—Monday, just as today—on Monday, July 16, some two months after the Convention began. The matter was finally resolved.

It may have been a fear of failure that led the delegates to settle the matter, because they knew that the country’s future was in their hands. Exhaustion may have played a part, for the members had already spent many long days and nights in heated debate in this vert heated, small Chamber. It may have been because of the heat that had tormented them for so long. Or perhaps the open exchange of opinions in that wrenching but vital process of debating and questioning and argumentation. Franklin had described the Convention as “groping . . . in the dark, we knew not where the truth”; perhaps they had at last stumbled upon it. In any event, on that great day, 214 years ago, the Delegates agreed that Congress would be composed of a Senate with equal representation for each state, determined by proportional representation. This was the Great Compromise. That is what it was called then, and that is what it has been called ever since—the Great Compromise.

Thank God for the Great Compromise. The Senator from New Mexico, who is now presiding over this Senate, would not be here were it not for the Great Compromise. The people who sit at the bar, the officers of the Senate, the pages of the Senate, the galleries of the Senate, the Democratic whip, Senator Reid of Nevada, would not be here were it not for the Great Compromise. I would not be here. None of us would be here. Think of that.

The Convention had for so many days held by a single thread. At the very first session of the Convention, when the Delegates presented their credentials, it had been noted that the members from Delaware were prohibited from changing the Article in the Confederation which declared that “in determining questions in the United States in Congress assembled, each state shall have one vote.” Delegates from the small states had declared that “no modification what so ever could ruin of the smaller States the least diminution of their equal sovereignty.” They would have left Philadelphia without accomplishing their goal.

After weeks of anxious debate, it had been voted that the “rule of suffrage in the first branch ought not to be according to that established in the Articles of Confederation.” In other words, the Delegates from the large states succeeded in defeating equal representation. Ellsworth later said: “We were partly national; partly federal. The proportional representation of the first branch was conformable to the national principle and would secure the large states against the small. An equality of votes was conformable to the federal principle and was necessary to save the small States against the large.”

This conciliatory proposal formed the basis of the most important compromise in the history of this Republic—the Great Compromise, probably the greatest single compromise ever reached in the history of the human race. The Great Compromise.

Its acceptance was not easily attained. Wilson feared minority rule would have one-third of the population in seven States might dominate two-thirds in six States. Ellsworth insisted that this fear of minority rule was groundless—groundless. Madison had considered suggesting that representation in one branch should be computed according to the number of free inhabitants only and in the other branch according to the whole number, counting the slaves as if free.

When Ellsworth’s motion for allowing each State an equal vote in the second branch was brought to a vote, it was lost by a tie. This deadlock gave rise to tense debate. Can you imagine the tension in that Chamber? We have seen tensions in this Chamber during the great debate, the great civil rights debate, the Civil Rights Act of 1964—tension—the North and the South pitted against each other, and the great tensions during the Panama Canal debates.

The result was the adoption of a proposal that a special committee consisting of one member from each State should be appointed to devise and report some compromise. Three days later, on July 5, the committee presented two recommendations “on the condition that both shall be generally adopted.”

The first recommendation, in effect, provided that in the first branch of the legislature each State would have one Representative for every 40,000 inhabitants, counting three-fifths of the slaves; and that all bills for raising or appropriating money should originate in the lower branch and not be altered or amended by the Senate; and that no money should be drawn from the public treasury but in pursuance of appropriations to be originated in the first branch. According to the second recommendation, each State was to have an equal vote in the second branch.

This compromise proposal was under debate for 10 days. And you know declared that he was “not sorry on the whole that the vote just passed, had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the second branch.”

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This compromise proposal was under debate for 10 days. And you know
what? Madison hoped for its rejection. But on the morning of July 16, today, 214 years ago, God was thanked for the rising sun, that morning 214 years ago—the whole compromise was adopted.

But the vote was close. Five states—Connecticut, New Jersey, Delaware, Maryland, and North Carolina—had voted "aye," eight states—Pennsylvania, Virginia, South Carolina, and Georgia—had voted "no"; while Massachusetts' four votes were equally divided. Thus, this momentous question had been decided by one vote.

Without the Great Compromise, it is hard to see how the Federal Convention could have proceeded; since the beginning it had been cause for battle. The effort to resolve it, Luther Martin had written later, "nearly terminated in a dissolution of the Convention." Swords stacked upon swords and shields upon shields.

The small states were jubilant over the compromise; the large states, alarmed, tried to reorganize, recover their strength. The rules of the Convention would have let them reconsider the subject, but it was hopeless. The large states knew that they were beaten, and, after July 17, they let the question die. From then on, matters moved more easily, the little states were more ready to meet the big states and were willing to yield on many questions. They felt safe, and they were no longer threatened by Virginia, Pennsylvania, Massachusetts, to them, the towering bullies.

Catherine Drinker Bowen, in her book, "Miracle at Philadelphia," states that Madison "in his old age sat down a clear testimony in letters to his friends. The threatened contest in the federal Convention, he said, had not turned, as most men supposed, on the degree of power to be granted to the central government but rather on 'the rule by which the states should be represented and vote in the government'. They questioned 'the most threatening difficulty that was encountered in framing the Constitution.'" Those were Madison's words.

Mr. President, we should thank Providence for this miraculous document. Let me hold it again in my hand. There it is, the Constitution of the United States. We should thank Providence because Providence had to smile upon this gathering of illustrious men. Never had such a gathering of men, a gathering of minds, taken place anywhere in the world. We should thank Providence for this document.

One thing is clear: Without the Great Compromise, the Senate of the United States would not exist, for this body was conceived on that day 214 years ago. In Philadelphia, when the Framers agreed to this compromise in which each State—small, like West Virginia, which did not exist then but very surely exists now—would have an equal number of votes, each State would have equal representation.

The Senate is the forum that was born on that day. But for the Great Compromise, this beloved institution—the Senate—to which so many of us have dedicated our lives and our hopes and our reputations, our strength and our talents and our visions—might never have seen the light of day, let alone played an often pivotal and dramatic role in our national history over the course of more than two centuries.

This Chamber in which we sit today owes its existence to that remarkable instance of compromise and conciliation.

But for that Compromise, no Senator could wear the great title of Senator.

It recalls to my mind Majorian, who, in the 5th century, when the Empire was divided, the emperor of the east, said he was "A prince who still glories in the name of 'Senator.'" None of us would be here today—the pages who are here, the Presiding Officer, the officers of the Senate—none of us would be here today. Thank God for the United States Senate. Thank God for the Great Compromise that was reached by the Framers on that day so long ago in Philadelphia.

The Romans spoke of the SPQR—Senatus Populusque Romanus: The Senate and the Roman people. Let us today, looking back on that great victory of our Framers 214 years ago, think in those Roman terms about our own Republic—Senatus Populusque Americanus.

Mr. REID. Before the Senator from West Virginia leaves the floor, I would like to say to him I watched most everything from my office and came to watch the finish.

I remind the Senator, when you were the Democratic leader, you allowed this young freshman Senator to go to the 200th anniversary of the Great Compromise in Philadelphia. We took a train over there. I had just come from high school and could wear the great title of Senator. It was in 1987, as I recall. It was a wonderful experience to do the reenactment. You brought back many memories.

I say to my friend, the distinguished Senator from West Virginia, presently Senate—none of us would have been here today. Thank God for the United States Senate. Thank God for the Great Compromise that was reached by the Framers on that day so long ago in Philadelphia.

Again I express my deep appreciation to the Senator from West Virginia for tearing at my heart a little bit, recognizing what a real patriot is. The Senator from West Virginia exemplifies that.

Mr. BYRD. Mr. President, I thank my friend for his observations. He might well have sat in that gallery of men who debated, who disagreed, who compromised, who agreed, and who wrote that document. He cherishes it. He carries it in his pocket.

Yes, I very well remember that occasion when we went to Philadelphia. Our friend Senator from New Mexico, the Senator from West Virginia leaves the floor, Mr. President, the person who became our second President. He was involved from the very beginning with the very difficult decisions made by this country. He spent 7 years of his life in Europe. He had never traveled at all. He traveled to Europe, trying to work out things during the Revolutionary War. It is a wonderful story.

Truth is stranger than fiction. As the Senator from West Virginia has so well portrayed here today, every day we should be thankful, in whatever private time we have. We should think about how fortunate we are to be able to be part of this Government and especially to be part of this Senate, which was the Great Compromise.

I extend my appreciation to my friend for reminding us of how fortunate, how blessed we are able to be part of this Senate and to represent the people from the various States we represent. To think, as a result of this Great Compromise, we have developed a country that is certainly imperfect but based on this tiny little document—which, by the way, is signed by Robert C. Byrd—even though imperfect, is the finest set of standards, the finest country in the history of the world to rule the affairs of men and women.

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his "Thoughts On Government." He distributed these writings to the framers at the convention in those critical days. The framers, I think, were wise in reading the words by Adams and I think their work, their work product, reflected the thoughts of John Adams.

One of the great books I have read in my lifetime was "The Path Between The Seas" by David McCullough, about the Panama Canal. David McCullough was kind enough to send me a copy of the book. The Senator who delivered it to me also autographed it. That Senator was Ted Kennedy. So I prize that book. But I thank the distinguished Senator from Nevada.

Mr. REID. Will the Senator yield?

I am glad you mentioned Abigail Adams for the wonderful letters the two of them wrote before he was going to become President of the United States—he thought. He wasn't quite sure, you will find, as you get through the book. He wound up winning that election by three votes over Thomas Jefferson.

The letters from the very beginning, from Abigail to John, are wonderful. I mean, you could put those letters together—I am sure we have only seen a few of them that David McCullough selected. But they were love letters. These two people were madly in love with each other from the time they started writing, when he went away to do his government stuff, clear across the ocean. They would wait months, sometimes, to get answers to letters they had written. But I was terribly struck by the letter she wrote to John Adams when he learned he was going to be President of the United States. In this letter she expressed her love for this man that she couldn't bear to be away from, and that they would be together soon.

So you are absolutely right. John Adams could not have made it but for Abigail.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. Mr. President, I thank the Senator.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOMENICI. Will the Senator yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOMENICI. I was present indeed at your invitation for that wonderful event. The reason I rise is to express to you what a great institution the Senate is, but the reason I say it to you is that over time you have, more than anyone else here, continually reminded people such as me what a great institution the Senate is. And you know, if you are not steeped in history, like I wasn't, or if you really didn't spend a lot of time other than in normal schooling on the constitutional framework, then you don't know about the heroes to one another. You might not know that the Senate is over there in Washington. But, essentially, when the Senator from West Virginia and the Senator from New Mexico, about 6 or 7 weeks ago got up on the floor and debated—I think the Senator from West Virginia wanted 3 hours and got 3 hours, and the Secretary of the Senate, after the Budget Act of the United States, a statute, in this instance, changed the basic Jeffersonian rules of the Senate or not, which the Senate voted with this Senator saying it did—50–49 is my recollection—I recall how passionate you were about reminding everyone what the rules of the Senate meant to the rights of the American people, to have their issues debated as long as the Senator, under the rules, could get them debated.

Who would have thought that was an important thing, until you figure out what they really had in mind for the Senate.

We are a very different institution than the House. Sometimes we get into arguments and deride each other—the House does this, the Senate does that, the upper and the lower, whatever the people say. But the truth is we are tied inextricably to the notion of there being sovereign States that make up America.

As a Senator, you find a way to tie that into the Senate and what we do; to the fact that the States have a tremendous amount of authority and autonomy in the United States. That is the way it is and should be. You represent your State and I represent mine. In a very real sense, we are permitted to do that because of what our Founding Fathers sacrificed to put the Senate into this basic governance approach.

Remind us, once again, of our origins and how important the Senate is, how much it was debated, of the great concern there was, and then to bring it current, as you do frequently, reminding us of what we are and who we are. I think it requires that somebody from way off in New Mexico congratulate you for how you do that.

What you had to say about the Senate, not just today but over these years, will be for however long we exist and clearly will never be forgotten as part of our fabric.

I am very pleased to be here as that fabric is woven by the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, a long time ago, I was a boy in the coal fields of southern West Virginia. My coal miner dad bought a fiddle for me. There was a lad in that coal mining community named Emanuel Manchini. I remember that little boy and his family. In those coal camps were Hungarian families, Czechoslovakians, Germans, Scotch, Italians, and Greeks. This little boy, Emanuel Manchini, also had a fiddle. We took lessons together in the high school.

So I have often listened to and looked at his friend here—this man of Roman stock. My, what a heritage he has. I don't know where his forbears may have originated—whether it was in the Apennines Mountains, or along the shore of the Tyrrenian Sea, or the Adriatic or the Po Valleys, or on the Adriatic Sea. But there were stalwart people in that Roman Senate. I often speak to Senator DOMENICI about the Roman Senate; what a great Senate.

Again, I refer to Majorian, the Emperor of the West in 457 A.D. As he was being made Emperor, he said he was "a prince who still glories in the name of 'Senator'."

I thank the Senator for his reminiscing time. I also thank the Senator from Nevada. I have been blessed by serving with both of these Senators.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now pending before the Senate?

The PRESIDING OFFICER. H.R. 2311. AMENDMENT NO. 980

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. BYRD and Mr. STEVENS, proposes an amendment numbered 980.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 980) was agreed to.

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. 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.

Mr. REID. Mr. President, this afternoon we begin consideration for the Fiscal Year 2002 Energy and Water Development Appropriations Act. The legislation we take up today was reported unanimously from the full Committee on Appropriations last Thursday.

Before I begin my description of the contents of this bill, I want to share one strongly felt opinion with my colleagues. It is my opinion, I believe—I have a real suspicion that Senator
DOMENICI, the ranking member of the subcommittee, will agree—that this subcommittee has always been among the most bipartisan in the Senate. As I look back over the time that my role was filled by Bennett Johnston, I know he and Senator DOMENICI had an outstanding relationship. They worked very closely together. This bill was always one of the first to come up. This bill is the second to come up this appropriations cycle. I have tried—and I have no doubt, based on my experience with Senator DOMENICI, that he has tried—to be as bipartisan as possible on this bill. Despite the unusual circumstances this year with the shift in power of the Senate, this tradition has continued unabated.

My friend, the senior Senator from New Mexico, and I have, with the tireless dedication to a very professional and good staff, produced a bill that we acknowledge is not perfect. But it addresses the important issues facing our Nation. There are many important issues we are dealing with in this legislation.

We received 300 more requests than last year on this bill. It is certainly fair to say that there have been over 1,000. Most requests were to enhance new funding for water projects within the Corps of Engineers, an organization the administration cut by 14 percent in its budget request this year. We have done in this bill as much as we can on a bipartisan basis to enhance the funding for these water projects.

Mr. President, you are a new member in the Senate. I think a lot of people who are new to the Senate and people outside the Senate would question water projects. Why do we need water projects? Are these things you throw to outside the Senate would question what they are talking about. Mr. President, I understand. This isn’t something I am proud of, but it is something that is a fact. It rained. It rained in a very small area. It rained very hard. But all of that water dumped down this canyon, and people looked up and they saw a wall of water 100 feet high coming at them. It washed cars away. It killed seven people. We never found the cars and mobile homes that washed away.

In southern Nevada, again Nelson’s Landing—but in Las Vegas we have had floods that have been just as devastating. We have not lost at one time seven lives but we have lost lives. Caesar’s Palace, this great resort—I can remember rains that washed away the entire parking lot. It was just washed away as if they were toothpicks.

The Tropicana-Flamingo Wash in Nevada is the fastest growing community in the Nation. We have been able to save lives and a huge amount of property by virtue of the fact we have flood control projects going on there as we speak. It has cost a lot of money, but we have saved a lot of lives; and that is for what the Federal Government has an obligation, to assist local governments. There has been local money put in it, too.

The Everglades: I have seen the Everglades. I really do not understand them because I understand the desert. I understand aridity. I understand when it does not rain much. I understand out of my little home in Searchlight I have creosote bushes that are not very tall that are 100 years old. They do not grow very much. So I do not really understand the Everglades. I am fascinated by them. But it is water intensive. It is as water intensive as the desert is not water intensive.

We have worked hard with the Senators from Florida on a project-by-project basis to take care of that. It is now a huge priority not only of the Congress, as it has been in the past, but of the administration. I think part of that could be that Jeb Bush is Governor. It does not matter. It is an important project that the Federal Government should be involved in—and we are. There is a lot of money in this bill for the Everglades.

Not far from where we stand is the Chesapeake Bay. Books have been written about the Chesapeake Bay. It is a wonder of nature. But because of the growth that is occurring in this area, the Chesapeake Bay has been threatened. The health of that great body of water has been threatened. It affects Maryland and Virginia very much. The bay is threatened as a natural resource.

Senators MIKULSKI, SARBANES, WARNER, and ALLEN have aggressively sought money to restore that waterway to what it used to be so oysters can be harvested there and not make people sick. The oyster industry in Maryland and Virginia has been huge, but it has not been as huge recently because of the condition of that bay. The restoration of the beds at relatively low cost, we believe, will ultimately generate hundreds of millions of dollars in economic benefits and jobs. This is a water project.

The Port of Los Angeles: We move from the Chesapeake Bay 3,000 miles to the Port of Los Angeles. The administration had made a decision to stretch this out. The problem we have found with these promises is that even though it sounds OK, you stretch it out and it winds up costing much more money. You are better off doing less projects and doing them well. Congress has funded this project very aggressively and has saved the Federal Government 25 percent of the total project cost and has accelerated the economic benefits to California.

So these are just four examples of water projects. But there are many more that we have worked together with our members, our Senators, and, of course, many requests from people in the House, to do what we could with these projects.

Even with the additional funding the committee has added, we are still hundreds of millions of dollars shy of current year levels. We are also shy of the House mark. The other body was able to artificially raise their numbers for the Foreign Bureau by moving defense dollars in these nondefense accounts. We cannot do that. Under Senate rules, we cannot do that. In my opinion, not only the budget resolution but common sense does not allow us and should not allow us to move these funds back and forth.

But I will say to everyone who is listening, in the past, the water numbers have always gotten better for everyone as we have moved along the process; that is, we hope we can do a better job than we get to conference. There is no guarantee of that, but we will work on that.

Our bill provides about $25 billion in budget authority and approximately
$24.7 billion in outlays. When you work with Senator DOMENICI, you always have to make sure the outlays are smaller than the President's request. This bill exceeds the President's total request by $2.6 billion.

Let's talk about a few of the areas. The Army Corps of Engineers: The Senate bill provides $4.1 billion, which is $605 million above the President's request but $236 million below the current year level. Due to the funding constraints, this bill contains no new construction starts and no new environmental infrastructure projects.

The intent in drafting the bill was to continue to focus on ongoing construction and operations and maintenance projects at appropriate levels. The committee is eager to avoid stretching out schedules and costs on projects that are underway. New construction starts will have to be considered in conference. We will do what we can at that time.

A lot of people are very concerned about things they want to do. I have a lot of familiarity with the Bureau of Reclamation because they have had such a big presence in the State of Nevada. The very first project in the history of the Bureau of Reclamation was called the New Lands Project in 1902. It took place in Nevada. It is still there. The Senate's bill provides $884 million, which is $64 million above the President's request and $67 million above the current year level.

This funding for the Bureau is higher than it has been for many years. It is higher because of CALFED. This is a big project in California. It is a reclamation project. The State of California has spent billions of dollars on it already. The House put nothing in the bill. Senator DOMENICI and I put $40 million in this bill for the CALFED and CALFED-related projects. The subcommittee has funded CALFED-related projects using existing authorities under other accounts. Senators FEINSTEIN and BOXER have both been very tireless advocates for the Bay-Delta Program. Senator DOMENICI and I are both delighted to provide substantial funding.

The Department of Energy: We in Nevada have great familiarity with the Department of Energy. Nevada has been the place for 50 years where almost 1,000 nuclear devices have been set off in the desert—most of them underground but not all of them. I know about the Department of Energy. This bill contains over $20 billion for the Department of Energy. This is $2.1 billion over the level of the President's request and $1.9 billion over last year's level. Most of this additional funding is being used to provide adequate funding for the National Nuclear Security Administration, to enhance funding for the Environmental Management Program, and to add funding for the renewable energy program.

Senator DOMENICI and I have received a letter signed by nearly two-thirds of our colleagues calling for more money for energy production and distribution. Our bill takes care of that. Our bill provides $435 million, or $160 million above the President's request and $60 million above the current year level. In a year when our Nation has struggled with energy production and distribution issues, I am pleased to be able to enhance funding levels for these important research and development issues.

Consistent with the budget resolution, this bill provides $6.1 billion to the National Nuclear Security Administration for stockpile stewardship activities. This funding is $705 million over the President's request and $1.05 billion over the current year level. I am only going to speak a little while about National Nuclear Security Administration, known as NNSA. I defer to Senator DOMENICI on this subject. Senator DOMENICI was the primary congressional architect of the creation of the National Nuclear Security Administration because they have had to doggedly get it authorized and has been dogged in his pursuit of funding to make sure that this important organization gets the resources it needs to succeed. To his credit, he convinced his colleagues on the Budget Committee that the safeguarding and rehabilitation of the Nation's nuclear weapons was a critical issue that has been underaddressed and underfunded in recent years. Senators BYRD and STEVENS followed up with appropriation resources designed to support the levels in the budget resolution.

This morning I spoke to the interns for Senators LINCOLN and HUTCHINSON of Arkansas. I don't know how many interns there were—maybe 50—a lot of young men and women. One of the young people asked me: What do you think is the most important problem facing the world? I thought for a minute. I said: Nuclear weapons. I really do believe that with the deteriorating condition of the former Soviet Union, Russia's nuclear stockpile, and the responsibilities we have, that is a very important issue. I can't think of anything more important for my grandchildren than to make sure they live in a world where everything possible is being done to make sure we do have a safe and reliable nuclear stockpile. I am going to do everything I can to give him the resources he needs to do his job. He has a job that is very difficult.

I am also, of course, holding him accountable for getting the job done. I have been a long-time critic of cost overruns and management incompetence within the weapons complex. I know General Gordon will take these enhanced resources and use them to get some fresh blood and fresh thinking going on within the Department of Energy.

I am not going to go into more detail. I know Senator DOMENICI will speak about this, since this is his so-called baby. It has grown up and is about to become a teenager. It is something to which the Senator can speak with more authority than I.

Finally, I am very pleased to report that the committee has made great strides in restoring and enhancing the devastated cuts made in the Environmental Management Program at DOE. This Senate bill provides $7.23 billion, $900 million above the President's request and $650 million above the current level. The biggest beneficiaries of these additional clean-up dollars are the Hanford, Washington site, hundreds of millions of dollars; Savannah River site, almost $200 million, that is in South Carolina; Idaho, over $150 million; Ohio and Kentucky, tens of millions of dollars.

As with water programs, I realize there are never enough resources we can spend to clean up the legacy of the cold war and other activities, but we have done our best.

These are some of the highlights, from my perspective, of this bill. It is a bill I have learned to like. It is a bill I have grown to understand. I have grown to acknowledge the importance it has to our country. I hope my colleagues will realize the hard work we have worked on this legislation.

Senator DOMENICI and I would like to have a cutoff time for the filing of
amendments. We tried tomorrow at 11 and 12, and we have received objections to that. We are here. If somebody wants to offer amendments, they can certainly do that. They have to have offsets or figure out some way to fund them because we are down to the nubs. We have no more money. If people don’t like the way we have worked the bill, it is their privilege to come forward with amendments. I do think it would be in everyone’s interest to have a finite list of amendments filed at an appropriate time. If anyone has any suggestions when that should be, Senator DOMENICI and I are open for discussion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first acknowledge the wonderful co-operation of 1968. I was very between, I had to chair and this Senator as ranking member. I believe under the circumstances and considering the variety of things this subcommittee has to fund, we have done a pretty good job. I could offer for more understanding than I have received from the distinguished Senator, the chairman of this subcommittee.

I believe our staff has worked together, and I hope I have been equally considerate and concerned about issues of importance to the good Senator from Nevada.

As a result of this effort, we are together in trying to get this bill passed and get it off to conference and getting these issues resolved as soon as possible.

Let me say to my good friend, he was talking about a flood that occurred in the State of Nevada in one of those dry rivers where for most of the year no water is. But then you have a little cloudburst up in the mountains and these dry rivers turn into flooded, huge water resources flowing down the hills right into housing. In our State we call these dry rivers a Spanish name, “arroyos.”

In my home city of Albuquerque, I was pleased to serve 4 years as the city councilman, sort of chairman of the commission, which made me the closest thing to a mayor as you could have. I remember one Sunday afternoon in the year 1968, I was very between. I had just been on this council as chairman for awhile. It started raining Sunday afternoon. I called up one of my good friends on the city council who knew more about the details of the streets and everything else than anybody in the city.

I called him up and said, “Harry, this rain is coming down in the wrong places; something is going to happen.” He said, “Where are you?” He picked me up and we rode around. Rain kept coming down harder and harder, and these dry rivers started to show a little trickle. Four hours later, we were riding the streets of Albuquerque and big manhole covers over the tunnels that carried water underground to avoid floods were standing or dancing on those manholes up 4 or 5 feet and stood them up while the place got flooded. We saw more and more of them. I told my friend, “This is a real problem.” He said, “No, things will be all right.” Finally, 2 hours later, we got a call from the police chief. He said that in one whole piece of our city, maybe as many as 10,000 homes were under water. They had water in the kitchens, close to the tops of the stoves. It was a gigantic flow of water that came down these dry arroyos.

I remember coming here with a group of Alburquequeans. I was city councilman then. We appeared before the Public Works Committee, which had to authorize the bill which it went on to get appropriated. We came up to ask if the Federal Government would expand a program that was about to run out so we could build these rivers so they would be safe. Now if one flies over Albuquerque, as you approach the airport you see two giant cement waterways that are around the edges of the town—huge. They catch the water in these dry rivers up by the mountain and run them down these no longer dry rivers, but they are cement-lined ditches. Water comes down, and now you can be riding around and your commissioner friend Harry can say, “It is raining hard, Mr. Chairman,” and you can say, “It might hurt something else, but it won’t flood anymore.”

That is the kind of thing we pay for in this bill for hundreds of places across America. We hope we get them before they flood, but sometimes we don’t. Sometimes we pay for them after they flood. But to make sure we are not building white elephants, we require a very substantial match. The community has to come up with money. That is the way we finally decide it must be important, because they are not just asking us to have a construction project, they are going to pay for part of it.

My good friend, the chairman, outlined water issues. Clearly, there is no end to the requests in our country for this. But we have the rule: we don’t fund them unless they have been authorized. The committee has to work on them and have hearings. That bothers a lot of our Senators because there is such a backlog of existing authorized programs that we don’t catch up very often. We have many billions backlogged that we can’t pay for. But we will keep working on it.

Overall, the proposed fiscal year 2002 energy and water bill is a very fair and balanced bill that makes important investments in our national security, our energy security, our economic prosperity, and in the health of our environment. This bill is an important step in implementing the President’s National Energy Policy.

The Senate bill in total provides $25 billion in new budget authority and approximately $24.7 billion in outlays. The bill exceeds the President’s request by $2.6 billion, and exceeds the House bill by $1.4 billion. Without going into detail about all of the many great things in this bill, I would like to focus my remarks on two broad areas: (1) What this bill does for our energy security, and (2) What this bill does for our national security.

For our nation’s energy security, this bill represents a major step in fulfilling the President’s commitment to a balanced and diversified energy policy—particularly in the area of expanding the supply of clean energy from renewable sources and nuclear power.

The President specifically promises to double the amount of renewable energy by 2020 and to increase our nuclear energy generation substantially.

Senator DUKAKIS and I met with the President’s energy task force. Last week, Senator DUCKWORTH of Nevada presented me with a draft of the energy task force’s recommendations. We believe that the recommendations make good sense and complement the President’s plan.

In my home city of Albuquerque, I was pleased to serve 4 years as the city councilman, sort of chairman of the commission, which made me the closest thing to a mayor as you could have. I remember one Sunday afternoon in the year 1968, I was very between. I had just been on this council as chairman for awhile. It started raining Sunday afternoon. I called up one of my good friends on the city council who knew more about the details of the streets and everything else than anybody in the city.

I called him up and said, “Harry, this rain is coming down in the wrong places; something is going to happen.” He said, “Where are you?” He picked me up and we rode around. Rain kept coming down harder and harder, and these dry rivers started to show a little trickle. Four hours later, we were riding the streets of Albuquerque and
the energy and water bill takes a major step in implementing the President’s national energy policy.

The energy and water programs are funded in this bill at $435 million.

That’s $60 million and 16 percent above the current year level. There’s no question that renewable sources can and should play a larger role in our energy supply, and this budget will accelerate progress towards that vision.

Within that renewable budget, several programs are slated for major increases. Just to give a few examples:

- Research on hydrogen-based technologies is up almost 30 percent over last year. That research may lead to decreased use of petroleum products in transportation, certainly a critical goal.
- Research on high temperature superconductivity is boosted by almost 20 percent. That’s a technology that may enable dramatic reduction of losses we now experience in electric transmission lines and motors.
- Geothermal research is 20 percent above last year, and wind systems are up more than 10 percent.

Nuclear energy received significant increases as well in this bill. I strongly agree with the President’s National Energy Policy in its recommendation supporting the expansion of nuclear energy in the United States. Nuclear plants offer emission-free power sources, help maintain diversity of fuel supply, enhance energy security, meet growing electricity demand, and protect consumers against volatility in the electricity and natural gas markets.

This bill pushes nuclear power forward with a number of important initiatives:

- The bill includes $19 million for university research reactor support—an increase of $7 million over current year—to make sure our country has the educational resources necessary for an economy that continues to rely substantially on nuclear power.
- The bill includes $9 million—an increase of $4 million over current year—to expand a program to improve the reliability and productivity of our 103 existing nuclear power plants.
- The bill continues the highly successful Nuclear Energy Research Initiative (NERI) at $38 million—$3 million more than current year.
- The bill provides $14 million—an increase of $7 million—to continue work begun last year on advanced reactor development, including research on generation IV reactors—reactors that will be passively safe, produce less waste, and reduce any proliferation concerns.
- The bill provides $10 million for the Nuclear Regulatory Commission to prepare to license new nuclear power plants.
- The bill continues an R&D program we started two years ago on ways to reduce the quantity and toxicity of spent nuclear fuel—called “transmutation”. This technology, recently highlighted in the President’s National Energy Policy, will be continued at $70 million in 2002.

Let me emphasize that I used the phrase “spent fuel” rather than “waste” because the materials coming out of our reactors. Right now our national policy calls for disposing of those materials as waste in a future repository. But we need to remember that these materials still contain 95 percent of their initial energy content. I’ve been concerned for years that it is highly debatable for us to decide that future generations will have no need for this rich energy source. With improved management strategies, possibly involving reprocessing and transmutation, we can recycle that material for possible later use, recover far more of the energy, and dramatically reduce the toxicity and volume of the materials that are finally declared to be waste.

As a final thought on energy security, Mr. President, I want to share with my Senate colleagues a vision, which is encompassed in this bill and which I’ve shared with President Bush.

We need to reach beyond the debate over Kyoto with a blueprint that provides the tools to combat global warming.

I’m convinced that we can have growth and prosperity in America without global warming.

And I’m equally convinced that we can help provide those same benefits for the world.

I propose that we provide worldwide leadership to eliminate the threat of global warming by a commitment to prosperity and growth through clean energy.

And I further propose that we accomplish this goal through partnerships with our friends and allies, especially those in developing countries.

I’ve specifically urged the President to lead this new initiative, to accelerate our own research and build international partnerships for joint development of all the clean sources of energy—renewables, clean fossil fuels, nuclear energy, and hydrogen-based fuels. Then as we transition to improved technologies in the future, our partner nations will also be building up their energy infrastructure with the latest and cleanest technologies.

Last year’s energy and water development bill called for improvements in the federal government’s role in international development, demonstration, and deployment of advanced clean energy technologies.

With this new bill and the President’s policy, our nation is developing a suite of energy supplies that will provide us with clean, reliable, economic energy far into the future. But I continue to believe that we should be looking beyond our own borders.

I submit that we should be seizing every opportunity to help the developing nations around the world achieve much higher standards of living. They simply can’t do that without reliable electricity supplies.

Each nation will make their own choices for fuel sources, exploiting their own strengths. The abundant natural gas—and it will make a huge contribution to a cleaner future for our country. But every nation needs diverse energy supplies, not a singular reliance on one source. Other nations may be well positioned to exploit their solar or wind resources—through this program these nations can make the choices best for their needs.

The leadership shown by Senator BYRD on clean coal technologies matches this vision very well. Some other nation’s have immense coal resources, through this vision they can benefit by Senator BYRD’s efforts to advance clean coal technologies.

We can leave the poorest countries to their own resources to develop whatever energy they can, or we can offer substantial help to partner with these nations to help them develop sources that are not only reliable and reasonably priced, but also clean.

It’s strongly in our self interest to do this. After all, we all share the same air. And in addition, countries with strong economies are our best choice for trading partners.

Mr. President, let me state again how proud I am to have worked on this bill with Senator REID. With this bill, we’ll be making real progress on the technologies to fuel our, and perhaps the world’s economies of the future.

For our nation’s national security, this bill makes a major investment in solving serious problems in the nuclear weapons complex. With the leadership and resources included in this bill, many of those problems are going to get fixed.

The bill includes $6.05 billion for the nuclear weapons (stockpile stewardship) activities of the NNSA, that is $705 million over the President’s request, $925 million over the House level, and $1.05 billion over the current year level.

I want to again commend Senator REID, and our full committee chairman, first Senator STEVENS and Now Senator BYRD, for recognizing the serious problems in the nuclear weapons complex and providing the resources to fix those problems.

This bill makes three major improvements on the President’s budget request for nuclear weapons.

First, in infrastructure. We know from the subcommittee’s hearing on infrastructure earlier this year, that our nuclear weapons facilities have degraded to the point that it will take billions of dollars to modernize for the future.

The average age of the facilities where we do nuclear weapons work is over 40 years.
We will need to spend an additional $300–$500 million a year for the next 17 years over currently planned levels to refurbish the Department of Defense’s facilities to perform its basic mission. These expenditures will be required even if the nuclear stockpile is dramatically smaller.

If we do not take action on these infrastructure problems immediately, we will not be able to meet the Department of Defense schedules for refurbishing three main weapons systems representing over 50 percent of our stockpile. We will not have the scientific facilities required to certify weapons. Our technicians and scientists will continue to work in unsafe facilities-increasing health risks and the number of safety related shutdowns.

Although the work must begin immediately, the budget request included no funds to begin such an initiative. Therefore, the bill before the Senate includes $300 million to begin a major facilities improvement program in fiscal year 2002 at facilities in South Carolina, Tennessee, Missouri, Texas, New Mexico, Nevada, and California.

The second major improvement on the administration’s budget request is that the bill provides additional funding to rebuild current weapons. The average age of weapons in the stockpile is now approaching 18 years—most were designed for a life of no more than 20 years. Many weapons components degrade substantially over time and have to be replaced. The Joint Department of Defense/NNSA Nuclear Weapons Council has recognized the fact that most of our weapons will have to be rebuilt, but funds were not requested to do so.

Therefore, the bill includes an additional $290 million in fiscal year 2002 to get the nuclear weapons program back on track to rebuild current weapons on the schedule required by the Department of Defense.

The third major improvement on the President’s request is that this bill fully funds pit production on the required schedule. Technicians and scientists will continue to work in unsafe facilities-increasing health risks and the number of safety related shutdowns.

We must soon have the capability to produce plutonium pits for weapons, a capability we lost when Rocky Flats was closed down in 1989. Plutonium pits are the "triggers" for nuclear weapons, that occasionally must be replaced. Today, we are the only nuclear power without the ability to produce them. The budget request puts off indefinitely our ability to deliver a certified pit to the military, but this bill adds $110 million to get the program back on track.

Finally, there are a series of programs at NNSA that may be just as important to eliminating or controlling the global nuclear danger—these programs are to reduce the threat of nuclear weapon proliferation around the world.

The administration proposed deep cuts in this area for fiscal year 2002, even though a blue-ribbon review led by Senator Howard Baker and Lloyd Cutler recently concluded that the current unmet national security threat to the United States today is the danger that weapons of mass destruction or weapon-useable material in Russia could be stolen and sold to hostile nations and used against American troops abroad or citizens at home.

The report also concluded that . . . current nonproliferation programs of the DOE have achieved impressive results thus far, but their limited mandate and funding fall short of what is required to address adequately the threat.

I am pleased that this bill adds over $100 million to the important nonproliferation work the NNSA carries out in Russia and other countries of the former Soviet Union. These programs to control the material and expertise necessary to make weapons of mass destruction problems identified as "the most urgent unmet national security threat to the United States today."

Once again, Senator REID, I want to commend you for a balanced bill. I do not agree with every aspect of the bill, but I cannot urge with the fair manner in which you have put it together. I strongly support the bill, and urge all Members of the Senate to do likewise.

Let me proceed as quickly as I can to summarize this bill. First, I am very pleased to join with Chairman REID in considering this fiscal year 2002 Energy and Water bill. I note that in the chair is a new Senator. I would think that he might wonder what in the world is an appropriation bill called Energy and Water. Well, my good friend, the new Senator from New Jersey, will never sit down and rationally decide what is in this bill. The word "energy" has been decided between the House and Senate as one of the 13 subcommittees of appropriation, and there is no rationale to it. It is a招标 process to fund water development projects, flood protection projects, the harbors and rivers that need the Federal Government to help. But on the other end, believe it or not, the entire nuclear weapons development, preservation, and research for nuclear weapons is also funded in this bill. It doesn’t come under the rubric of energy. Why is it there? It is here because that kind of activity was brought to the Energy Department when the Energy Department was created. This subcommittee pays for that.

So, overall, this is a very balanced bill. It covers what I have alluded to. I have great detail with me about what has concerned us and why we have had to fund the part of this that is for nuclear weaponry at a higher level than the President. I am very hopeful that the staff at the White House and the staff at OMB, who have looked at this since putting their budget out, will understand that some of this new money we had to put into the part of this bill that concerns itself with a safe and reliable nuclear stockpile. And remember, Mr. President, every time you say that you are spending money you can say, without underground testing, because we have voted not to test underground. If you test, it makes it much easier to determine safety, to determine reliability. But we have determined we are not going to do that, and still we are going to spend money and put the finest resources in America to work on the science and physics and computerization part of maintaining this very, very serious and almost unbelievable thing called the American nuclear weapons stockpile.

My good friend, Senator REID, has been a marvelous student of this. We have all had to learn together. I have more of a genuine parochial reason, because I have been called frequently the nuclear laboratories—not exactly the right name— are in my State. There is Los Alamos. Everybody knows that is where we did our first nuclear weaponry work—the first weapon was in Alamogordo Mountain, but there is a city there now. In Albuquerque is Sandia Labs, an engineering laboratory, which is part of this. The third one is in the State of California. The three of them do much in addition to the work on nuclear. There are great researchers who are on the cutting edge of much of the science of the future in terms of energy needs and the like. So that is in this bill.

And then, obviously, since it is an energy bill, it has an awful lot in it about the energy research and development that is occurring in the Department of Energy. First, let me quickly say that part of this is the implementation of energy policy.

I am still waiting around to debate and pass judgment on whether we are going to have some tax incentives that the President asked for in terms of developing new and different kinds of energy called "renewables," or whether or not we are going to decide to open up more of the public domain to the development of gas and oil; in this bill, we get along with getting some of these things paid for and done, which everybody knows we should be doing. But it is most interesting—and this is an opportunity to speak for a moment about the President’s energy policy in one regard. There is a lot said about: what about conservation, and what about saving our energy? I am reminded that in preparation for this activity, in marking up this bill, I chose to read the President’s policy in its entirety. I want to cite one piece, because there is a lot said about there not being enough conservation in this policy, not enough things that push us to conserve and save. Well, I have come to the following conclusion, and if I am wrong, anybody that would like to read the policy and discuss it, I would be glad to do so.
As this energy policy tells us what we need in the future, up to the year 2020, it says that we could have to produce 77 percent more to meet our needs over this next 20 years—just for reasonable needs. But would you believe that a huge portion of that possible need is projected to come from conservation and saving energy, such that, of the 77 percent, only 20 percent is from new production? So if you do the arithmetic and subtract them, it is pretty obvious that there is a very large amount that is expected by way of either legislation or conduct in our country to save and conserve energy, along with increasing production of various types of energy.

Let me talk about one. I am very pleased that both Senator REID and I and our staffs worked very hard on what is one of the renewable energy programs. Because of the Senator’s dedication and us working together on this, we are funding the renewable energy programs at $335 million in this bill. That is 16 percent higher than this year. There is no question that renewable resources can and should play a larger role in our energy supply, and we push that or accelerate that in this bill. Within this renewable budget, several programs are slated for major increases, and I am going to tick some of them off.

Hydrogen-based technology is up 30 percent over last year. Some people think this whole area of hydrogen-originated energy sources is one of our real solutions to clean and healthy production of energy without having any adverse impact on global warming. The research may lead to a decrease in the use of petroleum products in transportation.

We also have superconductivity and geothermal, both have 20-percent increases. All of these can have an incremental positive impact on helping us meet our energy needs without having a major impact on global warming in the future.

Incidentally, the President has suggested we should move ahead with nuclear and not abandon it. Nuclear energy has received a significant increase in this bill. I strongly agree with the President’s national energy policy and his understandings supporting the expansion of nuclear energy in the United States.

I will state once—and if I have a chance I will do it a number of times—nuclear power in its current form and future generations, new generations, of nuclear powerplants do not contribute to global warming. In other words, the future is protected from the global warming pollution that comes from many of our traditional energy sources so that the protection, development, and research in the areas of nuclear power can move us ahead in such a way as to provide energy for growth, development, and prosperity for America and for our industrial friends in the world and, yes, indeed, for those countries which do not yet have much of an economic base.

We can produce clean energy for the future. With renewables, nuclear, and other forms of energy joining together, we can say to the world: You can grow and prosper. The poor countries will have an equal opportunity to do that, and we will not have to reduce growth, we will not have to put on caps, we will just have to use our ingenuity and science better.

There are a number of things we did to let America take a good, solid look at what the next generation of nuclear powerplants or even the next one after that might look like and how it will help.

I want to share with my friend, Senator REID, and those who are paying attention to what we are doing today, a portion of my comments today which I choose to call “Reaching Beyond Kyoto.” I, frankly, believe the President of the United States has a rare opportunity to lead the world beyond Kyoto.

I say to my fellow Senators, I have talked to the President about this very issue. I have suggested it is a rare opportunity for him to lead the world in reaching beyond Kyoto, and I will talk about that for a minute.

This is a vision, and part of it is in this bill because this is what we do in this bill. It says that we need to reach beyond the debate over Kyoto with a blueprint that provides tools to combat global warming. Further, we should ask the world to join as our partners and move ahead.

I am convinced we can have growth and prosperity in America without global warming. I am also convinced we can help provide these same benefits for the world. I propose we provide worldwide leadership to eliminate the threat of global warming by a commitment to prosperity and growth through clean energy, and I further propose we accomplish this goal through partnerships with our friends and allies, especially those in developing countries.

I have specifically urged the President to lead this new initiative to accelerate our research and build international partnerships for joint development of all clean sources of energy—renewables, clean fossil fuels which our distinguished chairman of the Appropriations Committee, Senator BYRD, alludes to frequently as it relates to coal—nuclear energy, and hydrogen-based fuels.

As we transition to improved technologies in the future, our partner nations will also be building up their energy infrastructure with the latest and cleanest technologies. And, yes, there is no question, then, that we can send a message that the poor countries in the world can grow and prosper. As a matter of fact, they, too, can participate in this abundance of growth and prosperity for their people without adverse effects.

Last year’s energy and water development bill called for improvements in the Federal Government’s role in international development, demonstration, and advanced clean energy technologies.

With this new bill which is before the Senate, and the President’s policy, our Nation is developing a suite of energy supplies that will provide us with clean, reliable, economic energy for the future.

I continue to believe we should be looking beyond our own borders. I submit that we should be seizing every opportunity to help the developing nations around the world achieve much higher standards of living. It simply cannot do that without reliable electric supplies. I believe we can help them with this global approach of partnerships around the world to develop this technology and produce the next generation of nuclear powerplants. But we should not start on that path unless we set the goals for achievement of what they will look like, what they will do, and what they will not do.

It is the same with clean coal technology. That is what they will look like, what they will do, and what they will not do.

Leadership has been shown by Senator BYRD with clean coal technologies that match this vision very well. Some other nations have immense coal resources. Through this vision, they can benefit by Senator BYRD’s efforts to advance clean coal technologies. Through this bill, we can fund renewables and ask our President to join worldwide with efforts to push renewables even more and to greater ends. And it is the same with all of those energies that have no effect, no impact on global warming.

I can say, it may very well be, within a very short period of time, a nuclear powerplant will be developed. It will be a small little plant instead of a thousand megawatts. It might be 50 or 100 megawatts. It will be a module. It will be self-contained. It will have no chance of having a meltdown. Just by the physical facts about its evolution and development it cannot, it will not. We might not have to touch it for 25 or 30 years.

Those are things we can work on as a criteria for development and growth and then set our great scientists in the private and public sector, with others in the world, to achieve this goal. What a great opportunity in the midst of a world that is frightened about whether
we can grow, whether poor people can get rich, where the poor countries have to remain undeveloped because they cannot afford global warming. We will say we can all grow and prosper. America hasn't stopped growing and prospering, but we can do it without affecting global warming if we just say let's take a lead, let's do this, let's ask our greatest companies, our best laboratories, our greatest scientists, led by America, let's put some money in each year in a consortium-type arrangement to get this done.

If I sound like I am excited about something, obviously for some of you I have not even yet reached anything like an excited pitch, but in any event, I am because I believe it is a rare opportunity to take the genius of science—and I might say, I have a bias there because I think it will work. I think we have nuclear power for a reason. I don't think we have developed nuclear power to throw it away. I believe we can develop another generation of nuclear power plants that can help this entire world prosper and put global warming behind us.

Then we can ask, what is next? What have to be next are growth and opportunities, and not just for us. We say to the world, let's be free. But, we don't want people to think we are for them being free and poor. We are for them being free and affluent, to grow and have what we have. It cannot be done without better sources of clean energy.

I believe this bill has things in it which, if put together by the President in a partnership arrangement, I think we could see real daylight and perhaps might be able to set some goals.

My last comments will be very brief and have to do with national security. As I started, what is a particular bill, energy and water. Who would guess that sandwiched between those two words, energy and water, are the U.S. national security interests in nuclear weapons.

We have a national policy, voted on this Senate floor on an amendment by the distinguished Senator Hatfield from Oregon. We don't test our nuclear weapons underground nor do we test them at all. We don't do that anymore. That used to be the easy way. I say that because it is too easy. That is the way we used to determine reliability and safety. We don't do that anymore. We don't test underground. We have something to take its place. We have a whole body of science and computerization that we put together. It is now in the Department of Energy, and it has reached major nuclear laboratories. We fund a program called science-based stockpile stewardship. Stockpile is the nuclear weapons stockpile. We fund a part of the Department of Energy that is called the NNSA. My good friend, Senator Reid, alluded to it when he spoke of creating this new institution within the Department. The current leader is four-star General Gordon. He's doing a great job of pulling together and making sure everybody understands about the nuclear weapons aspects of the Department of Energy, reporting only to the Secretary. In a very real way he's making sure we do a better bid with what we spend on this stockpile. Nonetheless, we have to spend money on it. The biggest difference between our budget and the President's budget is what to do with replenishing some of the physical facilities that are now old and broken down that are part of this NNSA.

This bill says, let's get started in multiyear repair and replenishing of some of the facilities that are nearly 50 years old in which we ask the world's greatest scientists to work to help and it is a program that I think is very difficult. It will take many years to replenish these physical facilities, these laboratories.

In addition, there are specific items such as major improvements in the facilities of the Savannah River facilities. You simply must soon have the capability to produce plutonium pits for weapons, a capability we lost when Rocky Flats was closed in 1989. We had to put extra money in this bill, in order to keep that program on the calendar on which it is expected to be. We have put these funds in because we know they are needed. Add it all up and we have a very round bill covering mundane things as well as complex and difficult.

In closing, let me say, that as part of this Department of Energy, we have developed some great research laboratories and not just those created and involved in nuclear work. There are many others that work on various aspects of research. In America, most in the fields of energy, but not all, where some of the very best scientists in the world and some of the very best basic science research activities take place.

In summary, we think we have a bill that takes care of, as well as possible, water resource needs of our country. It takes care of the basic energy needs we can promote through the Energy Department in moving ahead with another generation of nuclear reactors. And it can do it on renewables. Through this bill and another dealing with cleaning up our coal so we can use it cleanly, we can have a prosperous future without having a negative impact on global warming and the future of our country and the world's people. We think we have done that fairly well.

We have spent more than the President asked. We hope we will be able to explain to the White House and OMB why it will be done. We will have time after the bill is debated to do that. In the meantime, as the amendments come forward, perhaps the White House will have some suggestions. I hope they don't ask us to change our vision. I think the vision in this bill is to move ahead with new sources of energy and the President's budget is why we are going to do it in a way that everyone will grow and prosper, so the poor can get rich in the world.

I yield the floor.

Mr. REID. We are on the energy and water bill. I know the Senator from Arizona wishes to speak.

Mr. KYL. I want to take 30 seconds to compliment the Senator from New Mexico, and then I will ask unanimous consent to speak for no more than 5 minutes in morning business.

Mr. REID. My friend from Oregon also wishes to speak for 20 minutes in morning business. I ask that the Senator from Arizona be recognized to speak for up to 10 minutes in morning which will be safe and that the Senator from Oregon be recognized for up to 20 minutes.

Mr. DOMENICI. Reserving the right to object, Mr. President, what are you thinking in terms of the bill?

Mr. REID. I will visit with you now. Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I will not take the full 10 minutes.

I take 30 seconds to simply say. Senator DOMENICI each year has a significant responsibility, as well as the other Members of the subcommittee on which he sits, to put together a bill for energy and water. As he pointed out, a great deal of the jurisdiction of that subcommittee deals with our nuclear weapons program. Senator DOMENICI does not simply put together what he has been told is a good idea. He has taken a career to learn from these laboratories—a couple of which he represents—what the needs of those laboratories—what is best in our national interests and what needs to be done. It is not glorious work and there is no big political payoff. Very few people have the knowledge he does. He relies on people such as his staff, Clay Sell and Dr. Peter Lyons, a nuclear physicist from Los Alamos Laboratory, to assist him in developing the kind of plans that the Senate then needs to act upon, particularly with the comments about the development of nuclear energy that will be safe and that we need to promote for this country.

I think he is absolutely right on the mark. I plan to join him in his efforts to promote that in the coming months.

Mr. DOMENICI. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. DOMENICI. I should have mentioned in my remarks, one of the Senators who has helped me in the many months that we engaged in trying to make the Department of Energy more focused with reference to our nuclear weapons problems was the distinguished Senator from Arizona. I thank him for that help. We are not over that
CONGRESSIONAL RECORD—SENATE

Mr. LOTT. Madam President, we have seen for the past year a reduction in the growth rate of our economy. The world is experiencing a global economic slowdown. The tax cut signed into law in June contained compromises to make the tax cuts in the lowest bracket retroactive to January 1. We are also going to begin to see the tax reduction changes in the American people’s hands by the end of this month. Perhaps there has never been a better-timed tax cut. The dollars we are returning to the taxpayers and the rate cuts that will allow them to keep a little more of their own hard earned salaries will provide some stimulus to keep the economy from falling further behind.

I reject the advice of those who say that now is the time for the government to try and take more money out of the American workers’ pay envelopes. Nothing could be worse for a weakening economy. In fact, I believe that now is the time to find more ways to encourage economic growth. The tax cut provides some immediate stimulus and in the long-term some impetus to the economy growing. But we need to look at ways to kick-start the supply side of the economy. One possibility is to cut the capital gains tax rates. I will be pursuing this effort in the coming weeks and months.

Mr. KYL. I yield.

I thank the Senator for his observation.

Mr. REID. Will the Senator yield?

Mr. KYL. I yield.

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

Mr. REID. The Senator from Arizona missed my brief statement today about how I had become a late believer in the work that he and Senator DOMENICI had done in the Nuclear Regulatory Administration. As you may recall, last year I fought that initially. As I said to Senator DOMENICI, I thought it was being done, initially, for reasons other than what it turned out to be. I commend the Senator from Arizona—I have already done that to Senator DOMENICI—for the great work being done by General Gordon and the people working with him. It certainly has been a step in the right direction.

With the deep concern I have with the nuclear arsenal, I think there is not anything we could be more devoted to than making sure General Gordon has enough money and general resources to do what he has to do which is so important.

ECONOMIC GROWTH

Mr. LOTT. Madam President, we have seen for the past year a reduction in the growth rate of our economy. The world is experiencing a global economic slowdown. The tax cut signed into law in June contained compromises to make the tax cuts in the lowest bracket retroactive to January 1. We are also going to begin to see the tax reduction changes in the American people’s hands by the end of this month. Perhaps there has never been a better-timed tax cut. The dollars we are returning to the taxpayers and the rate cuts that will allow them to keep a little more of their own hard earned salaries will provide some stimulus to keep the economy from falling further behind.

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My friend Jack Kemp authored a most interesting and compelling article a couple of weeks ago in the Wall Street Journal. Thirty years ago when I came to Congress I first met Jack. He was then and continues to be a person who is not afraid to challenge the common norms of economic thought. In the 70’s Jack led the charge for tax rate cuts to get the economy moving. We have too easily forgotten the hopelessness that many Americans felt in the late 1970’s facing stagflation with no idea of how to turn the flagging U.S. economy around. Now we face a problem of a global slowdown. Jack suggests an answer. Many will try and dismiss his proposal. This is a debate that needs to continue.

We need to get the American economy running at full speed. The tax bill that was the first step. Getting the economy back to full growth will be my primary focus.

I ask unanimous consent that the article by Mr. Kemp be printed in the RECORD.

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

[From the Wall Street Journal, June 28, 2001]

OUR ECONOMY NEEDS A GOLDEN ANCHOR

(From Jack Kemp)

How many more dashed hopes and false recoveries must we experience before politicians and monetary authorities accept the fact that our inability to manage flat currencies is causing the global economic slowdown? Those familiar with interest-rate reductions to kick in, yet more than six months after the Fed began lowering rates the economy continues to weaken. Waiting for the recently enacted tax cuts to provide “stimulus” will prove futile as well. The economy does not suffer a lack of consumer demand. And more money in people’s pockets will not revive the supply side of the economy.

UNPRECEDENTED EXPERIMENT

Ronald Reagan once said he knew of no great nation in history that went off the gold standard and remained great. Since Aug. 15, 1971, when the U.S. ceased to redeem dollars held by foreign governments for gold, we have put that thesis to the test. For the first time in human history, not a single major currency in the world was linked to a commodity. Economist Milton Friedman called the situation “unprecedented” and said it led to the long-term value alternation.” “The world,” he said, “needs a long-term anchor of some kind.”

In the short term, at least, he was vindicated. In the monetary system of floating fiat currencies with the stroke of a pen, President Nixon touched off a world-wide inflation that lasted through the ’70s and early ’80s. Yet America recovered to preside over the demise of world communism, and overcame the rising inflation and unemployment of “stagflation” to enjoy an unparalleled 18-year expansion. Today the U.S. is at the pinnacle of its power and enjoying its greatest prosperity ever.

Are Messrs. Reagan and Friedman wrong? I don’t think so. If the U.S. has so far come out on top in this experiment, it is only because other countries’ economies have suffered more from floating exchange rates. Once the U.S. government ceased redeeming gold at $35 an ounce, its price quadrupled on world markets to $140 to reflect the dollar’s diminished value. By breaking the gold link, the Nixon economic team forced the unwanted liquidity pouring out of the Fed—which had thus far built up in the Euromarkar—market and the portfolios of foreign central banks—to remain inside the U.S. economy where it would manifest itself in price inflation. Robert Mundell was the first to predict, in January 1973, that we would soon see a dramatic rise in the price of oil, with general inflation to follow.

Where the rest of the economics profession believed the Arab oil embargo was over for quadrupling the oil price in 1973, Mr. Mundell and those supply-siders who followed his intellectual lead knew that oil’s quadrupling had just begun. The Arab price rises through “bracket creep,” capital formation stopped in its tracks, and it soon took two workers to produce the same income that one had before floating exchange rates. The stagnation that had its roots in leaving the gold standard was compounded when Congress and three different presidents tried to fight it with wage and price controls and high marginal tax rates.

But discretionary monetary policy is Janus-faced, and instead of too much liquidity, in the world economy we now have too little. Deflation began in 1996 when the Fed tightened monetary policy to combat some inflation it had created attempting to offset the economic drag of the Clinton tax hikes. A rising dollar then caused the dollar pegs of emerging economies to snap, set off the Asian, Brazilian and Russian economic meltdown and caused deflationary commodities to collapse. Oil producers took a two-year holiday from drilling, which in turn created an oil shortage and drove energy prices sky high.

Now, the energy-price hikes are working their way through the economy and are mis-construed by the Fed as inflation. Once again, central bank errors in the discretionary management of floating fiat currencies have put the entire world economy at risk.

The Fed has cut interest rates 275 basis points since the start of the year, but the price of gold is still down to about $272 from $385 in 1986, having fallen $5 yesterday alone on the Fed’s announcement that it was lowering the fed funds rate another 25 basis points. Commodity prices are near their lowest levels in 15 years, and the foreign-exchange value of the dollar has risen against all major currencies since the Fed began its interest rate-easing cycle.

Without a gold standard, the Fed has no means of determining how much liquidity markets demand, and all it does by targeting interest rates is guess how much liquidity to inject or withdraw to counteract mistakes it made earlier. The Fed is no better than the Bank of Japan. Japanese authorities have mimicked the mistakes of the Bank of Japan made when it lowered interest rates to zero.
The Fed may yet get lucky with its rate cuts, although the Bank of Japan never did. The only certain way to end this deflation is to have the Fed target interest rates and begin targeting gold directly—not by “fixing” the price of gold by administrative fiat as some people mistakenly characterize it, but rather by calibrating the level of liquidity in the economy, over which the Fed has exclusive and precise control, to keep the market price of gold stable within a narrow band closer to $325 than $275.

There is nothing mysterious about how gold could be used as a reference point or how a new monetary standard for a new millennium would work. It would simply mean the Fed would stop guessing how much liquidity is good for the economy and allow the market to make that decision for it. With that gold stabilized in terms of gold and with American citizens free to buy and sell gold at will, the Fed would forget about raising or lowering interest rates and simply add liquidity (buy bonds) when the price of gold tries to fall and subtract liquidity (sell bonds) when it tries to rise. Markets would determine interest rates.

The paper dollar would once again be as good as gold—no more, no less. There would be no need for the U.S. government to maintain any gold or to redeem gold and dollars on demand since people would be free to do so on their own in the marketplace. As long as the Fed calibrated its inflations and withdrawals of liquidity by the market price of gold, the world would be free of monetary inflations and deflations caused by the whims and errors of central bank governors. It was the case for more than 200 years when the private Bank of England managed the pound sterling in exactly that way.

NOTHING SIMPLER

The good news is that this could all be done easily, if President Bush and Treasury Secretary Paul O’Neill could work out an accord with Alan Greenspan. That accomplished, I believe Britain would soon follow to make the pound as good and avoid having to adopt a sinking euro.

There is nothing simpler than a gold standard, as Alexander Hamilton pointed out when he persuaded the first Congress to adopt it. Just as President Nixon took us off with an executive order, President Bush can put us back on with the stroke of a pen. It would be politically popular, as ordinary people benefit most. At Camp David in 1971, as President Nixon signed the papers, he is reported to have said: “I don’t know what I am doing this. William Jennings Bryan ran against gold three times and he lost three times.”

NAZI WAR CRIMINALS RESOLUTION

Mr. CORZINE. Madam President, last week I introduced a resolution that addresses the United States’ use of Nazi war criminals after World War II. The resolution acknowledges the role of the United States in harboring Nazi fugitives, commends the Nazi War Criminal Interagency Working Group for serving the public interest by disclosing the Nazis, works to expedite the release of information pertaining to the assistance these governments provided to Nazis in the postwar period. On July 14, 1994, the Reichstag declared the Nazi Party the only legitimate political party in Germany. In one fell swoop, political dissent in Germany was quashed and a tragic series of events was set into motion—a series of events that led to the genocide of six million Jews and five million Gypsies, Poles, Jehovah’s Witnesses, political dissidents, physically and mentally disabled people, and homosexuals. After World War II, the international community attempted to come to terms with what had been, was a horrific episode in world history.

In October 1945, a tribunal was convened in Nuremberg, Germany, to exact justice against the most nefarious Nazi War Criminals, people who knowingly orchestrated the murder of countless innocent people. Some infamous Nazi war criminals were tried and convicted elsewhere, including the infamous Adolph Eichmann, who was found guilty by an Israeli court. Still, many of the perpetrators—war criminals who heeded the call of the Nazi juggernaut—escaped justice. Some of those who evaded capture did so with the help of various world governments, including the United States.

It is natural to ask why the United States would help known Nazi war criminals avoid punishment. The United States had just spent four years fighting the Nazis at the cost of thousands of young, courageous American soldiers. We liberated the Nazi death camps, witnessing firsthand the carnage and degradation exacted by the Nazis on Jews and others. Despite it all, the United States felt compelled to hide the very Nazis they had defeated and grant them refuge in the United States and abroad.

The sad fact is that although we had just finished fighting a war of enormous proportions, we were entering another war—a cold war that would last for some 30 years. In fighting this war, the United States enlisted Nazi fugitives to spy on the Soviet Union.

The extent to which the United States used Nazi war criminals for intelligence purposes in the postwar years is still being studied. In January 1999, the President charged the Nazi War Criminal Records Interagency Working Group with the difficult task of locating, identifying, cataloging, and recommending for classification thousands of formerly classified documents pertaining to the United States’ association with Nazi war criminals. In addition to an interim report completed October 1999, in late April 2001, the IWG announced the release of CIA name files referring to specific Nazi War Criminals. While there is still so much to be done, one thing is clear from these documents: the United States knowingly utilized Nazi war criminals for intelligence purposes and, in some cases, helped them escape justice.

The American people deserve a full accounting of the decisions that led to the acceptance of Nazi war criminals as employees of the United States government. It also is important that the United States work with other countries to expedite the release of information regarding the use of Nazi war criminals as intelligence operatives. We need to learn more about the Holocaust and its aftermath. The international community must learn the lessons of history, so that never again will we face this type of evil.

SMITHSONIAN BOARD OF REGENTS

Mr. COCHRAN. Madam President, last week I introduced two resolutions appointing citizen regents of the Board of Regents of the Smithsonian Institution. It is an honor to serve on the Board of Regents as one of the three United States Senators privileged to do so. My fellow Regents, Senators Pitzer and Leahy join me as cosponsors of both resolutions.

At its May 7, 2001 meeting, the Board of Regents voted to nominate Ms. Anne d’Harnoncourt for a second term and Mr. Roger W. Sant to fill the vacancy caused by the resignation of the Honorable Howard H. Baker, Jr.

For the information of the Senate, I ask unanimous consent that the curriculum vitae of Ms. d’Harnoncourt and the biographical sketch of Mr. Sant be printed in the RECORD, following my remarks.

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

CURRICULUM VITAE OF ANNE D’HARNONCOURT

(MRS. JOSEPH J. RISHEL)

Born September 7, 1943, Washington, DC.

Education: The George D. Widener Director and Chief Executive Officer Philadelphia Museum of Art.


Courtauld Institute of Art, London University, 1964–1965; Majored in History and Literature of Europe and England since 1740, with additional course work in the history of architecture. Thesis on the pictorial aspects of the poetry of Shelley and Holderlin, B.A. magna cum laude, June 1965.


Honor: Elected to Phi Beta Kappa in 1964; Captain Jonathan Frye Prize, Radcliffe College, 1965; Chevalier dans l’Ordre des Arts et
BIOGRAPHICAL SUMMARY

Curator of Twentieth-Century Art. For a decade between 1972 and 1982, Miss d'Harnoncourt served as Curator of 20th Century Art at the Philadelphia Museum of Art. A specialist in Marcel Duchamp, she co-organized a major retrospective exhibition in 1973–74, which originated in Philadelphia and traveled to The Museum of Modern Art, New York, and The Art Institute of Chicago. Other exhibitions organized or co-organized by Miss d'Harnoncourt include Futurism and the International Avant-Garde (1980), Eight Artists (1979), and The Splendor of 18th-Century Rome (1984). During her tenure as curator, she reinstalled the permanent galleries in the wing of the Museum devoted to 20th-century art, creating rooms specifically dedicated to the work of Duchamp and the sculpture of Brancusi. During her curatorship the Museum made the commitment to building a substantial contemporary collection, acquiring works by Ellsworth Kelly, Dan Flavin, Brice Marden, Agnes Martin, Claes Oldenburg, Katherine Anne Porter, Dorothy Rockburne, James Rosenquist, and Frank Stella, among others.


Between 1992 and 1995, in a massive building project undertaken to reinstall all of the Museum's European collections, over 90 galleries were renovated and relit, while thousands of works of art were examined, conserved and placed in fresh contexts. During her tenure as director, appointments to the professional staff include senior curators of Prints, Drawings and Photographs and European Decorative Arts, curators of Indian Art, Prints and Twentieth-Century Art, as well as a Senior Conservation Officer, a museum administrator and conservators in the fields of decorative arts, furniture, painting and works on paper. Most recently, following her assumption of the position of Chief Operating Officer, the institution through the fundraising process with a view to celebrating the Museum's 125th anniversary in the year 2001 with a number of new initiatives. In the year 2000, the Museum acquired a landmark building across the street and embarked upon a comprehensive masterplan for its use and the additional steps necessary to meet the Museum's 25-year requirements for new or renovated space. Twenty galleries for modern and contemporary art were renovated and reopened in the fall of 2000. A capital campaign with a goal of $200 million was formally launched in December 2000, and $100 million was raised by March of 2001.

Institutional Boards (Current): Regent of the Smithsonian Institution, Washington, D.C.; Visiting Committee, J. Paul Getty Museum, Malibu, CA; Academic Trustee for the Museum of Fine Arts, Boston; School of Continuing Institute for Advanced Study, Princeton, NJ; Board of Directors, The Henry Luce Foundation, Inc., New York, NY; Board of Trustees, Fairmount Park Art Association of Philadelphia, PA; Board of Overseers, Graduate School of Fine Arts, University of Pennsylvania, Philadelphia, PA; Board of Trustees, Fairmount Park Art Association of Philadelphia, PA; Board of Directors, The Georgia O'Keeffe Foundation, Abiquiu, NM.


Publications:

Prior to funding AES, Mr. Sant was Chairman of the Board of The AES Corporation, which he co-founded in 1981. AES is a leading global power company engaged in the production, distribution and retail supply businesses in 27 countries. The company's generating assets include interests in one hundred and sixty-six facilities totaling over 58 gigawatts of capacity. AES's electricity distribution network has over 920,000 km of conductor and associated rights of way and sells over 126,000 gigawatt hours per year to over 17 million end-use customers. In addition, through its various retail electricity supply businesses, the company sells electricity to over 15,000 end-use customers. AES is dedicated to providing electricity worldwide in a socially responsible way.

Mr. Sant chairs the Board of The Summit Foundation, and is a Board Member of Marriott International, WWF-International, Resources for the Future, The Energy Foundation, and The National Symphony. He represented the United States as Chairman of the World Wildlife Fund-US after six years in that capacity and now serves on the National Council.

Mr. Sant is a founding AES, Mr. Sant was Director of the Mellon Institute's Energy Productivity Center. During this period he became widely known as the author of "The Least Cost Option," a term which was shown to be the cost of conserving energy is usually much less than producing more fuel.

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BIOGRAPHICAL SKETCH OF ROGER W. SANT

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Mr. Sant earlier served as a political appointee in the Ford administration and was a key participant in the early initiatives to fashion an energy policy in the US. Before entering government service, he was active in the management of founding several businesses, and taught corporate finance at the Stanford University Graduate School of Business. He received a B.S. from Brigham Young University and an MBA with Distinction from the Harvard Graduate School of Business Administration.

He is a co-author “Creating Abundance—America’s Least-Cost Energy Strategy” by McGraw Hill and numerous articles and publications on energy conservation.

BIRTHDAY TRIBUTE TO PRESIDENT GERALD R. FORD

Mr. LUGAR. Madam President, former Congressman, Vice President and President Gerald R. Ford turned 88 on July 14. A birthday tribute to our 38th President was written by White House correspondent Trude B. Feldman for the Washington Times Syndicate. It includes reflections by former Presidents Richard Nixon and Ronald Reagan, given to Ms. Feldman for Gerald Ford’s 80th birthday, I ask unanimous consent that the article be printed in the Record.

President Ford was a healing force at a time of much greater political upheaval than we have today. The lessons to us today are that: disagreements should not become divisive; and political revenge is a vicious cycle without winners.

Most important, as President Ford reiterates in this interview, is that “truth is the glue that holds government together—not only our government, but civilization itself.”

He tells Ms. Feldman, who also has written numerous articles on Mr. Ford and his family for McCall’s Magazine, that his main ambition was to become Speaker of the House of Representatives because the legislative process interested him, and it was the kind of challenge I enjoyed . . .

Gerald Ford concluded this interview—which I recommend to my colleagues and our staff—with his beliefs that during his 29 months as President, he steered the U.S. out of a period of turmoil, making it possible to move from despair to a renewed national unity of purpose and progress. “I also reestablished a working relationship between the White House and Congress, one that had been ruptured,” he notes. “All that made an important difference. I consider that to be my greatest accomplishment as President.”

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

[From the New York Times]

GERALD R. FORD AT 88: A BIRTHDAY TRIBUTE

(By Trude B. Feldman)

On July 14, Gerald R. Ford will celebrate his 88th birthday. Having fully recovered from a stroke last August, the former president says he is now in excellent health—alert, active and keeping up with world affairs.

Asked—in a birthday interview—how he feels about turning 88, he says: “Age doesn’t bother me. I was 25 years ago, but I feel fortunate to still have my zest for life. I have more enthusiasm now because of the care I take of myself. I follow a good diet, I don’t smoke or drink, and I keep busy.”

In association with the American Enterprise Institute, one of Washington, D.C.’s leading think tanks, Mr. Ford published in 1982—aAEI World Forum which he hosts annually in Beaver Creek, Colorado. The forum is a gathering of former and current international world leaders, business and financial executives and government officials who discuss political and economic issues.

This year—in late June—the participants included Valery Giscard d’Estaing, former President of France; former Vice President and President of China, Chuan-Lien; and Richard Cheney, Vice President of the United States, who was a former Chief of Staff to President Ford and Secretary of Defense in the Nation. On May 21st, at the John F. Kennedy Library and Museum in Boston, Mass., Mr. Ford was the recipient of the John F. Kennedy Profile in Courage Award. Presented by the former President’s daughter, Caroline, and his brother, Senator Edward M. Kennedy (D-Mass.), the award cites President Ford’s courage in making the controversial decision of conscience to pardon former President Richard M. Nixon.

Twenty seven years ago on August 9, 1974, Richard Nixon resigned the presidency of the U.S. and Vice President Ford became the 38th president. A month later (September 8), President Ford granted a “full, free and absolute pardon” to Nixon “for all offenses against the U.S. which he . . . has committed or may have committed or taken part in” while he was president.

Today, Mr. Ford concedes that he did not expect such a “hostile” reaction. “That was one of the greatest disappointments of my presidency,” he said. “Everyone focused on the individual instead of on the problems the nation faced. I thought people would consider Richard Nixon’s resignation sufficient punishment, even shame. I expected more forgiveness.”

In accepting the Profile In Courage Award, Mr. Ford told members of the Kennedy family and some 286 guests: “No doubt, arguments over the Nixon pardon will continue for as long as historians relive those tumultuous days. But I’d be less than human if I didn’t tell you how profoundly grateful I am for this recognition. The Award Committee has displayed its own brand of courage . . .

To know John Kennedy, as I did, was to understand the true meaning of the word. He understood that courage is not something to be gauged in a poll or located in a focus group. No adviser can spin it. No historian can back date it. For, in the age old contest between popularity and principle, only those willing to stand apart are deserving of posterity’s approval.”

Caroline Kennedy Schlossberg said the award was inspired by her father’s Pulitzer Prize winning book, Profiles In Courage (first published in 1955 by Harper & Row) and was “instituted to celebrate his life and belief that political courage must be valued and honored. Gerald Ford had proved that politics can be a noble profession . . .

Sen. Kennedy said President Ford had “stood by the heat of controversy and persevered in his beliefs about what was in our country’s best interest. History has proved him right.”

“A time of national turmoil, our nation was fortunate that he was prepared to take over the helm of the storm-tossed ship of state. He recognized that the nation had to get on with its business and could not, if there was a continuing effort to prosecute former President Nixon. So President Ford made a tough decision and pardoned him.

“Some people who were against his action. But time has a way of clarifying things, and now we see that President Ford was right.”

General Alexander M. Haig Jr., Mr. Nixon’s White House Chief of Staff, concurs. “The passage of time has once again favored the truth and Gerald Ford has rightfully emerged as one of our nation’s most courageous leaders,” he told me in an interview, adding:

“Despite the risks, President Ford performed a singular and courageous act. Almost 30 years have passed since “Watergate” and the scurrilous accusation that then Vice President Ford had made or conspired in a secret deal with Nixon—through me—which traded the presidency of the U.S. for the pardon of Richard Nixon.

Gen. Haig, also one of Ronald Reagan’s Secretaries of State, went on to say that the source of this accusation came from individuals who claimed to be acting in the best interests of President Ford, but, that, actually, it was well recognized at the time that the politics surrounding “Watergate” would lead to either the impeachment or the resignation of President Nixon.

Those who fed the rumors of a deal were actually damaging the reputation, if not the judgment, of our nation’s first non-elected president,” General Haig recalls. “Having personally informed Vice President Ford of President Nixon’s intention to resign, I knew then, and now, that rumors of a deal were wrong-headed or worse. If believed, they would have created the opposite of what I have since referred to as a Cincinna’tian act of moral courage by President Ford.”

“Years later, the Nixon pardon must rank with the most courageous acts of a sitting president. President Ford, almost alone, notwithstanding the advice of some of his most intimate advisors, recognized that the nation could not risk further prolongation of the ‘Watergate’ controversy and that the very effectiveness of his presidency was at stake.”

Jack Anderson, long-time columnist for United Features and Washington Editor of Parade Magazine, remembers Gerald Ford from his days in Congress. “He never pumped up with self importance,” Mr. Anderson says. “Even after he became President, I was able to telephone him, leave a message, and he would return my calls, without a secretary.”

Jack Anderson adds: “Even though I was number one on Richard Nixon’s enemies list, I agreed with President Ford’s pardon of Mr. Nixon because I had learned that he was then in poor psychological condition. . . . It took great political courage to grant the pardon—against public will. So President Ford did what was best for Mr. Nixon and our country rather than what was best for himself.”

Cong. Henry A. Waxman, (D. Calif.—28th district), ranking Democrat on the Governmental Reform and Oversight Committee.
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July 16, 2001

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and on the Energy and Commerce Committee.

Mr. Chairman, it is a pleasure to appear before this Committee today and to remove the veil of secrecy that hangs around the Congress. I believe that the American people have a right to know what is happening in Washington. I also believe that the American people have a right to be informed about the actions of their representatives in Congress.

I have always been a strong supporter of openness and transparency in government. I believe that the American people have the right to know what their government is doing. I am committed to ensuring that the Congress operates in an open and accountable manner.

Thank you.

Mr. Chairman, I want to express my appreciation to the members of the Committee for the opportunity to testify today. I look forward to your questions.
From his experiences, he cautions future presidents about abuse of power and the dangers of over-reliance on staff.

At the outset of President Bill Clinton’s first term, there was criticism of his staff and conditions inside the White House. Mr. Ford then expressed sympathy for a president undergoing periods of anxiety and disarray, even turmoil.

He noted that he, too, had problems with staff mismanagement. Today, he is still concerned about the image of the presidency, and still concerned that a solution has not been found to the overcrowded White House employees who are not instructed, from the outset, that they work for the president and for the people—and not the other way around.

He maintains that staff assistants are not elected by the people, and that the president himself needs to determine how much trust to invest in his aides. “Otherwise,” he emphasizes, “the ramifications and the consequences of their arrogance and abuse of power are paramount to secondary and lower staff—can be dangerous.”

Mr. Ford concurs with one of President Lyndon B. Johnson’s press secretaries, George Reedy, who wrote in his book, “The Twilight of the Presidency”: “Presidents should not hire any assistants under 40 years old who had not suffered any major disappointments in life. When young amateurs find themselves in the West Wing or East Wing of the White House, they begin to think they are little tin gods.”

In his autobiography, “A Time to Heal,” Mr. Ford wrote: “Reedy had left the White House staff several years before, but he was predicting the climate that had led to ‘Watergate.’

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If he were able to relive his 88 years, what would he do differently?”

“I would make no significant changes,” he says. “I’ve been lucky, both in my personal life and professionally. Along the way I tried to improve myself by learning something new in whatever it was I held. I’ve witnessed more than my share of miracles . . . I’ve witnessed the defeat of Nazi tyranny and the destruction of hateful walls that once divided the nations of the world . . .

I also re-established a working relationship between the White House and Congress, one that had been ruptured,” he concludes. “All that made an important difference. I consider that to be my greatest accomplishment as president, and I hope historians will record that as my legacy.”

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam 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 November 3, 1991 in Houston, TX. Phillip W. Smith was shot to death outside a gay bar in Montrose. Johnny Bryant Darrington III, 20, was charged with murder and aggravated robbery. He told police he hated homosexuals.

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 1994 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 13, 2001, the Federal debt stood at $5,705,050,480,267.56, five trillion, seven hundred five billion, fifty million, four hundred eighty two million, four hundred eighty thousand, two hundred sixty-seven dollars and fifty-six cents.

One year ago, July 13, 2000, the Federal debt stood at $5,666,740,000,000, five trillion, six hundred sixty-six billion, seven hundred forty million.

Twenty-five years ago, July 13, 1976, the Federal debt stood at $617,642,000, six hundred seventeen billion, six hundred forty-two million, which reflects a debt increase of more than $5 trillion, $5,087,408,480,267.56, five trillion, eighty-seven billion, four hundred eighty million, four hundred eighty thousand, two hundred sixty-seven dollars and fifty-six cents during the past 25 years.

TRIBUTE TO JAMES A. TURNER

Mr. SHELBY. Madam President, I rise today to pay tribute to a dear friend, James A. Turner of Tuscaloosa, Alabama. Jim Turner was a man of great courage, intelligence and character. We were friends for more than 40 years. I believe America has lost a great patriot with the recent death of James A. Turner.

Born in 1925, Jim grew up on a farm just outside of Tuscaloosa, Alabama. As World War II began, Jim left high school to serve his country. He enlisted in the Marine Corps and served with honor. Indeed, he earned and received the Purple Heart in 1945 on Iwo Jima when a machine gun blinded him during combat.

Jim returned to Alabama and in spite of his blindness earned his undergraduate degree in 1949. He received his juris doctorate from the University of Alabama in 1952. Jim always credited his wife and classmate, Louise, for his success in school. Louise read Jim’s textbooks to him so he could keep up with his studies.

Following graduation, Louise joined Jim at their law firm, Turner and Turner. Today, their son, Don, and their grandson, Brian, also work at Turner and Turner. The family law firm has spanned five decades and continues to thrive in Tuscaloosa.

Together, Jim and Louise raised three wonderful sons, Don, Rick and Glenn, who have brought them great joy in life. Their grandchildren, Brian, Lindsay and Brittany; and great-granddaughter Farris, are sources of considerable pride.

Jim was active in his community. He was an active member of the Tuscaloosa Bar Association and also served as President of the Tuscaloosa Bar Association. His family worshipped at United Methodist Church in Alberta.

We have in recent years heard reference to “the Greatest Generation.” Many of us have friends and relatives who have served our country and earned the right to wear that mantle. However, I know of few men who lived every day of their lives with the valor, courage and love of country with which Jim Turner lived his entire life.

Our country has lost a good man and great lawyer, a devoted husband and father, a proud Marine and a loyal American. Words cannot express the respect I have for Jim Turner, nor can they express the sorrow my family and our community feels since this loss.

TRIBUTE TO MORTIMER CAPLIN

Mr. WARNER. Madam President, I rise today to honor a man whose lifetime record of achievement and service is the embodiment of the best of America. My friend, Mortimer Caplin, has
These remarks are part of a speech presented at the presentation to Mr. Caplin of The Thomas Jefferson Foundation Medal in Law, the University of Virginia’s highest honor.

REMARKS OF DEAN ROBERT E. SCOTT UPON THE PRESENTATION OF THE THOMAS JEFFER-SON FOUNDATION MEDAL IN LAW TO MORTIMER M. CAPLIN, APRIL 12, 2001

MR. PRESIDENT, MR. RECTOR, AND DISTIN-QUISHED GUESTS: Today is the 10th, and last occasion required it, he used creativity and imagination to cut through bureaucratic impediments to achieving his essential mission. Thus, he refused a request from his vessel at a time when the ammunition it carried was in short supply along the front and no other method of delivering its cargo presented a viable alternative. He invented a two-star general whose imaginary order got the job done.

Mort Caplin returned from the war to New York, be-cause of a change in the University’s call and answered, joining the Law faculty in 1950. For over a decade he taught federal taxation and constitutional law. During this time he produced important scholarship in the classroom. Perhaps equally important was the leadership role Mortimer Caplin played at the University and in the Charlottesville community. In 1950 Mort led the Law faculty in its unanimous decision to admit Gregory Swanson to the Law School, the first African-American to do so. Subsequently, Mort was a central figure in organizing the efforts of the Charlottesville community to circumvent the “massive resistance” campaign that Virginia’s political leaders had launched at the Supreme Court’s desegregation mandate. Mort, along with other law faculty and their spouses worked unstintingly to ensure that neither children nor civil rights suffered during this dark time in Virginia’s history.

A brilliant and popular professor, Mort Caplin dazzled his students. One who was especially impressed was Robert F. Kennedy, the younger brother of a rising star in the Democratic Party. Several years later, after that young man was elected President of the United States, John F. Kennedy appointed his brother’s former tax professor as United States Commissioner of Internal Revenue. Mort accepted the challenge with his characteristic energy and good judgment. He led that critically important if sometimes unpopular agency for three years, at a time of significant changes in the United States economy and the tax system. At the end of his term, the Treasury Department granted him the Alexander Hamilton award, the highest possible honor that institution can bestow.

Having traveled to Washington, Mort chose to stay. He recognized the need for a first-rate law firm specializing in tax practice and, with Douglas Drysdale, another Virginia alumnus, founded Caplin & Drysdale. Shortly after establishing his law firm, Mort returned to the Law School. For more than twenty years he taught advanced courses emphasizing the interplay of tax law and practice. For many students Mort Caplin became a springboard for a career both as public servants and as practitioners in the nation’s elite law firms. Mort consistently emphasized the importance of a lawyer’s independence and judgment, and preached the central obligation of advancing the public interest while serving one’s clients. He sought to lead his students to a life in law that would ennoble and dignify the person living it.

During this time of building a prestigious law firm and extending a teaching career, Mort Caplin still found time for significant service to the bar and the general public. He served as President of the Indigent Civil Litigation Fund and on the executive committee of the Washington Lawyers Committee for Civil Rights under Law, on numerous significant committees of the American Bar Association, and on the boards of various charitable organizations. His service as a trustee of the Law School foundation in particular provided great vision and support during a period of fundamental redefinition of this service, Mort collected a remarkable number of awards and distinctions, honorary degrees and other testimonials to his gen-erous and kindhearted spirit.

In 1988, at the age of 72, Mort Caplin became a Professor Emeritus of the University. This simply opened a new phase in his aston-ishing career of service to this University and to the profession. Still to come was a five-year term on the University’s Board of Visitors and exemplary service to the Law School and to the executive committee of our recently concluded capital campaign. When we began the Law School campaign in July 1992, the first пер-son I went to see was Mortimer Caplin. When I asked whether he would lead what would become an eight-year fundraising effort, Mort replied simply, “I’ll do it.” True to his word, Mort has served, and led, the Law School and to the School recently con-cluded the most successful campaign in the history of American legal education.

Mort Caplin remains to this day a central figure in the governance of the Law School and its guidance into the twenty-first century. He has been a driving force behind the Law School’s commitment to a broad public vision, as reflected in our decision to dedicate our Public Service Center in his honor. He has, in short, brought honor and en-riched us along every possible dimension.

Mr. President, Mortimer Caplin comes to us today as the embodiment of what Mr. Jef-ferson envisioned as the true Americans have within us. He has lived a life in law as a high calling, one dedicated to ad-vancement of knowledge, service to the na-tion, and promoting the great resources with which we have been endowed and ensuring that all Americans can take part in our great national banquet and enjoy the oppor-tunities that life in America presents. On be-half of the School of Law and the selection committee, it is my privilege to introduce Mortimer M. Caplin as the 2001 recipient of the Thomas Jefferson Foundation Medal in Law.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laced before the Senate, together with accompanying papers, reports, and docu-ments, which were referred as indicated:

EC–2002. A communication from the Direc-tor of the Corporate Policy and Research De-partment, Pension Benefit Guaranty Cor-poration, transmitting, pursuant to law, the report of a rule entitled “Disclosure and Amendment of Records Pertaining to Indi-viduals Under the Privacy Act” received on June 26, 2001; to the Committee on Health, Education, Labor, and Pensions.


EC–2004. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, trans-mitting, pursuant to law, the report of a nomination for the position of Assistant Secre-tary for Congressional and Intergov-ernment Affairs, received on June 21, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2005. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, trans-mitting, pursuant to law, the report of a
nomination for the position of Assistant Secretary for Policy, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2806. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chief Financial Officer, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2807. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary for Administration and Management, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2808. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Wage Hour Administrator, EX–V, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2809. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2810. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Congressional and Intergovernmental Affairs, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2811. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Policy, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2812. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2813. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2814. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2815. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2816. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Solicitor of Labor, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2817. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Occupational Safety and Health Administration, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2818. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2819. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2820. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2821. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2822. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2823. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2824. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2825. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2826. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2827. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2828. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2829. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2830. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2831. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2832. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2833. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.

EC–2834. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Education, Labor, and Pensions.
transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Postsecondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2847. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Educational Research and Improvement, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2848. A communication from the 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 June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2849. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Vocational and Adult Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2850. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Management, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2851. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Education and the Workforce, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2852. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Elementary and Secondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2853. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Postsecondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2856. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Education and the Workforce, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2857. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2858. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Educational Research and Improvement, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2859. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Elementary and Secondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2860. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Special Education and Rehabilitation Services, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2861. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Special Education and Rehabilitation Services, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2862. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director, received on June 28, 2001; to the Committee on Governmental Affairs.

EC–2863. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2864. 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 June 28, 2001; to the Committee on Governmental Affairs.

EC–2865. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the report of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2866. A communication from the Inspector General of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2867. A communication from the Chairman of the United States Merit Systems Protection Board, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2868. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a document entitled "National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities" (FRL 58957–9) received on June 21, 2001; to the Committee on Environment and Public Works.

EC–2869. A communication from the Principal Deputy Associate Administrator of the
Environmental Protection Agency, transmitting, the report of a rule entitled ‘‘Request for Reproposals: For the Operation of the Intergated Atmospheric Deposition Network (IADN)’’ received on July 13, 2001, to the Committee on Environment and Public Works.

EC–2389. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘SOLICITATION: To Promote the Use of Market Based Mechanisms to Address Environmental Financial Contingency’’ received on July 13, 2001, to the Committee on Environment and Public Works.

EC–2389. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide’’ (FRL7014–5) received on July 13, 2001, to the Committee on Environment and Public Works.

EC–2390. A communication from the Director of the Personnel Policy Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Indian Affairs received on July 11, 2001, to the Committee on Indian Affairs.

EC–2391. A communication from the Deputy Assistant Secretary of Indian Affairs (Management), Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ‘‘25 CFR Part 11, Law and Order on Indian Reservations (Revised–AED)’’ received on July 13, 2001, to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of January 3, 2001, the following reports of committees were submitted on July 13, 2001:

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1178: An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, on July 15, 2001:

By Mrs. MURRAY:

S. 1178. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, today:

By Mr. JOHNSON (for himself and Mr. CRAIOI):

S. 1179. A bill to amend the Richard B. Russel National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EDWARDS:

S. 1180. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum in the State of North Carolina as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1181. A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ‘‘Elwood Haynes—‘‘Bud’’ Hillis Post Office Building’’; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 1182. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake Project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1183. A bill to authorize the modification of a pump station intake structure and discharge line serving the islands of Sabine, Maine, flood control project at full Federal expense; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. Res. 134. A resolution authorizing that the Senate office of Senator John D. Rockefeller IV be used to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Members of Congress and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms; considered and agreed to.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 124

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 124, a bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

S. 127

At the request of Mr. McCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 160

At the request of Mr. FEIST, the names of the Senators from Arkansas (Mrs. LINCOLN), the Senator from Kentucky (Mr. Bunning), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 180, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

S. 388

At the request of Mr. MURKOWSKI, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 388, a bill to protect the energy and security of the United States and decrease America’s dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 389, a bill to protect the energy and security of the United States and decrease America’s dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving
energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

At the request of Mr. BINGMAN, the name of the Senator from Nevada (Mr. ENSiGN) was added as a cosponsor of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 454

At the request of Mr. DOMEnici, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 472

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBiN) was added as a cosponsor of S. 496, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 496

At the request of Mr. WELLSTONE, the name of the Senator from South Carolina (Mr. HOLLiNGs) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 543

At the request of Mr. DASCHLe, the name of the Senator from Alabama (Mr. SESSIONs) 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. 550

At the request of Mr. THOMPson, the names of the Senator from Kansas (Mr. BROWNiNg) and the Senator from Tennessee (Mr. FIsT) were added as cosponsors of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 661

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

S. 701

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 778

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONs) was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 781

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 808

At the request of Mr. BROWNBACK, the names of the Senator from Rhode Island (Mr. CHAFFEe), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Maryland (Mr. SARRiANEs) 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. 829

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 847

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBiN) 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. 860

At the request of Mr. CLELAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 871

At the request of Mr. SNOWE, the names of the Senator from South Carolina (Mr. HOLLiNGs) and the Senator from Utah (Mr. BENNETt) were added as cosponsors of S. 937, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 937

At the request of Mr. CLELAND, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 937, a bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance under the Montgomery GI Bill by members of the Armed Forces, and for other purposes.

S. 942

At the request of Mr. GRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 942, a bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002.

S. 1005

At the request of Mr. JEFFORDS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1005, a bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes.

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. Res. 119

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 119, a resolution combating the Global AIDS pandemic.

S. Res. 121

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor 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. 3

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. Con. Res. 45

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Mr. LEVIN) 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.

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 53, a concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1181. A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes "Bud" Hillis Post Office Building"; to the Committee on Governmental Affairs.

Mr. LUGAR. Madam President, I would like to take this opportunity to pay tribute to a distinguished Hoosier and tireless public servant, former Congressman Bud Hillis.

My colleague, Mr. BAYH, and I are introducing legislation to honor Congressman Hillis by naming the Post Office in Kokomo, Indiana the Elwood Haynes "Bud" Hillis Post Office.

Congressman Hillis honoredly served the people of Indiana's 5th District in the House of Representatives from 1971 to 1986. Congressman Hillis was a fair and reasonable voice on national security, trade, and veterans' issues. A graduate of Indiana's Culver Military Academy, he enlisted in the Army at the age of 18 and fought in the World War II European Theater as an infantryman for 27 months. After leaving active duty as a first lieutenant, Bud Hillis attended Indiana University and the Indiana University School of Law. He went on to practice law in Howard County, Indiana, and served as Chairman of the county bar association.

Before being elected to Congress in 1970, Congressman Hillis served two terms in the Indiana House of Representatives.

The mid and early 1980's were difficult times for many in Indiana's 5th District. A downturn in the auto industry during the recession brought unemployment in some of the district's more highly industrialized communities to over 15 percent. He founded the Congressional Auto Industry Force and he helped to round up votes in 1979 to pass legislation that I had sponsored here in the Senate to guarantee loans to the struggling Chrysler Corporation, an employer of more than 60,000 Hoosiers at the time. In 1985, he worked to protect the auto industry from Japanese imports by extending a voluntary restraint agreement. He was a strong force on the Congressional Steel Caucus and served as Vice President of the executive committee.

As a member of the Armed Services Committee, Congressman Hillis was a dependable ally of the Reagan military buildup that helped to bring an end to the Cold War. He supported American service men by backing enlistment bonuses for military personnel and was a proponent of reinstating draft registration, which had ended with the Vietnam War. Further, he was instrumental in development and deployment of the M-1 tank and the preservation of Grissom Air Force Reserve Base in Peru, Indiana.

Congressman Hillis also took a personal interest with the veterans of our Nation. As a member of the Veterans' Affairs Committee, he was a leader in improving health care for veterans and was instrumental in the construction of the community-based outpatient clinic in Crown Point, IN.

Congressman Bud Hillis has a distinguished record of service to his country and to the people of Indiana. The dedication of the post office in Kokomo, Indiana, a city that continues to be involved deeply with the American auto industry that Congressman Hillis supported so strongly, would be a fitting tribute for such an honorable statesman.

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. 1181

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

SECTION 1. DESIGNATION OF ELWOOD HAYNES "BUD" HILLIS POST OFFICE BUILDING.

(a) IN GENERAL.—The facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, shall be known and designated as the "Elwood Haynes 'Bud' Hillis Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to refer to the Elwood Haynes "Bud" Hillis Post Office Building.

By Mr. HOLLINGS:

S. 1182. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake Project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Environment and Public Works.

Mr. HOLLINGS. Madam President, I rise today to introduce legislation that will provide economic stimulation to one of the poorest counties in South Carolina. This legislation will allow the South Carolina Department of Commerce, SCDOC, to proceed with a project that began almost a decade ago. Well, actually the project began long before that, way back when the Army Corps of Engineers built Lake Richard B. Russell in 1984.

Lake Russell is a 26,000-acre freshwater lake on the South Carolina-Georgia border and was very controversial when originally proposed by the Army Corps of Engineers. Enhancement of economic development in the region was a condition for construction of the Corps of Engineers to overcome State, local and environmental objections to the lake. Yet, to date, virtually no development has occurred despite efforts from South Carolina's Department of Commerce.

Today, there is not a single room for rent by the public within sight of, or within reasonable walking distance of, the lake. There is only one gas pump on the entire lake and that is at a State park.

Following the completion of Lake Russell in 1984, the Department of Commerce and Abbeville County began a plan for the development of a lakefront golf and vacation resort. The Department contracted with a development company in 1997 to develop the project, but in 1998, due to financial difficulties, construction was suspended and the developer defaulted on its Development Agreement with SCDOC. As a result of this default, the Commerce Department terminated the Development Agreement and the property was returned to the State.

In January 1999, in an attempt to complete this project, SCDOC solicited proposals from various qualified developers. After consideration of several proposals, a developer was selected that had a history of successful developments throughout the State of South Carolina. However, in order for the project to be successful, changes to the current lease have to be made. These changes are reflected by the proposed legislation.

When drafting this legislation, I wanted to address several points that may cause concern. First, I wanted to make sure the public had an opportunity to be involved throughout the process. Second, I wanted to make sure any additional land that was included in the project would be mitigated by providing lands with similar ecological values and habitat. And third, I wanted to make sure that this project would be economically viable. I believe the legislation does this.

Like I said, the legislation is simple and will bring economic development
to a county that has longed for it. By completing this project, Abbeville County will be able to take advantage of the economic stimulation created by vacationers and tourism from the surrounding major cities, which include Atlanta, Macon, Columbia, Greenville, and Augusta. This economic development was promised when the lake was built in 1984 and I believe we should honor our commitment.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 134—AUTHORIZING THAT THE SENATE OFFICE OF SENATOR JOHN D. ROCKEFELLER IV BE USED TO COLLECT DONATIONS OF CLOTHING FROM JULY 13, 2001, UNTIL JULY 20, 2001, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST THE WEST VIRGINIA FAMILIES SUFFERING FROM THE RECENT DISASTER OF FLOODING AND STORMS**  
Mr. ROCKEFELLER (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

Whereas southern West Virginia has been devastated by recent flash flooding:  
Whereas 2 West Virginians tragically lost their lives in the recent flooding:  
Whereas thousands of West Virginians have been left homeless, and many more have severe damage to their homes and personal property, and many do not have safe drinking water or electric power because of the flooding; and  
Whereas on July 5, 2001, President Bush amended the Federal Disaster Declaration to cover 18 West Virginia counties, including Boone, Cabell, Calhoun, Clay, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Preston, Putnam, Raleigh, Roane, Summers, Wayne, and Wyoming: Now, therefore:

Resolved, That the Senate office of Senator John D. Rockefeller IV is authorized to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Members and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms.

**AMENDMENTS SUBMITTED AND PROPOSED**

**SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:**

SA 980. Mr. REID (for Mr. BYRD, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table:**

At the appropriate place, insert the following:

**SEC. 2. STUDY OF THE EFFECT OF THE BANKRUPTCY REFORM ACT OF 2001.**

(a) Study.—The General Accounting Office (in this section referred to as the “GAO”) shall conduct a study to determine—

(1) the impact of this Act and the amendments made by this Act on—

(A) the number of filings under chapter 7 and chapter 13 of title 11, United States Code;  
(B) the number of plan confirmations under chapter 13 of title 11, United States Code, and the number of such plans that are successfully completed; and  
(C) the cost of filing for bankruptcy under chapter 7 and chapter 13 of title 11, United States Code, in each State;  
(2) the effect of the enactment of this Act on—

(A) the availability and marketing of credit; and  
(B) the price and terms of credit for consumers; and  
(3) the extent to which this Act and the amendments made by this Act impact the ability of debtors below median income to obtain bankruptcy relief.

(b) Report to Congress.—Not later than 2 years after the effective date of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) Data Collection by United States Trustees.—

(1) In General.—The Director of the Executive Office for United States Trustees shall collect data on the number of reaffirmations by debtors under title 11, United States Code, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

(2) Availability.—Periodically, but not less than annually, the Director shall make available to the public the data described in paragraph (1) in such manner as the Director may determine.

**SA 978. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 333, to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:**

Strike section 313, relating to the definition of household goods and antiques.

**SA 979. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:**

Provided, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense,
technical studies of individual ditch systems identified in the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaunakakai, Molokai, Hawaii: Provided further, That with $800,000 of the funds provided therein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 13, 1968: Provided further, That $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds provided herein, to continue construction of the navigation project at Astoria East Boat Basin, Oregon: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds provided herein for Dam safety and Seepage/ Stability Correction Program to continue construction of seepage control features at Waterbury, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $4,000,000 of the funds provided herein for Dam safety and Seepage/ Stability Correction Program to continue construction of seepage control features at Waterbury, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $11,100,000 of the funds appropriated hereinafter to fund engineering, design or construction of the following elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: $4,500,000 for the Forks tributary streams within the county; $1,000,000 for the City of Cumberland, Kentucky; $1,650,000 for the town of Martin, Kentucky; $2,100,000 for the Pike County, Kentucky, element of the project; $1,100,000 for additional studies along the tributaries of the Tug Fork and continuation of a Detailed Engineering Report for the Levisa Fork; $3,850,000 for the Martin County, Kentucky, element of the project; $950,000 for the Floyd County, Kentucky, element of the project; $600,000 for the Harlan County element of the project; $800,000 for additional studies along tributaries of the Cumberland River in Bell County, Kentucky; $18,600,000 to continue work on the Grundy, Virginia, element of the project; $650,000 to continue the Buchanan County, Virginia, Detailed Project Report; $700,000 to continue the Dickenson County, Detailed Project Report; $1,500,000 for the Upper Mingo County, West Virginia, element of the project; $600,000 for the Upper Mingo County, West Virginia, element of the project; $600,000 for the Logan County, West Virginia, element of the project; $3,200,000 for the McDowell County element of the project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Resources Support Center, and headquarters construction at the U.S. Army Engineer Command, $183,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

Administrative Provisions
Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

General Provisions
CORPS OF ENGINEERS—CIVIL
SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1946, as amended (16 U.S.C. 833, 843); sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-335, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE.
None of the funds made available in this Act may be used to carry out any activity relating to closing or removal of the St. George’s Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware, through the State of Delaware for the SH1 Bridge from station 58 +0 to station 293 +0 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed $1,277,000.

SEC. 103. Weapons System Development Fund.
None of the funds available in this Act shall be available to carry out the activities authorized under sections 1012 and 1013 of the Water Resources Development Act of 1992, as amended (Public Law 102-580; Public Law 104-335), or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 104. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan.

TITLE II
DEPARTMENT OF THE INTERIOR
CENTRAL UTAH PROJECT
CENTRAL UTAH PROJECT COMPLETION ACCOUNT
For carrying out activities authorized by the Central Utah Project Completion Act, $94,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account of the Central Utah Project Completion Act and shall be available to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION
The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:
WATER AND RELATED RESOURCES 
(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participating Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, and others, $732,496,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,422,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $5,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than $100,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706; provided, That the Bureau of Reclamation shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading; Provided further, That funds appropriated under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Ditching Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Fund Act, be amended, in section 601 thereof by inserting “2001, and 2002” in lieu of “and 2001”: Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 99–198, as amended by section 8 of Public Law 100–478, section 101(b) of Public Law 102–575, Public Law 105–249, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices).

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such cost of direct loans and/or grants, so loaned, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available primarily for leasing of water for specified purposes, and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 302 of Public Law 102–575: Provided further, That such funds appropriated under title II to refinance water rights, in compliance with the purchase requirements of title II, shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

CONGRESSIONAL RECORD—SENATE
July 16, 2001

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner and offices in the five regions of the Bureau of Reclamation, $500,000 is for high priority projects which shall be necessary may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250, to remain available until expended: Provided, that funds appropriated under title II shall be directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 307(d) of Public Law 102–575.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 302 of Public Law 102–575: Provided further, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified purposes, and for the purpose of providing assistance to willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into under the terms provided in section 201: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 228(c) of the Reclamation Reform Act of 1992 (96 Stat. 1226, 1272; 43 U.S.C. 390f, 390w(c)), including the amount of associated interest assessed by the Secretary and paid to the United States as a part of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390w(c)).

TITLE III
DEPARTMENT OF ENERGY 
ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for defense energy supply, uranium supplies and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility for plant or facility acquisition, construction, or expansion; and the purchase and/or lease of not to exceed 7 passenger motor vehicles for replacement only, $736,139,000 to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility for plant or facility acquisition, construction, or expansion; and the purchase and/or lease of not to exceed 7 passenger motor vehicles for replacement only, $736,139,000 to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise reestablish uranium processing facilities, $908,725,000, of which $287,941,000 shall be derived from the Uranium Enrichment Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility, or for plant or facility construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,258,816,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $250,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall notify all potential operators that such state and unit of local government may provide certification to the Department of Energy that all funds expended from
such payments have been expended for activities provided for in Public Law 97–425, as amended, and including the acquisition of real property or facility construction or expansion.

$250,000,000, to remain available until expended.

Power Marketing Administrations

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, approved pursuant to Public Law 98–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration, up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to subsequent annual appropriations, to remain outstanding at any given time: Provided, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $2,500,000 in reimbursements, to remain available until expended: Provided, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7323), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $163,951,000 shall be derived from the Department of the Interior

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $157,337,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense activities, including the acquisition of real property or facility construction or expansion, $250,000,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion.

$250,000,000, to remain available until expended.
Reclamation Fund: Provided, That of the amount appropriated, $6,063,000, may be deposited into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $152,624,000 be collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Act of 1905 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,965,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $181,155,000, to remain available until expended: Provided, That any other provision of law, not to exceed $181,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation for the General Fund estimated at not more than 80.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

S.C. 301. (a) None of the funds appropriated by this Act may be used to award a management or contract under which such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. (b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

S.C. 302. None of the funds appropriated by this Act may be used to— (1) develop or implement a workforce restructing plan that covers employees of the Department; or (2) provide enhanced severance payments or other benefits for employees of the Department.

S.C. 303. None of the funds appropriated by this Act shall be used to promote the sale of $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 1361 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 105–241; 106 Stat. 2644; 42 U.S.C. 7274f) unless the Department of Energy submits a request for approval to the appropriate Congressional committees. (3) None of the funds appropriated by this Act may be used to initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

S.C. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally provided.

S.C. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent of the amount available for such laboratories for the performance of research or development work, and 2 percent of the amounts available for the operation of such laboratories, may be transferred in accordance with the provisions of this Act for purposes of carrying out the provisions of this Act.

S.C. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of 10 years following the date of enactment of this Act, or is generated after such date.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ‘covered nuclear weapons production plant’ means the following:

1. The Kansas City Plant, Kansas City, Missouri.
3. The Pantex Plant, Amarillo, Texas.
4. The Savannah River Plant, South Carolina.

S.C. 309. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization, provided that the Regional Transmission Organization shall be approved by the Federal Energy Regulatory Commission.

S.C. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That the funds so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally provided.

S.C. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)— (3) by striking ‘fiscal year 2002’ and inserting ‘fiscal year 2005’.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 31 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $68,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $136,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $96,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That, $700,000 of the amount appropriated in this Act for the regional1316

CONGRESSIONAL RECORD—SENATE

July 16, 2001
NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee has scheduled a hearing to consider the nomination of Dan R. Brouriette to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

The hearing will take place on Wednesday, July 18, at 9 a.m. in room 306 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please contact Sam Fowler at 202-224-7571.

AUTHORITY FOR COMMITTEES TO MEET

Subcommittee on Science, Technology and Space

Mr. REID, Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on "Holes in the Net: Security Risks and the Consumer," on Monday, July 16, 2001, at 1 p.m.

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

PRIVILEGE OF THE FLOOR

Mr. REID, Mr. President, I ask unanimous consent that Roger Cockrell and James Crum, Appropriations Committee staff from Senator Domenici's staff be granted privileges of the floor for the duration of the consideration of the bill now before the Senate.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On July 12, 2001, the Senate amended and passed H.R. 2217, as follows:

Resolved, that the bill from the House of Representatives (H.R. 2217) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $389,421,000, to re-
main available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That the sum appropriated, for the purposes of such Act and for research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $589,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That not to exceed $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That balances in the Federal Law Administration program operations, including the cost of administering the mining claim program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,962,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication facilities: Provided, That appropriations herein made shall not be available for the purchase of any fools, unhealthy, unadopted, wild horses and burros in the possession of the Secretary of the Interior, $775,962,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That not to exceed $111,255,000 of the funds available for hazardous fuels reduction shall be for alleviating immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior: Provided further, That such amounts otherwise available for repayment of advances to other appropriation accounts from funds which were previously transferred for such purposes: Provided further, That the sums herein appropriated for the "Fire Protection" and "Emergency Department of the Interior
For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $100,000,000 shall be available for expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

For expenses necessary to carry out sections 205, 206, and 207 of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $45,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ORLANDO AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for the costs of carrying out their responsibilities under the Forest Ecosystems Health and Recovery Fund, to remain available until expended.

FOR FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND (REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the amounts authorized to be expended under the Act for the Forest Ecosystem Health and Recovery Fund, $75,000,000 may be expended to implement any cooperative agreement under that Act with the Federal government and any non-Federal entity which the Secretary may consider capable of meeting accepted quality standards: Provided further, That the cost of implementation of any cooperative agreement between the Federal government and any non-Federal entity, which may be rewarded, shall be shared, as agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the extent to which the grantee or entity shall be available to enhance local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this Act, the Secretary may take into account the ability of the grantee or entity to enhance local and small business employment opportunities for rural communities, and that the Secretary may enter into agreements with cooperating entities under this Act to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged business entities. The funds appropriated under this Act may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with decisions involving land or water uses.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $33,000,000, to remain available until expended, of which $20,000,000 is for wildfire suppression and $13,000,000 is for fires areas rehabilitation: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and agencies for the acquisition, management, and disposal of hazardous substances, pollutants, or contaminants, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9001 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from any administrative action, civil action in rem, or criminal action, and reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be available for the purposes of such Act until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS

For expenses in connection with public land transfers and other related matters pursuant to laws administered by the Bureau, the Secretary may take into account the ability of any party to meet accepted quality standards: Provided further, That any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, shall be available for the costs of defending the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under the Act, the Forest Service may make payments of up to $100 to any person, or group of persons, for administrative costs associated with timbers or other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with public land transactions, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 95–133, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements, enter into agreements with recreation service providers for the provision of services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in full or in part, and which cooperators are capable of meeting accepted quality standards: Provided further, That section 28(f)(a) of title 30, United States Code, is amended to read:

"(1) In section 28(f)(a), by striking the first sentence and inserting ‘The holder of each..."
unpatented mining claim, mill, or tunnel site, located in the State of Idaho for the development of mining resources of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year through 2006, a claim maintenance fee of $100 per claim or site: Provided further, That not less than $500,000 of such amount shall be used for inholdings which shall be awarded to projects that will also assist industries in Maine affected by the listing of Atlantic salmon under the Endangered Species Act.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, preservation, propagation, recovery, and wildlife resources, and the acquisition of lands and interests therein; $55,526,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $128,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which $500,000 shall be available to acquire land for the Don Edwards National Wildlife Refuge, and of which not more than $500,000 shall be used for acquisition of 1,750 acres for the Red River National Wildlife Refuge, and of which $3,000,000 shall be for the acquisition of lands in the Cahaba River National Wildlife Refuge, and of which $1,500,000 shall be for emergencies and hardships, and of which $1,500,000 shall be appropriated to the Secretary for the acquisition of lands in the Snake River Basin in Idaho for developing research mechanisms in the Columbia and Snake River basins and their tributaries, up to $1,000,000 may remain available until expended for contaminant sample analysis.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund; to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1976 (16 U.S.C. 711 et seq.), $14,414,000. For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, $4,900,000. For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, $4,900,000.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the Endangered Species Act (16 U.S.C. 1531-1543), as amended, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

STATE WILDLIFE GRANTS (INCLUDING RECISISON)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and as amended, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.
the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not exceed the amount of Federal grants: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop, a conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction’s wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into account necessary funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that has not as of September 30, 2003, been reapportioned, to together with funds appropriated in 2004, in the manner provided herein.

Omnibus grant funds appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of no less than 74 passenger vehicle motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair or damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities in use to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding section 501, the Service, may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from contractors or other entities, and jointly produced publications for which the contractor(s) share at least one-half the cost of printing either in cash or services and the Service determines such contractors or other entities, and jointly produced publications are meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations: Provided further, That provisions concerning the reprogramming of funds necessary to reimburse the United States Park Service for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $358,000,000, to remain available until expended, of which $30,000,000 is for conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND (RECISION)

The contract authority provided for fiscal years 2002 by 16 U.S.C. 460l–4 through 11, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $287,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(xvii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $287,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(xvii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Authorization Act (Public Law 104–333), $74,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

FUND ADMINISTRATION

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service, including special road maintenance service to trucking permits on a reimbursable basis, and for the general administration of the National Park Service, $1,473,158,000, of which $10,881,000 for research, planning and inter-agency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and $72,640,000, to remain available until September 30, 2003, for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service facilities including management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That any amount that may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established procedures for the National Park Police, that those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $60,100,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not herefore made), pur- suant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for ben- efits paid to and accepted by active Park Police members covered under the Act, such amounts as hereafter may be nece- sary: Provided, That hereafter the appropriated funds maintained for this purpose shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, of which $300,000 in heritage partnership funds are for the Erie Canalway National Heritage Corridor, of which $101,000 in statutory or contractual aid is for the Brownstone Restoration Equity, and of which $250,000 is for a cultural program grant to the Underground Railroad Coalition of Delaware.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provi- sions of the Urban Park and Recreation Recove- ry Act of 1978 (16 U.S.C. 2591 et seq.), $20,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Authorization Act (Public Law 104–333), $74,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the con- servation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That the amount provided $30,000,000 shall be for Save America’s Treasures for pri- ority preservation projects, including preserva- tion of intellectual and cultural artifacts, pre- cious historical buildings, and other historic resources, and buildings to house cultural and historic re- sources and to provide educational opportuni- ties: Provided further, That any individual Save America’s Treasures grant shall be matched by non-Federal funds: Provided further, That indi- vidual projects shall only be eligible for one grant, and all projects to be funded shall be ap- proved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America’s Treasures funds allocated for Federal projects shall be available by transfer to appropriate ac- counts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds pro- vided for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $358,000,000, to remain available until expended, of which $60,000,000 is for conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.
subject to an agreement that the lands be ac-
quitted of any liens, and the proceeds of the
sale shall be used to cover the costs of the
acquisition.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not ex-
ceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to
exceed 217 for police-type use, 11 buses, and 8
ambulances. Provided, That none of the funds appropriated to the National Park Service may
be used to process any grant or contract docu-
ments which do not include the text of 18 U.S.C.
1933. Provided further, That none of the funds
appropriated to the National Park Service may
be used to implement an agreement for the rede-
v elopment of the southern end of Ellis Island
until such agreement has been submitted to the
Congress and shall not be implemented prior to
the expiration of a 30 calendar days (not includ-
ing any day in which either House of Congress
is not in session because of adjournment of more
than 3 days or during a recess of a day or more) from
the receipt by the Speaker of the House of Rep-
resentatives and the President of the Senate of
a full and comprehensive report on the develop-
ment and operations of Ellis Island: Provided
further, That the amount appropriated for the
making of geophysical or other special surveys
when it is administratively determined that such
procedures are in the public interest; construc-
tion of necessary buildings and appurtenant facilities; acquisition
of lands for gauging stations and observa-
tion wells; expenses of the United States National
Committee on the Management of compensa-
tion and expenses of persons on the rolls of
the Survey duly appointed to represent the
United States in the negotiation and administra-
tion of such agreements: Provided, That of the
total amount appropriated herein made
available until expended, $16,400,000 shall remain
available until expended for conducting inquir-
ies; and of which $16,400,000 shall be used to
support of the proposed project.

None of the funds in this Act may be spent by
the National Park Service for activities taken in
direct response to the United Nations Biodiver-
sity Convention.

The National Park Service may distribute to
operating units based on the safety record of
each unit the costs of programs designed to
improve workplace and employee safety, and to
encourage workplace injury prevention and re-
compensation benefits pursuant to chapter 81
of title 5, United States Code, to return to appro-
priate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States
Geological Survey to perform surveys, investiga-
tions, and research, and for the acquisition of
geological, geophysical, and water resources
searching for topographic mapping or water resources data
and for the furnishing of topographic
maps; including the purchase of not to exceed
three years and for subjects prescribed by law;
for enforcement of regulations applicable to oil, gas,
and other minerals leases, permits, licenses and operating
contracts; and for matching grants or cooperative agree-
ments; including the purchase of not to exceed
eight passenger motor vehicles for replacement only,
$151,933,000, of which $84,021,000, shall be available
for royalty management activities; and for
royalty-in-kind pilot program use a portion of the
removal of, and for the disposition of, the
minerals exploration program (30 U.S.C. 641); and publish and dis-
seminate data relative to the foregoing activi-
ties; and to conduct inquiries into the economic
conditions affecting mining and materials proc-
esing industries (30 U.S.C. 3, 21a, and 1603; 50
U.S.C. 96g(1)) and related purposes as author-
ized by law and to publish and disseminate data; $282,470,000, of which $74,318,000 shall be available
only for cooperation with States or
municipalities for water resources investiga-
tions; and of which $16,400,000 shall remain available until expended for conducting inquir-
ies into the economic conditions affecting min-
ing and materials processing industries; and of
which $8,000,000 shall remain available until expended for conduction inquir-
ies into the economic conditions affecting min-
ing and materials processing industries; and of
which $23,226,000 shall be available until September 30,
2003 for the operation and maintenance of fa-
cilities and depots and maintenance; and of which $160,444,000 shall be available until
September 30, 2003 for the biological research activity and
the operation of the Cooperative Research Units.
Provided, That none of these funds pro-
vided for the biological research activity and
the operation of the Cooperative Research Units
shall be available until September 30,
2003 for the operation and maintenance of fa-
cilities and depots and maintenance; and of which $160,444,000 shall be available until
September 30, 2003 for the biological research activity and
the operation of the Cooperative Research Units.
Provided, That none of these funds pro-
vided for the biological research activity and
the operation of the Cooperative Research Units
shall be available until September 30,
2003 for the operation and maintenance of fa-
cilities and depots and maintenance; and of which $160,444,000 shall be available until
September 30, 2003 for the biological research activity and
the operation of the Cooperative Research Units.
Provided, That none of these funds pro-
vided for the biological research activity and
the operation of the Cooperative Research Units
shall be available until September 30,
2003 for the operation and maintenance of fa-
cilities and depots and maintenance; and of which $160,444,000 shall be available until
September 30, 2003 for the biological research activity and
the operation of the Cooperative Research Units.
by the Federal Government for the purpose of exercising jurisdiction related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and purposes and programs of the Surface Mining Reclamation and Control Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants in excess of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
For expenses necessary for the operation of Indian programs, as authorized by law, including the numbers for the Bureau of Indian Affairs, $76,450,000, of which: (1) $63,525,000 shall be available to the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funds for any reason other than the school’s failure to operate at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funds for any reason other than the school’s failure to operate at a Bureau-funded school before September 1, 1999.

INDIAN LAND AND WATER CLAIM SETTLEMENTS
AND MISCELLANEOUS PAYMENTS TO INDIANS
For expenses necessary for the operation and employees of a charter school (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only. Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration’s August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this act shall not diminish the government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or that was in place before September 1, 1996, except for schools operating at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funds for any reason other than the school’s failure to operate at a Bureau-funded school before September 1, 1999.

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,450,000, of which: (1)
DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES
For necessary expenses for management of the Department of the Interior, $67,541,000, of which not to exceed $3,500 may be for official reception and representation expenses, and of which up to $1,000,000 may be for cost sharing and compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR
SALARIES AND EXPENSES
For necessary expenses of the Office of the Solicitor, $44,074,000.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES
For necessary expenses of the Office of Inspector General, $34,302,000, of which $3,812,000 standing any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning programs in Indian trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine the amount and status of those funds.

101 Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reforestation of burned-over lands under the jurisdiction of the Department of Agriculture, for operation of Indian Programs, for operation of trust programs for Indians by Tribal organizations through contracts or grants, for Indian land reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primary State is not carrying out the regulatory provisions of the Surface Mining Control Act. Appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to agencies shall be made available at the time of the receipt thereof: Provided further, That for wildland fire operations, no funds

COMPACT OF FREE ASSOCIATION
For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 121, 221, 232, and 233 of the Compact of Free Association, and economic assistance and necessary expenses for the Republic of Palau as provided for in sections 121, 221, 232, and 233 of the Compact of Free Association, shall remain available until expended, as authorized by Public Law 99–239 and Public Law 99–638.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION
NATURAL RESOURCE DAMAGE ASSESSMENT FUND
To conduct natural resource damage assessment activities at the request of the Department of the Interior, the Secretary shall carry out the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (Public Law 101–380) and Public Law 102–113, as amended (42 U.S.C. 9516 et seq.), to remain available until expended.

ADMINISTRATIVE PROVISIONS
There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, of which shall be for replacement and which may be obtained by donation, purchase or through available excess surpluses. Provided further, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes: Provided, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b) of the Emergency Deficit Control Act of 1983, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts in the appropriation acts, for Indian land reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primary State is not carrying out the regulatory provisions of the Surface Mining Control Act. Appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to agencies shall be made available at the time of the receipt thereof: Provided further, That for wildland fire operations, no funds

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shall be made available under this authority until such time as the funds are replenished for "wildland fire operations" shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "replenishment funds," pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which such funds were transferred pursuant to this section.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriations made at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for obligation by the Secretary, in total amount not to exceed $500,000, for supplies and materials, not to exceed $1,000,000 for services or rentals of real property for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with the acquisition of real property for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended for services or services of real property for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 25 degrees north latitude and east of 86 degrees west longitude.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing, and related activities on lands within the North Aleutian Basin planning area.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing, and related activities in the eastern Gulf of Mexico planning area for any lands located within the area of the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 111. Advance payments made under this authority until such time as the funds are replenished for "wildland fire operations" shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "replenishment funds," pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which such funds were transferred pursuant to this section.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of American Indians and any available unobligated balances from prior appropriations Acts made under the same heading for the expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aa–50). The terms and conditions contained in the permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 114. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 28, United States Code, applicable to proceedings conducted by an Indian probate judge, appointed by the Secretary, are hereby deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary, without regard to the provisions of title 5, United States Code, governing the appointment of such judge. Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 115. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds (as defined in section 123 of Public Law 106–291) to alleviate tribal funding inequities by transferring such funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 116. Funds appropriated for the Bureau of Indian Affairs for programs for Indian tribes for the fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Education Negotiation Committee adopted by the Office of Indian Education Programs.

SEC. 117. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that, in administering the lands of the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

SEC. 118. The Secretary of the Interior shall be used only (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery, and (2) as a burial ground.

SEC. 119. No funds provided in this title shall be used to acquire or grow the seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) Construction.—The term "construction," with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) DEFINITIONS.—For purposes of the demonstration program carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(c) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application meeting the provisions of the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

SEC. 121. Notwithstanding any other provision of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

the Mine: improvements and equipment associated with referred to in subsection (a) are the following Secretary determines to be appropriate.

(A) the costs of construction under the grant; (B) that the Indian tribe shall be required to contribute at least 25 percent of the cost of the construction a tribal share equal to 50 percent of the costs; and (C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe.

(1) the regulatory requirements of the State of Utah. (a) SALE.—The Administrator of General Services (referred to in this section as the "Administrator") shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the "Mine") (a) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine: (1) Mine Service Building, (2) Sewage Treatment Building, (3) Elecromet Regional Building, (4) Water Treatment Building/Plant, (5) Ventilation/Fan Building, (6) Water Storage Tanks, (7) Mine Headframe, and (8) Miscellaneous Mine-related equipment.

c. DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the "White River Oil Slate Mine" and described as follows: (1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, and 34. (2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19. (d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a) shall be deposited in a special account in the Treasury of the United States; and shall be available until expended, without further Act of appropriation.

SEC. 124. The Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(2) upon the findings of the Secretary in this statement.

(3) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(4) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(5) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(6) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(7) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(8) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(9) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(10) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(11) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

(12) the Secretary of the Interior may use transfers out of the Indian trust funds to the extent of the funds made available by this Act shall be used to conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law to the contrary.

SEC. 131. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized the Secretary to make such transfers.
activities occur off the coastline of States that serve as platforms for that development, such as Alabama, Alaska, Louisiana, Mississippi, and Texas; (12) the Mineral Leasing Act (30 U.S.C. 181 et seq.), which governs the development of Federal offshore mineral resources; and

(13) there is no permanent provision in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which governs the development of Federal offshore mineral resources located off shore, that authorizes the sharing of a portion of the annual revenues generated from Federal offshore crude oil and natural gas resources located offshore, that authorizes the sharing of a portion of the annual revenues generated from Federal offshore crude oil and natural gas resources located offshore.


cal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 600a-4(i)): Provided, That unobligated balances available at the start of fiscal year 2003, as provided for in the budget for fiscal year 2003, and used for reprogramming procedures contained in House Report No. 105–163; Provided that the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed, by the parties to that agreement.

Further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business enterprises by providing for the participation of small or micro-businesses; or that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity that is a small or micro-business to provide services at a cost lower than that of the lowest responsible bidder.

Further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business enterprises by providing for the participation of small or micro-businesses; or that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity that is a small or micro-business to provide services at a cost lower than that of the lowest responsible bidder.

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Further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business enterprises by providing for the participation of small or micro-businesses; or that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity that is a small or micro-business to provide services at a cost lower than that of the lowest responsible bidder.
(2)(A) The Secretary of Agriculture may transfer or reimburse the funds to the United States Fund and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, to remain available until expended, of which $100,000,000 is for emergency rehabilitation and wildfire suppression, and $65,000,000 is for other fire operations: Provided, That the amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official or his designee, designated by the Congress in the paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

**CAPITAL IMPROVEMENT AND MAINTENANCE**

For necessary expenses of the Forest Service, not otherwise provided for, $301,516,000 to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 161 and 205, of which $24,440,000 is to be provided for the design of historic office renovations of the Beartooth Ranger District Work Center (Old Stoney) in Sundance, Wyoming, and of which $67,000,000 is for conservation activities defined in section 259(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, to be transmitted by the President to the Congress.

**SPECIAL ACTS**

Public Law 101–163

None of the funds available to the Forest Service may be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

None of the funds made available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds made available to the Forest Service may be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, and as authorized by section 502(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

None of the funds made available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Funds available to the Forest Service may be reprogrammed without the advance approval of the Chief of the Forest Service.
administering expenses: Provided, further, That the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs at National Forests, National Grasslands, National Wildlife Refuges, National Forest Reserve Areas, National Natural Historic Landmark: Provided, that, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private organization, institution, individual, or person may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the agency at such Forest Service Lands.

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administrative expenses: Provided, further, That the Forest Service may be charged for the cost of services provided by persons retained by the agency, and by the National Forest Foundation, subject to notification of the Committee on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service shall be used for the purpose of making certain that accurate and reliable information is available to the public on the status of the Department of Agriculture in any capacity.

The Secretary of Agriculture, in consultation with the Department of Agriculture and the National Forest Foundation, shall be responsible for ensuring that such gifts are accepted as being appropriate.

That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Projects funded by the Forest Service shall be made available to the public, and the Secretary of Agriculture shall be responsible for ensuring that such gifts are accepted as being appropriate.

That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be made available to the public, and the Secretary of Agriculture shall be responsible for ensuring that such gifts are accepted as being appropriate.

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That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.
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No funds provided in this Act may be expended for the Energy to prepare a report or issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and the proceeds thereof, and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 764), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,388,814,000, together with any other sums available after March 1, 1955, for the period of one fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That, for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act and the Indian Health Care Improvement Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $362,854,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribe may be used for purchase, construction, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated hereunder, $5,000,000 shall be designated by the Secretary for the purpose of funding projects on a competitive basis giving priority to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Indian Health Service shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability necessary to provide an appropriate facility: Provided further, That the Indian Health Service shall re-quest additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service, the Department of Defense or the Yellowknife Health Services Administration: Provided further, That to not exceed $500,000 shall be placed in a Demolition
Fund, available until expended, to be used by the Indian Health Service for demolition of several buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94-412), construction or alteration of facilities authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than authorized by the Indian Health Service in this Act, and that funds made available under this Act may be used for improvements to the Indian Health Service until the Indian Health Service has a written approval of the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations made in this Act to the Indian Health Service shall be made available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rates payable for senior-level positions set forth in 5 U.S.C. 5330, 5331, and 5336; protection of vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation, and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility and shall be available for any purpose not to exceed the maximum rate payable for senior-level positions as authorized by 5 U.S.C. 5331, or in the absence of a rate set forth in 5 U.S.C. 5331, the maximum rate payable for senior-level positions as set forth in 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $401,192,000, of which $200,000,000 may be used for the National Zoological Park program, collections acquisition, exhibition restoration, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers; provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general fund of the Smithsonian Institution until the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: provided further, That those Federal funds used to construct or alter facilities of the Smithsonian Institution may not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such buildings.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, alteration, and alteration of facilities at the National Zoological Park: provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this Act or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this Act or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs, including closure of facilities, relocation of staff or reorganization of functions; provided further, That the advance written approval of the House and Senate Committees on Appropriations in accordance with
For the upkeep and operations of the National Galleries of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance expenses, as authorized by law; purchase or rental of devices and services for protecting buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made in connection with advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which $68,960,000 (for the special exhibition program) shall remain available until expended.

NATIONAL FOUNDATION FOR THE ARTS

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,882,000, shall be available to the National Endowment for the Humanities for the support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purpose of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as the National Endowment for the Humanities may use to carry out, the National Endowment for the Humanities Act of 1965, as amended, $98,234,000 shall be available to the National Endowment for the Humanities, pursuant to sections 5(c) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $26,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000 for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADDITIONAL PROVISIONS

None of the funds appropriated to the National Endowment for the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Endowment for the Arts and the Humanities may be used for official representation and representation expenses: Provided further, That funds from nonappropriated sources may be used for official representation expenses.

COMMISSION OF FINE ARTS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL ART CAPITOL PLANNING COMMISSION

For necessary expenses, as authorized by the National Capital Plannig Commission Act of 1952 (40 U.S.C. 71–71d), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level V of the Executive Schedule for the person engaged in the actual performance of duties.

UNITED STATES HOLocaust MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum as authorized by Title III of Public Law 106–292 (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum’s repair and rehabilitation program and $1,264,000 for the museum’s exhibitions program shall remain available until expended.

PRESIDIO TRUST

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,125,000 shall be available to the Presidio Trust, to remain available until expended.

SECT. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by non-competitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tend to promote public support or opposition to any legislative proposals on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall be available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act for any department or agency be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on the national Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.
SEC. 310. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available to the Department of the Interior under law for fiscal year 2001 shall be obligated or expended to process patent applications in a timely and responsible manner, in accordance with the requirements of the Patent Act of 1952 (35 U.S.C. 100 et seq.) and regulations thereunder, or to carry out any program established by the Mineral Resources Act of 1970 (30 U.S.C. 2330, 2331, and 2333), or to conduct a mineral examination under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) were met on or before September 30, 1994, 2320, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report on the examination of mineral patent claims or mill site claims by the Bureau of Land Management in the retention of third-party contractors.

SEC. 311. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 101–134, 104–134, 106–134, 107–134, 108–134, and 109–291 for payments to tribes and tribal organizations or for contract support costs associated with self-determination or self-governance, grants, contracts, or funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 312. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been severely undermined by reduced timber sales and are affected by lands held in trust, including lands held under various acts of Congress, and lands held in trust by Indian tribes that are in need of management to improve ecological, biological, and economic conditions. The programs may be designed and offered with the advice and consent of the tribes and the Interior Secretary.

SEC. 313. None of the funds collected under the Recreational Fee Demonstration program may be used for the oversight of an area or center that is not a park, national monument, national seashore in Brevard County, Florida, as a clothing-only area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 314. None of the funds made available in this Act or any other Act for any fiscal year may be used to designate, or to post any sign designating, areas that are national seashore in Brevard County, Florida, as a clothing-only area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts:

(1) The Chairperson shall only award a grant to an individual if an application is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the proposal, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairperson. The Chairperson shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance to further the functions of the National Endowment for the Arts and the Humanities Act of 1965 and amendments thereto, the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance to projects, productions, workshops, or programs that encompass underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty level as defined by the Office of Management and Budget, and revised annually in accordance with section 673(c) of the Community Services Block Grant Act (42 U.S.C. 9090(g)(2)) applicable to a family of the size involved.

SEC. 318. None of the funds made available to the arts or the humanities in the arts or humanities block grant programs authorized by title 2 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, is subject to any requirement that the State or States receive 50 percent of the funds as required by section 315 of the National Endowment for the Arts Act (20 U.S.C. 960m). Nothing in this section shall be construed to accomplish a State's compliance with any requirement of law.
July 16, 2001

CONGRESSIONAL RECORD—SENATE

is surplus to the needs of domestic processors in Alaska.  The volume of western red cedar timber available to domestic processors at price equal to or greater than the selling value stated in the contract.  All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder.  All Alaska yellow cedar may be sold at prevailing export prices for the timber sale.

SEC. 324. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to Section 101(e), clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 325. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications may be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 31 CFR 334-348.

SEC. 326. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in-

(1) the establishment of additional fees to the Secretary for operation when such service has been provided in the past by a private sector provider; or

(2) the return of a commercial recreation service to the Secretary for operation when such service has been provided in the past by a private sector provider except when-

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency has a computer permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.  The authority to enter into stochastic and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section; Provided, That of the additional contracts authorized by this Act at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 328. Any regulations or policies promulgated or developed by the Secretary of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A-25: no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 329. Notwithstanding any other provision of law, for fiscal year 2002, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument, and the Sierra Nevada, National Forest, Preference for employment shall be given to displaced and unemployed workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 330. The Secretary of Agriculture, acting through the Chief of the Forest Service shall—

(1) extend the Demonstration Program Fee (parking permit for the Saratoga Charlie Cabin in the Absaroka Beartooth Wilderness Area, Montana, located and displaced workers in Tulare, Kern and Fresno Counties, California, prices as provided in that section: Provided, That the aggregate amount guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

(2) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $50,000,000.

SEC. 331. Section 332 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Division A, section 101(e), is amended by striking “and 2001” and inserting “2001 and 2002.”

SEC. 332. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 6031-61) is amended by striking “2002” and inserting “2004.”

SEC. 333. Local Exemptions From Forest Service Demonstration Program Fees. Section 6096 of Title 31, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Necessary”; and

(2) by adding at the end the following—

“(b) LOCATIONS EXEMPT FROM DEMONSTRATION PROGRAM FEES.—

“(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the limits of the United States National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

“(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.

SEC. 334. Modification to Steel Loan Guarantee Program. (a) IN GENERAL.—Section 101 of the Energy Policy and Conservation Act of 1975 (15 U.S.C. 7601 et seq.) is amended as follows:

(1) TERMS AND CONDITIONS.—Subsection (h) is amended—

(A) in paragraph (1), by striking “2003”, “and inserting “2015”; and

(B) by amending paragraph (4) to read as follows:

“(4) GUARANTEE LEVEL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any loan guarantee provided under this section shall not exceed 85 percent of the amount of principal of the loan.

“(B) INCREASED LEVEL ONE.—A loan guarantee provided under this section shall not exceed 85 percent of the amount of principal of the loan, if—

(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

(ii) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $50,000,000.

“(C) INCREASED LEVEL TWO.—A loan guarantee provided under this section shall not exceed 85 percent, but not more than 95 percent, of the amount of principal of the loan, if—

(iii) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

(iv) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $50,000,000.

(2) TERMINATION OF GUARANTEE AUTHORITY.—Subsection (k) is amended by striking “2001” and inserting “2003.”

(b) APPLICABILITY. The amendments made by this section shall apply only with respect to any guarantee issued on or after the date of enactment of this Act.

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2002.”

AUTHORIZING SENATE OFFICE OF SENATOR JOHN D. ROCKEFELLER IV BE USED TO COLLECT DONATIONS OF CLOTHING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 134, submitted earlier today by Senators ROCKEFELLER and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) authorizing that the Senate office of Senator John D. Rockefeller IV be used to collect donations of clothing from July 15, 2001, to July 20, 2001, from concerned Members of Congress and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROCKEFELLER. Madam President, as you may know, my state of
West Virginia was ravaged last week by its worst flooding in years. Homes were destroyed, businesses and infrastructure went down and most tragically, lives were lost. The outpouring of support thus far has been truly heartwarming; however, much is still needed in order to rebuild our communities. That is why I am asking my colleagues, our staffs, and our friends to support this resolution and to participate in a clothing drive that will give aid to the victims of this tragedy. I am proud to be joined by our distinguished senior Senator, Robert C. Byrd, in our effort to help West Virginians. Our drive can only be successful if the resolution before us is passed, and if we each give what we can.

Immediately following the floods, I visited some of the areas hardest hit. Although this clean-up process has begun, it was still taken aback by dissolved roads, collapsed homes, and splintered bridges. Fortunately enough, the clean-up process is already underway as federal disaster relief pours in. Organizations such as the American Red Cross and the Salvation Army have provided for residents’ most immediate needs, while agencies such as the Federal Emergency Management Agency, FEMA, begin processing damage claims. Governor Wise and state agencies are working hard to reach out to communities struggling to cope with the aftermath of the flooding. Working together, federal, state, and local officials can begin the crucial work to rebuild our communities.

Yet, much remains to be done. Today, Sharon and I will visit more of the state. With us, we will take the prayers and well wishes we have been given. We will also present generous donations from corporations such as the Pepsi Cola Company. While I am in the state, my staff will organize a clothing drive to replace some of the items lost in the floods. Clothing of all kinds is needed as residents rebuild their homes and their lives. Many have lost everything and, as they return to work and school, will need the basic items we all take for granted. Moreover, as the winter months approach and the season brings rugged weather, victims will also find themselves in need of cold-weather clothing and shoes. Once the clothing is collected on Capitol Hill, United Airlines will transport all of the donations to West Virginia and the National Guard will help distribute the clothing to families in need. These are just two examples of the generosity displayed by companies and by individuals who wish to help. Each of them has my deep gratitude.

Of course, in the rush to move on and rebuild, we cannot forget about those lost. I am truly sorry for the loss of Bonnie Shumate and Bradley Jenkins, and my heart goes out to their families and friends. Though rebuilding will serve as a challenge for the average West Virginian, grieving will, of course, prove far more difficult for the Shumates and the Jenkins.

It has been said that there is light at the end of every tunnel. Considering the awesome amount of support provided to date for the flood victims in West Virginia, I would have to agree. Let us continue this support by committing to and participating in a clothing drive for the people affected by the flood. On behalf of the Mountain State, thank you.

Mr. Reid. Madam President, I ask the Senate to consider and approve the resolution (S. Res. 134) agreed to by the Senate yesterday. Through the proceedings of today's Record, the resolution (S. Res. 134) was agreed to.

The resolution was agreed to. The resolution as agreed (S. Res. 134) is located in today's Record under "Submitted Resolutions."

ORDERS FOR TUESDAY, JULY 17, 2001

Mr. Reid. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, July 17.

I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Bankruptcy Reform Act; further, that the Senate recess from 12:30 to 2:15 for the weekly party conferences.

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

PROGRAM

Mr. Reid. Madam President, therefore, on Tuesday the Senate will convene at 9 a.m. and resume consideration of the Bankruptcy Reform Act under a previous order. There will be 3 hours of debate on cloture on the Bankruptcy Reform Act, which will cause us to vote around 12 noon. We expect to return to the Energy and Water Appropriations Act on Tuesday, with rollcall votes expected into the evening.

In the morning, I am going to renew my request that there be a time certain for filing amendments. The reason this is so important is we are not going to be on this bill tomorrow. That will give staff time to work on the amendments that people think are important.

Some certainly are important. So I am going to renew that request tomorrow morning, and I hope Senators on both sides of the aisle will allow us to go forward.

ORDER FOR ADJOURNMENT

Mr. Reid. I ask unanimous consent that the Senate stand in adjournment following the remarks of the Senator from Arizona and the Senator from Oregon, as previously outlined in the unanimous-consent agreement.

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

NOMINATIONS

Mr. KyL. Madam President, let me say I appreciate what the Senator from Nevada said about the reforms that Senators Domenici, Murkowski, and I effectuated with respect to the Department of Energy. It was a time of some confusion, and reasonable people could differ about what we did there. But I think it is working very well.

Mr. Reid. I say to my colleague, if he will yield, I watched his statement from my office, and I appreciate that very much. I say to my friend from Arizona, it is important we move these nominations. There are a few that cause problems, but very few. And you will know about those. The rest of them we need to move forward to have better government.

It is amazing to me the quality of the people who served in the Clinton administration and those who are now willing to serve the Bush administration with all they have to go through.

I look forward to working with my friend from Arizona to move as many of these as quickly as we can. As I told my friend on Friday, we had one person with a little problem and we just went around that, took care of everybody else. Even those we have problems with, they deserve their day in court, so to speak. So I appreciate the comments of the Senator from Arizona. I appreciate his cooperation in allowing us to have this bill on the floor.

Mr. KyL. I thank the Senator from Nevada.

Madam President, will the Chair advise me when I have gone 5 minutes. I do not want to impinge anymore on the time of the Senator from Oregon.

UNITED STATES-CHINA RELATIONS

Mr. KyL. Madam President, I wanted to speak briefly about the decision...
made last Friday to hold the next Olympics in Beijing, the 2008 games. Our Government was not involved in that. But I am hopeful the fact that the United States did not, as a nation, weigh in on that decision—I am hopeful that did not send a signal to the leaders in Beijing that the U.S. Government either supports what that Government does or does not object to many of the things which are done by that Government that violate human rights and in other ways suggest the country of China is not yet willing to join the family of nations.

I wanted to note a few of the activities of this recent Chinese Government that suggest to me the United States needs to take a very firm position with respect to several of which I am hopeful this decision that the Olympics go to China not be mistaken for U.S. support for what China has done.

As illustrated in recent press reports, China’s bid for that honor has been the subject of much international attention. For example, the European Union Parliament recently passed a resolution declaring that China’s bid is “inappropriate” and that it is “unsuitable” for the Games due to its “disastrous record on human rights.”

The American government, however, chose to remain neutral on China’s bid—a decision that I hope will not convey to China’s leaders a signal that the United States is willing to blindly tolerate that country’s continuing failure to abide by internationally-recognized norms of behavior. Consider just a few events of recent months:

The collision of our reconnaissance plane with a Chinese fighter jet—the result of a Chinese pilot’s aggressive flying.

China’s detention and interrogation of our plane’s crew for nearly two weeks, and submission of a $1 million bill to the United States.

China’s hardening of its crackdown on Falun Gong—including the recent deaths of approximately fourteen peaceful adherents in a Chinese labor camp.

China’s systematic torture and murder of hundreds of members of the Falun Gong—including the recent deaths of approximately fourteen peaceful adherents in a Chinese labor camp.

China’s softening of its crackdown on Falun Gong—including the recent deaths of approximately fourteen peaceful adherents in a Chinese labor camp.

China’s systematic torture and murder of hundreds of members of the Falun Gong—including the recent deaths of approximately fourteen peaceful adherents in a Chinese labor camp.

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China’s systematic torture and murder of thousands of Falun Gong practitioners for intentional wounding or murder, or for organizing, encouraging or helping other followers commit suicide or in-
On one subject, however, there should be no ambiguity—U.S. policy in the event China should ever attack democracy in Taiwan. That is to say, the Administration is not pleased that President Bush made very clear to China that the United States will actively resist any such aggression. Yet even those measures ostensibly intended to eliminate any doubt of our commitment to Taiwan have not been so concrete. While we presented Taiwan with an arms package that will help that island build its defensive forces, the United States cannot ensure that Taiwan will ever receive the diesel submarines that were included since we do not build them and it remains unclear as to whether another country would be willing to provide a design for them.

Additionally, President Bush chose not to repeat Aegis destroyers in the arms package, though he reserves the right to sell them in the future should China continue or increase its belligerent behavior toward Taiwan. In light of China’s military exercises in the South China Sea, perhaps now is the time to seriously consider this option. We must be very clear in our own minds about our strategic intentions and just as clear in signaling these intentions to China. The object is to avoid a situation in which China’s leaders miscalculate and are tempted to use force against Taiwan in the mistaken belief that they won’t meet resistance from the United States.

History is replete with examples of ambiguity fostering aggression. Perceptions of American ambivalence contributed to North Korea’s invasion of South Korea and Iraq’s invasion of Kuwait, for example.

We have also observed instances where events occurred because of the resoluteness of our stance. Our unambiguous commitment to contain Soviet expansion and defend our Western European allies during the Cold War enabled Western Europe to escape the grip of communism. And it led to one of the greatest accomplishments in history: the West’s victory without war over the Soviet Empire.

There is an old saying that, “There is nothing wrong with making mistakes. Just don’t respond with encores.” Let us not repeat the mistake—falling short of the resoluteness of our stance. Our unambiguous commitment to contain Soviet expansion and defend our Western European allies during the Cold War enabled Western Europe to escape the grip of communism. And it led to one of the greatest accomplishments in history: the West’s victory without war over the Soviet Empire.

Unfortunately, the United States has all too often sent a signal to China that its irresponsible behavior will be tolerated by failing to enforce U.S. laws requiring sanctions, or doing so in ways deliberately calculated to undermine the intent of the sanctions. For example, China transferred missile technologies to Pakistan in violation of the Missile Technology Control Regime, despite promising to adhere to that agreement.

While reconciling our two very different views about the relationship of a nation’s people to its government requires patience, and even some short-term compromise, the United States cannot remain true to its fundamental belief in the natural rights of man without promoting respect for human rights, the rule of law, and the embrace of democracy by all governments, including the government of China.

There are five specific aspects of China’s behavior that require a straightforward, firm response from United States: China’s proliferation of ballistic missiles and weapons of mass destruction; its threats and corresponding military buildup opposite Taiwan; its threatening rhetoric and missile buildup aimed at the United States; its human rights abuses; and its history of refusing to play by economic rules.

China is perhaps the world’s worst proliferator of the technology used to develop and produce ballistic missiles and weapons of mass destruction. Beijing violates nuclear technology to Iran, North Korea, Syria, Libya, and Pakistan. It has also sold nuclear technology to Iran and Pakistan. It has has sold China’s chemical weapons programs and sold that nation advanced cruise missiles. And it has sold to China’s continuing proliferation activities, and subsequently waiving those sanctions. And again it appears as if China’s behavior—failing to play by economic rules.

China’s assistance has been vital to the missile and weapons of mass destruction programs in these countries. And because of this assistance, the American people and our forces and friends abroad now face a much greater threat.

The United States needs to impose sanctions on Chinese organizations and government entities for their proliferation activities, as required by U.S. laws. Sanctions need not be the first or only tool used in the fight against proliferation. Nor, however, should this tool grow rusty from disuse. As the Washington Post noted in an editorial on July 14, 2000, “China’s continuing assistance to Pakistan’s weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a confrontational approach.” We must back our frequent expressions of concern with actions if our words are to be perceived as credible.

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U.S. law requires sanctions to be imposed on nations that transfer technology regulated by the MTCR. In 1993, the Clinton Administration levied sanctions on China’s Ministry of Defense and eleven Chinese defense and aerospace entities for violations of Category 2 of the MTCR—despite the fact that the M–11 transfers were Category 1 violations—thereby imposing the mildest form of sanctions possible. Then, in return for a Chinese promise in October 1994 not to export “ground-to-ground missiles” covered by the MTCR, the Clinton Administration waived the sanctions.

After the waiver, despite a steady stream of press reports, Congressional testimony, and unclassified reports by the intelligence community that described China’s continued missile assistance to Iran, the Clinton Administration did not impose sanctions as required by law. Assistant Secretary of State for Nonproliferation Robert Einhorn said in Senate testimony in 1997 that sanctions had not been imposed on China for the sale of M–11s to Pakistan because of a “...very low level of confidence [was] not sufficient to take a decision that [had] very far-reaching consequences.” The Clinton Administration appeared to have purposely set a standard of evidence so high that it was unattainable.

Madam President, China has promised six times during the past two decades not to transfer missiles and missile technology—in 1988, 1989, 1991, 1992, 1994, and 2000—and six times has broken its promises without any consequences. It is no wonder that China does not take seriously its obligations.

I recently joined several of my colleagues in sending a letter to President Bush expressing concern about Beijing’s continuing proliferation activities. The letter states:

The PRC’s most recent missile non-proliferation promise was made on November 21, 2000. China promised not to assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons, and to abide by the MTCR. The PRC further pledged to issue export regulations covering dual-use technologies. However, no regulations have been promulgated, and we are concerned that China has continued to transfer missile equipment and technology in contravention of both the MTCR and its November pledge.

In return for China’s November 2000 pledge, the previous administration “swept the decks clean,” sanctioning numerous Chinese entities for their activities and subsequently waiving those sanctions. And again it appears as though China may be continuing to transfer missile equipment and technology. We do not need more empty promises from China—we need action. It is my view that the Clinton Administration signal to China by imposing sanctions required by U.S. non-proliferation statutes and making them stick that the United States will
China is also in the process of modernizing its air force and navy. The Defense Department’s June 2000 report predicted that after 2005, “. . . if projected trends continue, the balance of air power across the Taiwan Strait could begin to shift in China’s favor.” The same report warned, “China’s submarine fleet could constitute a substantial force capable of controlling sea lanes and mining approaches around Taiwan, as well as a growing threat to submarines in the East and South China Seas.”

In response to the growing threat and Taiwan’s increasing vulnerability to an attack from across the strait, the United States has significantly increased the sale to Taiwan of some much-needed defensive military equipment. As noted, however, the sales are limited in practical effect and, in any event, must be accompanied by proper training and coordination of U.S. and Taiwanese military in order to be useful in conflict.

In addition to the Chinese military’s investment in hardware, Beijing has increasingly focused on advanced training methods, demonstrating joint-service war-fighting skills in its military exercises that are steadily altering the balance of power across the Taiwan Strait. Over the past several years, these exercises have shifted from an intimidation tactic to a more serious effort intended to prepare China for an invasion of Taiwan.

Beijing’s amphibious exercises at Dongshan Island in the Taiwan Strait have illustrated this increasing level of sophistication in war-fighting tactics and interoperability. In a peace-oriented state-owned newspaper, Hong Kong Ming Pao, reported on June 1 that China’s Central Military Commission proposed that these exercises be held near Taiwan “in order to warn the United States and the Taiwan authorities not to play with fire on the Taiwan issue.” Furthermore, according to the same article, “the main aim of this exercise will be to attack and occupy Taiwan’s offshore islands and to counterattack U.S. military intervention.”

According to an article in the New York Times on July 11, the official Chinese newspaper, International Outlook Magazine, described in detail these “war games.” The games reportedly occurred in three stages. The first, information warfare, was intended to paralyze enemy communications and command systems electronically. The second involved a joint navy, infantry, and air force landing on Dongshan Island. And the third, according to the Chinese publication, simulated a “counterattack against an enemy fleet attempting to intervene in the war.” It was also reported that this final stage incorporated Russian-built SU-27 fighter aircraft. Thus far, military experts state that China has had difficulty incorporating these aircraft into its arsenal, and its ability to do so indicates a significant improvement in its ability to integrate military operations.

Taiwan’s war-fighting skills are not nearly as advanced. For over twenty years, the United States has cut Taiwan off from the intellectual capital that should accompany the hardware we sell, thus reducing the readiness of that island’s forces. Our defense officials and military personnel need to be able work with their Taiwanese counterparts to ensure that they know how to use the equipment and they will be able to work with their U.S. forces. Increased interaction would better prepare Taiwan’s military to defend itself in the event of a Chinese attack, reduce the possibility that the United States would need to become involved in such a conflict, and inevitably save lives.

This leads directly to the third area of concern—China’s actions that directly threaten America. China’s harsh rhetoric aimed at the United States is accompanied by Beijing’s build-up of long-range missiles targeted at our cities, acquisition of anti-ship cruise missiles to counter U.S. carrier battle groups, and development of cyberwarfare and anti-satellite capabilities. China also understands the importance of aggressive intelligence operations against the United States.

In February 2000, the People’s Liberation Army Daily, a state-owned newspaper, warned the United States against intervening in a conflict in the Taiwan Strait, stating, “On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself . . . China is neither Iraq or Yugoslavia . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also.”

China is, in fact, continuing to increase its capacity to launch a long-distance strike against the United States. The Defense Department’s report, Proliferation: Threat and Response, states:

China currently has over 100 nuclear warheads. . . . While the ultimate extent of China’s strategic modernization is unknown, it is clear that the number, reliability, survivability, and accuracy of Chinese strategic missiles capable of hitting the United States will increase during the next two decades. China currently has about 20 CSS-4 ICBMs with a range of over 13,000 kilometers, which
can reach the United States. Some of its on-
going missile modernization programs likely will involve a number of Chinese ICBMs aimed at the United States. For example, Beijing is developing two new road-mobile solid-propellant ICBMs. China has conducted successful flight tests of the DF-31 ICBM in 1999 and 2000; this missile is estimated to have a range of about 8,000 kilometers. Another longer-range mobile ICBM is also under development and likely will be tested within the next several years. It will be targeted primarily against the United States.

China’s military has also taken steps to improve its capability to counter U.S. carrier battle groups, in response to its encounter with the U.S. Navy in 1996. It has acquired two Sovremenny destroyers from Russia armed with Sunburn anti-ship cruise missiles, and according to an article in the Washington Times on May 4, plans to purchase more. These weapons were designed to attack U.S. carriers and Aegis ships during the Cold War and are a significant improvement to the Chinese Navy’s capabilities in this area.

In addition to its buildup of conventional and nuclear weapons, China’s military is also placing an emphasis on information warfare, including computer network attacks and anti-satellite operations. In September 2000, the U.S. Navy identified China, among several others, as having an acknowledged policy of preparing for cyberwarfare and as rapidly developing its capabilities. In fact, an article in the People’s Liberation Army Daily in 1999 stated that the Chinese military planned to elevate information warfare to a separate service on par with its army, navy and air force.

Also of great concern is the Chinese military’s development of a broad range of counterspace measures, including anti-satellite (ASAT) capability. According to China’s Strategic Modernization: Implications for the United States, written by Mark Stokes, “Chinese strategists and engineers perceive U.S. reliance on communications, reconnaissance, and navigation satellites as a potential Achilles’ heel.” The Defense Department’s June 2000 report warned that China may already possess the capability to damage optical sensors on satellites and further, that it may have acquired high-energy laser equipment and technical assistance that could be used in the development of ground-based ASAT weapons.

An article in Jane’s Missiles and Rockets on May 1 confirmed the Defense Department’s warning, stating that China’s state-run press reports indicate that country is, in fact, developing an ASAT capability. It is currently in the ground-testing phase and will start flight testing in 2002.

In light of China’s threatening rhetoric and its efforts to acquire the capabilities that could allow it to carry out those threats, we must begin to implement a broad range of measures that will safeguard our national security.

First, we need to develop and deploy a missile defense system to protect ourselves and our allies from an accidental or deliberate missile launch and to eliminate the possibility of blackmail by hostile powers. As President Bush recently stated in a speech to the National Defense University,

“We must seek security based on more than the grim premise that we can destroy those who seek to destroy us. We need a new framework that allows us to build missile defenses to counter the different threats of today’s world. To do so, we must move beyond the constraints of the 30 year old ABM Treaty. This treaty does not recognize the present, or point us in the future. It enshrines the past. No treaty that prevents us from protecting our democracy to defend ourselves, our friends and our allies is in our interests or in the interests of world peace.”

Second, the United States needs to develop better anti-ship cruise missile defenses. Systems to counter the cruise missile threat have lagged behind the level of that threat, despite the fact that, according to the U.S. Navy, over 75 nations possess more than 90 different types of anti-ship cruise missiles.

We must also prepare for China’s potential use of information warfare. It is important that we find ways to protect our computer networks from hacking, to eliminate future lapses in security, as most recently occurred at Sandia National Laboratory in Mexico. According to an article in the Washington Times on March 16, this attack has been partially attributed to hackers with links to the Chinese government.

The United States should also develop defenses against China’s ASAT weapons. As the Commission to Assess United States National Security, Space Management and Organization recently concluded:

“The present extent of U.S. dependence on space, the rapid pace at which this dependence is increasing and the vulnerabilities it creates, all demand that U.S. national security space interests be recognized as a top national priority.”

With this goal in mind, Secretary Rumsfeld recently announced a reorganization of our Nation’s space programs. Moreover, President Bush, recognizing U.S. reliance on our network of satellites for civilian and military uses, has stressed the need for “great effort and new spending” to protect our satellites from attack.

Of course, our inability to defend against China’s increasing military capabilities is largely dependent on our knowledge of their development. We must do a better job of ascertaining Chinese government plans and intentions (and proliferation activities) and improving our counterintelligence vis-a-vis China.

The fourth area of concern is the Chinese government’s deplorable human rights record that, according to the State Department’s Country Reports on Human Rights Practices, has continued to deteriorate over the past year. The report states:

“The Chinese Government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. These abuses stemmed from the authorities’ extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms... Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process.”

According to an Amnesty International report on June 7, China has executed at least 1,781 persons during the past 3 months—more than the total number of executions worldwide over the past 3 years. Another report indicates that 2,960 people have been sentenced to death in China during this brief time period.

What is the significance to the United States of such abuses? First, they are not only directed at Chinese citizens; they are also directed at Americans. Second, if China is to become a reliable member of the international community, it must begin to adhere to accepted norms of behavior. In this regard, China’s leaders seem to be oblivious to the understanding that all people deserve certain basic freedoms and that violation of such fundamental rights is an appropriate concern of the United States and the world at large. For example, when questioned by the Washington Post about China’s detention of several journalists, Chi-

nese President Jiang Zemin stated, “...the United States is the most developed country in the world in terms of its economy and it high-tech; its military is also very strong. You have lots of things to cut yourself with and... why do you frequently take special interest in cases such as this?”

Jiang Zemin’s perplexity speaks volumes. Until the Chinese leadership understands why Americans and most of the rest of the world make such “a big deal” over denial of the rule of law, it will be hard to reach a reconciliation of our mutual aspirations. For example, the Chinese government’s continued detention of two American citizens and two U.S. permanent residents—Gao Zhisheng, Wu Jianmin, Li Shaoimin, and Tan Guanguang—is unacceptable and should be much more the focus of official U.S. government attention. Of these individuals, Li Shaoimin was convicted of espionage on July 14 and is expected to be deported from China. With regard to the others, China has failed to present evidence of wrongdoing or illegal activity, or indicate when their cases might begin to move forward.
President Bush addressed China's detention of Americans in a phone conversation with Chinese President Jiang Zemin. The chief concern was that Beijing be treated fairly and returned promptly. These words need to be reinforced with actions. While the State Department issued a travel advisory in March to American citizens and permanent residents of Chinese descent traveling to China who have connections to Taiwan or have openly criticizing the Chinese government, we can also deny visas to Chinese officials, seek international sanctions, and continue to link an improvement in human rights to other policies, as we did with the Soviet Union and Eastern Europe.

As I mentioned earlier, I am concerned that our government's neutrality on Beijing's ultimately successful bid to host the 2008 Olympic Games may send a signal of U.S. tolerance of China's inappropriate behavior. With the Secretary of State visiting China to help the President, it is of utmost importance that this mediation effort by our government, Europeans (and others) and human rights groups must now complete bilateral negotiations to move toward them. We must be staunch in our conviction that freedom, democracy, and respect for human rights are non-negotiable in March to American citizens and permanent residents of Chinese descent traveling to China who have connections to Taiwan or have openly criticizing the Chinese government, we can also deny visas to Chinese officials, seek international sanctions, and continue to link an improvement in human rights to other policies, as we did with the Soviet Union and Eastern Europe.

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In June, China took a significant step toward WTO accession by completing its bilateral WTO agreement with the United States. That country's choice of Beijing will bring about positive change in the communist regime. In fact, I fear that the decision could serve to strengthen the standing of China's communist leaders in the world, as the 1996 Games glorified and emboldened Nazi Germany.

The only hope for a positive result of China hosting the games is a concerted effort by our government, Europeans and others) and human rights groups using their influence to push China's leaders. The multitude of media covering the games can help.

During the 1980's President Reagan was a champion for human rights, standing up for freedom, democracy, and respect for human rights. He passionately spoke of American values and universally-recognized rights, and more importantly, backed his words with action. In his 1982 "Evil Empire" speech before the British House of Commons, President Reagan stated: "While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings."

This is the course we must chart in the coming years. China must understand that a friendly, productive relationship with the United States can only be based upon mutually shared values. Beijing's human rights abuses are anathema to the American people, and we must be unrelenting in our support of our friends and allies, including Taiwan, which stands to lose the freedoms it has worked so hard to sustain in face of resistance from China's communist regime.

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of the Chinese behavior and rhetoric I have discussed.

There is no doubt that China will play a larger role on the world stage in the coming years. Our goal must be to ensure that China's leaders do not assume that this heightened stature grants them the right to attack Taiwan or be a force for belligerency and instability in the world.

Dealing with China will be a challenge, but America does not fear challenge. Our greatest hope for change remains, as it has always been, to stand firmly as a force for peace and progress, and to champion no less for the people of other countries what we guarantee for our own citizens. I am confident that, if we make clear our friendly intentions to China and follow through with actions that reinforce our words—say, more attention on both positively, Taiwan will continue to flourish, and China can be welcomed as a peaceful and productive member to the community of nations.

I express the hope that by holding those beliefs in Beijing, the media, human rights organizations, and others will work to hold the Chinese leadership accountable for what goes on in that nation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to express my thanks to the Senator from Arizona. Because of his thoughtfulness, I am able to speak now. I want him to know I very much appreciate that.

PRESCRIPTION DRUGS

Mr. WYDEN. Madam President, tomorrow I intend to introduce bipartisan prescription drug legislation with the senior Republican on the Senate Finance Committee's Subcommittee on Health, Ms. OLYMPIA SNOWE of Maine. For more than 3 years, Senator SNOWE and I have teamed up in an effort to address this prescription drug issue, of which the Presiding Officer is acutely aware. It is one of the most vexing and contentious of all issues. We have been trying to address it in a bipartisan fashion. Perhaps no issue in the last political campaign generated more controversy, more attack ads on both sides, and more bitterness rather than thoughtful discussion than the question of prescription drugs for seniors.

The reason Senator SNOWE and I are moving now with the introduction of our bipartisan prescription drug legislation is that we are hopeful that when the Senate Finance Committee takes up the prescription drug legislation issue at this month, the legislation we have put together can serve as a template, a beginning, for a bipartisan effort to address this issue.

Our legislation marries what I think are the core principles that Democratic Members of this body have advocated with certain key principles that Republicans have felt very strongly about as well. I want to discuss briefly tonight how our legislation does that.

The legislation that I drafted with Senator SNOWE, for example, has a defined benefit, which is absolutely key for the Nation's senior citizens. The alternative is what is known as a defined contribution—a sort of a voucher which you hand an older person, or a family with sort of a wish and a hope that maybe they will get meaningful benefits.

What Senator SNOWE and I have done—which has been extraordinarily important to Senator DASCHLE, and correctly so, in my view—is to make sure that under our legislation every senior would get these defined benefits.

Second, our legislation ensures that the fully our bipartisan Medicare Program. It is a part of the Medicare Program because, as the Presiding Officer of the Senate knows, the alternative is to in effect begin the privatization of Medicare and the prescription drug benefit. It is essential that this program be an integral part of Medicare. That is something that Senator SNOWE and I have felt very strongly about.

The third part of the legislation ensures that older people will have bargaining power to help make prescription drugs in this country more affordable. Older people today are in effect hit by a double whammy. Prescription drugs are not covered by the Medicare Program, of course, and they haven't been since the program began in 1965.

When an older person isn't able to afford prescription drugs and has no private coverage, when they go to a pharmacy—in effect that senior citizen is the person who gets their prescription drug benefit from a group plan. An individual who is fortunate enough to have bargaining power because they have insurance coverage, in effect is subsidized by the older person who has no coverage at all.

Our legislation ensures that older people would have an opportunity to have real bargaining power. This is key for the millions of older people who spend well over a third of their income on prescription drugs.

Finally, our legislation is voluntary. We want to make sure that the message goes out far and wide that any older person who is comfortable with their prescription drug coverage today can just keep it and in no way would be required or coerced to alter the prescription drug coverage with which they are comfortable. If they have a retirement package, or in some way get this assistance, our legislation would not in any way alter what they are receiving.

Having had the privilege of working with the President on health care legislation over the years, I am pleased that I have a chance tonight to describe our bipartisan bill with you in the Chair. I think we all understand that there is no one who has studied the health care system today—not a Democrat or a Republican—if they were redesigning Medicare, who wouldn't include a prescription drug benefit.

A physician in Washington County in my home State of Oregon wrote me not long ago saying that he put a senior citizen in the hospital for 6 weeks because that person couldn't afford their medicine on an outpatient basis. Medicare Part A, of course—the hospital portion of the Medicare Program—covers prescription drugs. If the older person goes into the hospital, Medicare Part A will write out that check, no questions asked. Medicare Part B, of course, has no outpatient prescription drug benefit.

What happened in Washington County, in my home State of Oregon, recently is that the Medicare Program probably paid out $50,000 or $60,000 for the costs associated with hospitalizing a patient to get prescription drug coverage rather than making this benefit available on an outpatient basis the way I and Senator SNOWE and the Presiding Officer have sought to do for so many years.

Very often, when I am out around the country, people come up to me. They say: RON, can this country afford prescription drug coverage? We are going to have this demographic sunami. Are we going to be able to afford to cover all of these older people?

I think what we have learned here is that very clearly this country can't afford not to cover prescription drugs. We can't afford to allow the repetition of what happened in Washington County to happen again and again across this country, where so many older people could have, with modest prescription drug assistance, prevented much more serious illnesses. And I could cite one drug after another tonight.

Strokes are a very important health concern for older people. The cost of caring for a person who has had a stroke can be $125,000 or $150,000. But we have many drugs available that help prevent strokes that cost $800 or $1,000 a year.

So the hour is late, and I am not going to go through one example after another. But I would say, what Senator SNOWE and I are trying to do is break the gridlock on this issue. I have been at it for more than 3 years now with Senator SNOWE. We got a majority of the Senate, in the last Congress, to vote for funding a prescription drug program that, frankly, is much broader than what we are talking about now. Senator SNOWE and I were able to get over 50 Members of the Senate to vote for a tobacco tax to cover a prescription drug program.

We are not talking about that at all here. In the budget resolution we have
$300 billion to start a prescription drug program. I believe a properly designed prescription drug program would cause future Congresses to make available additional funds to meet this pressing need. The challenge today is to look at some of the sensible ideas that Senator Daschle, the majority leader, has advocated, such as a defined benefit, ensuring that the program is inside Medicare, providing bargaining power for older people, and marrying the sensible ideas Senator Daschle has talked about with some of the Republican ideas that promote choice and competition.

As I have said to my colleagues on other occasions, we have a precedent for doing that. One of the accomplishments of which I am proudest is to have been the sponsor, when I was in the House of Representatives, of the Medigap legislation which really drained the swamp of so many questionable private insurers selling senior citizens policies that really were not worth the paper on which they were written. I remember back in the days when I was Co-director of the Oregon Gray Panthers, we would visit seniors and they would have a shoe box full of these policies. They would have seven or eight private policies. They, in effect, were wasting money on junk that could have been used to meet their heating bills or their other health needs. We drained that swamp, and we did it through a Medigap law, by ensuring that seniors had meaningful choices and strong consumer protections.

So we have an example of how you can create choice and alternatives and promote competition, and do it in the context of the Medicare Program. You do not have to go out and privatize this program that has been a lifeline for millions of older people in order to create choice and competition. You can do it within the Medicare Program, which is what I am seeking to do with the senior Senator from Maine, the ranking Republican on the Finance Subcommittee on Health Care, Ms. Olympia Snowe.

Our hope is that when the Senate Finance Committee gets together this month, on a bipartisan basis, they will look at our legislation, along with the other very good bills that have been introduced. The senior Senator from Florida, Mr. Graham, for example, has talked at length with me about this issue and has a fine bill. I think there are a variety of ways the Senate Finance Committee, under the leadership of Senator Baucus, can take these bills and bring the Finance Committee Democrats and Republicans together and break this gridlock on a vital issue.

I know of few issues that are more important at this point to American families than prescription drugs. I think we all understand that with a well crafted prescription drug program, this country can take a significant step forward towards meaningful Medicare reform.

I say to the Presiding Officer, the hour is late, and you have been gracious to allow me, along with the Democratic leader, this extra time. I intend to keep coming back to this Chamber again and again and again throughout this Congress to, in effect, proselytize—I use that word deliberately—with my colleague from Maine, Senator Snowe, for a bipartisan effort on this issue. It has dragged on too long. There has been too much partisan bickering and squabbling surrounding this issue.

I would like to see just a tiny fraction of the millions of dollars that were spent on attack ads during the last political campaign on this issue spent on trying to bring Democrats and Republicans—Members of Congress across the political spectrum—together on this issue. That is what older people deserve.

Every month that this issue drags on is a month where older people—who are walking an economic tightrope, having to balance their fuel needs against their medical needs—have to worry about how they are going to pay for their essentials. The Presiding Officer understands that very well. I look forward to working with her and all of our colleagues on a bipartisan basis.

With that, Madam President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m. tomorrow. Thereupon, the Senate, at 5:45 p.m., adjourned until Tuesday, July 17, 2001, at 9 a.m.
Mr. SMITH of Michigan. Mr. Speaker, it is a sincere pleasure to recognize the finalists of the 2001 LeGrand Smith Scholarship Program. This special honor is an appropriate tribute to the academic accomplishment, demonstration of leadership and responsibility, and commitment to social involvement displayed by these remarkable young adults. We all have reason to celebrate their success, for it is in their promising and capable hands that our future rests:

Jonathan Andert of Battle Creek, Michigan.
Jared Bignell of Reading, Michigan.
Rachel Carpenter of Eaton Rapids, Michigan.
Leslie DeBacker of Pittsford, Michigan.
Jeremy Fielder of Blissfield, Michigan.
Andrew Grasley of Deerfield, Michigan.
Nicole Hepner of Hillsdale, Michigan.
Lindsay Karthen of Lansing, Michigan.
Gabriel Lopez-Betanzos of Lansing, Michigan.
Alison McMullin of Battle Creek, Michigan.
Timothy Miller of Quincy, Michigan.
Julie Porter of Addison, Michigan.
Josh Richardson of Brooklynn, Michigan.
Meghan Silventes of Charlotte, Michigan.
Anna Watkins of Coldwater, Michigan.

The finalists of the LeGrand Smith Congressional Scholarship Program are being honored for showing that same generosity of spirit, depth of intelligence, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan. They are young men and women of character, ambition, and initiative, who have already learned well the value of hard work, discipline, and commitment.

These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their high school experience. They are people who stand out among their peers due to their many achievements and the disciplined manner in which they meet challenges. While they have already accomplished a great deal, these young people possess unlimited potential, for they have learned the keys to success in any endeavor. I am proud to join with their many admirers in extending our highest praise and congratulations to the finalists of the 2001 LeGrand Smith Congressional Scholarship Program.

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes:

SPEECH OF
HON. SACHBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 12, 2001

Mr. CHAMBLISS. Mr. Chairman, I fully support H.R. 2330, because it provides funding for programs that will help assure the vitality of agriculture in America and particularly in Georgia. This bill allocates funding for essential programs, which allow further development and progress in food production. In addition, H.R. 2330 provides financial support for agricultural research that is crucial for finding solutions that will allow and promote more cost-effective production methods and higher quality results.

By allocating funding for research, this bill will help resolve problems inhibiting productivity and development. More specifically, research in pest and disease control, such as nematode and tomato spotted wilt disease research will enhance strategies used to combat crop yield losses. Also, funding is included for the development of more efficient agricultural water usage that is critical to locations in south Georgia where agricultural water usage comprises 50% of all water consumed. Furthermore, the bill includes funding for the improvement of cotton fiber quality. Funding is necessary for purchasing equipment that would be used in developing a research cotton micron in evaluation of cotton fiber in Georgia. Also, funding for pecan scab research is important to explore diseases that limit and inhibit pecan production.

Support for these research efforts, coupled with funding for promotional and marketing efforts, will help enable farmers to practice more efficient methods and minimize the devastating losses with which they have become all too familiar. I urge my colleagues to vote for this bill and support American Agriculture.

TRIBUTE TO RUTH HYMAN
HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, July 16, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of Congress to an event on Thursday, August 16 in New Jersey. The Jewish Home and Children’s Service of Greater Monmouth County is holding a dinner and tribute at Temple Beth El of Oakhurst to honor Ruth Hyman. Ruth will have the distinction of receiving an Ad Journal for her work as a philanthropist and her support of Jewish causes in the area, as well as in Israel.

Ruth, close friend of mine, was born in my hometown of Long Branch, New Jersey into a family of four boys and four girls. She says that her parents’ direction and teachings of tzedakah, menschlichkeit, and the Torah guided her to be the person that she is today.

Ruth’s teachings as a child can well be seen in her community involvement. She is a life member of Daughters of Miriam, charter and life member of the Central Jersey Jewish Home for the Aged, founder and past chairperson of the Federation Women’s Business and Professional Division, benefactor and board member of the Jewish Community Center, and an active member of B’nai Brith, AMIT, and Congregation Brothers of Israel. For the past twenty-five years Ms. Hyman has been the Chairperson of the Women’s Division of Israel Bonds, and for the past twenty-six years she has been the president of the Long Branch Hadassah.

This is not the first time that Ruth will be honored for her service to the community. Ruth has received the Service Award from the Jewish Federation Women’s Campaign, Woman of Valor of the Long Branch chapter of Hadassah, Israel Bonds Golda Meir Award and the Ben Gurion Award, Lay Leader of the Year by the Jewish Federation, and the Hadassah National Leadership Award. The community cannot express the debt that we owe to my friend Ruth who has shown us all that selflessness will never go unrecognized.

I want to personally thank Ruth Hyman for being a leader of the Jewish community and an excellent role model for our youth.

TRIBUTE TO SERGEANT HAROLD F. ADKISON
HON. LINDSEY O. GRAHAM
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, July 16, 2001

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate the Sergeant Harold F. Adkison Chapter of the Korean War Veterans Association upon receiving their formal charter. On June 25, 2001, as a result of their tireless efforts, this chapter was officially established. This chapter had fifty charter members before its petition for a charter was submitted, an unprecedented show of commitment. For this, the Sergeant Harold F. Adkison Chapter should certainly be commended.
TRIBUTE TO TRACY EGNATUK OF ALBION, MI. LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Monday, July 16, 2001

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Tracy Egnatuk, winner of the 2001 LeGrand Smith Congressional Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation’s future.

As a winner of the LeGrand Smith Congressional Scholarship, Tracy is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan. Tracy is an exceptional student at Albion High School and possesses an impressive high school record. Tracy has received numerous awards for her excellence in academics, as well as her involvement in swimming and track. Outside of school, Tracy is a tutor for the HOSTS Program and a church volunteer.

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Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Tracy Egnatuk for her selection as a winner of a LeGrand Smith Congressional Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

PAYING TRIBUTE TO SENATOR HUGH GILLIS, SR.

HON. SAXBY CHAMBLISS
OF GEORGIA IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2001

Mr. CHAMBLISS. Mr. Speaker, I rise today to pay tribute to Senator Hugh Marion Gillis, Sr. for his dedicated service to his country and to the state of Georgia. This year Senator Gillis has attained a distinction achieved by no other member of the Georgia House or the Senate; he is the only one to serve 50 years as a state legislator in the nation by completing 50 years of service in the Georgia General Assembly.

Senator Gillis comes from a proud family tradition of public service. Without opposition he won the Senate seat that his father left and he was then elected President Pro Tem, a seat his father too held. Senator Gillis served 12 years as a member of the House of Representatives from 1941–44, and again from 1949–56, and he first served in the Senate from the 16th District in 1957–58 and returned as the Senator from the 20th in 1963, where he has served with dedication and diligence for 38 consecutive years.

Gillis was born in Soperton where he graduated from Soperton High School and then went on to study at Georgia Military College and earn a B.S. degree in agriculture from the University of Georgia.

It has been said that “Nearly all men can stand adversity, but if you want to test a man’s character, give him power.” Senator Gillis has stood up to the challenge of leadership and power with wisdom and humility to be one of the most respected politicians of Georgia.

He has served in the General Assembly longer than any other Senator currently in office. Senator Gillis is by all accounts the nation’s longest-serving legislator. His combined Senate and House terms exceed 50 years. In his years of service, Senator Gillis has served as the Chairman of the Senate Natural Resources Committee and a member of the influential Appropriations Committee. Other committees Senator Gillis has served on are the Reapportionment Committee and the Finance and Public Utilities Committee as well as the Economic Development, Tourism and Cultural Affairs Committee. He has also served for six years as the Senate President Pro-Tempore, the highest-ranking Senate official next to the Lieutenant Governor.

Senator Gillis is known for his legislative work and also for his civic volunteering and community service. Senator Gillis has received numerous awards for his civic work, such as...
For the past 37 years, Mosk served as the court’s independent voice and moral compass. His trailblazing decisions brought sweeping changes to California law long before such decisions were addressed at the national level. A vigorous advocate of individual liberties, Mosk lead state courts across the country to use their own constitutions to establish individual rights beyond those required under the federal constitution. In 1976, Mosk wrote the opinion that bars the use of improperly obtained confessions arguing that such confessions could not be used to challenge the truthfulness of a defendant who later testifies. While the U.S. Supreme Court allowed for such use, Mosk invoked the state Constitution and did not approve the practice. His always careful, thoughtful and considerate opinions, totaling 1,688 over the span of his career, were widely regarded and highly acclaimed.

While Mosk’s independent liberal voice will continue to serve the people of California.

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As a winner of the LeGrand Smith Congres- sional Scholarship, Travis is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and ca- pacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Travis Ebel is an exceptional student at Lakeview High School and possesses an im- pressive high school record. Travis’s involve- ment in both the Lakeview High School and the Battle Creek Math and Science Center curriculum is truly outstanding. He participates in high school athletics, as well as being a member of the Board of Directors for the Bat- tle Creek Art Center. Travis is also an active volunteer in Calhoun County, dedicating more than 800 hours to community service.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Travis Ebel for his selection as a winner of the LeGrand Smith Congres- sional Scholarship. This honor is also a testa- ment to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success.

To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

Mr. CHAMBLISS. Mr. Speaker, I rise today to pay tribute to Sheriff Cullen Talton of Hous- ton County. His dedication to the people of his county is deserving of the utmost recognition. Sheriff Talton being one of the most re- spected sheriffs in the state, became a recipi- ent of the Liberty Bell Award on June 11, 2001. This esteemed award is given by Bar Associations across the United States to rec- ognize special people in their communities. The award praises the achievements of con- tributions that exceed the work of the common

man. The Houston County Bar Association presents the Liberty Bell Award each year to celebrate the work of someone who has con- tributed to our legal system beyond the signifi- cant call of duty. The recipient of this award is generally someone who has dedicated his life’s work to better the legal system in hopes of making his community a better place for those who are to follow.

Sheriff Cullen Talton has lived in Bonaire, Georgia, his whole life. Sheriff Talton has served 29 years as Sheriff of Houston County and 6 years as County Commissioner. While serving his community as a law enforcement officer he has also maintained a personal life that deems recognition as well. Sheriff Talton married his high school sweetheart, Peggy Sears and they have been married for 51 years. Together they have raised four children, Carline, Pattie, Cully and Neal. There are also four grandchildren and one great-grandchild. Keeping his faith as the focal point of his life he has been a life long member of Bonaire United Methodist Church.

Sheriff Talton is a member of many civic or- ganizations and has received an abundance of awards for his civic work over the past 35 years. Sheriff Talton is a member of the Geor- gia Sheriffs Association and the National Sher- iff’s Association. His pet project is serving on the Board of the Georgia Sheriffs Boys’ Ranch in Hahira. This Boys’ Ranch is a place where underprivileged children can have a home. Sheriff Talton has been honored as Georgia’s Sheriff of the Year and has received the War- ner Robins/Houston County Chamber of Com- merce Good Government Service Award. He serves as a board member of the State of Georgia Department of Corrections and is Chairman of the Board of Security Bank in Houston County.

Sheriff Talton is a successful leader be- cause he believes that the way to take care of the people is to know the people. He has maintained a respected Sheriff’s Department because he maintains his open door policy to the citizens. This keeps him close to the com- munity making him aware of its problems as well as its victories. The Liberty Bell Award speak volumes for the work that Sheriff Talton has done. He is greatly appreciated. If it were not for the dedication of people like Sheriff Cullen Talton our counties, states and country could not march forward.

Mr. Speaker, Sheriff Cullen Talton has de- voted his life to better serving his community. He spends tireless energy towards bettering his community and for that Sheriff Cullen Talton deserves our recognition and gratitude today.

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of William J. Gircash, a lov- ing father and grandfather, who served his community in various ways throughout his life- time. He was dearly loved, not only by his

TRIBUTE TO TRAVIS EBEL OF BATTLE CREEK, MI. LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

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Paying Tribute to Sheriff Cullen Talton

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OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

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IN HONOR OF WILLIAM J. GIRCASH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2001

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In Honor of William J. Gircash
family, but by countless members of the Cleveland Community.

Mr. Girgash retired in 1997 as Board President of the Broadway School of Music and the Arts in 1996 and 1997 after many years as a board member. He also served as editor and chief writer for the school’s “Ensemble” quarterly newsletter. Those who knew him could always find him attending one of the many music recitals of the students, whom he cared about most dearly.

Mr. Girgash retired as Vice President of APCOA and served our country in the Navy during the Second World War. Friends, I’m sure that you will agree that there are few honors greater than service to our country and the education of children.

My colleagues, please join me today in celebrating the life of this remarkable man. He was a gentleman of honorable intentions and thankless acts of service to the community.

CELEBRATING THE RETIREMENT OF LIEUTENANT GENERAL HENRY T. GLISSON

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor a distinguished constituent of mine, Lieutenant General Henry T. Glisson, who will be retiring from the United States Army on August 31, 2001, after 35 years of outstanding service in the Armed Forces. In addition to his retirement, Lieutenant General Glisson will also step down as Director of the Defense Logistics Agency in July.

Lieutenant General Glisson was commissioned a Second Lieutenant, Quartermaster Corps, through the Reserve Officer Training Corps program at North Georgia College, where he also earned his Bachelor of Science Degree in Psychology. He received his Master’s Degree in Education from Pepperdine University in California. His military educational background includes the Quartermaster Officer Basic and Advanced Courses, the Command and General Staff College, and the Army War College.

Lieutenant General Glisson was selected as a Regular Army Officer in 1967, and detailed to the Infantry for 18 months, where his early years included assignments as a Platoon Leader for the 548th Quartermaster Company, and Aide-de-Camp for the Commanding General, U.S. Army, Japan. He was an advisor in the U.S. Military Assistance Command in Vietnam, and S4 (Logistics) and Commander, Headquarters Company, 2nd Battalion, 5th Infantry. He was also the Commander, Company C, 425th Support Battalion and Commander, 25th Supply and Transport Battalion. In addition, he served as the Executive Officer/S3, 25th Supply and Transport Battalion and the Assistant Chief of Staff, G4 (Supply), 25th Infantry Division, Hawaii.

From 1974 to 1977, Lieutenant General Glisson was the Officer-in-Charge of the Cadet Mess, United States Military Academy, West Point, New York. From 1978 to 1982, he served as the S3, Division Support Command; Executive Officer, 701st Maintenance Battalion, and Commander, Material Management Center 1st Infantry Division, Fort Riley, Kansas. His next assignment was Commander, 87th Maintenance Battalion, 7th Support Group, United States Army, Europe. He served as Chief, Quartermaster Branch, United States Army Military Personnel Command in Alexandria, Virginia, from 1985 to 1987.

He was assigned to the Pentagon from 1987 to 1989 where he served first as Chief, Readiness Team, and then Chief, Troop Support Division, Office of the Deputy Chief of Staff for Logistics, Washington, District of Columbia. In 1989 he became Commander, Division Support Command, 4th Infantry Division, Fort Carson, Colorado. He returned to the Pentagon in 1991, serving as the Executive Officer and Special Assistant to the Deputy Chief of Staff for Logistics; and then as Deputy Director, Directorate Plans and Operations, Office of the Deputy Chief of Staff for Logistics. In 1993, Lieutenant General Glisson was promoted to Brigadier General and has served in four consecutive command assignments: Commander, Defense Personnel Support Center, Defense Logistics Agency; Commander, U.S. Army Soldier Systems Command, U.S. Army Material Command; and 44th Quartermaster General/Commandant, U.S. Army Quartermaster Center and School, U.S. Army Training and Doctrine Command, where he served until assuming his current position as the 13th Director of the Defense Logistic Agency.

His decorations include the Defense Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with 5 Oak Leaf Clusters, the Bronze Star with “V” Device, the Bronze Star, the Purple Heart, the Meritorious Service Medal with 4 Oak Leaf Clusters, the Army Commendation Medal, the Air Medal, the Combat Infantryman Badge, the Parachutist Badge, the Parachute Rigger Badge and the Army Staff Identification Badge.

On behalf of my congressional colleagues, it is my honor to thank Lieutenant General Henry T. Glisson for his 5 years of service to his country and wish him the best in his future endeavors.

TRIBUTE TO MINDY ENGELHART OF DIMONDALE, MI, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2001

Mr. SMITH of Michigan. Mr. Speaker, today I would like to pay tribute to Harry Lee Coe III, a loving father, gifted athlete, dedicated judge and life-long public servant of the citizens of Florida. Harry passed away one year ago.

Harry was first known in Hillsborough County as a pitcher for the Tampa Tarpons, but he soon built a distinguished law career, serving as a civil lawyer, then as a juvenile court attorney, and finally as a criminal court judge. Harry presided over his court for 20 years—always devoted to serving our community to the best of his ability.

On the bench, Harry was known not only for his unique wit and passion, but also for his unwavering integrity and commitment to justice. Some say Harry expected too much of those who came before his bench, but he always demanded the most of himself and worked tirelessly to do his best. While Harry became known as “Hanging Harry” for his stringent sentences and his deep conviction to protecting our community from dangerous criminals, he was equally passionate about giving our children the love and support they deserve to prevent the need for such rehabilitation.

Much can be said of Harry’s dedication to his job, but volumes can be written of his persona outside the court. In all of Harry’s years as an elected official he was never branded as a typical politician, for his kind and gentle demeanor with people could never be mistaken for anything other than sincerity. You could always depend on Harry to listen to what you had to say, just as much as you knew that his words were from the heart. I know Harry will be remembered for all these things.
SMALL BUSINESS REFINERS COMPLIANCE WITH THE HIGHWAY DIESEL FUEL SULFUR CONTROL REQUIREMENTS

HON. STEPHEN HORN OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, July 16, 2001

Mr. HORN. Mr. Speaker, at the beginning of this year, on January 18, 2001, the Environmental Protection Agency (EPA) implemented heavy-duty engine and vehicle standards and highway diesel fuel sulfur control requirements. I strongly supported the final rule by the EPA as a necessary tool to reduce pollution. Under this new regulation, oil refiners must meet rigorous new standards to reduce the sulfur content of highway diesel fuel from its current level of 500 parts per million to 15 parts per million by 2006. In the interim, the diesel rule goes a long way in reducing the amount of pollution in our air.

Small business refiners produce a full slate of petroleum products including everything from gasoline, diesel, and jet fuel to asphalt, lubricants, and specialty petroleum products. Today, among the 124 refineries operating in the United States, approximately 25 percent are small, independent refiners. These small business refiners contribute to the nation’s energy supply by manufacturing specific products like grade 80-aviation fuel, JP-4 jet fuel, and off-road diesel fuel.

In order for oil refiners to comply with the new rule, the EPA estimated capital costs at an average of $14 million per refinery. This is a relatively small cost for major multinational oil companies, but for smaller refiners, this is a very high capital cost that is virtually impossible to undertake without substantial assistance. Small business refiners presented information in support of this position to EPA during the rulemaking process. In fact, EPA agreed that small business refiners would likely experience significant and disproportionate financial hardship in reaching the objectives of the diesel fuel sulfur rule.

There is currently no provision that helps small business refiners meet the objectives of the rule. That is why I am introducing a tax incentive proposal that would provide the specific, targeted assistance that small refineries need to achieve better air quality and provide complete compliance with EPA’s rule. A qualified small business refiner—defined as refineries with fewer than 1,500 employees and less than a total capacity of 155,000 barrels per day—will be eligible to receive federal assistance of up to 35 percent of the costs necessary, through tax credits, to comply with the Highway Diesel Fuel Sulfur Control Requirements of the EPA.

Without such a provision, many small business refiners will be unable to comply with the EPA rule and could be forced out of the market. Individually, each small refiner represents a small share of the national petroleum marketplace. Cumulatively, however, the impact is substantial. Small business refiners produce about four percent of the nation’s diesel fuel and in some regions, provide over half of the diesel fuel. Small business refiners also fill a critical national security function. For example, in 1998 and 1999, small business refiners provided almost 20 percent of the jet fuel used by U.S. military bases. Small business refiners’ pricing competitiveness attracts the larger, integrated companies to lower prices for the consuming public. Without that competitive pressure, consumers will certainly pay higher prices for the same products.

Over the past decade, approximately 25 U.S. refineries have shut down. Without assistance in complying with the EPA rule, we may lose another 25 percent of U.S. refineries. This legislation is critical—not because small business refiners do not want to comply with the EPA rule due to differences in environmental policy—but because it will help keep small business refiners as an integral part of the industry and on their way to cleaner production and full compliance with all environmental regulations.

MEDAL OF HONOR, ED FREEMAN

HON. C.L. “BUTCH” OTTER OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Monday, July 16, 2001

Mr. OTTER. Mr. Speaker, I rise today to honor one of Idaho’s great citizens. Ed Freeman, 73, of Boise, who will be awarded the Medal of Honor today by the President for his acts of valor during the Vietnam War. The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States.

On November 14th, 1965, Captain Freeman risked his life more than once to deliver ammunition and supplies to 450 men who had been surrounded by more than 2,000 North Vietnamese. In addition, each time he delivered supplies, he carried out wounded U.S. military personnel to safety.

On November 14th, 1965, Captain Freeman voluntarily flew his Army Helicopter on 14 missions to the La Dang battle zone in less than 14 hours. For each trip, he risked his life to save and supply his fellow countrymen.

Without the courage of Captain Freeman and his crew, the 450 men in the La Dang Valley would have been quickly overrun by the North Vietnamese. By the end of the day Captain Freeman had saved an estimated 30 soldiers.

Mr. Speaker I am pleased to salute Captain Freeman today for his act of bravery in 1965 and I congratulate him for receiving the highest military honor anyone can receive, the Medal of Honor.

NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT OF 2001

HON. ELEANOR HOLMES NORTON OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, July 16, 2001

Ms. NORTON. Mr. Speaker, I have introduced the Nuclear Disarmament and Economic Conversion Act every year since 1993, and I will continue to introduce this bill until the threat posed by the world’s nuclear arsenals is eliminated. This legislation is critical—not because the United States and the world community will never have to worry about the threat posed by the world’s nuclear arsenals, but because we must ultimately move from a world where nuclear weapons are used as leverage and nuclear technology is exported to a world where nuclear weapons are outlawed and nuclear technology is used only for peaceful purposes.

The United States and the world community must reduce their efforts to obtain commitments from the nations developing nuclear weapons to refrain from actual deployment of nuclear weapons, as well as to help contain other countries that aspire to become nuclear powers, such as Iran, Iraq, and North Korea,
from moving forward with their programs. The United States will be far more credible and persuasive in its efforts if it is willing to take the initiative in dismantling our own nuclear weapons program and helping arms industries to convert plants and employees to providing products and services that enhance the wealth and quality of life of citizens. I ask my colleagues to cosponsor the Nuclear Disarmament and Economic Conversion Act of 2001 and the committees with jurisdiction over the bill to mark it up quickly so that it can be considered and passed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notifying the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 17, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JULY 18

9 a.m. Energy and Natural Resources
To hold hearings on the nomination of Dan R. Brouillette, of Louisiana, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

SD–366

9:30 a.m. Governmental Affairs
To hold hearings on S. 1008, to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, and to establish the National Office of Climate Change Response within the Executive Office of the President.

SD–342

EXTENSIONS OF REMARKS

Commerce, Science, and Transportation
To hold hearings to examine safety of cross border trucking and bus operations and the adequacy of resources for compliance and enforcement purposes, focusing on the impact on United States communities, businesses, employees, and the environment as well as the application of U.S. laws to the operations.

SR–253

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on active and reserve military and civilian personnel programs.

SR–222

Indian Affairs
To hold oversight hearings on tribal good governance practices and economic development.

SR–485

Energy and Natural Resources
To hold hearings on proposals related to energy and scientific research, development, technology deployment, education, and training, including Sections 107, 114, 115, 607, Title II, and Subtitle B of Title IV of S. 388, the National Energy Security Act of 2001; Title VII, XI, and Division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Sections 111, 121, 122, 123, 123, 127, 294, 295, Title IV and Title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; S. 96, the Department of Energy Nanoscale Science and Engineering Research Act; S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 390, the National Laboratories Partnership Improvement Act of 2001; S. 636, a bill to direct the Secretary of Energy to establish a de-commissioning pilot program to de-commission and decontaminate the Sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; S. 1166, the Energy Policy Act of 2001; and S. 1166, to establish the Next Generation Lighting Initiative at the Department of Energy.

SD–366

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine stem cell research issues.

SD–124

10 a.m. Foreign Relations
To hold hearings to examine the Putin administration policies toward the non-Russian regions of the Russian Federation.

SD–419

Judiary
To hold hearings to examine reformatting the Federal Bureau of Investigation management reform issues.

SD–226

Health, Education, Labor, and Pensions Employment, Safety and Training Subcommittee
To hold hearings to examine the protection of workers from ergonomic hazards.

SD–430

Aging
To resume hearings to examine long term care issues, focusing on costs and demands including state initiatives to shift Medicaid services away from institutional care and toward community based services.

SD–628

Banking, Housing, and Urban Affairs
Business meeting to markup proposed legislation authorizing funds for the U.S. Export-Import Bank, proposed legislation authorizing funds for the Iran and Libya Sanctions Act; the nomination of Mark B. McClellan, of California, to be a Member of the Council of Economic Advisers; and the nomination of Sheila C. Bair, of Kansas, to be an Assistant Secretary of the Treasury for Financial Institutions.

SD–538

Budget
To hold hearings to examine defense spending and budget outlook.

SD–608

2 p.m. Governmental Affairs
Investigations Subcommittee
To hold hearings to examine past and current U.S. efforts to convince offshore tax havens to cooperate with U.S. efforts to stop tax evasion, the role of the Organization of Economic Cooperation and Development tax haven project in light of U.S. objectives, and the current status of U.S. support for the project, in particular for the core element requiring information exchange.

SD–628

2:30 p.m. Intelligence
To hold closed hearings on intelligence matters.

SH–219

JULY 19

9 a.m. Appropriations
VA, HUD, and Independent Agencies Subcommittee
Business meeting to markup proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002.

S–128, Capitol

9:30 a.m. Energy and Natural Resources
To hold hearings on proposals related to removing barriers to distributed generation, renewable energy and other advanced technologies in electricity generation and transmission, including Sections 301 and Title VI of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; Sections 110, 111, 112, 710, and 711 of S. 388, the National Energy Security Act of 2001; S. 933, the Combined Heat and Power Advance Act of 2001; hydroelectric relicensing procedures of the Federal Energy Regulatory Commission, including Title VII of S. 388, Title VII of S. 597; and S. 71, the Hydroelectric Relicensing Process Improvement Act of 2001.

SD–366

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and
the Future Years Defense Program, focusing on ballistic missile defense policies and programs.

Finance
To hold hearings to examine trade adjustment assistance issues.

SD–215

Small Business and Entrepreneurship
To hold hearings on the nomination of Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration; and to hold a business meeting to mark up pending calendar business.

SR–428A

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to elicit suggestions for the repositioning title of the next federal farm bill.

SR–328A

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission.

SD–538

Judiciary
Business meeting to consider the nomination of Ralph F. Boyd, Jr., of Massachusetts, to be Assistant Attorney General, Civil Rights Division, and the nomination of Robert D. McCallum, Jr., of Georgia, to be Assistant Attorney General, Civil Division, both of the Department of Justice; S. 497, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions; S. 778, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; S. Res. 16, designating August 16, 2001, as “National Airborne Day”; and S. Con. Res. 16, expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B’nai B’rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

SD–226

1 p.m.
Veterans’ Affairs
To hold hearings to examine S. 739, to amend title 38, United States Code, to improve programs for homeless veterans; and other pending health care related legislation.

SR–418

EXTENSIONS OF REMARKS

JULY 16, 2001

2 p.m.
Appropriations
Business meeting to markup proposed legislation making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002.

S–128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 976, to provide authorization and funding for the enhancement of ecosystems, water supply, and water quality of the State of California.

SD–366

Armed Services
Airland Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Army modernization and transformation.

SR–222

Foreign Relations
To hold hearings on the nomination of Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark; the nomination of Michael E. Guest, of South Carolina, to be Ambassador to Kazakhstan; the nomination of Larry C. Napper, of Virginia, to be Ambassador to Greece; the nomination of Thomas J. Miller, of Texas, to be Ambassador to the Republic of Kazakhstan; the nomination of Jim Nicholson, of Colorado, to be Ambassador to the Holy See; and the nomination of Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

SR–419

JULY 20

9:30 a.m.
Finance
To continue hearings to examine trade adjustment assistance issues.

SD–215

JULY 23

2 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the role of the Federal Emergency Management Agency in managing a bioterrorist attack and the impact of public health concerns on bioterrorism preparedness.

SD–342

9:30 a.m.
Energy and Natural Resources
Governmental Affairs
To hold hearings on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; and S. 820, the Forest Resources for the Environment and the Economy Act.

SD–106

10 a.m.
Indian Affairs
To hold hearings on S. 266, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

SR–485

Governmental Affairs
To hold hearings to examine S. 159, to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs.

SD–342

2:30 p.m.
Veterans’ Affairs
To hold hearings to examine prescription drug issues in the Department of Veterans Affairs.

SR–418

JULY 25

9:30 a.m.
Energy and Natural Resources
Governmental Affairs
To hold hearings to examine current entertainment ratings, focusing on evaluation and improvement.

SD–342

10 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.

JULY 31

10 a.m.
Indian Affairs
To hold hearings on the implementation of the Indian Health Care Improvement Act.

JULY 31

10 a.m.
Indian Affairs
To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

AUGUST 2

10 a.m.
Indian Affairs
To hold hearings on S. 702, for the relief of Gao Zhan.

SD–226