The Senate met at 9:30 a.m. and was called to order by the Honorable Robert C. Byrd, a Senator from the State of West Virginia.

The PRESIDENT pro tempore. From its very beginning, the Senate has opened its daily sessions with prayer. It continues to this day. Tennyson, that great poet, said:

More things are wrought by prayer
Than this world dreams of.
Wherefore, let the voice
Rise like a fountain for me night and day.

The prayer will be led today by the Senate Chaplain, Dr. Lloyd J. Ogilvie. Dr. Ogilvie, please.

PLEDGE OF ALLEGIANCE

The Honorable Robert C. Byrd 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. This morning, the Senate will vote on cloture on the Agriculture supplemental authorization bill. We expect to complete action on the bill today.

A reminder to all of my colleagues, all second-degree amendments to the bill must be filed before 10 o’clock. In addition, we expect to consider several Executive Calendar nominations today. I would like to begin the cloture vote in just a moment.

MEASURE PLACED ON THE CALENDAR—H.R. 2505

Mr. DASCHLE. I object to any further proceedings at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 1246, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

Pending:

Lugar amendment No. 1212, in the nature of a substitute.

CLOTURE MOTION

The PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 102, S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon Corzine, Max Baucus, Patty Murray, Jeff Bingaman, Tim Johnson, Edward Kennedy,
Jay Rockefeller, Daniel Akaka, Paul Wellstone, Mark Dayton, Mario Cantwell, Ben Nelson, Blanche Lincoln, Richard Durbin, Herb Kohl.

The President pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The President pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Boxer
Bingaman
Breaux
Byrd
Campbell
Carnahan
Carper
Cardin
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd

NAYS—48

Dorgan
Domenici
Granholm
Edwards
Feinstein
Graham
Harkin
Holmes
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kerry
Levin
Landrieu
Mansfield
Murkowski
Wyden

NOT VOTING—3

Boxer
Domenici
Inouye

The President pro tempore. The motion will be placed on the calendar. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The President pro tempore. Without objection, it is so ordered.

Disaster Funding for the Klamath Basin

Mr. WYDEN. Mr. President, I thank my colleagues. Senator HARKIN, for this opportunity to speak about the drought funding and legislative needs for the Klamath Basin in southern Oregon.

I understand that the bill currently being considered, the Emergency Agriculture Assistance Act of 2001, is primarily a bill to provide money for farmers suffering market loss this year. A market loss, as I understand it, happens when a farmer receives less money for his crop than he spent to produce it. But, due to drought, my constituents were unable to plant their crops.

Mr. HARKIN. I appreciate your understanding that there is a difference between the economic-based problems we are trying to address in the current bill and the natural disaster relief and recovery needed in an emergency or supplemental funding bill later this year, once we know the full extent of nature’s toll on agriculture this season. However, the Supplemental Appropriations Act of 2001 provided disaster assistance to farmer families in the Klamath. How much additional money will the farmers in the basin be needing?

Mr. WYDEN. In the Supplemental Appropriations Act of 2001 Congress provided $20,000,000 in emergency money for farmer families in the Klamath. This amount was designed only to keep these farms afloat until further monetary assistance could be found or until the drought ended.

According to the Klamath Basin Water Users Association, this drought will cost the Klamath Basin agricultural community at least $200 million above the $20 million provided already. In 2000, the revenue for agriculture in the Klamath Basin, according to the USDA Farm Service Agency, was $132 million. The projected income for 2001 is only $28 million. There is a difference of $104 million in lost revenues alone. That figure does not include the market loss my constituents incurred to get through the drought with their farms intact, such as well augmentation and cover crop planting to protect topsoil from erosion.

May I count on the consideration of the Senate from Iowa, the chairman of the Agriculture Committee, and a member of the Agriculture Appropriations Subcommittee, as I pursue additional funding for the Klamath Basin farmers at the first possible opportunity?

Mr. HARKIN. I appreciate my friend’s pursuit of relief for his constituents. I promise to work closely with you concerning fair drought relief funding for the farm families in the Klamath Basin.

Mr. WYDEN. In addition, there are other solutions for the Klamath Basin, such as, but not limited to, water conservation, wetlands restoration and irrigation system upgrades, which must be considered. These may require legislative action. May I count on you to help me craft appropriate language that will be acceptable in the upcoming Farm Bill that will begin to address these solutions needed in the Klamath Basin?

Mr. HARKIN. I agree with you that an ounce of prevention is worth a pound of cure. Certainly, I will work with you to address possible long term solutions for the Klamath in the Farm Bill.

Mr. JOHNSON. Mr. President, this week the Senate has been trying to pass S. 1246, the Emergency Agriculture Assistance Act, legislation to provide emergency assistance to farmers and ranchers suffering at this time. Unfortunately, certain members of the Senate have tried to politicize, delay, and complicate this very necessary legislation. Moreover, now that the House of Representatives has adjourned for the August recess, we must ensure that the Senate will be forced to adopt a reduced level of assistance in order to match the House’s lower funding level in a fashion that meets the President’s needs, without a conference committee. If this must be the case, then I am sure the will of the Senate will be to adopt less funding for our farmers and ranchers this year because I know it is not enough to adequately assist crop producers and livestock ranchers through the 2001 crop year, indeed a fourth year in a row of near-recession in agriculture.

I have made a quick calculation or two regarding the level of assistance expected if we indeed enact the House passed assistance level of just $5.5 billion today. First, the funding for program crops nationwide will be reduced by around 16 percent. More importantly, South Dakota’s farmers and ranchers stand to lose between $30 and $50 million. The reduced market loss AMTA payment in the House plan is 85 percent of the level in Senator HARKIN’s plan, indicating to me that South Dakota farmers would lose around $23 million in these payments if we adopt the House plan. Moreover, the oilseed payment is reduced by about $4.5 million under the House plan. Finally, if you count the assistance we provide to peas, lentils, wool, honey, flooded lands and conservation programs, I am certain the bill of the Senate will result in a loss of between $30 and $50 million under the House plan.

Under the leadership of Senator HARKIN, the Agriculture Appropriations Subcommittee completed action on the fiscal year 2001 short-term economic assistance package for farmers and ranchers, providing $7.494 billion, $5.5 billion in fiscal year 2001.
funds plus $1.994 B in fiscal year 2002 funds. The United States Department of Agriculture, USDA, said they must distribute the fiscal nyar 2001 funds, $5.5 B in AMTA, by the end of the fiscal year, September 30, 2001. USDA has indicated that they can guarantee timely delivery of aid is to provide it through the bonus AMTA payment mechanism. Moreover, my colleague from South Dakota, the Majority Leader, Senator DASCHLE has received an assertion from the Congressional Budget Office, CBO, that Congress has to resolve this issue before the August recess in order to protect the $5.5 billion set aside, for fiscal year 2001, for these emergency payments. Nonetheless, we have had trouble getting a final vote on this assistance package because some of my colleagues, whom I respect a great deal, are slowing the bill down because they are upset at the level of funding, $7.4 billion.

In South Dakota, farmers and ranchers continue to struggle from terribly low commodity prices. While certain prices have improved in recent months, this short-term recovery in price, really just in the livestock sector, cannot completely compensate for 4 years of recession in farm country. Most crop prices remain at 15–25 year all-time lows. Moreover, input costs such as fuel and fertilizer have increased dramatically, wiping out any chance for producers to enjoy profits from crop operations. Corn prices remain around $1.55 per bushel, far below the $4.50 range when the 1996 farm bill was enacted. Soybean prices are stagnant at $4.50 per bushel, nearly $4.00 less than soybean price levels in 1996. While wheat prices have made a very modest price recovery, they still remain less than $3.00 per bushel, far below the $5.55 level in 1996. Moreover, due to disease, drought, and winter kill, many South Dakota farmers are left with only half of their crops. Their wheat crop wiped out completely, so this modest increase in price won’t help them because they may not have a crop to put in the bin. All this at a time when aggregate production costs, the prices farmers pay for their inputs such as fuel and fertilizer, are 20 percent higher right now than the prices farmers receive for their commodities. This price-cost squeeze makes it very difficult to turn a profit today. So, this assistance is badly needed. And while it is unfortunate that this assistance is necessary, I believe this aid is critical until Congress can write the next farm bill in a way that promotes and supports fair marketplace competition and good stewardship of our land.

Unfortunately, the administration and some Senators want to reduce the size of this emergency package, suggesting it provides too much assistance to our Nation’s family farmers, or, alleging that it creates budget problems. Even more ridiculous is the assertion by some that no funding is necessary in fiscal year 2002 to help farmers. I believe we need to look at this from the farmers’ perspective, a little tractor-seat common sense if you will, because farmers deal with crop years, not fiscal years. It all boils down to some in the administration wanting to implement how the Government does business, by fiscal years, instead of how farmers and ranchers do business, by crop years. We need this assistance to span the current crop year, and therefore, it must be provided this time around. Specifically, $5.5 billion last year was allocated for bonus AMTA in fiscal year 2000, and, $1.64 billion for other needs in fiscal year 2001. Coincidentally, Congress and the President understood the need to provide assistance in fiscal year 2000 and fiscal year 2001 for the 2000 crop year, thus, a precedent has been set to do it once again. Furthermore, let us not forget that every major farm organization actually requested at least $9–11.5 billion in emergency assistance for this crop year. Our legislation doesn’t provide that total, but it does cover a majority of the immediate economic distress in agriculture today. I find it ironic that some in the Senate would rely upon the administration wanting to implement how the Government does business, by fiscal years. It all boils down to some in the administration wanting to implement how the Government does business, by fiscal years, instead of how farmers and ranchers do business, by crop years.

Funding is not only important because of the economic distress in agriculture, but also because the emergency crop insurance reform legislation, Congress provided a total of $7.14 billion in emergency aid for both fiscal year 2000 and fiscal year 2001, almost exactly the same amount of assistance we aim to provide this time around. Specifically, $5.5 billion last year was allocated for bonus AMTA in fiscal year 2000, and, $1.64 billion for other needs in fiscal year 2001.

Further, our budget resolution, which was adopted by Congress and signed by the President, allows for this funding. The budget resolution enacted by Congress and signed by the President provided the Agriculture Committees authority to spend up to $5.5 B in fiscal year 2001, with additional authority to spend up to $7.35 B in fiscal year 2002, for a total of $12.85 B in fiscal year 2001, for emergency assistance for agriculture. The committees were given total discretion to spend this money on emergency and/or farm bill programs. However, for the third time now, Office of Management and Budget, OMB, Director, Mitch Daniels, threatened a veto of the $5.5 billion increase. OMB threatened a possible veto threat if the Senate aid package totals more than $5.5 billion in fiscal year 2001. A similar OMB threat was made as the House contemplated $5.5 billion, and despite efforts to increase the assistance based upon how the OMB threat ended up at $5.5 billion. It cannot be argued that we are busting any budget caps, or endangering the Medicare or Social Security Trust funds, because this money has already been provided by the budget resolution, and it is not part of the $73.5 billion (fiscal year 2003–2001) ag reserve fund. A veto is not warranted because the aid total for fiscal year 2001 is $5.5 billion, precisely the level permitted under the budget resolution and the Administration. $1.9 billion is provided in the grand total does not matter because it is actually fiscal year 2002 money, which we are permitted to spend under the budget resolution passed by Congress and signed by the President. The Senate Agriculture Committee voted to spend $7.4 billion of both fiscal year 2001 and 2002 money because the current, 2001 crop year spans both fiscal years. It is a subtle, yet, critically important difference between a crop year and a fiscal year. The committee authority to spend up to $5.5 billion, is supported by farmers, including the following farm groups: Farm Bureau, Farmers Union, the National Farmers Union, and the National Assn. of Wheat Growers.

Yet some are still suggesting that spending $5.5 billion, most of it in fiscal year 2001, will be enough to help U.S. family farmers and ranchers. However, 19 Republicans in the House Agriculture Committee, including the Chairman Larry Combest, voted against an amendment to reduce the size of the House package to $5.5 billion because they believe that $5.5 billion does not go far enough for farmers and ranchers this time around. The vote to reduce the size of this assistance for farmers to $5.5 billion in the House Ag Committee passed by just one vote. The House passed emergency package for both years, by 16 percent of the level of support Congress provided to program crops last year. Moreover, the Lugar or House plan does not include any funding for critical conservation programs such as CRP and WRP. Finally, Chairman Combest and other House Republicans were so concerned with the inadequacy of the House passed $5.5 billion that they wrote their “viewpoints” or “concerns” into the House passed legislation. Their concerns, accompanying the House farm aid state, and I am quoting from what House Republicans wrote about their own ag emergency bill now: . . . H.R. 2213, as reported by the House Agriculture Committee is inadequate. . . the $5.5 billion level ($5.5 billion is not sufficient to address the needs of farmers and ranchers in the 2001 crop year. . . At a time when real net cash income on the farm is at its lowest level since the Great Depression, the cost of production is expected to set a record high, H.R. 2213 as reported by the Committee
cuts supplemental help to farmers by $1 billion from last year to this year. Hardest hit will be wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybean, and other oilseed farmers since the cuts will be at their expense.

This is very concerning to me. Many of the farmers that will suffer if we go with $5.5 billion—the wheat, corn, grain sorghum, and soybean farmers, are trying to make a living in my State of South Dakota. So, as you can see, these very poignant words prove that the House passed $5.5 billion level of assistance is woefully inadequate. I will stay and fight on the Senate floor for increased funding this week to ensure South Dakota’s farmers are assisted with the construction of a more sturdy bridge over this year’s financial problems.

Mr. McCAIN. Mr. President, let me first commend the efforts of my colleagues who are working very hard to deliver some form of Federal relief to prevent the demise of more of America’s family farms.

While this bill provides much needed emergency assistance to certain sectors of the agricultural community, I am concerned about this bill for several reasons.

It guarantees very generous Federal subsidies at higher levels than in previous years even though these same subsidies were eliminated or intended to be phased out by the 1996 farm bill. It disproportionately favors large farming operations over smaller ones. It adds $5 billion to the already $27 billion delivered in supplemental and emergency spending for farmers since 1999. This is funding in addition to Federal payments or loans authorized through the 1996 farm bill. While the 1996 farm bill was intended to reduce reliance on the Federal Government, payments to farmers have increased by 400 percent, from $7 billion in 1996 to $32 billion in 2001.

Again, I recognize that many Americans in the agriculture industry are facing economic ruin. However, already this year, the Senate has included $4.7 billion in wasteful, unnecessary, or unreviewed spending in five appropriations bills. Surely, among these billions of dollars, there are at least a few programs that we could all agree are lower priority than desperately needed aid for America’s farmers.

I agree to an agreement of my colleagues to put before the Senate the House bill that conforms with the agreed-upon budget resolution. Through this bill, billions of dollars are provided in supplemental payments to oilseed producers, peanut producers, wool and mohair producers, tobacco producers and cottonseed producers.

Fortunately, this bill does not include additional egregious provisions proposed in the Senate version of the bill, such as continuing subsidies for homeless producers, peanut producers, and price support program, perks for the sugar industry, and various other new or pilot programs.

Recent indications are that these continuing supplemental payments that Congress obligates from taxpayer dollars are now paying at least forty percent, if not more of total farm income. How are we helping the farming sector to become more self-sufficient? Our approach is as a crutch to small farmers while fattening the incomes of large farming conglomerates and agribusinesses. We should learn from past failures and take responsibility to focus Federal assistance on a fair, needs-based approach.

This bill passed by unanimous consent today, despite the disagreement of some of my colleagues who advocated for a much higher level of supplemental spending. I hope that my colleagues will exercise greater prudence and fiscal responsibility when we return from the August recess to consider the agricultural appropriations bill and reauthorization of the 1996 Farm bill to such ad-hoc spending is brought under control.

Mr. DASCHLE. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of H.R. 2213, the Agriculture supplemental bill, that the Senate proceed to its consideration, that the bill be read the third time and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that S. 1246 be placed on the calendar and that the previous vote to reconsider the failed cloture vote on S. 1246 be in order.

The PRESIDENT pro tempore. Is there objection to the several requests. Without objection, it is so ordered.

The bill (H.R. 2213) was read the third time and passed.

(The bill will appear in a future edition of the Record.)

The PRESIDENT pro tempore. This corrects the record. The motion to reconsider was not properly entered.

Mr. DASCHLE. Mr. President, I am extremely disappointed that our Republican colleagues chose to work against us instead of with us to provide critical financial relief to help farmers and ranchers deal with the fourth year in a row of low prices. My colleagues’ choice to filibuster the committee bill, which a majority of Senators supported, was a decision we could not afford.

Unfortunately, it will cost farmers and ranchers across the country. For my State of South Dakota, that decision to filibuster will cost producers over $50 million in decreased assistance. But, South Dakota is not alone. Producers in each and every one of our states are being deprived of critical assistance because of the actions of my Republican colleagues.

Why? Because the President and Senate Republicans drew an arbitrary and partisan line in the sand.

Even though the budget resolution authorizes the Senate Agriculture Committee to use $5.5 billion in fiscal year 2001 and $7.35 billion in fiscal year 2002 to provide economic assistance to producers, and even though it specifically allows the use of fiscal year 2002 funds to support the 2001 crop, the President insisted that we spend only $5.5 billion. His rationale: “The farm program is already very large, farmers don’t need any additional help.”

That is certainly not what I am hearing in South Dakota, and I know it is not what my colleagues on this side of the aisle have heard in their states. Across the country, poor prices have hobbled producers for 4 years.

Major crop prices, despite showing slight improvement over last year’s significantly depressed prices, remain at 10 to 25-year lows. Net farm income minus government payments for 1999 thru 2001 is the lowest since 1984. Input costs are at record levels, making it more expensive for producers to do their job than ever before.

Despite all this, my Republican colleagues insisted on a bill that provides far less. Less for feed grain, wheat, and oilseed producers in my part of the country. Less for rice and cotton producers in the specialty crop producers in the Northeast and Northwest.

And when I say less, I not only mean less than what is in the Committee’s package, but less than what is absolutely needed.

Chairman HARKIN worked hard to improve on the House-passed $5.5 billion package. His package provided the full level of last year’s market loss assistance for producers of major crops. It provided significant funding for specialty crops. It provided a substantial commitment to agricultural conservation.

Yet, my Republican colleagues filibustered. Why? Are they planning to go home and tell producers they fought long and hard to provide you with less?

Now that we are forced to pass the House legislation, we have lost too much of what was needed and for program crops, specialty crops, and conservation. This is reckless, and it’s wrong. America’s farmers and ranchers deserve better, much better.

So, I can’t help but feel this country’s farmers and ranchers got short-changed. But what also troubles me is what the actions of my Republican colleagues over the past few days mean for the farm bill. Congress must come together quickly to write new farm policy this year so we don’t have to keep coming back for more ad hoc emergency assistance year after year.

Congress must get passed its stubborn refusal to acknowledge the failures of current farm policy and work together to change it. We need policies that better address the interests of family farmers and ranchers. Farmers and ranchers must have a reliable safety net that can offset severe price fluctuations, and that can help manage uncertainties in the marketplace. Such
Mr. LEVIN. Mr. President, I am very disappointed by the Emergency Agricultural Supplemental that this body has just passed because of the President’s opposition to the much better legislation reported by the Senate Agriculture Committee and the fact the House of Representatives already left for the August recess. The Senate has passed a bill that fails to provide adequate aid to America’s farmers and rural communities. Some on the other side of the aisle claimed that the bill passed by theSupreme Committee spends too much money in support of America’s farmers and that the farm economy is improving. I wish that were the case, but the facts in rural America do not support that assertion. The programs do not agree with that conclusion, that is why they supported the stronger alternative, the bill proposed by the Chairman of the Agriculture Committee Senator HARKIN.

As we all know, our Nation’s farmers have not shared in the prosperity which many Americans have experienced over the past decade. In the past three years, Congress has assisted America’s farmers by providing substantial assistance to agricultural producers. No one, not least of all America’s farmers, likes the fact that annual emergency agriculture supplemental has seemingly become routine.

Senator HARKIN, chairman of the Senate Agriculture Committee, crafted an impressive bill that addressed the needs of specialty crop farmers, in a more comprehensive fashion, than does the bill that just passed the Senate.

The bill that just passed provides nearly a billion dollars less in AMTA payments for traditional row crops than did the committee version. In addition, the passed bill makes no real effort to address the problems faced by farmers. It is estimated that the average farmer has lost more than $150 million in market loss assistance for apple growers. It is estimated that apple growers have lost $500 million last year due to unfair trade and weather related disasters. Furthermore, some estimate that the industry may lose as much as 30 percent of its farmers this year without some form of aid.

$270 million in commodity purchases of specialty crops. These purchases provide food for shelters, food banks and schools, yet that money, $50 million of which will be used for the school lunch program, is not in the House version.

The $41 million sugar assessment, which has been suspended the past two years due to budget surplus is not waived this year.

$542 million needed to fund conservation programs is excluded from the House version. As a result many important programs will lie dormant.

The number of farmers in our nation has been declining for well over a century. Now, farmers comprise only 1 percent of our population. The declining number of farmers and the increasing scarcity of Federal dollars makes it hard to sustain the level of assistance we provide our farmers. Part of the success of current farm policy is that programs such as Women, Infants, Children program, WIC, balance rural and urban interests and attempts to meet the needs of each community. Assistance to the agricultural sector must address the concerns of all Americans if it is to continue at the needed level. The bill passed by the Senate fails to do that. This trend of narrowly focused farm programs cannot be sustained. The next farm bill that this body undertakes must help all Americans while helping farmers. The committee-passed bill addressed issues important to all of us: hunger, conservation and energy independence. This bill does not. Gone is the $270 million allocated for commodity purchases that would have helped specialty crop farmers, like cherry, bean and asparagus farmers in Michigan, while providing food for schools, conservation programs, food banks and soup kitchens that guarantee a healthy diet is available to all Americans.

The conservation programs included in S. 1246 but not in the bill we just passed would have preserved our nation’s preserved green space, increased wildlife habitat and ensured a clean water supply. Currently, in the State of Michigan there are three farmers who apply for every open slot in Federal conservation programs. These farmers will now have to wait even longer to participate in these programs.

I commend the chairman and the Senate Agriculture Committee for the hard work they put into the Agriculture Supplemental that they reported to the Senate. The bill passed by this body, because the President’s opposition to the better alternative left us no choice, ignores the needs of specialty crop producers and fails to provide the programs that have a broader effect of helping all Americans.

Mrs. MURRAY. Mr. President, I rise to express my extreme disappointment with the agriculture supplemental assistance package the Senate passed today.

This week, the Bush administration did a great disservice to our nation’s farmers, to rural communities, and to agricultural conservation programs around this nation. The administration’s veto threats forced the Senate to pass a bill that does not meet the needs of farmers in my State.

In fact, this bill is completely inadequate to meet the needs of our farmers and rural America. The bill abandons our apple producers. It abandons our pea and lentil producers. And it rejects a fair emergency payment to our wheat producers.

It didn’t have to be this way. Senator HARKIN worked with many of our colleagues to draft a balanced $7.4 billion emergency economic package. I fought hard to include $150 million in emergency payments for apple producers. I worked to include $20 million in assistance for dry peas and lentil producers. And many Senators worked together to ensure that wheat and corn producers received an emergency payment equal to what they received last year.

The Harkin bill was balanced, fair, and fiscally responsible. It deserved to become law. Yet, throughout this debate, the Bush administration steadfastly threatened to veto any bill larger than $5.5 billion. Today, President Bush won, and our farmers lost.

Instead of the Harkin bill, the Senate passed the House agriculture supplemental bill. We passed it because the President will sign it. We passed it because further delay threatened the
availability of $5.5 billion in emergency relief. We did not pass it because it’s the best bill possible.

The President’s veto threats have cost Washington state producers $103 million. Let me repeat that: According to the Senate Agriculture Committee, President Bush’s veto threats will cost Washington State producers an estimated $103 million in assistance. That includes the $50.3 million in assistance our apple growers would have received under the apple aid package.

I want to thank Senator HARKIN and Senator DASCHLE for his support for specialty crop producers. Senator HARKIN worked tirelessly to help all regions and all producers. In my opinion, he could not have put together a more balanced and fair package.

I would also like to thank Senator DASCHLE. Senator DASCHLE is committed to working with us to address the shortfalls in the House bill. I look forward to working with him to complete the unfinished business we began this week.

This fight is not over. I will urge my colleagues to return from the August recess ready to pass an agriculture aid package that is balanced and fair to America’s farmers.

Mr. CRAPO. Mr. President, I rise regarding the Senate’s passage of H.R. 2213, the House-passed Emergency Agriculture Assistance Act.

There is a great need for economic assistance in farm country. There is no disagreement about that fact.

There has been no disagreement that we will spend the $12.85 billion provided in the budget for agriculture in fiscal years 2001 and 2002. The question has been on when and how we will spend it.

I wanted to pass an emergency bill with more emergency money than was in the House-passed bill. I was willing to work toward a compromise that met the current needs of our farmers—even if that meant spending a small portion of the fiscal year 2002 funding.

I had asked for Senate action on this supplemental since before the House passed its emergency assistance package on June 26th—more than a month ago. But, time ran out.

The House bill does not fund all the needs of Idaho’s farmers and ranchers. It is not a perfect solution, but it is a necessary one. We now have a good start in providing short-term assistance to our producers. I hope we can build on that when we return in September.

We should move quickly to a farm bill. A fair and effective national food policy that recognizes the importance of a safe, abundant, domestic supply of food.

Farmers and ranchers across the country are looking to us to pass legislation that will: provide a safety net to producers, increase the commitment to conservation, bolster our export promotion programs, continue our commitment to agricultural research, and, find innovative ways to address rural development needs.

These are pressing needs. These are important needs, and the chairman of the Senate Agriculture Committee tried to address many of these needs in the economic assistance package. Now that we have allocated the $3.5 billion for fiscal year 2001, I hope that we can now focus on the farm bill.

I look forward to working in cooperation with the chairman and ranking member of the Agriculture Committee to craft a fair and effective bill as expeditiously as possible.

But, as we work on this bill, we who worked on the 1996 Farm Bill know, the farm bill alone will not solve all our problems. We must continue to pursue tax reforms, address unfair regulatory burdens, and move toward free and fair trade. Our producers are being handicapped by unfair foreign competition and barriers to exports, it is time this stopped.

I hope the recent debate on the emergency supplemental has raised awareness of the needs of our producers. I hope this has prodded us to action on the farm bill. And, I hope we can work together for the needs of not just agricultural producers, but the consumers that benefit from efficient, safe, domestic food supplies.

Ms. SNOWE. Mr. President, I rise today to express my disappointment that funding in the Committee-passed bill that is important to Maine is no longer a reality. While the emergency agriculture assistance bill the Senate passed today provides $2 million for Maine, including $850,000 for a State grant for specialty crops, gone is the possibility of conference making any decision to reauthorize or extend the Northeast Interstate Dairy Compact.

Gone is the $5 million for Maine for incentive-based voluntary agriculture conservation programs. Gone is the $270 million for CCC commodity purchases for Northeast specialty crops for that just spending a small portion of the fiscal year 2002 funding.

I had asked for Senate action on this supplemental since before the House passed its emergency assistance package on June 26th—more than a month ago. But, time ran out.

The Interstate Dairy Compact has provided a reliable safety net for small family dairy farmers throughout New England by helping to maintain a stable price for fresh fluid milk on supermarket shelves.

Now, I know that one of the chief arguments made by detractors is that the compact is harmful to consumers. The facts, however, tell a different story.

In Maine, the compact resulted in milk prices ranking among the lowest and most stable in the country. The compact has unquestionably been of great benefit to preserving our dairy farms, while also assuring consumers a continuous, adequate supply of quality milk at a stable price and eliminating barriers to exports, it is time this stopped.

The compact grew out of the need to address a fundamental problem in the New England dairy farming community—the loss of family dairy farms. The Northeast Interstate Dairy Compact has provided a reliable safety net for small family dairy farmers throughout New England by helping to maintain a stable price for fresh fluid milk on supermarket shelves.

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The compact grew out of the need to address a fundamental problem in the New England dairy farming community—the loss of family dairy farms. The Northeast Interstate Dairy Compact has provided a reliable safety net for small family dairy farmers throughout New England by helping to maintain a stable price for fresh fluid milk on supermarket shelves.
In return, the compact has paid off with lower, more stable dairy prices in New England that more fairly reflect farmers’ costs. As testimony proved at the July 25 Judiciary Committee hearing held by Senator LEAHY of Vermont, the existence of the Northeast Dairy Compact has thwarted the deple- tive impact—without threatening or otherwise financially harming any other dairy farmer in the country.

In response to my recent request, the Department of Agriculture throughout New England submitted data that clearly shows that the compact has slowed the rate of dairy farm reduc- tions in the New England Dairy Com- pact area. These letters show that in the 3 years prior to the compact’s estab- lishment, New England lost 572 dairy farms, compared to 408 farms in the 3 years since its implementation. Even during this period of historic lows in milk prices, 164 fewer farms left the business.

How has this worked? Under the com- pact, whenever the Federal Government’s minimum price falls below that of the Northeast Dairy Commission, which administers the compact, dairy processors are required to pay the differ- ence. Moreover, the compact has given dairy farmers a measure of confidence in the near term for the price of their milk so they have been willing to reinvest in their operations by upgrading and modernizing facili- ties, purchasing additional cropland and improving the genetic base of their herds. Without the compact, farmers would have been far more hesitant to do these things—if at all—and their lenders would have been much less willing to meet their capital needs.

And the compact has protected fu- ture generations of dairy farmers by helping local milk remain in the region and preventing dependence on a single source of milk from outside the region—that is, to the benefit of higher milk prices through increased transpor- tation costs, as well as increased vul- nerability to natural catastrophes.

All this has been accomplished with- out threatening or otherwise finan- cially harming any other dairy farmer in the country. In fact, more than 97 percent of the fluid milk market in New England is self-contained within the area with strong markets for local milk because of the demand for fresh milk and high transportation costs to ship milk in from other areas.

In short, the compact provides a fair- er value for dairy farmers, and protects a way of life important to New Eng- land—a win-win situation for everyone involved, at no cost to the Federal Government. Let me repeat—the costs of operating the compact are borne en- tirely by the farmers and processors of the compact region, at absolutely no expense to the federal government.

Moreover, it has had a tremendous envi- ronmental benefits through preserva- tion of dwindling agricultural land and open spaces that help to combat the growing problem of urban sprawl, par- ticularly near large cities. As a July 29, 2001 Boston Globe editorial pointed out, “A wide range of environmental organizations back the compact, seeing it as a defense against the sprawl that often occurs when beleaguered farmers sell out.”

The amendment offered by Senator SPECTER of Pennsylvania would have permanently authorized the Northeast Compact, as well as giving approval for states contiguous to the participating Northeast States to join in this program in our case, Pennsylvania, New York, New Jersey, Delaware, and Maryland. It would also have granted Congressional approval for a new Southern Dairy Compact, comprised of 14 states—Ala- bama, Arkansas, Georgia, Kansas, Ken- tucky, Louisiana, Mississippi, Miss- ouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

Why did the amendment include all of these States and half the country? The answer is that dairy compacting is really a States rights issue more than anything else, as the only action the Senate needs to take is to give its con- gressional consent under the Compact Clause of the U.S. Constitution, Article I, section 10, clause 3, to allow the 25 states to proceed with their two inde- pendent compacts.

Consider 24 other States with Maine’s and you have a reflection of all of the Northeast dairy farmers, legislatures—and all of their Governors—who have requested nothing more than con- gressional approval to “compact”.

All of the legislatures in these 25 States, including Maine, have ratified legislation that allows their individual States to join a Compact, and the gov- ernor of every State has signed a compact bill into law. Half of the States in this country await our congressional approval to address farm insecurity by stabilizing the price of fresh fluid milk on grocery shelves and to protect con- sumers against volatile price swings.

Altogether, these 25 States make up about 28 percent of the Nation’s fluid milk market—New England production is only about three and a half percent of this. This is somewhat comparable to two States of Minnesota and Wis- consin which together make up 24 percent of the fluid milk market. Cali- fornia makes up another 20 percent. Detractors claimed that compacts encourage the over-produc- tion of milk, but again, the facts say otherwise. In the nearly four years that the compact has been in effect, milk production in the Compact region has risen by just 2.2 percent or 100 mil- lion pounds of milk. In Wisconsin alone, milk production increased by al- most 900 million pounds, or 4 percent. Nationally during this identical period, milk production rose 7.4 percent.

And finally, those who oppose this compact act assert that it discriminates trade between compact and non-com- pact States. To the contrary, dairy compacts require farmers from inside and outside the compact region to receive the compact price. An OMB study found that trade in milk in the com- pact region actually increased by 8 per- cent 1 year after the compact was im- plemented—further, 30 percent of milk sold in the compact region was pro- duced outside the compact region in the State of New York.

As we work on the fiscal year 2002 Agriculture appropriations, and the 2002 farm bill, I hope that my col- leagues realize that should the Com- pact Commission be shut down even temporarily while Congress grapples with its extension, it cannot magically be brought back to life again. It would take many months if not a year to re- store the successful process that is now in place. I do not want to gamble with this process in such as manner that en- dangers the livelihoods of the dairy farmers of Maine.

During debate on this bill, according to the chairman of the Senate Agri- culture Committee, Mr. HARKIN, the compact amendment offered was not germaine to this particular bill. Ac- cording to the Senator from Wisconsin, Mr. KOELTZ, an extensive debate is need- ed on the compact reauthorization. Since the farm bill is an appropriate vehicle for this debate, I would hope these Senators will work with me to extend the Northeast Compact until such time as the 2002 Farm bill is com- pleted.

The bottom line is the Northeast Interstate Dairy Compact has provided the very safety net that we had hoped for when the compact passed as part of the omnibus farm bill of 1996. Mr. President, the Dairy Compact has helped farmers maintain a stable price for fluid milk during times of volatile swings in farm milk prices . . . the consumers in the Northeast Compact area, and now in the Mid-Atlantic area and the Southeast area, have shown their willingness to pay a few pennies more for their milk because of it at gov- ernment expense, if the additional money is going directly to the dairy farmer and environmental organiza- tions have supported dairy compacting as a means to help to preserve dwindling agricultural land and open spaces.

I urge my colleagues not to look suc- cess in the face and turn the other way, but to support us for a vote on the compacts that half of our states sup- port.

Mr. President I ask unanimous con- sent that the following material be printed in the RECORD.

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

STATE OF MAINE, DEPARTMENT OF AGRICULTURE, FOOD & RURAL RE- SOURCES,


Senator OLIVIA J. SNOWE, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SNOWE: We have worked closely on the reauthorization of the North- east Dairy Compact. I am grateful for your...

Senator OLYMPIA J. SNOWE,
Russell Senate Building, Washington, DC.

DEAR SENATOR SNOWE: I am responding to your recent letter requesting information regarding the positive effects of the Northeast Dairy Compact on protecting and maintaining dairy farms.

Rhode Island has a healthy, but limited dairy industry, and is considered a consumer state. While the number of dairy farms in Rhode Island has declined in comparison to other states, their viability is important to our agricultural economy, and they additionally have important benefits for open space protection, wildlife habitat, etc.

In terms of pure numbers, there are currently 23 active dairy farms in Rhode Island, down from 42 farms in the initiation of the Compact in 1997. In 1983, before the Compact, there were 123 dairy farms, which reveals that 6.5 farms were lost per year on average prior to the Compact, and that rate has declined to 2.3 farms lost per year since inception of the Compact.

It was not anticipated or expected that the Dairy Compact would end the loss of dairy farms. Significant other factors contribute to farm losses (in general) which put pressure on the viability of the farm (i.e., death of the operator, tax and estate issues, development pressures, etc.). What the Dairy Compact has clearly done, from our perspective and the specific testimony of Rhode Island dairy farmers, is to improve the business climate of the farm, enabling farmers to better withstand pressures which before often brought about the downfall of the farm. This is evidenced by the decline in farm losses after initiation of the Compact. It is our observation that the dairy farms which remain are more viable, more stable, and a better business risk for lenders, which has allowed funds to be invested into modernizing equipment and other improvements to occur which improve the farm’s chances for survival in coming years.

I hope this information and perspective is useful. Please contact me if I can further assist.

Sincerely,

KENNETH D. AYARS,
Chief, RIDE/M Division of Agriculture.

CONNECTICUT DEPARTMENT OF AGRICULTURE, OFFICE OF THE COMMISSIONER,

Senator OLYMPIA J. SNOWE,
Russell Senate Building, Washington, DC.

DEAR SENATOR SNOWE: The people of Connecticut have been consistently supportive of the Northeast Dairy Compact.

Connecticut is a state of 3,000,000 persons and about 3,000,000 acres. It is a state with a great deal of diversity, with an economy that has evolved from one that was agriculture based to an industrial society and today is on the way to becoming a high technology based economy.

Because of the change in the dairy industry in New England, it is clear that the Compact has been a vital part of the Northeast Dairy Compact.

The Compact has been a vital part of the Northeast Dairy Compact.

Thank you for your support of this important, groundbreaking legislation!

Sincerely yours,

SHIRLEY FERRIS,
STATE OF CONNECTICUT—JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE NORTHEAST INTERSTATE DAIRY COMPACT.

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of September 2001 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact’s mission is to ensure the continued viability of dairy farming in the Northeast and to assure consumers of an adequate, local supply of pure and wholesome milk and also helps support the Women, Infants and Children program, commonly known as “WIC”; and

Resolved, that We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further
Resolved. That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as a Visitor on the United States House of Representatives Committee on Agriculture, or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

ORDER OF PROCEDURE

Mr. DASCHLE. I also ask unanimous consent that the following Senators be recognized: Senator HARKIN for 20 minutes; Senator CLINTON for 10 minutes, Senator SCHUMER for 10 minutes, Senator LINCOLN for 5 minutes, Senator DORGAN for 15 minutes, and Senator DAYTON for 5 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President— and I do not intend to object. I think the Senators who wish to be heard on this subject should have an opportunity. I did want to see if the ranking member on this side might have some request at this time with regard to the timing of the speeches or indications of how votes might occur. I withdraw my reservation and yield the floor to Senator LUGAR.

The PRESIDENT pro tempore. The Senator cannot yield the floor.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I would like the RECORD to reflect that Senators SESSIONS, COLLINS, GORDON SMITH, and TIM HUTCHINSON voted "yes" on the unanimous consent request as granted by the Chair.

The PRESIDENT pro tempore. Very well.

Mr. LUGAR. Mr. President, I inquire if Members on our side wish time. There are requests: From Senator ROBERTS for 10 minutes, 5 minutes for Senator CRAIG, and I reserve 15 minutes for myself.

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

Mr. LUGAR. I thank the Chair.

Mr. DASCHLE. Mr. President, I ask that Senator alternate, Republican and Democrat, as we acknowledge those who have requested time.

The PRESIDENT pro tempore. Is there objection?

There is no objection.

Mr. DASCHLE. I yield the floor.

The PRESIDENT pro tempore. The minority leader.

Mr. LUGAR. Mr. President, before the distinguished majority leader leaves the floor, I inquire, then, about any plans for further votes to occur today.

Mr. DASCHLE. Mr. President, I failed to add to the list Senator LEAHY. I ask 5 minutes for Senator LEAHY.

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

Mr. DASCHLE. Mr. President, with this unanimous consent request, there will be no more rollovers votes today. I thank all Senators for their cooperation.

Mr. LOTT. Thank you, Mr. President. I yield the floor.

The PRESIDENT OFFICER (Mr. DAYTON). The Senator from Iowa.

Mr. HARKIN. Mr. President, here is the situation, just for the benefit of all who are watching and wondering what happened. Basically what has happened is that the Senate just took up the House-passed Agriculture emergency bill and passed it before it will be sent to the President for his signature. I also point out we still have pending in the Senate the bill that was passed by our committee and there has been entered a motion to reconsider that has been placed by our leader, by Senator DASCHLE of South Dakota. So at some point when we come back it is entirely within the realm of feasibility or possibility that this Senate might want to revisit that Senate bill because it is clear the House bill is totally inadequate to meet the needs of our farmers across the country.

I am proud of our committee and the work it did. Keep in mind that our committee was not reconstituted or able to do business until June 29, because the Senate organizing resolution was held up until then. And we did not have our full membership until July 10. But our committee worked diligently to look at the entire spectrum of farm families across America to try to determine what was needed to keep these farm families in business, keep their heads above water for yet another year until we can get a farm bill passed. The bill we reported out met the needs of farmers across America. Yet the White House said no.

I again point out that our committee voted the Senate bill out on a bipartisan vote. The Senate voted, again on a bipartisan vote, in favor of our bill and the provisions in our bill. But the White House said no.

Now we are at the point, because the House has left, they went home, and because we need to get this money out, that a gun is held at our heads by the White House and by OMB. They are saying if we do not pass the House bill, or if we pass something more adequate to the need in rural America we may lose even the $5.5 billion the House provided. So the gun was held at our heads and the White House refused to compromise.

Yesterday I spoke several times with the head of the Office of Management and Budget, Mr. Daniels. I spoke with the President's chief of staff, and I spoke with the Secretary of Agriculture to see if they would at least meet with us to see if there could be some compromise worked out. I said to the President's chief of staff: I respectfully request a meeting with the President at least to lay out our case on why the House bill was inadequate. That meeting was denied. So the President decided he would accept only $5.5 billion, about one-third of what Congress passed in a similar bill last year.

I had a long visit with the head of OMB on the phone last night to try to determine why they picked that number. He said: Well, it looked as if farm income was a little bit better this year.

I said: Compared to what? We have had extremely low commodity prices, in some cases at about 30-year lows. Now, because livestock receipts were up a little bit the ag picture looks a little bit better than it did last year, but we are still in the basement. However, the money in this bill mainly goes to crop farmers, to the ones who are hurting the most. They are not only as bad off as last year, but they are probably worse off than last year because the prices are still low and all of their production costs have gone up—fertilizer, fuel, everything. Yet somehow the bean counters down at OMB have said no, the House bill is sufficient.

I will resubmit for the RECORD at this time the letters or statements from just about all of the main farm organizations: The American Farm Bureau, National Association of Wheat Growers, the National Corn Growers Association, the American Soybean Association, the National Barley Growers Association and others—all saying that the House bill is inadequate. I ask unanimous consent they be printed in the RECORD.

[From the Voice of Agriculture, Monday July 30, 2001]

FARM BUREAU DISAPPOINTED IN HOUSE FUNDING FOR FARMERS

WASHINGTON, DC, June 21, 2001—The House Agriculture Committee’s decision to provide only $5.5 billion in a farm relief package “is disheartening and will not provide sufficient assistance needed by many farm and ranch families,” said American Farm Bureau Federation President Bob Stallman.

“We believe needs exceed $7 billion,” Stallman said. “The fact is agricultural commodity prices have not strengthened since last year when Congress saw fit to provide significantly more aid.”

Stallman said securing additional funding will be a high priority for Farm Bureau. He said the organization will now turn its attention to the Senate and House-Senate conference committee that will decide the fate of much-needed farm relief.

“Four years of low prices has put a lot of pressure on farmers. We are fighting to keep this sector viable,” the farm leader said.

“We’ve been told net farm income is rising but a closer examination shows that is largely due to higher livestock prices, not most of American agriculture,” Stallman said.

Stallman said costs are rising for all farmers and ranchers due to problems in the energy industry that are reflected in increased costs.
for fuel and fertilizer. Farmers and ranchers who produce grain, oilseeds, cotton, fruits and vegetables need help and that assistance is needed soon.


Hon. Tom Harkin, Chairman, Senate Agriculture Committee, Russell Senate Office Building, Washington, DC.

Dear Chairman Harkin: As President of the National Association of Wheat (NAWG), and on behalf of wheat producers across the nation, I urge the Committee to draft a 2001 agricultural assistance measure that provides wheat producers with a market loss payment equal to the 1999 Production Flexibility Contract (AMTA) payment rate.

NAWG understands Congress is facing difficult budget decisions. We too are experiencing tight budgets in wheat country. While wheat prices hover around the loan rate, PFC payments this year have declined from $0.59 to $0.47. At the same time, input costs have escalated. Fuel and oil expenses are up 53 percent, and fertilizer costs have risen 33 percent this year alone.

Given these circumstances, NAWG’s first priority for the 2001 crop year is securing a market loss payment at the 1999 PFC rate. We believe a supplemental payment at $0.64 for wheat—the same level provided in both 1999 and 2000—is warranted and necessary to provide Bureau of the Budget income support to the wheat industry.

NAWG has a history of supporting fiscal discipline and respects efforts to preserve the integrity of the $73.5 billion in FY02–FY11 farm program dollars. However, given the rise in fuel, fertilizer and energy costs, the wheat industry needs funding at the Senate level.

We commend Chairman Harkin for his leadership in crafting this assistance package,” said Leland Swenson, president of NFW. “We are pleased that members of the committee have chosen to provide funding that is comparable to what many farmers requested at the start of this process. This level of funding recognizes the needs that exist in rural America at a time when farmers face continued low commodity prices for row and specialty crops while input costs for fuel, fertilizer and energy have risen rapidly over the past year.”

The Senate Agriculture Committee approved the Emergency Agriculture Assistance Act of 2001 that provides $7.4 billion in emergency assistance to a broad range of agriculture producers and funds conservation programs. It also provides loans and grants to encourage value-added products, compensation for damage to flooded lands and support for bio-energy initiatives. The funding level is the same as what was provided last year. It is comparable to what NFW had requested in order to meet today’s needs for farmers and ranchers. The House proposal provides $5.5 billion.

We now urge the full Senate to quickly pass this much-needed assistance package.”

Swenson added. “It is vital that the House/Senate conference committee fund this proposal. As we measure the plan, we meet the challenge of crafting a new agriculture policy for the future, today’s needs for assistance are still great. We hope for swift action to help America’s farmers and ranchers.”

Thank you for your leadership and support.

Sincerely,

Dusty Tallman, President, National Association of Wheat Growers


Hon. Tom Harkin, Chairman, Senate Committee on Agriculture, Russell Senate Office Building, Washington, DC.

Dear Chairman Harkin: We write to urge you to take immediate action on the $5.5 billion in funding for agricultural economic assistance authorized in the FY01 budget resolution.

The fiscal year 2001 budget resolution authorized $5.5 billion in economic assistance for those suffering through low commodity prices in agriculture. However, these funds must be dispersed by the US Department of Agriculture by September 30, 2001. We are very concerned that any further delay by Congress in authorizing these funds will severely hamper USDA’s efforts to release funds and will, in turn, be detrimental to producers anxiously awaiting this relief.

We feel strongly that the Committee should dispense these limited funds in a similar manner to the FY90 economic assistance package—addressing the needs of the eight major crops—corn, wheat, barley, oats, oilseeds, sorghum, rice and cotton. It is these growers who have suffered greatly from the last two devastating fuel and other input costs. The expectation of these program crop farmers is certainly for a continuation of the supplemental, AMTA at the 1999 level.

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops. We feel strongly that Congress should support the growers getting hit hardest by increasing input costs.

Sincerely,

Lee Klein, President, National Corn Growers Association


FARMERS UNIONS COMMENDS SENATE ON EMERGENCY PACKAGE

WASHINGTON, D.C. (July 25, 2001).—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for farmers. The bill provides supplemental income assistance to feed grains, wheat, rice and cotton producers as well as specialty crop producers. The Senate measure provides the needed assistance at the same levels as last year and is $2 billion more than what is provided in a House version of the measure. NFU urges expeditious passage by the full Senate and resolution in the House/Senate conference committee that adopts the much needed funding at the Senate level.

“We commend Chairman Harkin for his leadership in crafting this assistance package,” said Leland Swenson, president of NFU. “We are pleased that members of the committee have chosen to provide funding that is comparable to what many farmers requested at the start of this process. This level of funding recognizes the needs that exist in rural America at a time when farmers face continued low commodity prices for row and specialty crops while input costs for fuel, fertilizer and energy have risen rapidly over the past year.”

The Senate Agriculture Committee approved the Emergency Agriculture Assistance Act of 2001 that provides $7.4 billion in emergency assistance to a broad range of agriculture producers and funds conservation programs. It also provides loans and grants to encourage value-added products, compensation for damage to flooded lands and support for bio-energy initiatives. The funding level is the same as what was provided last year. It is comparable to what NFU had requested in order to meet today’s needs for farmers and ranchers. The House proposal provides $5.5 billion.

We now urge the full Senate to quickly pass this much-needed assistance package.”

Swenson added. “It is vital that the House/Senate conference committee fund this proposal. As we measure the plan, we meet the challenge of crafting a new agriculture policy for the future, today’s needs for assistance are still great. We hope for swift action to help America’s farmers and ranchers.”

Thank you for your leadership and support.

Sincerely,

Bob Stallman, President

NATIONAL CORN GROWERS ASSOCIATION


Hon. Tom Harkin, Chairman, Senate Agriculture, Nutrition and Forestry Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Harkin: The American Farm Bureau Federation, U.S. Senate Officer Building, Washington, DC.

DEAR SENATOR HARKIN: The American Farm Bureau Federation applauds the Senate’s efforts at least $5.5 billion in supplemental Agricultural Market Transition Act payments and supports the kind of program support for the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs. These challenges have had a significant effect on the incomes of U.S. producers. At the same time, projections of improvement for the near future are not very optimistic. The NFU urges the Senate to pass this $5.5 billion proposal to help address the serious economic conditions facing historic low prices and increasing production costs. As you know, funds available for this purpose in FY-2001 must be expended before the end of the Fiscal Year on September 30, 2001.

This deadline requires that Congress complete action this week, so that the Farm Service Agency can process payments after enactment.

As part of the Economic Loss Assistance proposal, we support additional supplemental level of support for oilseeds provided in last year’s plan of $500 million. Prices for oilseeds are at or below levels experienced for the 2000 crop. At current levels, market loss assistance payments will fall far short to maintain oilseed payments at last year’s levels.

Sincerely,

Bob Stallman, President

American Farm Bureau Federation, Park Ridge, IL, July 31, 2001.
For this reason, we support making funds available for oilseed payments from the $7.5 billion provided in the Budget Resolution for FY-2002. This is the same approach used for 2000 crop oilseeds, when $500 million in FY-2001 funds were made available. We only ask that oilseed producers receive the same support, and in the same manner, provided last year.

Thank you very much for your efforts to provide fair and equitable treatment for oilseed producers in this time of severe economic conditions.

Sincerely yours,

Bart Ruth,
President, American Soybean Assn.

Lloyd Klein,
President, National Sunflower Assn.

Steve Dall,
President, U.S. Canola Assn.

NATIONAL WILDLIFE FEDERATION
Reston, VA July 27, 2001

Senator Tom Harkin,
U.S. Senate, Chairman, Senate Agriculture Committee,
Washington, DC.

Dear Senator Harkin: On behalf of the National Wildlife Federation (NWF) and its members—70,000 nutrition professionals who promote optimal nutrition and well-being for all people by advocating for its members—70,000 nutrition professionals who are the leading providers of food and nutrition education, we want you to know how proud we are of your strong leadership in providing significant funding for conservation programs within the Emergency Agricultural Aid Package passed by the Senate Agriculture Committee earlier this week.

For too many years, conservation programs have been overlooked as viable and sustainable solutions to the emergency needs of agricultural producers suffering from the results of flooding and drought. As you are aware, programs such as the Wetlands Reserve Program and Floodplain Easement Program put needed funds into the hands of farmers at the same time that they take disaster-prone land out of production, reducing the need for future disaster assistance.

Thanks to your efforts, such programs will be considered as components of agricultural disaster assistance this year. We look forward to working with you to ensure that this funding is retained during floor consideration of the bill and in conference with the House.

Once again, we thank you for your work in support of conservation programs.

Sincerely,

Mark Van Putten,
President & CEO

THE AMERICAN DIETETIC ASSOCIATION
Chicago, July 31, 2001

Hon. Tom Harkin,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Building, Washington DC.

Attn: Karl Bialostosky.

Dear Mr. Chairman: ADA is writing to go on record in support of several nutrition provisions proposed in the Emergency Agricultural Appropriations Act of 2001 (S. 1346). These provisions move programs in the right direction by increasing consumer access to healthful foods. The American Dietetic Association promotes optimal nutrition and well-being for all people by advocating for its members—70,000 nutrition professionals who are the leading providers of food and nutrition education.

All consumers in the United States should have access to a wide variety of safe, affordable and nutritious foods. ADA urges Congress to support agricultural policy and programs that help Americans follow a diet consistent with the U.S. Dietary Guidelines for Americans. The Commodity Purchases provision (Title I, Section 108) and Sections 301, 302, 303 and 304 of the Nutrition Title (Title III) move toward that goal.

Sincerely,

Katherine J. Gorton,
Director, National Nutrition Policy.

Mr. Harkin. I ask again, Mr. President, who knows better what the farmers of America need, OMB and the bean counters or the National Corn Growers Association? Who knows better what our farmers need, the people down at the White House running around those corridors down there or the American Soybean Association and our soybean farmers? Who knows better about what our farmers need, the people down at OMB who say we only need three-fourths of what we had last year or the farmers of America, through their representatives here, who have said time and time again the House bill is inadequate?

To show you how bad it really is, here is a letter dated today to me from the American Soybean Association, the National Corn Growers Association, the National Association of Wheat Growers, and the National Cotton Council, sent to me in my capacity as chairman of the Senate Agriculture Committee:

It says: The undersigned organizations are concerned that despite your best efforts to develop an emergency assistance package, the Senate’s efforts to respond to the severe economic crisis facing agriculture will be unsuccessful unless emergency agricultural legislation is enacted prior to the August recess. With the House of Representatives already in recess, the only course available to the Senate to ensure that farmers receive $5.5 billion of funds earmarked for 2001 is to pass H.R. 2213 as passed by the House.

I ask unanimous consent that the letter be printed in the RECORD.

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

AUGUST 3, 2001,

Re, Emergency Assistance for Agriculture.

Hon. Tom Harkin,
U.S. Senate,
Washington, DC.

Dear Mr. Chairman: The undersigned organizations are concerned that despite your best efforts to develop an emergency assistance package, the Senate’s efforts to respond to the severe economic crisis facing agriculture will be unsuccessful unless emergency agricultural legislation is enacted prior to the August recess. With the House of Representatives already in recess, the only course available to the Senate to ensure that farmers receive $5.5 billion of funds earmarked for 2001 is to pass H.R. 2213 as passed by the House.

In order to avoid the very real possibility that Congress complete its work right away, thank you for your consideration of our request.

Sincerely,

American Soybean Association.
National Corn Growers Association.
National Association of Wheat Growers.
National Cotton Council.

Mr. Harkin. Mr. President, again, I want you to know how proud I am to have stood side by side with the American Soybean Association, the National Corn Growers Association, the National Association Of Wheat Growers, and the National Cotton Council. We have fought side by side to respond to the dire needs of our farmers in America.

But, as this letter shows, we have a gun held to our heads. If we don’t pass that House bill today, we risk losing even that amount of money.

We have this confrontation. I had hoped that the President would be willing to meet with us to seek some reasonable compromise. After all, this President came to town saying he wanted to be a conciliator. He wanted to work together in a bipartisan fashion to seek compromise. We want to seek compromise. The House passed $5.5 billion. We passed $7.5 billion. We were willing to meet and discuss and work out some compromise. The White House was unwilling to meet and unwilling to compromise.

I have heard time after time speeches on the other side of the Senate. I have heard the sentence from my Republican friends saying how bad it is in agriculture and how much we need this assistance. But, obviously, the President has said no.

In my conversations with the head of OMB last night, I kept saying: Why? For what reason is it $5.5 billion or nothing? He said that is our number—5.5. It was almost like a mantra. He said: It is 5.5, and we are not going to budge from it.

It is one thing to have a strong position, but it is another thing to have a position in which you have taken a strong stand that does not correlate with the facts. The facts are that farmers and rural America need a lot more help than what this House bill provides.

Again, I point out what the difference between the House-passed bill and the Senate bill means for our farmers around America. These are the payments that would go out to farmers in a number of States:

In this column, we see what the Senate bill would provide. We see in this column the House bill. The comparisons are just on the commodity title, but do not include the specialty crop purchases or House bill specialty crop payments to states. This is how much each State will lose because the President refused to compromise.

Washington State will lose $103 million for their farmers. That is the difference between what the Senate bill had and what the House bill had. Washington State farmers will get $75 million from the House bill. We had $178 million for Washington State. In this column, we see the difference between what the Senate bill had and what the House bill had.
Mr. HARKIN. Mr. President, nothing has changed. I can only assume my friend from the other side of the aisle would like to have had more money for our farmers. They would like to have had the Senate-passed bill to provide 100 percent of AMTA because this is what they asked for. That is what we put in the Senate-passed bill. Obviously, the President said no. The President said no; farmers had enough.

I also point out what else was in our bill in terms of conservation. Our bill provided funding for a number of USDA conservation programs. The Wetlands Reserve Program, the Wildlife Habitat Incentives Program, and Farmland Protection Program are all in jeopardy because the House bill has zero dollars for conservation.

Let me show you what it is in terms of all of the funding for these programs.

Here is the Wetlands Reserve Program. Right now the total backlog is about $568 million. In our bill, we had $200 million for the Wetlands Reserve Program to cut that in half. Here are the top 10 States that need funding for the Wetlands Reserve Program.

Iowa has $89 million in backlog for the Wetlands Reserve Program. These are eligible enrollments. But we don’t have the money for it. At least our bill would have cut that almost in half.

Iowa, my State, $81.9 million; California, $78.9 million; Louisiana, $69 million; Mississippi, $39 million; all of these States have backlogs for the Wetlands Reserve Program. The House provides zero dollars. That puts the Wetlands Reserve Program in jeopardy.

We have the Farmland Protection Program to help buy easements to keep our farmland in farmland rather than in urban sprawl. The total U.S. backlog is $255 million. We had $40 million in our bill, which coupled with money from the States, local government, and non-profit organizations would have helped a lot to save farmland. The House bill had zero dollars for that.

Under the Wildlife Habitat Incentives Program, the backlog is $14 million. We had $20 million in our bill, again to cut that backlog in half.

Here we are. All the States with all of the backlogs that we could have helped in the Wildlife Habitat Incentives Program.

Lastly, Environmental Quality Incentives Program, with a backlog of $1.3 billion. We had $250 million in our bill to reduce that down. Mr. President, I ask unanimous consent that we have printed in the RECORD four charts showing the backlogs in USDA conservation programs for a number of States.

Bianche Lincoln, Jim Bunning, Mitch McConnell, Max Cleland, Jeff Sessions, Richard Shelby, Jesse Helms, Larry Craig, James Inhofe, Strom Thurmond, Zell Miller, Craig Thomas, Chuck Hagel, Peter Fitzgerald, Bill Frist, Kay Bailey Hutchison.

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

**Wetlands Reserve Program**

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>$89,102,486</td>
</tr>
<tr>
<td>Iowa</td>
<td>$81,965,541</td>
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<tr>
<td>California</td>
<td>$78,988,416</td>
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<tr>
<td>Louisiana</td>
<td>$69,666,427</td>
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<tr>
<td>Missouri</td>
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<td>Florida</td>
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<td>Minnesota</td>
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<tr>
<td>Illinois</td>
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<td>Michigan</td>
<td>$20,500,000</td>
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<tr>
<td>Mississippi</td>
<td>$18,173,136</td>
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

**Farmland Protection Program**

<table>
<thead>
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<th>State</th>
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</thead>
<tbody>
<tr>
<td>California</td>
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<tr>
<td>New York</td>
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<td>Pennsylvania</td>
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<td>Michigan</td>
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<td>New Jersey</td>
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<tr>
<td>Massachusetts</td>
<td>$10,465,820</td>
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

**Wildlife Habitat Incentives Program**

<table>
<thead>
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<th>State</th>
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</thead>
<tbody>
<tr>
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<td>West Virginia</td>
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<td>Arkansas</td>
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<td>Colorado</td>
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<td>Maine</td>
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<tr>
<td>Kentucky</td>
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<td>Alabama</td>
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<tr>
<td>South Dakota</td>
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

**Environmental Quality Incentives Program**

<table>
<thead>
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</thead>
<tbody>
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<td>Nebraska</td>
<td>$42,912,850</td>
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<td>Tennessee</td>
<td>$40,772,856</td>
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</table>

Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

Mr. HARKIN. These States have tremendous backlogs and needs in the Environmental Quality Incentives Program to help clean up the water and conserve resources in these States. We had about $7.35 billion in our bill to help all of the States meet the environmental standards and needs in States.

Many of the farmers in these States have to meet environmental standards, and even without requirements, farmers and ranchers strive to take care of the land. They want to do their best to be good stewards. In many cases farmers are doing this out of their own pockets with their own machinery and their own time.

I believe we need to help them. We need to help these farmers meet these environmental standards. Yet the House bill provides nothing. It is too bad that the President would not even meet with us and would not try to work out some decent compromise. We were willing. The President said, ‘Never!’ They set their point, they were only going to have $5.5 billion for our farmers; they were not going to have any conservation.

We also wanted to broaden this bill out to address the needs of our specialty crop producers in America, the people who raise peaches and lentils and apples and all the other fruits and vegetables that are part of our great bounty that we have in this country. These farmers are hurting, too. We tried to help them. The House bill does a little bit, but hardly anything at all, to help these beleaguered farmers.

Lastly, I want to say—and I want to make this point one more time, as I helped it to OMB and to the White House—the $7.5 billion that we had in our bill fully complied with the budget. No budget point of order would lay any claim to this. We used $2.2 billion of the $7.35 billion that was allowed in 2002. We did not bust any budgets. We stayed within the budget. We met our obligations and we met our obligations both to fiscal responsibility and also our responsibility to the farmers of this country.

So I will close by saying that the fight goes on. This Senator, and I am sure many other Senators in this body, are not going to give up. The President got his way because he has the veto.

I am hopeful that we can work with the White House in August and in September, and going into this fall, on two things. One is to shape and fashion a new farm bill that will get us off the failed policies of the past. There is no doubt in anyone’s mind that the Free-dom to Farm bill has failed, and failed miserably. We need a new farm bill. We need a new vision of agriculture in America. We need a farm bill that will move us into the 21st century.

I look forward to working with the administration and with the Secretary of Agriculture. I am confident that we will be able to do that.

I also hope that as we go into the fall, we should come back and see what we need to do to address the gap between the end of September and whenever the farm bill is passed. The House bill passed shorted farmers in Iowa and across the nation. The market loss and off-season payments were cut back. The specialty crops were left out. Conservation was left out. Some assistance to our dairy farmers was left out. I hope we can come back in September—maybe early October—and revisit this issue and see what we need and the support of the White House at that time to at least fill in that gap. That is what we tried to do in this bill, to fill in the gap from the end of September until such time as the farm bill is passed and enacted to make sure that our programs for conservation were not interrupted, and to make sure that farmers were taken care of.

The fiscal year may end on September 30, but the crop-year does not. Farmers need help in October and November.

So hope springs eternal. The fight goes on. We will never give up the fight to provide the kind of assistance and support that our farmers and our farm families need, and not just those in the Midwest, but those in Michigan and New York and Washington State and all over this country, to make sure that those farm families are able to continue and to provide the agricultural products that we need for our country.

I yield the floor.

**ORDER OF PROCEDURE**

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

Mr. HARKIN. Excuse me just one second. I am supposed to add someone else.

Madam President, I ask unanimous consent that Senator Craig be added to the list of speakers who have been granted 10 minutes to speak.

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

**EMERGENCY AGRICULTURAL ASSISTANCE**

Mr. LUGAR. Madam President, I join the distinguished chairman of the Agriculture Committee in saying the fight always goes on for American farmers.

In the Agriculture Committee we have that commitment. And it is one we take with a great deal of pride and, likewise, with a high energy level. But to the Madam President, I just say American farmers rejoice because a remarkable thing has occurred in this Senate Chamber this morning. We have come together with our colleagues in the House to pass a bill, which now, through some effort, will go to the House, to the President for signature, and to American farmers.

Let me just say the benefits to American farmers are very substantial. We began this quest because American farmers, according to the best estimate of the USDA, would receive—without our action—$3 billion less in aggregate cash income this year. We have, by our actions this morning, sent to American farmers $5.5 billion. We have, in fact, exceeded the gap and, as a matter of fact, made certain that agricultural income in America for this year will be $2.5 billion more than last year.

That has not escaped the attention of a good number of agricultural organizations that have beneficiares. The
American Soybean Association, the National Corn Growers Association, the National Association of Wheat Growers, the National Cotton Council, and the U.S. Rice Producers Group have all written this morning to the chairman with a copy of their letter to me, and I reply urged the Senate to “take the necessary action and pass H.R. 223” — the House bill — “without amendment and send the bill to the President.”

Each of these groups wrote to the chairman: “Without timely action, we face the prospect of missing the budget-imposed September 30 deadline and forfeiting this crucial financial aid.” I mention that because I appreciate their commendation of our work and their encouragement that we do precisely what we have done this morning.

I want to mention that it is important that all Members understand what we have done; namely, that through the so-called AMTA payments, $1.622 billion in supplemental payments will be sent to producers in the next few days; $424 million in market loss payments to soybean producers and other oilseed producers, who received this assistance last year, will be distributed in the next few days; $150 million in assistance to producers of specialty crops, such as fruits and vegetables, will receive their money through our block grants to the States.

I make these points because each one of us, as we individually consider the debate: While we are in recess, OMB and CBO are going to come forward with estimates of our national budget picture. Almost every prediction is that these estimates will downsize the amount of money the Administration is coming into the Federal Government, the amount of the surplus, the amount of money, in fact, for the appropriations bills, eight of which are still to be considered by the Senate.

Already, the leadership of the Senate Appropriations Committee, the distinguished ranking member, Senators BYRD and STEVENS, are cautioning the subcommittees in appropriations not to exceed the allocations of money they have received. They are cautioning them because they are pointing out the money simply may not be there.

We were in a position that if we did not take action now, it is very conceivable, and fairly likely, that the only money for American farmers might not have been there either. The number of claimants, whether in defense, in health, in education, in all the various aspects of American life, are very considerable. We have pinned down for American farmers today money that we want to go to American farmers. We have done so in a responsible way. We have done so with the support of the President of the United States and the House of the Congress. That is no minor achievement in an agricultural piece of legislation.

Let me point out one further thing about the President of the United States; that is, he is determined, as I hope most of us are, to be responsible with regard to money. We have had years in this body in which Members were more or less responsible — sometimes less. As a consequence, large deficits were the result.

In a bipartisan way, we have determined those days ought to be over. It does require that, finally, we do our very best to conform to the budget, that we respect the rights at least of all the other claimants to Federal funds, including taxpayers. The President is simply saying: I am going to do my duty. If I see things exceeding the budget, I am going to veto those bills.

He has said that with regard to our Agriculture Committee, if it exceeds $5.5 billion, I am going to veto it. The President said that to me personally at 3:40 yesterday afternoon, face to face. So there was no doubt. He did not hide behind a letter from OMB, did not suggest that unnamed advisers necessitated or were interested in it. He came to the Capitol twice during this week and talked about the trust he has in behalf of the American people, all of the American people, for the integrity of our financial system and the integrity of Social Security and Medicare and all of the educational plans he has worked with the Congress to forward and all the plans for health care for the elderly that he is working with the Congress to forward.

These are also our objectives. They fit together only if there is a certain degree of discipline and order.

The President has said: I am going to provide that. You can count on me. His credibility is at stake when he says that. Something Presidents say — perhaps if this doesn’t work out, this and that will occur. This President said: If this exceeds $5.5 billion, I am going to veto it.

I believe that. This morning, the Senate has believed that. The House believed that. We have a result in conformity with the budget. That is a victory for the American people likewise, as well as for agricultural America.

Now it has, in fact, more money than the year before but some assurance that we are not going to have fiscal irresponsibility again, rampant inflation, the difficulties that come when there is not solid leadership at the top and in this body.

Let me say that it has been a pleasure for me to work on this bill with members of the Agriculture Committee, our chairman, Senator HARKIN, with the present occupant of the chair, Ms. STABENOW, with many Members who had diverse views.

One of the aspects of our committee I have found—my service is now in its 25th year—is that we do have diverse views because we come from constituents who believe very strongly about something that is important to us. It is our advocacy and our support. We try to do that. I think we listen to each other, and we understand that there is not simply one crop in America that is dominant, that we are a very diverse group in terms of our interests. It is amazing how we are able to come together for good results.

I believe we have come together for a good result on this day. I appreciate, even as I say that—I see the faces and hear the words of the Members that not every aspect of this result is in conformity with what we might have wished would have occurred. I made the admission, as I was offering an

August 3, 2001
amendment the other day—which failed narrowly by 52–48—that this is not exactly the amendment I would have started with or the one maybe I would have finished with. Nevertheless, it was an amendment that reflected the views of many of those here and many members of our committee and, in my judgment, was in the realm of the possible. That is the final criteria for agricultural bills. It takes very little skill to paint a picture of all of the money that might go to various States or peoples groups or regions of the country. Simply to add them up and say, here is the total, believe me, all of these are good folks and all need the money. That is true. They are all good, and they all need the money. Agriculture does not pay well.

The facts of life are that money that goes into agriculture is very important, not only for the recipients but for our country, for the continuity of all of our States and small towns in the rural areas support.

At the same time, most farmers I know understand that funds are not available for everything. They want people of common sense to make certain that there is something at the end of the road. My thinking and more grandiose schemes.

In due course, we are going to have an opportunity, under the leadership of our chairman, the distinguished Senator from Iowa, to consider a farm bill this year or next, on whatever the context may be in the scheduling of the distinguished chairman. I will join him enthusiastically, as I suspect the occupant of the chair will, as we take a look at conservation programs that are very important for America, for rural development programs that are important, not just for farmers but often for the second income for farmers and their families and those who are important to agricultural production in America around agriculture.

We are going to take a look. I hope, at nutrition programs that make a very sizable difference for many Americans beyond production in agriculture. This scope of our committee’s activities is broad, as broad as food, nutrition, and forestry might imply, and that is exciting.

I think we are going to have a superb farm bill, and I hope we will be able to work closely with our friends in the House, with the White House, with everyone, so we move along together without misunderstandings and have the best sort of result at the end of the road with the greatest amount of agreement.

I trust in the course of brokering all of these different ideas there will be some disagreement, and ultimately we will have to make hard choices. I am prepared to work on that project with that thought firmly in mind, and I look forward to it. For the moment, I believe the great news this morning is good news for farmers in America but likewise for the citizens of our country because we have acted in a responsible way. We will have even better news as we proceed into a new farm bill and take a comprehensive look at all the ways we might affect the lives of Americans in a very constructive way.

I yield the floor.

MR. HARKIN. Madam President, I know the Senator from New York is next up to speak, and I ask unanimous consent that I speak for about 3 minutes without jeopardizing her right to speak.

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

MR. HARKIN. Madam President, I ask unanimous consent that the Senator from Washington, Ms. CANTWELL, be added to the list of speakers and be allowed to speak for 10 minutes.

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

The PRESIDING OFFICER. The Senator from Iowa.

MR. HARKIN. Madam President, I take this time to express my deep gratitude to my ranking member, my good friend, the distinguished Senator from Indiana, to thank him for the graciousness he has given to me, first when he was chairman and I was ranking member and now when I am chairman and he is ranking member. I do not ask for a better partner on the Senate Agriculture Committee than Senator LUGAR. We have worked very closely together.

This legislative disagreement we had been about the farm bill, and we have expressed this openly, in public. I think that is part of the beauty of our country. There is still something at the end of the rainbow as opposed to blue-sky thinking and more grandiose schemes.

In due course, we are going to have an opportunity, under the leadership of our chairman, the distinguished Senator from Iowa, to consider a farm bill this year or next, on whatever the context may be in the scheduling of the distinguished chairman. I will join him enthusiastically, as I suspect the occupant of the chair will, as we take a look at conservation programs that are very important for America, for rural development programs that are important, not just for farmers but often for the second income for farmers and their families and those who are important to agricultural production in America around agriculture.

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Both the chairman and the ranking member have outlined the challenges ahead of us, but I know everyone in this Chamber is ready and willing to work together to get it done. I do not think it will be not only fair to our farmers but will recognize the full extent of both agricultural and conservation needs that go hand in hand with agriculture throughout our country.

I believe today to say a few words about agriculture in New York because I have noticed many of my colleagues are surprised there is agriculture in New York. Many people, perhaps some in the gallery today, think of New York and think of New York City. They may fly into LaGuardia or out of JFK. They do not get a chance to travel throughout the State to see the beauty of the scenery and to know how important agriculture is to the livelihood, the economy, and the future of New York. We are blessed with an agriculture that is so vigorous and of course even surprisingly in some of the boroughs of New York City, there are still some agricultural interests. Much of the State, from St. Lawrence to Orleans, to the entire southern tier out into Long Island, agriculture is a critical part of the fabric of life in New York and is a crucial livelihood for countless New Yorkers.

In fact, agriculture still is the No. 1 economic sector in New York, which will have gone through some change to many people from the Midwest or the South. I have been fortunate, having grown up in the Midwest—actually in Illinois, right between the chairman and the ranking member of the Agriculture Committee—to know a little bit about Midwest agriculture. Then I have been honored to have lived in Arkansas, for which good friend Senator LINCOLN, having come from a farming family, is a champion, so I know full well about agriculture. I am from the Midwest, in the South, in the West, but I do not want anyone in this Chamber or anyone in our country to overlook or forget how important agriculture is in the Northeast and particularly in the State of New York.

I received a letter from a farmer in Kent, NY. What he has written could be written from the chairman’s State or the ranking member’s State. I want to read what he said:

I write with great concern on behalf of our family farm. Our family farm was started in early 1900 by my grandfather and grandmother when they came to America from England. I started working on the farm as a youngster as a matter of fact by riding with my father and watching how to work and how to make a living, by providing food for the world in which we live. Now at age 46, I sit back and wonder what is wrong with our agriculture picture.

Our cost of production has gone through the roof as fuel, labor and growing mandates are taking our profit out of the picture. Our fresh fruit apples, after being packed out of storage, have a slim chance to exceed the cost of production.

Our vegetable operation, along with our grain crops, are in the same position, due to...
commodity prices that are lower than 25 years ago, but yet fuel prices alone have more than doubled in 15 months.

He goes on to write:

Usually, there is always one commodity that excels each year to offset the poorer prices on others, but that just has not happened the past year. Your first response is to get your cost of production down and to establish a higher yield, but we have exhausted all of these options. For this time we have a potential for a commodity price increase, one of our competitors ships across the borders, keep prices low and here we sit in New York just trying to survive.

I have a great deal of pride and want to do my part to keep agriculture the number one industry in our County of Orleans, State of New York. Let us get agriculture out of this situation and back on track immediately.

I could not agree with this gentleman more. What I hope we are going to be able to do, as the chairman, the ranking member, and the committee members craft their farming bill for this fall, is to make sure those of us who may not be on the committee but who represent farmers and a farming State, no matter how difficult that may be for some to believe, will also be at that table. I hope they will have to be heard on behalf of our farmers.

I want to point to this chart. In 1964, there were 66,510 family farms. In 1997, we are down to 31,757. Certainly, some of those farms were lost because New York grew. The county I live in became priced out, a lot of farmland for people who wanted to live near New York City. We are fighting to preserve the farmland we still have left in Westchester County.

We know there were inevitable changes. No one is arguing against the inevitability of change that is going to take farmland out of production, but in many parts of our State we lost population. There was not population pressure forcing people into the country, therefore, we say with available farmland. We lost farmland because our farmers were not given a fair shake, were not given the tools with which to compete.

As we look at the farm bill, I hope we are going to also look at the important essential role farmers play in conservation, preserving our rural countryside, making it possible to have high water quality and wildlife habitat. I know if it were not for farmers all up and down the Midwest and the South, there wouldn’t be many ducks to hunt every year. I know farmers have played a critical role in preserving wildlife habitat for hunters and for the enjoyment of so many other people.

Farmers have a role not only in productivity, quality, affordable food, but also improving water quality and wildlife habitat, restoring wetlands, and protecting farmland from further development. I hope we are going to get some of that conservation assistance in the farm bill coming this fall. I would have that be the bill that came out of the committee in the Senate. That was not possible because of the President’s veto threat. That is what the ranking member just explained. I deeply regret that.

As the chairman, Senator HARKIN, pointed out, this would not have busted the budget. This was forward funding that would have gone into next year. The dollars then could have been distributed not only to help our farmers but also to do the conservation work that they do for all of us.

I want to mention also that we have some concern about our emergency assistance, I regret that it came to this. This is a trail we really did not have to take.

When you serve on the Agriculture Committee—and I have done that in the House and Senate—you have the opportunity to serve on one of the most nonpartisan committees in the Congress.

With the events of the past week, I deeply regret what some have referred to as partisan milk that got a little sour and curdled a little bit. But, we have cleaned it up and we have made some progress. We have an old expression in my hometown of Dodge City, KS: If you are riding ahead of the herd, it’s a good thing to take a look back now and then to make sure it is still there.

I say to my colleagues, the reverse is also true. We have done that today. It is a good idea for both sides to take a look and tell your leadership when you are about to be driven off an emergency assistance cliff along with our farmers and ranchers. We avoided that today, and that is a positive step.

We had the possibility of endangering emergency funding for our farmers and ranchers. I was worried some would have preferred an issue as opposed to a bill. We were about to saw off the branch that supports our farmers and hang all of us in the process.

Here is the deal. If the majority had prevailed, the bill would have had to be conferred with the House. If we simply check the lights in the House, they are out of town; they are gone. I went over to the House last night during the debate on the Patriot Act. I met with both the Agriculture Committee chairman, LARRY COMBEST, and the ranking member, CHARLIE STENHOLM, both good friends, not to mention the members of the House Agriculture Committee. They were adamant, and I mean adamant—that put in bold letters—in support of the statement they released a day or two ago. Their statement—not mine—said:

For the sake of our farmers, the U.S. Senate put politics aside and realize the critical importance of passing the 2001 crop assistance bill immediately, so that the process can continue and a bill can be sent to the President for his signature.

The House statement went on:

The House Ag Committee, anticipating this need, acted early and responsibly, passing a bill out 6 weeks ago.

That is now 7 weeks.

This bill was passed by the House on June 26th.

Unanimously on a voice vote—and was immediately sent to the Senate where it languished. If payments are not
made before September 30 of this year then $5.5 billion that was fought for and budgeted for farmers will disappear. At this critical time, we must all put our agendas aside and concentrate on our efforts on providing the needed assistance for farmers. It is unwise to encumber the bill with unnecessary, non-emergency items like increased conservation spending when our farmers' livelihoods hang in the balance. The process must move on.

My friends, those were the words of the Chairman and Ranking Member in the House. We have done that. I think it is a step in the right direction.

I point out that one of the reasons the House was so adamant, why they were so upset, is that the House Agriculture Committee passed a new farm bill out of committee last week, and it uses the $2 billion extra that was in the Senate from Iowa's approach for their farm bill. I do not know how my colleagues on the other side of the aisle would have proposed, or we would have proposed, to reconcile the difference.

I am not sure what the farm bill will look like in the Senate, but I do not think we want to propose the House cut their own farm bill in terms of target programs, FTTA payments, loan limits, and disaster. Obviously this is where wheat, corn, cotton, rice, and soybean in North Dakota, South Dakota, Minnesota, Iowa, Arkansas, and Kansas would not have supported that move.

I say if anyone were about to borrow from the future, we did not do that.

I will sum up what I think happened in this situation. I think it could be a good lesson learned.

June 5, my colleagues on the other side take over control of the Senate and the Senate Agriculture Committee. June 20, the House Agriculture Committee passed its bill. This is the emergency assistance bill. June 26, the full House passed the bill on a voice vote. June 28 to July 24, 6 hearings were held in the Senate Agriculture Committee on the farm bill and other issues no hearings or meetings on the assistance package were held during this time. July 25 we went to markup. Late July 27, the bill is brought up for debate; July 30 through today, this moment, debate on the legislation. July 31, the CBO sends a letter to the Senate stating 2001 funds will be scored in 2002 if CBO sends a letter to the Senate stating this. July 30 through today, this moment, 27, the bill is brought up for debate; package were held during this time.

I think that lays out the facts. Again, the point was, delay. In August, there is going to be a new budget estimate. I think we all know about the rhetoric and the legislation that will be flying around in September and October with any emergency or additional spending bumping against the trust funds.

Do we really want to be considering a package like this with amendments, saying we cannot use the money because it will allegedly come from Social Security? Do we want agriculture in that position? Do we want farmers and ranchers being the poster people for raiding Social Security? I don't think that is a very good idea.

Finally, you can't have it both ways. Further delay of trade authority for the President and getting a consistent and aggressive export policy will certainly mean a continued loss of market share and exports. We have to sell our commodities. If we don't, it means there will be another farmer emergency bill next year. I hope we don't have to have that, but we may. And this money and this emergency bill, or at least in the proposal offered by the distinguished chairman, would have taken money away.

I was very worried this morning. I thought Senators could, maybe would, take this issue and ride with it, that we would have gone squarely into a boxed canyon and fired off our shotguns of partisan rhetoric, whoop and holler as to who was to blame. Some of that has been said on the Senate floor. Or we could have passed the House version, and we did, of emergency relief and get assistance to hard-pressed farmers and hopefully begin bipartisan work on the next farm bill.

I have been through six farm bills. You can always have an issue or you can always have a bill. It is basically that simple. In this regard, without question, the new crop assistance bill reached a well publicized early August deadline, a business set for early August has been scheduled since the beginning of the year. Against this well publicized early August deadline, the Senate has had to approve an emergency bill languishing for over a month now. There has been absolutely nothing keeping the Senate Agriculture Committee from moving on its own agenda, rather we voted the last minute. The Senate's search for an excuse on a past-due bill must mean they fear going home to face the music from constituents.

In another statement on July 31:

For the sake of our farmers, the U.S. Senate must put politics aside and realize the critical importance of passing the 2001 crop assistance bill immediately; the process can continue and a bill can be sent to the President for signature. The House Agriculture Committee, anticipating this need, acted early and responsibly, passing a bill out 6 weeks ago. This bill was passed by the House on June 26, and was immediately sent to the Senate where it has languished. If payments are not made before September 30 of this year, then $5.5 billion that was fought for and budgeted for farmers will disappear. At this critical time, we must all put our agendas aside and concentrate on providing the needed assistance for farmers. It is unwise to encumber the bill with unnecessary, non-emergency items like increased conservation spending when our farmers' livelihoods hang in the balance. The process must move on, and the Senate must act.
I would also point out that the House Agriculture Committee passed a new farm bill out of committee last week. It uses this $2 billion for 2002 funding on the new farm bill.

How do my colleagues on the other side propose to reconcile this difference? I'm not sure what the farm bill will look like in the Senate. But would they propose the House cut the target price, AMTA, or loan levels in its proposal? Will the wheat, corn, cotton, rice, and soybean farmers in North Dakota, South Dakota, Minnesota, Iowa, Arkansas, and other States support that move? I will say it again, we are borrowing from the future if we pass this bill as it is currently written.

Mr. President, let me sum up:

June 5: My colleagues on the other side take over control of the Senate and Senate Agriculture Committee.

June 20: House Agriculture Committee passes its bill.

June 26: The full House passes the bill on a voice vote.

June 28 to July 24: Six hearings in the Senate Agriculture Committee on the farm bill and other issues. No hearings or meetings on this assistance package.

July 25: Mark-up.

Late July 27: Bill is brought up for debate.

July 30 through today: debate on this legislation.

July 31: CBO sends letter to the Senate stating 2001 funds will be scored in 2002 if the bill is not passed before the August recess.

July 31: House Agriculture Committee Chairman Conaway and ranking member Stenholm ask the Senate to approve the House passed bill and get our money to our farmers and ranchers.

August 1: Mr. Conaway and Mr. Stenholm accuse the Senate majority leader and chairman of obstructing the passage of this important legislation.

August 2: CBO verbally confirmed to me what they had stated in their previous letter of July 31: the bill must be passed before August recess or they will score the money going out in FY02.

Mr. President, I believe that lays out the facts.

Again, the point is the delay. In August, there will be a new budget estimate. And we all know the rhetoric and the spin that will be flying around here with regard any emergency or additional spending bumping against trust funds. Do we really want to be considering this package with amendments saying we cannot use the money because it allegedly will come from the loss of market share and exports? That means another emergency bill next year. And, this money robs that account.

Now, Senators can take the issue and ride with it, squarely into a box canyon and fire off our partisan pop guns and whoop and holler as to who was to blame. Or we can pass the House version of emergency relief and get the side of our hard pressed farmers and hopefully begin bipartisan work on the next farm bill.

We can have an issue or we can enact emergency assistance, it is that simple. In this regard, without question the decision reached this morning will spare agriculture further delay and will provide the assistance needed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. Lincoln. Madam President, I came to the floor last night in a great deal of frustration, and now I come to the floor in a great deal of disappointment. This morning, the Senate voted on an Emergency Assistance for Farmers package. That is not what our job in the Senate is. Our job in the Senate is to do the best we can possibly do. Is this bill the best we can do? Absolutely not. I don't think there is a Senator in this Chamber who thinks we have done the best job we could do on an Agriculture emergency supplemental bill. That is amazing to me.

We approved a bill that most Members know is not going to provide even the minimum of support that our farmers and our communities, our rural communities, our community banks, and our rural economies really need. Our program crops said from day 1 of this year they needed AMTA payments at 100 percent of the 1999 level. In February, the administration started going to the administration, saying we are going to need an emergency Agriculture supplemental bill, we are going to need 100-percent AMTA at 1999 levels, we are going to have to have it; our bankers are saying they are making loans to our agricultural producers based on the fact they are going to get 100 percent at 1999 levels, the administration and others came back and said: Wait until we get through with this tax bill. Then they said: Well, wait until we finish with the education bill. Then we will deal with it. And then: Let's wait until we get past the Patients' Bill of Rights and we will deal with it. Wait, wait, wait until we get back from the Fourth of July recess.

And guess what? The administration made the mistake of believing them and we waited in good faith, thinking at the end of the road the administration would have the same consideration for production agriculture as those who have grown up in it. Guess what. We were wrong. We thought they would come in good faith from the administration and work with Members on this.

Have they? No. People have said: I am tired; it is time for vacation. Let's go home.

Our specialty crops needed more money for commodity purchases and other forms of support. All of our production farmers need assistance. Where were we? The administration says farm income is at an all-time high. Guess what. Do you know why it is at an all-time high? Because the rural economy has been in the dumps for years. Their energy costs are at an all-time high and rising. Their fertilizer input costs are at an all-time high. Their energy costs, diesel—name it—implement costs, the costs of buying machinery, and the costs of meeting environmental regulations, every one of them is at an all-time high, and many of our States have producers whose farmer income, 50 percent of it, is government payment. Why? Because we are borrowing from the future to subsidize agricultural producers in terms of good, solid, trade opportunities and global marketplace shares because we have not taken into consideration what it means to those individuals to produce a safe and abundant and affordable food supply for those who enjoy it.

We enjoy the most environmentally sound agricultural products in the world coming out of this country. That is all going away unless we make an obligation to production agriculture, that when it comes time to being there for them, we will be there, instead of just saying all year long: Just wait. Just wait until we get through all of these other things and then we will be there for you.

I look at some of my local spinach growers in Arkansas who are not far from local canneries yet find it impossible sometimes to market their spinach just down the road because agricultural producers in the world can be outbid by spinach that is coming in from Mexico, grown with chemicals we banned over 10 years ago.

What are we doing for the production agriculture to make sure that you and I will continue to produce environmentally well grown product for our children and for future generations? What is our response? Give them less than they need, close up shop, and fly home for vacation. Why? Because the House is going home, we can't do anything.

Well if the House jumps off the bridge, are we going to jump off the bridge, too? What if the administration says it is just not that important; we are not going to come over to negotiate with you to come to some middle ground that is going to provide our producers the 100 percent of AMTA from 1999 levels that we promised them back in February? I reject that. I still believe I am here to do the best job I can possibly do for those American producers. I reject the argument that it is too late. I reject the argument that we cannot give them what they need, now, and a real issue.

The PRESIDING OFFICER (Mr. Corzine). The time of the Senator has expired.
MRS. LINCOLN. I ask unanimous consent for an additional 2 minutes.

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

MRS. LINCOLN. I reject the argument that we cannot stay here and fight for our American producers and our farmers.

Farmers themselves say that government is just waiting until they die away, that the family farmer is gone and we can just depend on corporate America to provide us what we need.

I look around at some of the fights I have been fighting this year on behalf of aquaculture and fish farmers in Arkansas, who are having to compete with misleading labeling from other countries that are claiming they are producing that kind of product which we produce here, a farm-raised, grain-fed product, when we know what is coming in the country from Vietnam is not that. It is raised on the Mekong River under unbelievable environmental conditions. Yet it has been sent to this country in misleading ways and sold to the consumers here.

We are dealing with a crisis in agricultural production. I come to the floor saddened. As I look around at this body, I realize that the Members of the Senate years ago used to travel here from their home farms in faraway States and spend the time that they did to debate the issues of this country, all the while still remembering where they came from, the heartland that they represented, the communities and the agricultural producers. In my home State of Arkansas, when that farmer is out in the field and he is bringing in his crop, he is picking cotton or he is combining beans or he is combining rice and gets to the end of a long hot day, and the Sun is setting and he sees a thunderstorm coming out of the west, do you know what. He doesn't pack it up and go home. He turns the lights on, he combines, and he keeps going, because he believes in producing for the American people and the world the safest, most abundant and affordable food supply in this world, and he does no less.

I, for one, think the Senate could do better. I think we must. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent there be a period for morning business with Senators permitted to speak up to 10 minutes, and the following Senators be added to the current list of speakers: Senator KENNEDY for 20 minutes, Senator BYRD, Senator HOLLINGS, Senator CORZINE, and Senator SMITH of Oregon.

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

EMERGENCY AGRICULTURE ASSISTANCE ACT

Mr. SCHUMER. Madam President, I know for me to speak on the floor about agriculture raises some eyebrows, let's say. I have found that as I, along with others, have been trying to help my colleague from Vermont who has been fighting a lonely battle, for Northeast agriculture. When I spoke in the Democratic caucus, I heard someone say, 'You know, Senator, your Donahue is the only Democrat,' and other things. So people ask, why am I so interested in agriculture, coming from a State such as New York?

For one thing, people forget how much agriculture is in the State of New York. We are a large agricultural producer. We rank third in dairy production. We rank second or third, depending on the year, in apple production. We are high up in onions and many kinds of specialty products. In fact—and these are numbers that even surprised me—New York has 38,000 farmers. That is 13,500 more farmers than Idaho; 10,400 more than Montana; 7,700 more than North Dakota; 5,500 more than South Dakota; and 28,800 more than the Dakotas. These States, which are regarded as agricultural States have fewer farmers, many fewer, than my State of New York.

We do have a large city—we have several large cities. Thank God, we have large cities and other industries. But agriculture is a vital industry.

The second reason I care about agriculture—and it has been new to me; 18 years in the House serving a district in a corner of Brooklyn and Queens, we didn't have that kind of meeting with the people who do it. I met one family with a farm in their family in Suffolk County for 12 generations. You look into their eyes and see how hard-working they are and see how productive they are, and you see the land and God's beauty in a wonderful way give forth fruits and vegetables and crops. You see how hard they work and you feel for them.

They are on a frustrating treadmill. It seems like every year and every harvest and they are getting less and less profit, but survival in agriculture is even more difficult for them. You look into their eyes and you realize something else. These farmers are the breeder rector, the place where American values grow and are nurtured. It has been so since the Republic was founded, and it still is. The values of hard work and teamwork and self-reliance and individuality, for which our country is known and blessed, have started on the farm.

So even if all the food could be produced somewhere else and it could be as good and as high quality, I do not think we would want to lose farmers from America and the American way of life because the two are so inextricably tied. So one area of agriculture I care a great deal about our farmers in New York.

This farm bill, admittedly, does not do what we want. But I want to tell the farmers that who have given a pledge from our majority leader that the part of this bill that was cut out by the House will be debated in September. That includes the relief for the apple farmers that many of us in the Northeast—my colleague, Senator CLINTON, and Senator LEVIN and Senator STABENOW and the two Senators from Washington worked hard to get in the bill. That will come back and have another chance. The provisions the Senator from Vermont has put in the bill that help with specialty crops, which affected the Northeast, will come back as well. I am glad about that.

When the farm bill comes up, we will make our fight for the dairy farmers, and it is going to be a royal fight because we really care about them.

What I would like my colleagues to know is, my good friend from Vermont, who has often been alone in this fight, is now being joined by many of us. As I mentioned, my colleagues Senator CLINTON and Senator TORRICELLI are in the fight; Senator JEFFORDS, of course, has always been in the fight, as have our Senators from Massachusetts and Pennsylvania and others as well.

We are going to put Northeast agriculture on the legislative map.

It will not be good enough to have bills any longer that do not do a thing for us. I think we have persuaded our Democratic leaders here in the Senate to do so. We have a bit of work to do in the House. We have a bit of work to do in the White House. But we are going to do it.

In fact, as I look at this as somebody accustomed to agriculture, I would like to make a point to my colleagues. I have never seen a place where we spend so much money and where there is so much unhappiness among the recipients. Something is dramatically wrong.

Mr. President, 50 percent or 47 percent of farm income is now Government. I do not know one other area in the country where that happens. I am willing to do it because, as I said, I believe in the family and the values that they bring. But can't we come up with a better way? Can't we come up with a way that makes the family wheat farmer in North Dakota and the family corn and hog farmers in Illinois happier than they are now? Can't we as we come up with that come up with something that includes the dairy farmer in New York or Vermont or the apple grower in New Jersey or Massachusetts? We have to come up with a better way because the present way is working.

More and more money—this is another $5 billion—doesn't help our area. Our fights will come later in September and in October with the farm bill. But that $5.5 billion isn't making many people happy, even though they are getting it, because they are still struggling.

Freedom to Farm is a problem. Everyone says it. I tend to agree. But you know that we had problems before Freedom to Farm, too. As long as I have been in the Congress, which is from 1981, we have seen more and more money going to agriculture and our...
family farmers be less and less happy. They are not happy in the Northeast where we get very little help. They are not happy in the Middle West and the South where they get a lot of help. We are going to have to come together with a system that works that doesn’t put 80 percent of the money to huge agribusiness where they do not need it but directs the dollars at the family farm and gives that family I talked about as I began my speech. Who wakes up at sunrise and battles the elements and produces God’s bounty from the Earth, a fighting chance.

Let’s not continue on this treadmill to nowhere. It is going to divide us. You see the fissures already. More importantly, it is not going to help the people we want to help—the family farmer. I am here today to stick up for the 38,000 New York farmers who work hard—and many others who depend on them—and the Northeastern farmer and to say to my colleagues we have to do a lot better in a system that continually spends more money and produces less happiness among the people who are its recipients.

I yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

Mr. LAHY. Mr. President, I applaud the senior Senator from New York for his statement. I note that the two Senators from New York have been in the conferences we held. They fought hard for the interests of the Northeast and the West. It is partly because of that fight that I have to stand here today to strongly oppose another of the misguided, unbalanced, and actually archaic plans for emergency agricultural assistance.

To put it bluntly, not only for Vermont farmers but farmers throughout the Northeast and Mid Atlantic States, they receive little or no relief from this package. This package is unfair and even unbalanced. Vermont farmers pay taxes, too. In fact, they are paying 37 percent of the farm program expenditures. They feed the people of this country. They turn over their best years—receive less than four hundredths of a percent of this year’s emergency agricultural assistance?

Vermont farmers pay taxes, too. In fact, if assistance in this so-called agricultural emergency bill were based on the true value of Vermont’s contributions to the Nation’s agriculture, Vermont would receive over six times what we see in this bill. Farmers throughout the Northeast and Mid Atlantic States pay their taxes. While those farmers produce almost 7 percent of the Nation’s agricultural products, those farmers receive 1 percent of the $5.5 billion flying out these doors to the Midwest.

Look at Texas. Texas farmers are going to receive 1.6 percent of the $5.5 billion—almost $400 million alone. When all is said and done, five select States in this country will each receive over $300 million for this bill. Ten States are going to get over $150 million. The rest get practically nothing.

Some may say we passed this bill to expedite funds to our Nation’s farmers. I think they are speaking of only a small number of farmers in only a very small, select number of States. They should be saying a small number of farmers in a small number of select States will get one heck of a lot of money, but to make it fair every other State will be allowed to pay the bill. That is really what they are saying. All of us will pay the bill so a small number of States can get the benefit.

That bothers me. I think they are speaking of only a small number of farmers in only a very small, select number of States. They should be saying a small number of farmers in a small number of select States will get one heck of a lot of money, but to make it fair every other State will be allowed to pay the bill. That is really what they are saying. All of us will pay the bill so a small number of States can get the benefit.

What bothers me is this goes on year after year after year. We have had disaster relief bills. In the Northeast paid with our taxes a substantial part of the bill to try to help the country. But when we have had disasters I have never seen the return.

We “expedite funds to our Nation’s farmers,” as they say. They are not talking about Vermont farmers; they are not talking New Jersey farmers, or farmers throughout the Northeast and Mid Atlantic States, or the farmers in States with specialty crops not covered in the skewed State grant formulation we took from the House bill. I have a chance to put out the bias—at least to help all farmers in all States. As I said, we have taken an easy in responsible route to simply pass an unbalanced and unfair House bill. We have dismissed the true needs of other specialty crops, but we have dismissed the essential conservation programs that truly help my region’s farmers. Sadly, once again, we are being left out in the cold.

In fact, for that matter, even on the basis of this we get a bum deal. We get even worse because the dairy compact was left out of it.

If you are a proponent of States rights, regional dairy compacts are the answer. They are State-initiated, they are State-supported programs that assure a safe supply of milk for consumers.

I received a letter signed by 22 Governors, Republicans and Democrats—I believe there is even an Independent in there—who are State-initiated, State-supported programs that assure a safe supply of milk for consumers.

If you support interstate trade, regional compacts are the answer. The Northeast Dairy Compact has prompted an increase in sales of milk into the compact region from neighboring States. If you support a balanced budget, then regional compacts are the answer. Why? Because the Northeast Compact does not cost the taxpayers a single cent, which is a lot different from some of the farm programs that are being boosted up by billions of dollars in this bill.

If you support farm land protection programs, regional compacts are the answer. In fact, that is why major environmental groups have endorsed the Northeast Dairy Compact; they know it helps preserve farmland and prevents urban sprawl. I recently received a letter from 33 environmental, conservation, and public interest membership organizations supporting the dairy compact amendment.

Lastly, of course, if we are worried about the future of consumers, then regional dairy compacts. Retail milk prices within the compact region are lower on average than in the rest of the Nation where they do not have a compact.

The dairy compact has done what it is supposed to do. It has stabilized widely fluctuating dairy prices; it has ensured a fair price for dairy farmers; it has made it possible for farm families to stay in business; and it has protected consumers’ supplies of fresh milk.
make a living against some of the Na-
tion’s most powerful corporations. It pits
consumers and communities that treasure
the open space and quality of
life that local dairy farming offers,
against those who can spend millions of
dollars on ads and lobbyists here in
Washington.

We should not stay in the way of
these State initiatives that protect
farmers and consumers without costing
taxpayers a cent.

Dairy compacts are one of those
issues where Members have very strong
views even though we all share the
same core beliefs. We all want to sup-
port our dairy farmers and we all be-
lieve that they should be able to earn a
decent living for their families. We all
want ample supplies of fresh milk, at
reasonable prices, for our States’ con-
sumers. Unlike agricultural commod-
ties such as wheat, corn, and soy-
beans, milk is highly perishable.

When a dairy farmer brings the milk
to market, that milk has to be sold
right away, or it quickly loses its
value. It can’t be set aside in a silo.
For big processors, that’s just fine.
They can buy milk at distressed prices
and store it away to make cheese or
powdered milk or ice cream. But that
setup hurts farmers, who work incred-
ibly hard just to make a living, and
consumers, who want farmers around
to supply fresh milk for the store
shelves.

As a nation we have tried several
remedies to cut through this knot, and
the record is proving that regional
compacts are the most sensible and
workable answer yet. And unlike other
legislative remedies that come with
price tags, and often hefty ones, com-
 pacta cost Federal taxpayers nothing.

Milk is one of those unusual foods
where the spread between what farmers
get paid for their labor, and what con-
 sumers pay for the product, is huge and
increasing throughout the Nation.

In New England, what farmers get
paid has been fairly stable since the
dairy compact began working in 1997,
and that is one of its great successes.
But what processors and stores charge
for milk has greatly increased since
1997—not just in New England, but in
the rest of the Nation. Consumer prices
are lower in New England than in much
of the rest of the country and that the
$10,000 to $20,000 in added annual in-
come has helped keep New England
farmers in business who otherwise
would have farmed.

There is a hidden risk right now to
consumers and farmers in New En-
 gland—and the rest of the Nation. This
is the growing concentration of pro-
cessors in the milk industry.

In many States, Suiza Foods is rap-
 idly trying to cinch a stranglehold on
milk supplies. In some parts of New
England they already control 70 to 80
percent of the fluid milk supply. They
have swept in, bought processing
plants in New England, and then closed
them—eliminating competition.

The ascent of Suiza is nothing less
than stunning. In a few short years,
Suiza has gained its dominant position
in the milk processing business. I
showed you three charts a couple days
ago showing the incredible increase in
the dominance of Suiza in just a few
years. Even worse, if its purchase of
Dean Foods is approved, a strong case
would be made that Suiza is verging on
becoming a monopoly in the milk
processing business. I have asked the
Department of Justice and its Anti-
trust Division to closely monitor
Suiza’s surging market dominance, and
again call to their attention the ur-
gency of doing that.

But equally remarkable is the fact
that Suiza is also now in the process
of consolidating a dominant position as
the chief purchaser of milk from farm-
ers. Simply put, in many parts of the
country, Suiza Foods is the dominant
customer—if it is not the only cus-
tomer—for farmers’ raw milk to be
used for fluid processing. Suiza Foods
is now dominating both the purchase
and the sale of milk in this coun-
try. Suiza is becoming—all at once—
both a monopolist and a monopsonist
in the fluid dairy marketplace.

Suiza Foods is a new type of market
force. I have searched our antitrust
laws for a name for this type of com-
 bined market power. There is no
adequate name on the books for what
Suiza has become, as I called them in
a recent Judiciary hearing, and on the
Senate floor, they are “suizopolies.”

How can suppliers and consumers de-
 fend themselves from a giant firm—
this Suizopoly—that controls both the
purchase of a product—from thousands
of suppliers with little bargaining
power—and its sale to millions of con-
sumers?

The best way is the dairy compact; it
gives the public some control over ac-
cess to milk, it assures fresh, local sup-
plies of milk, and it gives farmers some
ability to earn a living income.

I also want to point to seven
myths about the compact that the big
processors have spent millions of dol-
ars to promote, through years of lob-
bying and advertising and campaign
contributions. They were trumpeting
many of these myths before the com-
 pact was enacted, and they have not
changed their song sheets, even though
the compact has done just what it was
supposed to do, proving their argu-
ments dead wrong.

This first myth is that dairy com-
pacts are milk taxes that hurt con-
sumers. As you have just heard, con-
sumers pay for the product, is huge and
increasing throughout the Nation.

There is also a myth that dairy com-
pacts are unconstitutional price-fixing
cartels. This is my favorite example of
twisted logic. I believe my opponents’
cartels. This is my favorite example of
arguments go something like this:

"Interstate compacts would be unconsti-
tutional if the Constitution didn’t explic-
tly contain a clause allowing the creation of
interstate compacts with the consent of Con-
gress.

By operation of the compact clause,
States explicitly have the opportunity
to solve regional problems in this con-
stitutionally permitted way. United
States Federal courts have recognized
the Northeast Dairy Compact as a con-
stitutional exercise of congressional
authority under the commerce and
compact clauses of the U.S. Constitu-

A recent GAO report requested by
Senator FEINGOLD and myself says to
all: It compares the prices of a gallon
of 2 percent milk in Boston and Mil-
waukee for last year. The wholesale
price of milk in Milwaukee was
$2.03. The wholesale price in Milwaukee
was $2.74. So you would expect retail prices to
be about the same for Boston, or slightly
less, than for Milwaukee.

However, Suiza controls around 70
percent of the milk supply in Massa-
chusetts and a greater amount in Bos-
ton. The average retail price listed by
GAO is $2.74 in Boston for a gallon of
milk but only $2.26 in Milwaukee.

Obviously, the compact does not
cause the difference—the wholesale
prices for Boston are lower than in Mil-
aukee, as the GAO makes clear.

The GAO report also shows that for
most of the cities they examined, the
consumer prices in the compact region
were lower.

The basic myth is that the dairy com-
pact has harmed nutritional programs
such as WIC, school lunch, school
breakfast, and food stamps.

Wrong again. The fact is that the
Compact Commission requires com-
pensation to State WIC and school
lunch programs for any potential im-
"The Commission has taken strong steps to
protect the WIC Program and the School
Lunch program from any impacts due to the
compact. . . . Because of this, our WIC Pro-
gram was able to serve approximately 5.875
more participants with fresh wholesome
milk without added costs . . . .

The New England Compact Commis-
ission has exempted school breakfast and
lunch programs from any pricing im-
pacts due to milk price regulation. Com-
missioner Kassler of Massachusetts tells me
in writing that “without the compact, this [regional New
England] milk shed will dwindle and milk
would be brought in from greater dis-
tances and at greater costs.” Those
greater costs have been estimated in
the range of from 20 to 67 cents per gal-

In New England, what farmers get
paid has been fairly stable since the
dairy compact began working in 1997,
and that is one of its great successes.
But what processors and stores charge
for milk has greatly increased since
1997—not just in New England, but in
the rest of the Nation. Consumer prices
are lower in New England than in much
of the rest of the country and that the
$10,000 to $20,000 in added annual in-
come has helped keep New England
farmers in business who otherwise
would have farmed.

There is a hidden risk right now to
consumers and farmers in New En-
 gland—and the rest of the Nation. This
is the growing concentration of pro-
cessors in the milk industry.

In many States, Suiza Foods is rap-
 idly trying to cinch a stranglehold on
milk supplies. In some parts of New
England they already control 70 to 80
percent of the fluid milk supply. They
have swept in, bought processing
plants in New England, and then closed
them—eliminating competition.

The ascent of Suiza is nothing less
than stunning. In a few short years,
There is a myth that dairy compacts are barriers to interstate trade. Dairy compacts encourage greater competition in the marketplace by preserving more family farms and increasing trade.

An OMB study concluded that trade into the compact region actually increased after implementation. And I would also point out that farmers in non-compact States, like New York, or even Wisconsin, are perfectly free to sell their milk in the compact region at competitive prices. New York dairy producers are benefiting today by doing just that. Indeed, if Wisconsin were to trade places with New York, Wisconsin farmers would gain the benefit of the compact.

There is also a myth that dairy compacts encourage farmers to over-produce milk and will lead to a flood of milk in the market. The fact is that the dairy compact regulatory process includes a supply management program, that helps to prevent overproduction. In 2000, the Northeast Dairy Compact States produced 4.7 billion pounds of milk, a 0.6 percent decline from 1999.

In the nearly 4 years that the compact has been in effect, milk production in the region has increased by just 2.2 percent. Nationally during this same period, milk production rose 7.4 percent. In Wisconsin milk production rose over 4 percent. There is a myth that dairy compact only helps bigger farms at the expense of smaller ones.

Just like most commodity programs, the compact benefits all participants. Also, 75 percent of the farms in New England have fewer than 100 cows.

The worst myth is the dairy compact has not been successful.

The success of the Northeast Dairy Compact is undeniable.

Let me just close with this.

Mr. President, when I was a young man—actually even before my teens—I thought how much I would love being in the Senate. Why? Because every State has two Senators. A State with a large population, a powerful State such as the Presiding Officer’s State, or a small, rural State such as mine each get two. The one place where every State is equal, supposedly, is in the Senate; two Senators.

I thought what a joy it would be to represent my native State of Vermont in that place, and it has been for me in the Senate. I have so much respect for Members on both sides of the aisle. I think of the Senate as a place where the country can come together, where regional interests can be represented, and, of course, where States can maintain their identity, certainly, and where we have an obligation to help each other. And we have.

Whether it be earthquakes in California or floods in the Midwest or defense programs in the Southeast, and on and on, the Senators from my part of the country have supported providing assistance to those parts of the country. I could give a million different examples. But there seems to be one area where that effort to help each other always falls apart: The Northeast Mid-Atlantic States, when it comes to agriculture disaster programs.

We are always there. We are like the fire brigade that answers the call in the middle of the night. We show up all the time, show up all the time to protect those other “houses.” It would kind of be nice if, just once, when it is our “house” on fire, some of those we have helped years could come and maybe help us put out the fire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent the order for the quorum call be suspended.

Mr. CORZINE. Mr. President, let me begin by saying how honored I am to have a chance to answer while the distinguished Senator from Vermont is in the chair. I concur strongly with the majority of the arguments made by the Senator about the fairness of how our agricultural activities in our country are distributed. Sometimes our agricultural emergencies in the Northeast are lost sight of when we get around to supporting our family farmers and agricultural activities.

TREASURY BORROWING AND TAX CUTS

Mr. CORZINE. Mr. President, I rise to discuss a recent report by the Treasury Department that has received very little attention in Washington, but it is sending a very significant signal, message, about the recently approved tax bill to the financial analysts around the world and market participants around the globe.

On July 30, the Treasury Department announced that it expects to borrow from the public $51 billion during the quarter ending in September. This was a whopping reversal from an estimate in a similar Treasury report issued just 3 months earlier.

Back in April, Treasury said that it expected to pay down a total of $57 billion in debt in this very quarter—a negative cashflow swing of an incredible $108 billion.

Let me repeat that. For this quarter, we have gone from an estimate showing that we would reduce our debt by $57 billion, to an estimate that we will increase our debt by $51 billion—again, a negative $108 billion swing in just 3 months.

I used to serve on the Treasury Department’s Debt Advisory Committee as a private citizen, so perhaps this report by the Treasury struck me as a little more troubling than it did many of my colleagues. It is a serious reversal and worthy of a few minutes to discuss its implications because it is a precursor of things to come.

The first and perhaps most important point to make is this: We are financing the tax rebates that are so much ballyhooed by borrowing, something about which the American people would be more troubled if they knew what it was happening. We are going into debt to finance that. That is not a function of any accounting tricks. It has nothing to do with trust fund accounting. My comments are not political. It is a simple undeniable statement of fact—a fact that is a precursor of the result of this flawed and overreaching tax cut program.

The tax rebates will cost $40 billion this fiscal year. But we don’t have $40 billion lying around, as many advocates expected. As a result, the Treasury Department says it will now have to borrow every dollar that will then be sent out in a check from the Treasury. In addition, we will have to pay out $500 million in additional interest every year just to finance these tax rebates.

It may be the right thing to do for stimulating the economy, but it comes at a real cost. And that is before we unfold all the other elements of this tax cut for the years to come.

To be fair, it is true that in the previous quarter the Government ran a surplus. If you consider the fiscal year as a whole, there is still a chance we will see an on-budget surplus. But it is unlikely that this quarter we will be in deficit, not just an on-budget deficit but a unified deficit, meaning we enter Medicare trust fund moneys and maybe even potentially Social Security trust funds.

Thus, every tax cut check that goes out is being financed by borrowing, with its accompanying interest costs. That is not what we told the American people when we passed this tax cut. We said we were just giving back their money when we passed this tax cut. We didn’t say we would go out and borrow to finance that tax cut. We did not say we would increase our debt to finance the tax cut. We said we had the money.

Now the truth is out. We don’t. That is one truth that was conveniently left out when the administration sent out its $34 million notice taking credit for the tax cut.

Beyond the need to finance the tax rebates, Treasury was also forced to borrow because of its cash balance of a gimmick—one of many gimmicks—that was built into this recently enacted tax bill. This is one that really bothers me, actually more than the rebates, as you could make an argument that we need that as a slowing economic device.

That legislation shifted the due date for corporate taxes from September 17 of this year to October 1. This was nothing more than accounting magic to allow us to spend more money next year without showing a raid on the Medicare surplus. But this particular gimmick has come at a real cost. By delaying the receipt of those revenues,
the Treasury will pay, at a minimum, an additional $40 million in interest. That is actually $40 million that comes out of the Treasury’s pocket and goes into individual corporations that benefit from the delay in payment of their taxes.

Think about that. To finance an accounting gimmick to provide political cover in fiscal year 2002, taxpayers are going to pay an extra $40 million. I guess in our budget that sounds like not too much. Where I come from, it is a lot. And seeing some of the things we argue for—is our apple growers or other folks who are in need of emergency aid, it is a lot of money—$40 million that could have been used to improve education, protect our environment, strengthen our national defense. In my view, that is just plain wrong. Unfortunately, it is only the beginning. It is only the beginning. It is only the beginning.

Unfortunately, this $40 million gimmick is just maybe the smallest. Some of the tax cuts don’t become effective for several years. Others phase out before a 10-year timeframe, as we talked about. A number of extenders, which we know are going to be there, are left out. The AMT is ignored. And in what has to be the most egregious gimmick in the history of tax policy, the whole tax cut will expire after 9 years.

I am new to government. I am new to politics. But I find this gimmickry outrageous. It is intellectually dishonest, and it would never have been tolerated in most of the financial transactions in which I participated in my private life. In fact, if I ever tried to use such gimmickery when I was back on the street, I would have been called to task by the SEC or the U.S. attorney, and for good reason.

Having said all this, I recognize that despite my personal concerns about the premises of the tax bill and its many gimmicks, we don’t have the votes to fix the problem now. It is inevitable that we will have to fix it eventually if we want to address the needs of America, to invest in America the way we talked about with regard to education, with regard to agriculture, with regard to the health care system and our military. Otherwise, we will just find ourselves further in debt and without the resources to fix Social Security and Medicare, to provide a meaningful prescription drug benefit, or these things that we need to do in our national defense.

For those who continue to insist that there is plenty of money for the tax cut, just read the latest statement from the Treasury Department. I suspect it is only the beginning.

I ask unanimous consent that a copy of the Treasury Department statement be printed in the Record.

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

**TREASURY ANNOUNCES MARKET FINANCING ESTIMATES**

The Treasury Department announced today that it expects to borrow $31 billion in marketable debt during the July–September 2001 quarter and to target a cash balance of $35 billion on September 30. This includes a borrowing of $81 billion in marketable Treasury securities and the buyback of an estimated $9 billion in outstanding marketable Treasury securities. In the quarterly announcement on April 30, 2001, Treasury announced that it expected to pay down a total of $57 billion in marketable debt and to target an end-of-quarter cash balance of $60 billion. The change in borrowing reflects a significant shift in the September 15 corporate tax due date to October 1 and the need to finance in this quarter the tax rebates.

The Treasury also announced that it expects to pay down $38 billion in marketable debt during the October–December 2001 quarter and to target a cash balance of $30 billion on December 31.

During the April–June 2001 quarter, the Treasury paid down $163 billion in marketable debt, including the buyback of $91 billion in outstanding marketable securities, and ended with a cash balance of $44 billion on June 30. On April 30, the Treasury announced that it expected to pay down $187 billion in marketable debt and to target an end-of-quarter cash balance of $60 billion. The increase in the borrowing was the result of a shortfall in receipts and lower issues of State and Local Government Series securities.

Mr. CORZINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll. Mr. CORZINE assumed the Chair. Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**AMERICA’S FARMERS NEED ASSISTANCE**

Mr. DORGAN. Mr. President, as the Senate prepares to leave town for the August recess, and most of my colleagues are perhaps already on an airplane, it might be useful to describe what has happened at the end of the legislative business we completed a couple of hours ago.

This past week, we considered legislation dealing with some emergency help for family farmers. In fact, it was actually kind of hard to get that legislation even considered because the Republicans in the Senate filibustered the motion to proceed.

For those who do not understand the mechanics of how the Senate works, in plain and in prose that means they demanded a debate on whether we should even debate the bill. A motion to proceed and a filibuster on the motion to proceed meant we had to debate whether we should even start debating. If that sounds a little goofy and a little arcane to you, it means sit around and talk about issues in a straight-forward way, it is because it was arcane and, at least in this Senator’s judgment, ‘goofy.’ But sometimes, that is just the way the Senate works. However, I certainly would not want to change the rules of the Senate.

We had to debate the motion to proceed and deal with a filibuster, and we spotted the little floor.

The legislation was written to help family farmers during tough times.

Family farmers across this country have confronted a total collapse in prices for that which they produce. In most cases, in fact, at least, they are trying to run a family operation. They are living on a farm, with neighbors a good ways away. They have a yard-light that illuminates that farm. They often have cattle, a few horses, some chickens, and in some cases a half dozen or so cats running around. They have a tractor, a combine, a drill or a seeder. They are all equipped to go about the business of farming.

Family farmers all across this country have put out when it comes, when it is dry enough to get in the fields, and they plant some grain. They hope then, after they plant their seed, nothing catastrophic is going to happen that would prevent it from growing. They hope it does not hail. That would destroy their hope. They hope it rains enough. They hope it does not rain too much. That would also destroy the crop. They hope it does not get disease, it could, and that could destroy the crop. They hope insects do not come, and they could, and those insects could destroy the crop. All these things, the family farmer must cope with.

But, there is one more thing family farmers must deal with. They have all this fervent hope and trust, having invested all they own in these tiny seeds they planted in the ground. Then in the fall, they hope they can fuel up the combine and go out and harvest that crop. When they do that, they put it in a truck haul it to the elevator. The country elevator receives that grain when they raise the hoist and dump that grain into the pit. The grain trader then says to that farmer: Yes, we know you worked hard. We know you and your family planted in the spring. We know you and your kids and your spouse drove the tractor and drove the combine. We know you have your life savings in this grain, and that you managed against all odds to finally harvest it. But, this grain is not worth much. This food you have produced does not have value. The market says this food is not very important.

Those family farmers, who struggle day after day in so many different ways to try to make a living on the family farm, are told that which they produce in such abundance and that which the world so desperately needs somehow has no value. Talk about something that makes no sense, this is it.

We have at least 500 million people in this world who go to bed every single night with an ache in their belly because it hurts to be hungry. At the
same time, our family farmers are los-
ing their shirts because they are told the crop they struggled to produce has no value.

A world that is hungry and family farmers producing food the market says is there something not connecting here? You bet your life there is something not connecting.

It is interesting to see what we have done in the last several weeks. The pri-
orities around here are not so much family farmers. The priorities, if anyone closes their eyes and listens to the de-
bate, are: missile defense, Mexican trucks, the managed care industry. Those are all the priorities, but when it comes to talking about the extra needs of family farmers during tough times, we are told they do not need that extra $1.9 billion. Enough votes were avail-
able in the Senate to pass that legisla-
tion. We had 52 votes in favor of it.

I went to a real small school. I gradu-
ated from a high school in a class of 9, but figured out enough from math to understand when one has 100 votes and 52 vote yes, that means yes wins.

We had enough votes to pass this legis-
lation, and we had a vote on it. We re-
ceived 52 votes. But guess what? It did not pass. Why? Because there was a fillibuster.

President Bush and the Republicans in the Senate said: We are going to fill-
buster this—which requires 60 votes to break—because we do not want to give that extra aid to family farmers.

All we are talking about is a bridge over price valleys. We are talking about a small bridge during tough times.

During this discussion, some friends of mine came to the Senate and said: Things are better on the farm, prices have improved.

When prices for grain hit a 25-year low and then improve slightly to only an 18-year low, I suppose one could say things are better.

I ask those who say things are better to take a look at their bank account. Have they lost 40 percent of their in-
come? If so, then come here and under-
stand the empathy that ought to be shown to family farmers.

We are talking about a small bridge during tough times.

During this discussion, some friends of mine came to the Senate and said: Things are better on the farm, prices have improved.

Yes, the price of hogs has increased, but tell me: What kind of loss did fam-
ily farmers incur when they went through that $25 price valley? Com-
modity prices have collapsed in a very
significant way. In most cases, they have stayed way down. We need to do something about it.

I prefer that farmers get all of their income from the marketplace, but at this point that is not possible. The grain markets have collapsed. Until we find a way for that market to come back, we want family farmers in our future, we need to provide a safety net. That is what we are trying to do.

We are trying to write a new farm bill, and we were trying to provide an emer-
gency piece that will get them to the point where we get this new farm bill in place. That is what this debate was about.

We lost today, no question about it. One can describe it a lot of ways. There was once a general who lost badly in a battle and then what happened. He said: As far as I am con-
cerned, we took quite a beating. He was pretty candid about it.

We lost this morning. North Dakota farmers lost $60 million, but this morn-
ing was just the end of round one. There will be other rounds, and this issue is not going away. The $1.9 billion is not going away. That $1.9 billion is available to help family farm-
ers.

Senator HARKIN from Iowa brought that help in a bill that did not have a bud-
et point of order against it. It has been provided for in the budget. It was available, and we ought to make it avail-
able when it is needed. It is needed now.

We lost today, but we will be back in September or in October. I believe in the end we will prevail on this issue.

Let me make a final point. Some say: Why is it I care so much about family farmers? I do care about other issues, other businesses? My State is 40 percent agriculture. What happens to family farmers has an impact on every Main Street and every business on every Main Street in the State of North Dakota. It is not just the eco-
nomic issues that concern me, how-
ever. I think our country is more se-
cure, and I think our country is a bet-
ter place when we have a broad net-
work of producers living on the farms in this country producing America’s food.

Europe does it that way because they have been hungry in their past and they decided never to be hungry again. They want to foster and maintain a network of producers across Europe. We ought to do the same.

The family farm is not just an eco-
nomic unit. It is that, to be sure, and it is an economic unit that is destined to fail when prices collapse if we do not do something to help. But it is much more than just an economic unit. Family farms produce more than just a bushel of wheat. Family farms produce a cul-
ture that is important to this country.

They produce community. They produce values. They are a seedbed— and always have been a seedbed—for family values in our country. Family values that have for years been rolling from family farms to our small towns to our large cities.

Family farms are not just some piece of nostalgia for us to talk about. Those who support big corporate agriculture and would not mind seeing a couple big corporations farming from California to Maine say the family farm is yesterday. They say, good for you, good for supporting yesterday, but it is yesterday. It is like the little old diner, as I have said before, that is left behind when the interstate comes through: It is nice to look at, does not mean much, but it is not a viable part of our modern society. They are dead wrong. They are as wrong as can be.

The family farm is important in this roll, uy. It is important to its culture, and it is important to its future.

When we have a debate about these issues, we discover the answer to these questions: Whom do you stand for, whom do you fight for? Who are your priorities? Some say: My pri-
orities are to let Mexican trucks into this country. That was the big debate we had for the past week and a half. My priorities are to build a national missile defense system and it does not matter what it costs, they say. My pri-
orities are to stand with the managed care industry and the big insurance companies in the debate on a Patients’ Bill of Rights. That is what they say.

But they are not my priorities. For pri-
orities are to say I stand for family farm-
ers. I stand for the interests of family farmers and the role they should play in our country’s future.

But they cannot and will not play that roll, uy. It is important to its culture, and it is important to its future.

Let me go back to one final point. This is a big world with a lot of people living in it. I have traveled much of it. It is our duty that all of us, even as I speak, people are dying from hun-
ger and hunger-related causes, most of them children. About 40 to 45 people a minute die from hunger and hunger-re-
lated causes. My old friend—the late Harry Chapin, who died many years ago, this wonderful singer, songwrite-
er, storyteller—used to devote half the proceeds of all of his concerts every year to fight world hunger. He said this: If 45,000 people died tomorrow in New York City, it would not make news around the world, but the winds of hun-
ger blow every single day across this world and cause death. Nary a headline anywhere.

My point is, we have wonderful fam-
ily farmers who struggle and risk all they have and work very hard to produce the best quality food produced anywhere in the world. They produce this food in a world that is ripe with hunger, in a world in which young chil-
dren suffer by not having enough to eat in so many corners of our globe. And then our family farmers are told the food they produce has no value.
This country is the arms merchant of the world. We ship more military equipment and sell more military equipment than any other country in the world by far. I would much prefer we be known as a country that helps feed the world, as a country whose family farmers have worked hard to produce good-quality food, and we find a way to connect that with the needs that exist in this world and give children a chance.

This issue is a big issue, an important issue. Family farmers have a big stake in it. This morning in North Dakota, our family farmers lost $60 million that they should have received to help them over these tough times.

We are going to be back. We lost round one, but we are not giving up. We are going to come back and get that assistance for family farmers. Why? Because we think it is important not just for family farmers, but because we think it is important for our country and for our country's future as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I thank Senator Jeffords for allowing me to go ahead and do this bit of work and make a statement about which I feel very personal and passionate.

COMMENDING ELIZABETH LETCHWORTH

Mr. LOTT. I send a resolution to the desk and I ask that it be read in its entirety.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

S. Res. 154

Whereas Elizabeth B. Letchworth has dutifully served the United States Senate for over 25 years;

Whereas Elizabeth's service to the Senate began with her appointment as a United States Senate page in 1975;

Whereas Elizabeth continued her work as a special Legislative assistant, a Republican Cloakroom assistant, and as a Republican Floor Assistant;

Whereas in 1985 Elizabeth was appointed by the Minority Leader and elected by the Senate to be Secretary for the Majority;

Whereas Elizabeth was the first woman to be elected as Republican Secretary;

Whereas Elizabeth was the youngest person to be elected the Secretary for the majority at the age of 34; Now, therefore, be it

Resolved, That the United States Senate commends Elizabeth Letchworth for her many years of service to the United States Senate, and wishes to express its deep appreciation and gratitude for her contributions to the institution. In addition, the Senate wishes Elizabeth and her husband Ron all the best in their future endeavors.

Signed by the Secretary of the Senate shall transmit a copy of this resolution to Elizabeth Letchworth.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, I know from the expressions on the faces of all of our officers and staff members in the Senate Chamber, there is a bittersweet feeling about the fact that Elizabeth Letchworth will be leaving to go on to the next venture in her life. I have said many times—not often enough—how much I appreciated the great work done by the officers of the Senate and the staff, those who read the bills, the clerks, the Parliamentarians, our own floor assistants. They make this place run. They serve us all so well, Democrat and Republic. We get to take the bows and go back home to our constituents, or home for the night, and quite often they continue to work. I take this occasion to thank all for the great work they do and say how much I appreciate your help.

The record will show someday that quite often I took into consideration a very capable and deserving staff in deciding not to be in session on occasion. I do think about the staff, and I am sure that my successor as majority leader will do the same.

Also I should say I regret that I am doing this alone, now, at this hour. There is probably not a Senator in this body who could not tell a personal story about some event or some situation where Elizabeth Letchworth helped—again, Republican and Democrat, and Independent. She has looked after us all, sometimes when we did not even deserve it, but she was particularly helpful to me while I was majority leader of the Senate. But not easy to understand. We mess them up every now and then, especially if we try to do things on our own. If there is an Elizabeth or a Marty or a Lula or a Dave, quite often we avoid making mistakes.

Elizabeth has been special. On behalf of all the Republican Senators, and all Senators, we thank her for her years of service and dedication. Senator Dole had a lot of fine staff, but I guess Elizabeth is the only one I'm going to miss the longest. She serves the institution. She doesn't serve one leader or another. She has served us all well. We have been smart enough to keep her around.

While I wish we had all 100 Members here—and perhaps I should have done this earlier today when we were all here, but it is typical of her—we were running around trying to figure out how we were going to get the Agriculture bill done with the least amount of pain and suffering for both sides and for the President. And we got it done. Once again, she helped to make it possible.

I wanted the resolution to be read in its entirety because she has had quite a career. It is obvious she is quite young, still. But she has been around this institution for almost 26 years, going back to 1975. She started as a page during her junior and senior years in high school. Obviously, she has known then not to stay any longer, but she made a miscalculation, as young people quite often will, and she has been here ever since.

Elizabeth had her first permanent position with former Republican Hugh Scott of Pennsylvania. That was so long ago I was not even in Congress—maybe I was. I guess I would have been, but I can't remember that far back.

She served for Howard Baker, Bob Dole, and now for me as majority and minority leader. She is the first and only one, to date, to hold the post of Republican secretary, and she served in that position for 7 years.

Elizabeth is a native of Virginia. Let me add, also, her parents are Jody and Don Baldwin. I want to mention them in particular because I know her father for about 30 years myself, going back to when I was a staff member for a Democrat in the House. If that is not ancient history, I don't know what it is. But I always loved him and enjoyed working with him. I know he was oh so proud of Elizabeth and the confidence we have had in her and the job she has done.

She did, again, show great wisdom. She married Ron Jeffords, born in Greenville, MS, finished high school at Hazlehurst, MS, and as is typical of southern boys, he overran his kick coverage and married Elizabeth. That means he married way over his head, but he is a great guy.

Elizabeth is retiring and going on to do different things, other things. I believe they will live in North Carolina and she will tend to her other passion—other than the Senate—golf and other things about life that are important. Too often, as staff members and as Senators, we get to thinking this is the world, it is all here in this room, in this Chamber, in this building, within the beltway. But out beyond the beltway is a wonderful life, a lot of wonderful people, and a lot of wonderful things to do.

I understand there is life after the Senate. I am not sure of that, but for now I look forward to finding that out someday myself.

Until then, I say to Elizabeth Letchworth, we appreciate all you have done. We will always think of you and love you and we wish you the very best at whatever you do.

Mr. Jeffords. Will the Senator yield?

Mr. LOTT. I am happy to yield.

Mr. Jeffords. I join in the accolades. I know I speak 100 percent for the Independents here when I say that, having been majority, and the tremendous responsibility that is carried by Elizabeth. But I also know her effectiveness. There is not a Senator here who has
We will miss you tremendously and only hope that your example will be followed by others who sit in that chair in the years to come, be they Democrats or Republicans on either side. I wish you and your family the very best, and I hope you come back often to see us.

I thank you for the tremendous courtesies that you have extended to me and to other Members of this body throughout your service. We thank you immensely.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, a few months ago our distinguished Republican leader presented a resolution which was adopted, I think, with the wholehearted support of all of us. I want to take a moment for a personal thank you to Elizabeth Letchworth, who has been an absolutely invaluable guide in the day to day and the time I have been in the Senate.

When we first get to the Senate, as the occupant of the chair knows well, our normal question is: What is happening? You are often confused, I often recall that great old saw that: In these chaotic times that are so complex, if you are not totally confused, you are not thinking clearly.

There are times when I have passed that test of thinking clearly by being totally confused. Usually the person I went to was Elizabeth, and I would say, "What’s happening?" She could explain not only the procedural aspects and what we needed to do in terms of making a judgment and a decision and we were able to present our views, whether on resolutions or bills—she was absolutely invaluable in that—but she also had a pretty good idea of what was going to happen, too. Trying to wheel and deal and the work of the Senate floor is a challenge which I don’t think any of us not the leadership—maybe even not some of them—have mastered. Because things do change here, it is always very difficult to figure out what’s going on.

Elizabeth was the one who, time and time again, told us what was likely to happen, when we could plan on things, what we could do. On a personal note, as my son was growing up and going to school here, the time I was able to spend with him in the evenings depended upon when we could complete our out-of-Senate work. Elizabeth became probably the best friend I have in terms of my being able to spend some time with my son. I would walk up to the desk in the front with a perplexed look on my face, and she would say: Are you having dinner with your son tonight or do you have a meeting to attend? And I knew in advance what I was coming to ask her, and she was often able to tell me very precisely what was going on.

In terms of my relationship with my son, I know I can add his thanks to mine for the fact that friendship and the thoughtfulness she exhibited in helping us deal with the complex time schedules of the Senate.

Most of all, I have to say in this body sometimes things get a little tense. There is tension across the aisle and there is tension with colleagues on our own side of the aisle. But she was always able to maintain a pleasant and a friendly attitude and take away some of the tension and helped smooth over some of the difficult times.

That is a high standard she has set. It is going to be very difficult for those who follow her to equal that degree of service and friendship. But I join with all my colleagues in saying a heartfelt thanks for being a wonderful friend, a great guide, a great counselor. We wish you the very best of luck. We hope, if your sense of humor permits, you will come back and watch us from time to time and help guide us through the difficult times ahead. You have certainly done an excellent job in the past, serve in that capacity with a sincere vote of thanks for Elizabeth Letchworth.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. President, the distinguished Senate leaders have called attention to the fact this is the last day on which Republican Secretary Elizabeth Letchworth will work with us in this Chamber. Thus ends the extraordinary career of an extraordinary Senate staff person.

Elizabeth originally came to the Senate as a page. She stayed for 26 years. That is as long as Robinson Crusoe was on that island. He was on that island 26 years and 19 days, so Elizabeth has almost equaled that. Her diligent, dedicated work, and her loyalty to the Senate led to her eventual rise to Republican Secretary, the first woman, the only woman, to serve in that capacity with a vote of thanks for Elizabeth Letchworth.

Ms. Letchworth has worked for or with six different Senate majority leaders, including myself. Therefore, I am speaking from personal experience when I say she made our work easier, more enjoyable for all of us. Through the years, I came not only to respect Elizabeth’s work, but also to admire her as a person. She always provided an oasis of calm in the middle of the many storms that brewed about her on the Senate floor. She was friendly and courteous. She worked on the Republican side, but she was always straightforward with me, always accurate. Not once did she ever mislead me, and I believe she was always willing to be so helpful.

Hers were the qualities so important to Members on both sides of the aisle because those qualities engender that precious commodity, and it is a most precious commodity in this Chamber, a most precious commodity if the Senate is to work its will. It is a commodity called trust. The Members on the Democratic side of the aisle developed such a high regard for Elizabeth that when we learned she was leaving, the Democratic Conference passed a resolution commending her for her extraordinary work and her illustrious career.
Mr. LOTT. Good luck, Dave; you are going to need it. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

AGRICULTURAL ECONOMIC ASSISTANCE

Mr. JEFFORDS. I rise today to voice my frustration about the events that unfolded today regarding the Agricultural Economic Assistance Act. I am disappointed for one reason. This legislation leaves my farmers behind. Of the $5.5 billion in this bill, only a very small amount goes to Vermont or any of the farms in our area of the country. Only $1.5 million out of the $5.5 billion in this package will reach Vermonters. That amounts to only about $1,000 per farm.

Mr. President, 50 percent of the money goes to 10 States. Our dairy farmers are the hardest working, most efficient. The compact has no Federal cost.

It is without question that the states in the Northeast are left out.

During the proceedings on this bill, there was much talk about the amount of the overall spending package. As we continue to wrestle with budget and spending concerns, I encourage my colleagues to take a look at a program that provides assistance and stability for farmers at no cost to the federal government, the Northeast Interstate Dairy Compact.

The Northeast Dairy Compact was established to restore the regulatory authority of the six New England states over the New England dairy marketplace. This authority, however, must be granted by Congress.

By gaining the consent of Congress in 1996, the Northeast Dairy Compact has proven to be a great success—providing farmers with a fair price for their milk, protecting consumers from price spikes, reducing market dependency upon milk from a single source, controlling excess supply, and helping to preserve rural landscapes by strengthening farm communities.

Farmers across our Nation face radically different conditions and factors of production. Differences in climate, transportation, feed, energy, and land value validate the need for regional pricing. Compacts allow states to address these differences and create a price level that is appropriate for producers, processors, retailers, and consumers.

The stability created by the compact pricing mechanism is important for several reasons. It guarantees farmers a fair price for their product and allows them to plan for the future. Farmers, knowing that they can count on a fair price, can allocate money to purchase and repair machinery, improve farming practices, and above all, stay in business.

The opponents of compacts argue that compacts lead to overproduction. These allegations, however, are unfounded. The Northeast Dairy Compact has not led to overproduction during its first 4 years. In fact, during 2000, the Northeast Dairy Compact states produced 4.7 billion pounds of milk, a 0.6 percent reduction from 1999. Since the Northeast Dairy Compact has been in effect, milk production in the region has risen by just 0.2 percent. Nationally, milk production rose 7.4 percent from 1997 to 2000. Over this same period, California, the largest milk producing state in the country, increased its milk production by 16.9 percent.

Originally created as a three-year pilot program, the Northeast Dairy Compact has been extremely successful in demonstrating the merits of compacts. We no longer need to speculate about the potential effects of compacts. We now have the hard evidence—they are good for farmers, good for consumers, and good for the environment.

As has been stated by several of my colleagues today, we, who represent the Northeast will do everything in our power to secure the survival of our family farms. We look forward to working throughout this year to make sure the dairy compact is, again, allowed to show the benefits that this Nation of effective farming which results in no cost to the Government.

It is certainly hard for me to understand why we get so much criticism. It is the only farm program that doesn’t cost the Federal Government money, and it is one of the first on some people’s lists of programs to get rid of. It is entirely unbelievable and incomprehensible.

I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT OF THE TWO HOUSES OVER THE LABOR DAY HOLIDAY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 208, just received from the House.

The PRESIDING OFFICER. The Chair lays before the Senate H. Con. Res. 208, which will be stated.

The bill clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday,
ELECTION REFORM

Mr. DODD. Mr. President, I would like to talk about election reform. I have talked about it on a number of occasions.

Yesterday, as chairman of the Rules Committee, we had a markup of one of the election reform bills. I say with a high degree of sadness—and I truly mean this—that our good friends on the Republican side of the aisle decided for whatever reasons not to show up; to sort of boycott the markup. I haven’t had that experience in my 20 years in the Senate and 6 years in the House. I gather that it may have happened on other committees but never on ones on which I served.

Again, I understand there is disappointment sometimes when our amendments or our bills are not going to be marked up, or are not going to have the necessary votes to be marked up. I had scheduled the markup well in advance with full notice. There are some 16 election reform bills that I know of which have been introduced in the Senate. We didn’t mark up all of them. We marked up one bill. It was open for amendment, or substitution, as is the normal process. As I have been both in the majority and minority, over the years that is how it has been done.

In the Rules Committee you cannot vote by proxy. You have to be there for the final vote. You can only vote by proxy on amendments.

We had the convening of the markup at 9:00 in the morning with the full idea that at least an hour-and-a-half would be available for people to come and offer amendments, debate, or discuss the issue of election reform.

I think there were some 200 to 300 people in the hearing room. Many came in wheelchairs and some with seeing-eye dogs and other such equipment in order to assist them. There were people from various ethnic and racial groups in the country who care about election reform, and average Americans who just wanted to see what Congress might do and what the Senate might do in response to the tremendously disappointing events of last fall when we saw what tremendous shambles our election process is in. The events of last fall peeled back the scandalous conditions of our electoral processes all across the country—not only in one state during one election. Almost without exception, every State is in desperate need of repairing the election process.

As a result of what happened last fall, there has been a heightened degree of interest in doing something about our election process. As a result, as the chairman of the committee since June, I have had three hearings on the issue. We had one hearing prior to that when I was ranking member of the committee.

The bill I propose is one that has been cosponsored by 50 other Members of this body. It received some rhetorical support from others who are not exactly cosponsors but have told me that they will support the bill when it comes to the floor. The same bill has been introduced in the House. FORMER CONGRESSIONAL RECORD — SENATE August 3, 2001 587

Mr. DASCHLE. Mr. President, I yield the floor.

CONGRESSIONAL RECORD — SENATE August 3, 2001 588
take someone with them to vote. Some States will allow you to bring a family member. Some insist you go in with a poll worker you don’t know. So the idea of casting a ballot in private is nonexistent.

Therefore, when I talk about trying to establish some national requirements to improve the system, it isn’t just better equipment, it is also making the voting booth more accessible to those who are disabled.

At any rate, America share with you these statistics. As I said, there were 4 to 6 million people—this is stunning—trying to do their civic duty who were turned away and denied the chance to vote.

Earlier this week, former Presidents Ford and Carter released a report. Their findings echo those of the Cal-Tech-MIT report. The report makes clear that the election of 2000 was more than “a closely contested election,” as some have attempted to characterize it. It was a matter of counting how many ballots were hanging or short of the quorum the Electoral College—

The Ford-Carter Commission—

Mr. President, I see my friend and colleague from the State of Washington to be able to proceed for about 5 additional minutes, if that is all right with her.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

The Ford-Carter Commission described the results of last fall’s election as “a political ordeal unlike any in living memory.” It was an ordeal that spread beyond a few counties in Florida to encompass—and incriminate—the electoral system within our entire Nation.

Like the Cal-Tech-MIT report, this report adds to the growing body of evidence that in the year 2000—and in previous years—American voters were disenfranchised—not by the thousands, or even by the tens of thousands, but by the millions. These are people who intended to vote, stood in line, did everything they thought they needed to do—thought they had registered to vote—and for a variety of reasons were not able to cast their ballots, or not have their ballots counted.

They were people who were disproportionately poor, who are racial or ethnic minorities, who speak English as a second—not first—language, and who are physically disabled.

In Florida alone, the U.S. Civil Rights Commission found that African American voters were 10 times more likely than white voters to have their ballots thrown out. Across the country, the votes of poor and minority voters were three times more likely to go uncounted than the ballots of wealthier Anglo voters. That kind of disparity—based on race, income, ethnicity, language, and physical ability—is unacceptable, at least it ought to be, in any nation that calls itself a democracy. For a nation such as ours—which is the birthplace of modern democracy, which holds itself out among the community of nations as an emblem of self-governance—six million people, out of 100 million who cast their ballots, were thwarted. That is more than unacceptable; it is unconscionable.

Likewise, as our colleague from Missouri, Senator Bond, has said, it is unacceptable and unconscionable when any American abuses his or her right to vote by committing fraud. I wholeheartedly embrace his statement that he made on the Senate floor yesterday that we need to expand voter participation and reduce voter fraud in our Nation.

I appreciate, by the way, the Senator from Missouri telling me the night before what he was going to say on the floor the next day. Those are common courtesies we extend to each other, regardless of differences that may exist.

Voter fraud and voter disenfranchise-mental are two forms of wrongs that we have a similar impact. They both debase our electoral system. They both distort the value of votes lawfully cast. And they both diminish the true will of the American people. I wholeheartedly embrace the statement that we need reforms that ensure that more Americans can vote and that fewer can cheat.

I look forward to working with him during the month of August, and his staff, to see if we can craft those parts of what he has proposed as a part of our bill.

Some have argued that—against this overwhelming evidence that millions of Americans are routinely deprived their right to exercise the most fundamental right we have in a democracy; against this overwhelming evidence that our electoral system is in profound need of reform—we should make strengthening our election laws optional.

In 1965 we passed the Voting Rights Act. We did not make the elimination of the poll tax or elimination of the literacy tests an option. We said: It is wrong because you are voting for President of the United States and the National Congress.

If we were just voting for the local sheriff or the school board or the general assembly of that State, then I do not think the Federal Government has a lot to say. You might argue that we do not even have a federal government, if you deprive people the right to vote, either de jure, by law, or de facto because of what you failed to do to make the system accessible to people, then you have offended people to whom you voted in my State when they vote for President or they vote for the National Congress.

So the idea that somehow we are going to make de facto barriers to people’s right to vote optional in ludi-crous on its face as was in 1965 to say we had no right to abandon or get rid of de jure hurdles to people’s right to vote when it came to casting ballots

for the Presidency and the Congress of the United States.

I am not interested in having overly burdensome requirements. I do not think having basic national standards that say, if you are blind, you have the right to vote in private, that you are disabled and cannot reach the machine, you ought to be able to do so. We did that with the Americans With Disabilities Act. You cannot go into a public accommodation or a public restroom and you cannot have handicaps today.

You ought not be able to go into a voting booth that isn’t handicap acces-sible.

I do not think you are going to get that by leaving it optional. I think there does need to be a national requirement to see to it you do not have these punch-hole ballots or chads hanging around all over the place. I do not care if you want to have a different machine in every State, but meet basic minimum requirements that we then are giving people the right to see how they voted—you can go to a gasoline station and you know how much gas you put in your car because you get a receipt to look at. Can’t we do the same for a voting ma-chine, so that when you come out of the booth, you can take a look and make sure your vote was recorded as you intended it to be recorded in the 21st century? Or can’t we have a sample ballot so you might have a way about what you are going to see in the voting booth when you walk into that booth for the very first time?

Those are the kinds of requirements I am talking about. I do not think that is overly aggressive, overly excessive. And I believe that if the National Gov-ernment requires it, that we ought to also pay for it.

My bill does both. I am pleased to say the Presiding Officer and others are co-sponsors of the bill we have introduced. I am not suggesting it is perfect. I hope when we come back in September—I have been told by the majority leader; I appreciate his tremendous leadership on this issue—we will make this a priority issue so we can get it done. We can provide some resources and start to make a difference in the 2002 elections. Hopefully, by the 2004 Presidential race, we will at least reduce substantially the amount of abuse we saw occur in the 2000 election, and hopefully we will see to it the voting opportunities are not going to be left to wither and deteriorate to the point they had, as we evidenced, in the year 2000. It is not easy. It is going to take some investment.

I will end on the note. It was said by Thomas Paine more than 200 years ago. I know these other issues are important. I don’t minimize them, whether we are talking about an energy bill, a farm bill, a Patients’ Bill of Rights, all those questions that we debate every day. I am talking to representatives in this body, down the hall in the other body, or down the street in the White House. All of that depends, as Thomas Paine
said, on the right to vote. The right to vote is the right upon which all other rights depend. If we can’t get the right to vote right, then what confidence do people have that we will make the kinds of decisions they asked us to make when they sent us here as their representatives.

I know it is not as popular and doesn’t have the same glamour attached to it as some of these other issues. I don’t think there is anything more important this Congress can do than to see to it that we redress the wrongs committed in the year 2000 and the years before then.

I urge my colleagues, particularly those from the other side. I have gone to many of their offices. I have let them know I have visited them the last several weeks. I have explained the bill and asked for their ideas. I want a bipartisan bill. I have been to the office of Ben Nighthorse Campbell, the offices of Lincoln Chafee, Peter Fitzgerald—I have talked to them—on the down list. I will continue to do so because I want a bipartisan bill. I am saddened again that yesterday my Republican friends on the Rules Committee decided not to come and vote and be heard on a bill that was going to try to improve people’s right to vote in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I ask unanimous consent to address the Senate for 15 minutes.

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

Ms. CANTWELL. Mr. President, I commend my colleague from Connecticut, for his fine remarks on election reform, a very important issue, indeed, and one I am sure we will be addressing when we resume after our summer recess.

WASHINGTON STATE AGRICULTURE

Ms. CANTWELL. Mr. President, the Senate is about to adjourn for a summer recess, clearly doing so after having moved this morning on an Agriculture supplemental bill that does not truly understand the plight of American farmers and the impacts in my home State of Washington.

The impact on Washington State farmers and the impact they have on our State economy and the national economy is clear. There are over 40,000 farmers in our State covering 15 million acres of land. Washington State apples are 50 percent of our Nation’s apples, and Washington State is the third largest wheat-producing State in the country. We export about 90 percent of that wheat internationally.

Farmers in our State have been struck by a series of disasters this year. They had suffered a drought, they have suffered a destructive storm, and this morning they are left with an Ag supplemental bill that does not do enough for the farmers in my State. In fact, this bill we have passed, compared to the Harkin bill, leaves my State with hundreds of millions of dollars less resources for both wheat and apples.

I ask unanimous consent to print in the Record a document produced by the State of Washington that details the elements and impacts of the drought.

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

HOW IS AGRICULTURE AFFECTED

The drought largely is the result of reduced snow pack in the Cascade Mountains, which acts as a reservoir for water that is released during the spring and early summer. This water is captured in rivers and reservoirs where it is distributed via irrigation systems to farmers. This relatively reliable water supply has allowed the arid fields of eastern Washington to become some of the most productive and diverse agricultural lands in the United States.

The drought affects not only the water available from rivers and reservoirs for irrigated crops, but may affect non-irrigated crops as well. The moisture and prolonged dry conditions will reduce yields for those crops.

Agriculture is the core industry of rural Washington. It supports the small towns and cities of eastern Washington. In 1997, the food and agriculture industry—farming, food processing, warehousing, transportation and distribution—employed nearly 183,000 people. Farming, excluding farm owners and families, employs about 84,000 people in Washington.

In 1999 farmers harvested over $5.3 billion while food processors sold $8.9 billion worth of products. Washington’s food and agricultural companies exported $3.5 billion of products. The most valuable of these crops come from irrigated land. About 27 percent of Washington’s cropland is irrigated, yet this acreage produces more than 70 percent of the total value of all of Washington State’s harvest. This includes the most valuable crops: apples; cherries and other tree fruit; vegetables; onions; and 22 of the 23 most valuable crops, by harvest value per acre, are irrigated.

Agriculture also is potentially affected by disruptions to transportation, especially barge traffic due to lower river levels. In the case of wheat, for example, there is insufficient truck and rail capacity to absorb the load if barge transportation is curtailed.

The current drought, unlike other recent droughts, is occurring at a time when farmers are facing many other serious challenges. Many smaller farms are likely to face bankruptcy or leave farming. The weak condition of many segments of the agriculture industry in the state makes the industry more vulnerable to the effects of drought. Most farmers are in their third year of net losses due to poor market conditions. Many farmers lack the credit to survive another year without a harvest or make the investments necessary to mitigate these impacts—such as drilling deep wells or upgrading irrigation and distribution systems.

From Ritzville to Yakima, from Cheney to Wenatchee, the family farms in my State are hurting. Just this past week, I met with farmers from Ritzville; they are wheat farmers. Wheat farmers are seeing a 14-year-low in wheat prices. They made it clear they need help and they need help now.

Part of our discussion is what is the sentiment for support of the family farms across our country.

I ask unanimous consent to print in the Record an article from a local Walla Walla newspaper about the impacts.

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

POLE: VOTERS SUPPORT FARM AND RANCH CONSERVATION EFFORTS

Walla Walla—America’s farms and ranches are important to the nation’s voters, and not just for their locally grown food.

A new poll released today shows that voters value farms and ranches for the conservation benefits they provide, such as cleaner air and water and wildlife habitat. And not only do voters want the federal government to support programs that secure those values, by linking conservation practices with farm payments, but voters are willing to pay tax dollars to make sure conservation benefits from farms and ranches.

A poll, a telephone survey of 1,024 registered voters nationwide, uncovered strong support for America with 81 percent of voters saying they want their food to come from within the United States.
Americans professed a close connection to farmers and ranchers, with 70 percent reporting that they have bought something directly from a farmer during the last year, such as at a farmer's market or a farmer's stand. Voter concern about farm environmental issues registers almost as high as for current "hot" political issues.

For locally in Central America, 73 percent are concerned about pesticide residues on food and 69 percent of American voters say they are concerned about loss of farmland to development, compared with more than 80 percent of voters concerned about public education and gas prices.

Seventy-eight percent of the American electorate report they are aware of government income support programs for farmers. Voters strongly approve of these programs when they are used to correct low market prices or in cases of drought or flood damage. The addition of conservation conditions to farm supports, however, received overwhelming approval, as 75 percent of American voters feel income support to the American farmer should come with the stipulation that farmers are required to apply "one or more environmental practices," such as protecting wetlands or preventing water pollution.

"We were struck by how many voters make clear links between agriculture and conservation benefits," said Ralph Grossi, president of American Farmland Trust. "The public feels strongly about all the values they see in food production, not only that they appreciate America's bounty on their tables, they also realize farms and ranches provide environmental benefits and they are willing to share that cost.

Several programs exist to support conservation on farms and ranches, among them the Farm and Conservation Program, Environmental Quality Incentive Program, and the Wetlands Reserve Program.

For each of these programs, demand has far outstripped federal funding in 2001. For WRP alone, unmet requests from farmers totaled $568 million. This year FFP was only allocated $17.5 million in funding—leaving a gap of $90 million and hundreds of farmers waiting in line to protect their land.

"As expected, when we asked voters about how they wanted to increase federal spending, they placed a high priority on addressing pressing needs like finding cures for cancer, educating our children and ensuring adequate energy supplies," said Grossi. "What we did not find was that a majority of voters—53 percent—feel increasing spending to keep productive farmland from evaporating and income needed to sustain families want to help family farms.

The family farms in my State are on the brink. They are on the brink because our Governor has declared a drought in Washington State. The drought, along with an energy crisis, is having a catastrophic effect on agriculture. In many cases water is not available for irrigation; the farmers have been unable to get the irrigated water supply they need. Right in the middle of this trouble, a severe storm occurred and greatly impacted the fruit industry of the central part of the State, ruining various orchards throughout the central part of Washington.

I ask unanimous consent to print in the RECORD an article from the Yakima Herald that reads in part:

Silent and unyielding, drought stalks Central Washington (By David Lester)

"The west side of the state is clearly better off. It's the band along the middle of the state from the Cascade crest to the east where the worst of the problems are," McChesney said.

When higher energy costs, higher fertilizer costs and three years of poor marketing conditions for apples and other crops are added in, Central Washington farmers are carrying most of the burden for the rest of the state.

"We are getting clobbered. There is no doubt about that," McChesney added. "The region went through a nearly identical drought in 1994, but as McChesney suggested, this year's record drought couldn't have come at a worse time.

SEARCH FOR STORAGE

Already reeling from several years of poor market prices, the 2001 drought is staggering the area with another blow right now.

"Farmers are survivors, but they are being pushed about as far as they can be pushed," observed Tom Carpenter, a longtime Granger farmer on the Roza Irrigation District.

Carpenter and other basin farmers are once again pushing for new water storage to insulate them from the drought. Cascade lakes in the Yakima Irrigation Project can store less than half the water used in the basin each year. No new storage has been constructed since 1933. In the intervening years, the basin went through a natural maturing process with the planting of more perennial crops like apples and cherries. The basin also has less water demands from the Roza Irrigation District and water was available for irrigation. But as McChesney suggested, this year's record drought couldn't have come at a worse time.

Already reeling from several years of poor market prices, the 2001 drought is staggering the area with another blow right now.
years, said the people who built the basin found ways to get things done.

"I wonder what's wrong with us. Why don't we have the vision to do what we need to do and then get everyone's interest behind it," he asked. "We are just fighting over the crumbs."

The impacts aren't being felt solely on the 72,000-acre Roza or the 50,000-acre Kittitas Reclamation District, where farmers are receiving barely a third of a normal water supply.

They are at the end of the line in a water-right system that favors those who were here first. The first homesteaders have what are called senior rights. Their rights are satisfied first when there isn't enough to go around. Later arrivals, known as juniors, share what's left.

It is a system that has led to the most restrictive rationing in the Yakima Irrigation Project's 96-year history. In 1994, junior users were limited to 38 percent of a full supply.

But because the large irrigation divisions in the 464,000-acre project have a combination of senior and junior rights, farmers in other parts of the basin, like the sprawling Wapato Irrigation Project, are struggling as well.

"We are just fighting over the crumbs," said Dale Bambrick of Ellensburg, the Eastern Washington representative for the National Marine Fisheries Service. "It's a double whammy. The salmon and steelhead critters aren't functioning well."

**DROUGHT EFFECT REACH FAR**

The struggle on the farm is being felt in town, too.

"We are just fighting over the crumbs," said Dale Bambrick of Ellensburg, the Eastern Washington representative for the National Marine Fisheries Service. "It's a double whammy. The salmon and steelhead critters aren't functioning well."

City residents in parts of Yakima and Kennewick are being required to rotate water use to make an inadequate supply stretch.

Workers in industries that supply farmers and process the commodities they produce are being laid off because there is too little work.

Duane Huppert, who owns Huppert Farm and Lawn Center in Ellensburg for 17 years, said he may have to order this spring when the initial water forecast came out in March.

"When that came out, it was like turning off the business as far as ag sales are concerned," Huppert said. "It really stops any farmer from buying anything when you look at a year like this."

"As a farm equipment dealer, our sales were cut drastically," he added.

Huppert, who sells John Deere products, said he is concerned about the lingering effects of this drought into next year and beyond.

"This community is an ag community whether people like it or not," he said. "We get a lot of income from farmers, and the money they spend goes through a lot of businesses."

In the heart of the Yakima Valley in Sunnyside, Bleyhl Farm Service, a supplier of feed, fuel, fertilizer and equipment to farmers, also is feeling the pinch.

Verle Kirk, the firm's Sunnyside store division manager, said the firm cut its work force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in force in Sunnyside by about 14 percent to some 70 employees in response to a cut in
FAMILY FARMS NEED ASSISTANCE

Ms. LANDRIEU. Mr. President, before leaving for the recess, I, too, wanted to address a couple of points on my mind and I am sure on the minds of the people of Louisiana. We have enjoyed, as a State, some success this session on many issues. Of course, some of them are not resolved.

Senator BREAUX and I have been very involved with the issue of education and health care. As we wind down this particular part of our session, I wish to speak for a moment on the area of agriculture.

The Senator from Washington just spoke. She says she is leaving town with some disappointment. I add my voice to say I, too, am disappointed in the outcome of our Agriculture supplemental appropriations bill. We seem to have room in the budget for many other items, but sometimes when it comes to our farmers and agriculture, they are cut short or draw the short straw.

That is very unfortunate because, according to the budget outline, there was money available to allocate in an emergency and supplemental way to meet the needs of farmers, not only in Louisiana and throughout the South but, as the Senator from Washington said, the farmers and agricultural interests in her State and throughout the Nation.

The House adjourned, setting the floor quite low at $5.5 billion. The Senate, in a bipartisan fashion and with bipartisan support, went on record as supporting a higher number of $7.5 billion. When $2 billion is cut out, a lot of farmers in Louisiana are shortchanged.

Our AMTA payments were reduced substantially. The conservation programs, so important to farmers in Louisiana because of our tremendous wetlands conservation efforts, are shortchanged.

The public/private partnerships that farmers and landowners can enter into with the Government to reduce production and help keep prices high, was curtailed because of our lack of commitment to this funding level. In addition, because of the unfortunate timing, we are not going to be able to come back in the fall and recoup the lost ground because we will be past the September deadline.

I have here an interesting letter from the American Soybean Association, National Corn Growers, National Association of Wheat Growers, and, of course, the National Cotton Council.

This letter says: We would rather have $5.5 billion than nothing, and so would I. But they should not have had to settle for the $5.5 billion when even settling for $7.5 billion is not enough to meet the needs and the emergencies being experienced by farmers everywhere who are, frankly, entitled to more.

I most certainly do not blame these associations for saying, listen, we are between a rock and a hard place. They are saying, “The House has adjourned. It has approved $5.5 billion. We would just as soon take that.” I know if they could stand here and speak their minds, and speak the truth, they would say $5.5 billion is not enough. It is going to leave a lot of our farmers with higher debts and a lot of our rural communities across the Nation.

In Louisiana, we have experienced some of the lowest prices in decades, and a severe drought. This drought has brought about an intrusion of saltwater into our wetlands and farms, and is putting many farmers and landowners in a difficult position. It is a very difficult time in agriculture.

I did not want to leave without saying I am extremely disappointed we were not able to get the level of AMTA payments higher. It is very important to our farmers and our conservation programs. I think we will end up paying a higher price in the months and years to come.

In addition, it is of particular disappointment we do not have included in this particular package our voluntary State-supported, State-recommended, and State-endorsed dairy compacts. Compacts are important to the dairy farmers all over this Nation and come at no cost to the taxpayer.

We are arguing about an agricultural funding bill because the two Houses cannot decide whether $5.5 billion is the right amount or $6.5 billion or $7.5 billion. Jobs and incomes are not growing on trees, and we do not want to overspend.

We want to live within budgetary constraints, but what puzzles me so much about this debate is the dairy compact does not cost the taxpayers a penny. We could have added it and not added one penny to the Agriculture supplemental appropriations bill because dairy compacts do not cost the taxpayers any money. They are a voluntary, State-run, State-supported and voluntary dairy compact. We allow dairy farmers, along with consumers and the retail representatives, to set a price for fluid milk so we can make sure everyone in our districts and our regions have a fresh, steady supply of milk.

It is a system whereby if prices go up, the producers pay out of their profits; if the prices go down, the farmers are paid out of the profits to retailers and others, therefore, leveling the price and allowing the farmers to make plans for the growth and production of dairy products.

It has been proven very successful in the Northeast. The Senators from Vermont have been two of the lead sponsors and advocates. New York has petitioned to join, Pennsylvania has petitioned to join, and the Southern delegates and the Southern Senators want the South to have the same right to organize into compacts and help our farmers.

In Louisiana, we have lost 204 dairy farms since 1995. We have only 468 remaining. If we do not answer in some way to the dairy farms, I am going to be back in 3 years saying: We had 468, now we are down to 250, and 3 years from now we will be down to 150. Before you know it, we will be in a position where we are importing all of our milk from other parts of the Nation. We will be paying higher prices, because there will be less competition and less of a distributive organization of dairy farmers.

Had Louisiana been a member of the Southern Dairy Compact last year, our 468 dairy farms would have received almost $12 million in compact payments. That is not a huge amount of money by Washington standards in the billions, but I can tell my colleagues, $12 million means a lot to the people of Louisiana and to these farmers who are scratching out a living, trying to operate their enterprises at a profit. It not only means a lot to the farmers and their families, but to the communities in which they buy supplies, pay taxes that provide for vital community services.

When a dairy farmer goes out of business, it does not just collapse that particular dairy farm, it is that particular family, it affects the whole rural economy of many of our States.

Northeast Dairy compact States show the compact had a steadying influence on the support of farms. Without exception, we know, based on the facts and the figures, that the Northeast experiment has been very positive.

When we come back in the fall, I am not sure what we can do to restore the level of funding. As I said, this was an opportunity lost. We now have to operate under new budget constraints. I am not sure how we are going to fill in the gaps, but because the dairy compact does not cost additional funding, I am hopeful. I look forward to joining with my colleagues in building a bipartisan support for State-run, State-supported voluntary dairy compacts that do not cost the taxpayer a dime but help keep a steady, reliable source of fluid milk coming to our consumers and to consumers in every region of this Nation.

I am hopeful that when we get back, we will have success.

We have a farm bill to debate. There are many changes that our farmers are going to need so that we can compete more effectively. We need to open up trade opportunities, more risk management tools, and the dairy compact that can help our farmers help themselves and not just rely on a Government handout. That is all they ask. They just want to be met halfway. We can most certainly do a better job.

I am going to fight as hard as I can for the Southern region of this Nation that, in my opinion, has historically been shortchanged when it comes to agriculture. I am going to join with Senators from New York, New Jersey, Washington, and other States who have, in the past, also been shortchanged because of the lack of emphasis on specialty crops. Although I do not represent New Jersey, New
Ms. LANDRIEU. Yes. The PRESIDENTING OFFICER. The Senator from Alaska.

ENERGY

Mr. MURKOWSKI. Madam President, I will try to be brief because I am sure there are many who would like to start the recess.

Madam President, I call your attention and that of my colleagues to the activity in the U.S. House of Representatives which occurred the day before yesterday, rather late at night. This involved the reporting out of an energy bill, a very comprehensive bill. As a consequence, the baton now passes to the Senate. There is going to be a great deal of debate in the committee, on which I am the ranking member, along with other members of that committee, including the Senator from Louisiana, who just addressed this body at a similar forum. I am going to talk about the development of our own energy bill at this time, I will highlight one of the topical points in that bill that affects my State of Alaska. That is the issue of ANWR, the Arctic National Wildlife Refuge.

The action by the House is very responsible. It puts the issue in perspective. The issue has been that somehow this huge area called ANWR, an area of 19 million acres, an area that is approximately the size of the State of South Carolina, is at risk by any action by the Congress to initiate authorization for exploration.

What the House has done is extraordinary, mandating a limitation of 2,000 acres to be the footprint associated with any development that might occur in that area. It takes the whole issue and puts it in perspective that, indeed, This is not more than four or five small farms, assuming the rest of the area of the State of South Carolina were a wilderness. That is the perspective.

For those who argue ANWR is at risk, the House action has clearly identified the footprint will be 2,000 acres. What will that do to America's technology, to America's ingenuity? It will challenge it. It will say, we must develop this field, if indeed the oil is there, with this kind of footprint.

This technology has been developed in this country. The exploration phase is under way. It suggests that you can drill under the U.S. Capitol and come out at gate 8 at Reagan Airport. That is the technology. This gives side views of what lies under the ground and the prospects for oil and gas. It mandates the best technology. It mandates we must develop this technology, and as a consequence puts a challenge to the environmental community, the engineering community, and our Nation. That challenge will help make this the best oilfield in the world.

What else does it have? It has a project labor agreement. That means there will be a contractual commitment between the unions, the Teamsters, and the AFL-CIO, and it will create thousands of jobs in this country. These are American jobs.

I urge Members to consider for a moment that over half of our deficit balances are paid for by imported oil. Once the Congress speaks on this issue, there will be a reaction from OPEC. That reaction will be very interesting. OPEC is going to increase its supply and the price of oil is going to be reduced in this country. There is no question about it. When we mean business about reducing our dependence on imported oil, they will clearly get the signal.

Furthermore, it is rather interesting what the House did with the disposition of royalties. The anticipated revenue from lease sales for the Federal land in this area is somewhere in the area of $1.5 to $2 billion. That money is not just beginning to go in the Federal Treasury: it will go into the development of alternative, renewable sources of energy. So we have the funds to develop the new technologies.

One of the misconceptions in this country that covers energy is that it is all the same. It isn’t. We generate electricity from coal. West Virginia is a major supplier of coal. Nearly 51 percent of the energy produced in this country comes from coal. We also have the capability to produce from nuclear. About 22 percent of our energy comes from nuclear. We may also use a large amount of natural gas, but our natural gas reserves are going down faster than we are finding new ones.

We have hydro; we have wind; we have solar. These are all important in the mix. The funds from the sale or lease in ANWR are going to go back and develop renewable sources of energy.

The point I make is why these energy sources are important. America moves on oil. The world moves on oil. There is no alternative. We must find an alternative, perhaps fuel sales, perhaps hydrogen technology, but it is not there. We will be increasingly dependent on sources from overseas.

I know the President pro tempore remembers the issue of the U2 over Russia, Gary Powers, an American pilot in an observation plane that was shot down. At that time, we were contemplating a major meeting of the world leaders to try and relieve tensions. When his plane was shot down, tensions were increased dramatically between the Soviet Union and the United States. It was a time of great tension.

The other day we had a U2 flying over Iraq with an American pilot. We were enforcing a no-fly zone. We were doing an observation. A missile was shot at that aircraft, barely missing it. It blew up behind the tail. It hardly made page 5 in the news.

We imported 2.5 million barrels a day from Iraq. We are enforcing a no-fly zone over Iraq. We have flown 231,000 individual sorties, with men and
women flying our aircraft, enforcing this no-fly zone, ensuring its targets are not fully developed. Occasionally we bomb and take out targets.

How ironic; here we are, importing a million barrels a day, enforcing a no-fly zone on his targets, but we are taking this oil and putting it in our aircraft to do it. I don’t know about our foreign policy.

What does he do with the money he receives from us? His Republican Guard keeps Saddam Hussein alive. He develops a missile delivery capability. He puts on a biological warhead, perhaps. Where is it aimed? At our ally, Israel. Virtually every speech Saddam Hussein gives is concluded with “death to Israel.”

Where does this fit in the big picture? Six weeks ago we imported 750,000 barrels a day from Iraq. I find it frustrating. We had another little experience about 3½ weeks ago. Saddam Hussein was not satisfied with the sanctions imposed by the U.N. He said: I will cut my oil production 2.5 million for 30 days. That is 60 million barrels. We all thought OPEC would stand up and increase production. They didn’t. They have a cartel. We can’t have cartels in this country. We have antitrust laws against them.

My point is quite evident, OPEC, the Mideast nations, are trying to stick together, hold up the price, because they are increasing their leverage on the United States. Does the U.N. have any effect on the national security of this country? It is quite obvious to me.

There is another argument that was used. We heard it on the House floor: Ban the export of any Alaskan oil that might come from ANWR. Fine, I will support that.

One of the amusing observations I made the other day is that one of the Members of the House got up and said we have to oppose opening this because all the jobs that go to Japan. That is nonsense. So it is prohibited in the authorization. The last oil that was exported outside the United States from Alaska occurred a year ago last April, a very small amount that was surplus. But it is not surplus anymore because California is now importing a great deal of foreign oil because they have increased their utilization while Alaskans has declined in its production.

If you go through the arguments that will be made on the ANWR issue, please think about the action of the House, the responsible action of the House. No longer is 19 million acres at risk, an area the size of the State of South Carolina; 2,000 acres is at risk. Is that a reasonable compromise to address our energy security? Certainly. It mandates the best use and the highest use of particular knowledge. It has a project labor agreement in it. The unions think very highly of this because it has become a jobs issue.

We have an obligation to do what is right for America. We know our environmental friends have taken a stand on this, but most of their arguments are gone. Can you open it safely? Surely; and the Federal royalties are going to go back for conservation and renewables and R&D. We are going to put a ban on exports, resolving that issue.

ANWR has been the focal point of a lot of misinformation by environmental extremists. They have tried to hold it hostage for their own publicity, membership, and dollars, and they have been quite effective. But the House vote proves that when we really look beyond the hype, we can safely explore the resources in ANWR.

I applaud the House leadership for crafting a compromise, a balanced bill, one that I think every Member should seriously consider.

After the recess, I am going to be discussing this issue at some length. I hope my colleagues will join me. We have heard from a few who say, we are going to filibuster this. You are going to filibuster an energy bill? Is that your right? Are you going to filibuster and in effect cause us to increase our dependence on imported oil? Filibuster a bill that will provide more American jobs for American labor? I welcome that debate.

It is amusing to me to conclude on this note because I see the President pro tempore patiently waiting, how things change in our media as they are exposed to the pressures from special interest groups. I am going to quote from the Chattanooga Free Press, June 3 of this year, an article done by Reed Irvine. He cites the issue of the Arctic National Wildlife Refuge, the issue of arsenic in the drinking water, the idea of trying to bring things into balance. He specifically takes on two of the major newspapers in this country, the Washington Post and the New York Times, by reminding us of their gross inconsistency. He states:

In 1987, a Washington Post editorial described ANWR as one of the “bleakest, most remote places on the continent”, saying, “There is hardly any other place where communities depend as much on surrounding life... Congress would be right to go ahead and, with all the conditions and environmental precautions that apply in Prudhoe Bay, see what’s under the refuge’s tundra.”

In 1988, a New York Times editorial said of the area, “(T)he potential is enormous and the environmental risks are modest,” the likely value of the oil far exceeds plausible estimates of the environmental cost.” It concluded, “(I)It is hard to see why absolutely pristine wilderness should take precedence over the nation’s energy needs.”

That is in 1988. We are importing right now close to 60 percent of the oil we consume. The article goes on to say: “Since then our energy needs have become more pressing, but with new editorial page editors, both these papers are now singing a different tune about the ANWR. At the Chattanooga Times Free Press, Reed Raines has dumbed down the paper’s editorial pages and op-ed pages. A good example is an editorial on drilling for oil in ANWR published last March. Raines addressed the folly of trespassing on a wondrous, wildlife preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.”

What the Post had described as “one of the bleakest, most remote places on the continent” had somehow in the flick of a new editorial editor been transformed into “a unique ecological resource” and says that exploiting it for more oil to feed more of the same old profligate habits would be to take the wrong first step.” The Post accused [those of us in this body who support this] of “demagoguery.”

How clever.

I ask unanimous consent the article be printed in the RECORD.

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

[From the Chattanooga Times/Chattanooga Free Press, June 3, 2001]

SHADY ENVIRONMENTALISM
(By Reed Irvine)

Environmentalists come in many shades of green, but a lot of them are just plain shady, ignoring science and common sense and jumping on the green bandwagon for partisan political purposes. This is evident in the rush of people to bash the Bush environmental initiatives. All of a sudden, thanks to a last minute move by Bill Clinton, count- less Americans began quaking in their boots, having learned from the media that something very few of them had ever heard of before, arsenic in drinking water, might give them cancer.

They were not told that this conclusion was based on studies in countries where the level of arsenic in drinking water is as much as 10 times higher than the 50 parts per billion maximum level permitted in the U.S. We have yet to see a study showing that can- cers caused by arsenic are more prevalent in communities in this country where arsenic in drinking water is above average than in those communities where it is below average. We have seen a story in the New York Times reporting that arsenic is used at the Sloan Kettering Institute to cure a particu- larly vicious type of leukemia.

Even more than arsenic in drinking water, the proposed drilling for oil in the Arctic Na- tional Wildlife Refuge has been used to bash President Bush and Vice President Dick Che- ney. Back in the 1980s, two of our most influ- ential newspapers, the Washington Post and the New York Times, favored exploitation of the ANWR in this remote, inhospitable region of Alaska.

In 1987, a Washington Post editorial de- scribed the area as “the bleakest, most remote places on this continent” said, “(T)here is hardly any other place where drilling would have less impact on the surrounding life... Congress would be right to go ahead and, with all the conditions and-environmental precautions that apply in Prudhoe Bay, see what’s under the refuge’s tundra.”

In 1988, a New York Times editorial said of this area, “(T)he potential is enormous and the environmental risks are modest... the likely value of the oil far exceeds plausible estimates of the environmental cost.” It concluded “(I)It is hard to see why absolutely pristine wilderness should take precedence over the nation’s energy needs.”
pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

Since then our energy needs have become more urgent with new editorial writers, both of these papers are now singing a different tune about the ANWR. At the Times, editorial-page editor Howell Raines, has indicated the paper's editorial in a recentop-ed page. A good example is an editorial on drilling for oil in the ANWR published last March. It said, “This page has addressed the folly of insisting on a wondrous wildlife preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.” What the Post had described as a “bleakest, most desolate places on this continent,” had been transformed in 14 years to “a wondrous wildlife preserve.” Having worked that miracle, Raines has been designated as the next executive editor of the paper.

Fred Hiatt, who succeeded Meg Greenfield as editorial-page editor of the Washington Post, offered a similar transformation. Now a Post editorial describes that formerly remote, bleak wasteland as a “unique ecological resource” and says that exploiting it “for more oil to keep the status quo.” One editorial writer of the Post argues that ANWR drilling would be to the wrong step first.” The Post accused the Alaska senators who advocate drilling for oil in the ANWR of “demagoguery.”

Sen. Frank Murkowski sent a letter to the Post in which he pointed out that Alaska has 129 million acres of wilderness and wildlife refuges, of which 19 million acres are in the ANWR. Congress set aside 1.5 million ANWR acres for possible oil and gas exploration. The Bush proposal is to permit drilling on about 2,000 acres, about one-hundredth of 1 percent of the entire refuge. Sen. Murkowski concluded, “I suggest the demagoguery line: 19 million acres for wildlife and pristine conditions and not even 2,000 acres for energy security.” Energy security is not a minor consideration. The U.S. imported 37 percent of its oil in the 1970s and 57 percent today. It is said that ANWR could supply only enough oil to meet our needs for six months. That might be true if ANWR were our only source of oil. The U.S. Geological Survey estimates that there is enough oil there to replace our imports from Saudi Arabia for 6 months. ANWR has the potential of equaling what we are currently importing from Saudi Arabia for a 50-year period of time.

We need to answer the question of whether we should focus more on conservation. I am going to answer that question of whether we should focus more on conservation. I am going to answer that question by saying we need a balance. I am going to answer the question of why it takes energy so long to turn it around once it is burned. I am going to talk about why we must act now because we are going to be held responsible if, indeed, we do not act now. Madam President, I thank the President pro tempore for his attention. I remind my colleague we have some heavy lifting to do because the American people are watching for action.

We started on the committee, Senator Bennett Johnston was chairman of that committee. We put out an energy bill from that committee. When it came to this floor, we gave away clean coal; we gave away nuclear; we gave away hydro; we gave away natural gas; we gave away oil; and we concentrated on alternatives and renewables. We expended $6 billion. That was a worthwhile effort. But we didn’t increase supply.

This is a different year. The “perfect storm” has come together. Our natural gas prices have quadrupled. We haven’t built a new coal-fired plant in this nation since 1995. We haven’t done anything with nuclear energy in a quarter of a century. We haven’t built a new refinery in 25 years. Now we suddenly find that we don’t have a distribution system for our electrical generation or our natural gas generation. We are constrained. It is affecting the economy. It is affecting jobs. It is going to get worse. The American people expect us to come back and do something about it. They will not stand for grandstanding. They will not stand for the status quo. They will not stand for the threat of filibusters.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, what is the time limit for Senators to speak?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

Madam President, I ask unanimous consent that I may speak using whatever time is necessary.

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

ECONOMIC SLOWDOWN AND BUDGET SURPLUS REVISIONS

Mr. BYRD. Madam President, the Commerce Department reported last week, July 27, that the U.S. economy grew at an anemic 0.7 percent rate in the second quarter of this year, April 1–June 30. This is the slowest growth rate in 18 months. That was a worthwhile effort. But we didn’t increase supply.

If you applied logic to the [economic] news these days,” wrote Allan Sloan in the Washington Post on Tuesday, July 31, “the logical conclusion would be that the growth rate is falling off a cliff and is about to splatter all over the canyon floor and take us with it.”

This week, July 30, the Wall Street Journal reported, “the economy has been pushed to the edge of a recession by a breathtaking decline in business investment.” In the second quarter, nonresidential investment tumbled at a 13.6 percent rate. Consumer spending, with robust government spending, is the only thing that prevented the economy from shrinking over the last three months.

In an effort to stem the tide, the Federal Reserve has dramatically cut short-term interest rates by almost 3 percentage points in the last 7 months. These are the most aggressive rate reductions since the 1982 recession under President Reagan.

Despite this negative economic news, the Administration remains resolutely optimistic about the economy’s future, pinning their hopes on the recently enacted tax cut. Treasury Secretary Paul O’Neill said last week, July 23, that the U.S. economy might grow by more than 3 percent next year. The President’s chief economic advisor, Larry Lindsey, in a speech before the Federal Reserve Bank of Philadelphia, re-affirmed this optimistic outlook.

What concerns me is the effect that these tax cuts have had on the economy so far.

Despite the Fed’s efforts to cut short-term interest rates to simulate the sluggish economy, long-term interest rates have remained flat or even risen since earlier this year. The interest rate on the 10-year bond, for example, increased from 4.75 percent in mid-March to just over 5.1 percent today, August 3. Long-term rates have limited efforts by the Fed to stimulate the economy.

What’s keeping those rates from falling is the expectation by Wall Street that the recently enacted tax cut has seriously jeopardized our debt retirement efforts. Fed Chairman Greenspan said last week, July 24, that the Senate Banking Committee that long-term rates are higher than expected because of Wall Street’s uncertainty about the size of the surpluses and how much debt the federal government will be able to retire.

Just 4 months ago, the President sent his budget to Congress and projected a $125 billion non-Social Security surplus in the current fiscal year. Today, that surplus may have virtually disappeared. Now you see it. Now you don’t see it. It did a Houdini on us. It virtually disappeared.

The Treasury Department this week, July 30, announced its debt retirement plans for the next 3 months. Instead of retiring $57 billion in debt, as the Treasury had expected on April 30 before the tax cut was passed, the Treasury now plans to borrow $51 billion. That’s a difference of $108 billion.

In part, this quarter’s borrowing results from a bookkeeping gimmick in the tax cut bill and will be paid back next quarter. But, the fact remains
that interest rates are higher than necessary because of Wall Street’s perception that our debt retirement efforts have been threatened in recent months.

If the Federal Government fails to meet Wall Street’s expectation about debt retirement, and if surpluses are perceived as insufﬁcient, investors will continue to drive up long-term interest rates, offsetting the limited stimulus that the tax cuts were supposed to provide, and further stiﬂing economic growth.

Making the case even stronger in his “Report on the Public Credit” to the House of Representatives in January 1790, Alexander Hamilton—our Nation’s first Secretary of the Treasury and arguably our Nation’s most gifted Secretary of the Treasury—wrote that “states, like individuals, who observe their engagements are respected and trusted, while the reverse is the fate of those who pursue an opposite conduct.”

When the administration makes false promises, people believe that a budget that can adequately provide for the operations of Government and allow for a massive tax cut without disrupting debt retirement efforts, and then does not deliver on those promises, that administration breaks faith with the American people and undermines trust in their government.

That is the message that the ﬁnancial markets are sending to the American people. Fiscal responsibility is slipping away.

After 10 years of belt tightening and two deﬁcit reduction packages—OBRA of 1990 and OBRA of 1993—signed into law by Republican and Democratic Presidents, this administration’s reliance on 10-year projections and its dogged determination to force a massive tax cut through the Congress has put this country in danger of falling back into the deﬁcit dungeon. Will we never learn?

The Senate Budget Committee—based on the administration’s own informal estimates—projects that $17 billion in Medicare surpluses will be used in ﬁscal year 2001 to offset the loss of revenues from the tax cut recently enacted into law. What is worse is that, in ﬁscal year 2002, the Budget Committee estimates that the entire Medicare surplus and $4 billion of the Social Security surplus will have to be used to offset the loss in revenues from the tax cut.

Meanwhile, this administration is trying to divert attention from its own complicity—divert attention from its own complicity, you see—in creating our current budgetary morass. Despite a tax cut that cost $74 billion in the current ﬁscal year, White House ofﬁcials have routinely said that—aah—“the real threat”—they say down there at the other end of the avenue—“the real threat”—this is the White House now; the White House is talking—“the real threat to the surpluses comes from spending (Fliescher, July 9).”

Well, Madam President, I just have to ask, whose spending? Whose spending? Whose spending (Fliescher, July 9).”

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Well, Madam President, I just have to ask, whose spending? Whose spending? Whose spending (Fliescher, July 9).”

The full Senate has passed only ﬁve appropriations bills so far—Energy and Water, Interior, Legislative Branch, Transportation, Treasury—General Government, and VA–HUD—and stayed within our 302(b) allocations. There you are. We have stayed within our 302(b) allocation. In other words, we have not used the budget. So don’t blame it on us. Take your own good and responsible bills. We have done our best.

Unfortunately, the full Senate has not been able to act as quickly.

To date, the President has not signed one—not one—of the 13 regular appropriations bills for the coming ﬁscal year into law—not one.

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When Congress learned that the administration’s Office of Management and Budget would miss the July 15 statutory deadline for submitting its mid-session review to Congress, not much grumbling was heard in these quarters. It is not unprecedented for an administration to miss statutory deadlines, but it is also well to remember that these are statutory deadlines, not recommendations that the administration may choose to meet whenever it is convenient.

Not long after the recess before the August recess, I have detected a distinct slowdown in the appropriations process.

With only 17 legislative days left before the start of the new fiscal year, we still have to pass eight appropriations bills, and we have not conferred one single bill with the House.

It is becoming clear that Congress is very likely to blow right by the September 30 deadline for passing 13 appropriations bills. I do not want to see the budgetary train wreck that we have sometimes witnessed in recent years.

Senator Ted Stevens and I, and the other members of the Appropriations Committee—Republicans and Democrats—have worked together diligently to see that we avoid just such an outcome. However, unless we change track soon, this train is heading straight for a thirteen car pile-up once again.

I can see the sign. Just read it with me: “Danger, stop, look, listen: Omnibus Bill Ahead!”

If that happens, much of the fiscal restraints that this Congress has mustered is likely to be jettisoned. No matter how carefully Congress tries to craft disciplined, balanced spending bills, when it comes to the final hours before the end of the fiscal year, the pressure to bundle these spending bills has a way of melting all fiscal restraints. Both the Senate and the House need to expedite our efforts to pass these appropriations bills, get them to conference and send them to the White House before September 30.

Let us work diligently instead of playing the blame game and letting the chips fall where they may.

I hope the American people will not be misled by the fancy rhetoric that will certainly fill the political balloons over the coming weeks. You are going to hear a lot of it. The tax cut and spending plan that were passed earlier this year were sheer madness. The political balloons may fill the air—even though we are past the fourth of July, the balloons are going up—but they cannot obscure the clear, plain fact of what has happened here. It is not traditional Congressional spending which has cut the surplus, headed us back towards deficits, and threatened our economic prosperity and retire- ment security that our budget will land in the black. It seems like nothing ever changes in this city. I have been here 49 years. Some things do change.

The Senate will soon recess for the month of August, and, before we leave, it is important that the American people understand that the wheel was rigged. The earnest claims of bipartisan cooperation have vaporized like the smoke at the poker table. In this tax cut casino, the budget can only land on red. But, some of us knew that before we ever got into the game.

I yield the floor.

The Honorable OFFICER (Mr. CORZINE), The majority leader.

Mr. DASCHLE. Madam President, let me congratulate the distinguished Senator from West Virginia, our chairman of the Appropriations Committee, for his eloquence and for his wisdom.

I share his view on the propriety of the tax cut. I share his pride in the actions taken by the Appropriations Committee in this body over the last several weeks as we have attempted to make up for lost time on the appropriations process.

We inherited a horrendous schedule. Slowly but surely we have been catching up. Were it not for his leadership and his absolute determination to get the job done, we would not have a full appreciation of how far we have come in the last couple of weeks. As he said, we have done it staying within the budget parameters outlined in the budget resolution. We have not broken the caps. We have demonstrated the fiscal discipline so critical when we began this process several months ago.

We will continue our work when we return. I commend the Senator for his comments today, as well as for his work throughout the last several weeks in reaching this point.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. DASCHLE. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the majority leader for his tenacity, his determination, and his desire to pass all nine of the appropriations bills which have been reported from the Appropriations Committee before the August recess.

Our committee, Democrats and Republicans, have worked together to report these bills. It is a committee sui generis, one of a kind. The Democrats and the Republicans worked together. There is no hollering and hawing. We work until we get the work done.

The leader said he wanted those bills out of the committee. They are out of the committee. They are on the calendar. He wanted to act on them in the Senate before the August break.

The Senate appointed conferees on at least three of the appropriations bills. I see three on the calendar. Three bills in conference, three appropriations bills with the Senate conferees appointed but there are no House conferees appointed, which concerns me.

I hope when we return from the August recess the other body will appoint their conferees, and we will work with our House counterparts on these conference reports and report them back to the Senate at good speed.

I have been in consultation with the chairman of the House Appropriations Committee and with the subcommittee chairman on the Appropriations Subcommittee on Interior, and others. They assure me they will move rapidly when we do return, but in the meantime our staffs can be doing some of the preliminary work which will make it much easier for our conferees to do their work speedily upon our return.

I thank the majority leader.

Mr. DASCHLE. Mr. President, I thank the chairman and share his concern for the fact we have not yet named conferees on the House side. We are ready to go to work, and we could have accomplished in the last several weeks were it not for the fact we are unable to go to conference until our House counterparts are prepared to work with us.

I am hopeful when we come back we can make up for lost time because there certainly has been a great deal of lost time today.

NOMINATIONS

Mr. President, I ask unanimous consent to proceed to executive session.

I stand corrected. Mr. President, I understand our Republican colleagues are not yet prepared to move to executive session. I will simply say we are prepared to move to additional nominees today. That is in addition to the 30 we have already done this week, making a total of 88 nominations we will have done should our Republican colleagues allow us to move forward with the unanimous consent request.

That means since July 9, which is the first business day following the completion of the organizing resolution, we will have completed 168 nominations. That is some record.

As I said all along, we want to be fair. We want to be responsive. We recognize many of the nominees are prepared to know the outcome of their nominating process. Unlike so many occasions over the last 6 years, we are desirous of treating all nominees fairly and moving as quickly as we can. Until our Republican colleagues are prepared to provide us with the ability to move forward on this unanimous consent request, I will withhold the request.

I yield the floor.
Mr. BYRD. Mr. President, last week, 178 countries reached an agreement in Bonn, Germany, on implementation of the Kyoto Protocol. While this agreement does not settle all the details of how a ratified protocol might work, near-term initiatives toward that treaty haled last week’s agreement as a step forward in the worldwide response to global climate change.

I am disappointed, however, that the United States did not rise to the sidelines of this latest round of negotiations. I urged the Bush administration not to abandon the negotiation process. I think that we have seen, in last week’s agreement, proof that the rest of the world will not sit idly by and wait for the United States. Perhaps this is a good lesson for the administration to learn. America must make an effort, in concert with both industrialized and developing countries, to address the most serious problem of global climate change.

While I believe that the United States must remain engaged in multilateral talks to address the ever-increasing amounts of greenhouse gases that are emitted into our atmosphere, this does not mean that we should simply sign up to any agreement that may come down the road. The Senate has been very clear on the conditions under which a treaty on climate change may be ratified.

Developing countries must also be included in a binding framework to limit their future emissions of greenhouse gases. It makes no difference if a greenhouse gas is released from a factory in the United States or a factory in China; the global effect is the same. Quizzically, the Kyoto Protocol, as now written, does make such distinctions. It ignores scientific knowledge about the global nature of the problem.

The continued lack of developing country participation was not addressed at the conference in Bonn. Without the United States’ full engagement in the talks, there is no other country that can raise this issue and stand a chance of success. This is not meant to disparage the herculean efforts of some of our closest allies to improve the technical aspects of last week’s agreement. Some of our allies made substantial contributions to the agreement on technical issues relating to the use of cleaner forms of energy. Yet these efforts to absorb carbon dioxide, which is a greenhouse gas, and attempting to improve the compliance mechanisms of the treaty. Those allies should be applauded for their efforts to craft an agreement that does not preclude the United States from participating in future talks, but even our allies would agree that the United States must return to the table.

Despite the shortcomings in the agreement reached in Bonn, the United States has an opportunity for the United States to rejoin the multilateral talks on the Kyoto Protocol. It is a small window, and it is closing, but it is a window nonetheless. In October 2001, the next round of negotiations on climate change will begin in Marrakesh, Morocco. If the administration were to formulate a new, comprehensive, multilateral plan to address climate change before that conference, I believe there would be several factors working in our favor.

The world agrees that any treaty on climate change will be of limited use unless the United States is a full participant, because we are, for now, the largest emitter of greenhouse gases. Developing countries know that we will be the source of much of the new technology that will allow them to use cleaner, more efficient forms of energy. The United States also has much to gain by working with other countries to secure “emission credits” that will help us to reduce our greenhouse gas emissions in a manner that lessens the impact on our economy. Other countries recognize these facts, and many of them support, a new proposal from the United States that may facilitate our return to an improved version of the Kyoto Protocol.

Make no doubt about it, if the United States does return to negotiating on the Kyoto Protocol, we will not come easy. But in some respects, our role as an international leader is at stake. In Bonn, by remaining on the sidelines during the negotiation, the United States ceded its leadership before that conference, and the Protocol was, in the words of the President, “fatally flawed.” I continue to urge President Bush to demonstrate the indispensability of our leadership in the world by joining the negotiations on global climate change, and directing those negotiations toward a solution that encourages developing country participation and protects the health of our economy.

I note that my colleagues on the Committee on Foreign Relations also recognize the importance of remaining engaged in these discussions. On Wednesday, that committee accepted Mr. Byrd’s amendment to the Export Administration Act that expiring on August 20, 2001, the President is prepared to use the authorities provided him under the International Emergency Economic Powers Act to extend the existing dual-use export control program. As you know, the Export Administration Act was enacted to prevent the United States from exporting technology that would allow the spread of nuclear weapons. The Export Administration Act has historically been extremely important in ensuring that our country’s nuclear material and nuclear technology is not diverted to proliferation.

The continued use of MTOPS, a standard design by the United States, to modernize outdated export controls on information products and technology. Reform of the export control system is critical because restricting access to computing power is not feasible and no new controls will serve the national interest. It needlessly undermines technological preeminence of America’s information technology industry without accomplishing any significant national security objective.

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operations per second, to measure computer performance and set export control thresholds based on country tiers. This is the intelligence information we have in various countries.

The conclusion could not be clearer. MTOPS are increasingly useless as a measure of performance. MTOPS cannot accurately measure performance of current microprocessors or alternative supercomputing sources clustering. This makes MTOPS-based hardware controls irrelevant. The best choice is to eliminate MTOPS.

Eliminating MTOPS will ensure America’s continued prosperity and security in the networked world. It will ensure Government policies that promote U.S. global economic, technological, and military leadership.

Eliminating MTOPS will remove unnecessary and unproductive layer of regulation that no longer serves a meaningful national security purpose and will help level the playing field for American companies that compete in the global economy.

President Bush, the Department of Defense, the General Accounting Office, and the Defense Science Board all recently concluded that MTOPS is an “outdated and invalid” metric and that the current system is simply ineffective. Repeal of NDAA language would give the President the flexibility to develop a more modern, effective system.

This is a bill good for America, and when we come back, I will urge my colleagues to quickly move this legislation.

I again express my appreciation to the President of the United States and his Security Adviser Condoleezza Rice for giving us this information. We will, with their approval, move on this legislation as soon as we get back.

To the Senator to the majority leader, Senator Daschle, I ask unanimous consent it be printed in the Record.

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

THE WHITE HOUSE,

Hon. Thomas A. Daschle,
Majority Leader, U.S. Senate,
Washington, DC:

DEAR MR. LEADER: Thank you for your efforts to advance the Senate’s consideration of S. 149, the Export Administration Act of 2001. This bill has the Administration’s strong support.

I am pleased that the Senate plans to take up S. 149 on September 4, 2001. Because the current Export Administration Act (EAA) will expire on August 20, 2001, the President is prepared to use the authorities provided to him under the International Emergency Economic Powers Act (IEEPA) to extend the existing dual-use export control program. As you know, IEEPA authority has previously been used to administer our export control program. Since a new EAA will provide us the strongest authority to administer dual-use export controls, particularly as related to enforcement, penalties for export control violations, and protection of business proprietary information, we support swift enactment of S. 149.

I look forward to continuing to work with you on these important national security issues.

Sincerely,

Condoleezza Rice,
Assistant to the President for National Security Affairs.

Mr. Reid. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will 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.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. Reid. Mr. President, as if in executive session, I ask unanimous consent all nominations received by the Senate during the 107th Congress, except numbers PN 386 and PN 630, remain in status quo, notwithstanding the August 3, 2001, adjournment of the Senate, and the provisions of rule 31, paragraph 5 of the Standing Rules of the Senate.

Mr. Lott. Reserving the right to object, Mr. President, it is my understanding if this consent were granted on the two nominations, the two cited as PN 386 and PN 630, they would be returned to the White House. However, the White House could immediately resubmit the names. Therefore, I modify the request, or ask to modify the request so that all nominations remain in status quo during the adjournment of the Senate.

Mr. Reid. Mr. President, I reserve the right to object to that. I simply say Mary Gall had a hearing and she was not reported out of the committee. In fact, the committee acted affirmatively not to report that to the Senate. I say that Otto Reich as the Assistant Secretary of State—there have been a number of Senators who raised questions about that. If the President feels strongly about Otto Reich, during this period of time we are gone, he has the absolute authority to send that name back to us. I think that would be an appropriate way to proceed.

Therefore, I object to the modified request of the minority leader.

Mr. Lott. Therefore, I object to the original request by the distinguished assistant majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. Reid. Mr. President, I respect very much, of course, the decision made by the minority leader. I just disagree with him. It seems to me it is going to unnecessarily create a lot of work for a lot of people. Sending those two names back—if the President wishes to resubmit them, he can do that, but there is no need to belabor that any further today.

Mr. Lott. Mr. President, if I could be recognized just to respond briefly, I understand what the Senator from Nevada is saying. We discussed it. We believe Mary Sheila Gall’s nomination to be Chairman of the Consumer Product Safety Commission was treated very badly and very shabbily in terms of the things that were said about her and the vote that occurred. I am sure there will be those who make the argument on the other side.

With regard to Otto Reich to be Assistant Secretary of State, he has not had a hearing. We believe it is unfair to single him out and send back just one nominee at this time.

My understanding is over the past several years, during this period of time we are gone, I was majority leader, in every year but one we sent back no nominees. In 1999, we did actually send back nine. To isolate it down to one or two this early in the session, we believe, is a problem. We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated.

I understand what Senator Reid was saying. We have taken that action, right or wrong. Now we can move on.

Mr. Reid. I just say to the distinguished Republican leader, I had a meeting in my office yesterday with Otto Reich. Some of my friends came to speak to me very favorably about Otto Reich.

I think the decision may focus more attention on it. I think if the President simply resubmitted the name, but as I said earlier, time will only tell if he will resubmit the name. I am sure he will resubmit the names of all the others. It just creates a lot of paperwork for a lot of people.

Mr. Lott. If the Senator will just yield on one point, I thank the Senator for nominations we are going to be able to move on now. A lot of work has been done to get this list cleared. You have spent a lot of time on it, Senator Nickles. I just wanted to thank you in advance for the work that has been done.

Mr. Reid. Of course, nothing would be done, but for the two leaders. Senator Nickles and I were given an assignment to do what we could to clear these names. He came to me yesterday and he said, since you have been given this job, I have been able to clear three. He said prior to my getting involved he cleared 18 or so. For Senator Nickles and me, this makes us look good also. But these names could not have been cleared but for the work of our two leaders.

The nominations returned are as follows:

NOMINATIONS RETURNED

The following nominations were returned to the President of the United States pursuant to Rule XXXI, paragraph 5 of the Standing Rules of the Senate on Friday, August 3, 2001:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

PN336 Department of Agriculture, Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.
PN551 Department of Agriculture. Hilda Gay Legg, of Kentucky, to be Administrator, Rural Utilities Service, Department of Agriculture.

PN555 Department of Agriculture. Mark Edward Rey, of the District of Columbia, to be Under Secretary for Agriculture for Natural Resources and Environment.

PN557 Department of Agriculture. Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

PN560 Department of Agriculture. Mark Edward Rey, of the District of Columbia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

PN561 Farm Credit Administration. Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

PN565 Department of Agriculture. Marion Blakey, of Mississippi, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

PN566 Department of Interior. Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

ENVIRONMENT AND PUBLIC WORKS

PN577 Department of Defense. Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

PN579 Department of Defense. Edward J. Collins, of Ohio, to be a Member of the Board of Directors of the National Nuclear Security Administration.

PN587 Mississippi River Commission. Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

PN588 Nuclear Regulatory Commission. Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006.

PN589 Environmental Protection Agency. Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

PN590 Delta Regional Authority. P. H. Johnson, of Mississippi, to be Federal Co-chairperson, Delta Regional Authority.

PN766 Federal Reserve System. Susan Schmidt Bies, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

PN769 Federal Reserve System. Mark W. Olson, of Ohio, to be a Member of the Board of Governors of the Federal Reserve System for a term of five years expiring June 30, 2006.

PN770 Department of Transportation. Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

PN775 Idaho National Laboratory. Marcia A. McNutt, of Colorado, to be a Commissioner of the Idaho National Laboratory.

PN776 Department of Energy. Linton F. Brooks, of Virginia, to be Deputy Administrator, National Nuclear Nonproliferation, National Nuclear Security Administration.

PN778 Department of Energy. Marvin R. Sambor, of Indiana, to be an Assistant Secretary for the Air Force.

BANKING, HOUSING, AND URBAN AFFAIRS

PN779 Export-Import Bank of the United States. Eduardo Aguirre, Jr., of Texas, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2005.

PN780 Department of Housing and Urban Development. Katherine L. Alcorn, of Ohio, to be a Member of the Board of Directors of the Federal Housing Finance Board for a term of five years expiring August 3, 2005.

COMMITTEE ON ARMED SERVICES

PN781 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN782 Department of Commerce. Assistant Secretary of Commerce, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

PN783 Department of Commerce. Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

PN784 Department of Commerce. Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary for Oceans and International Environmental Security, to serve concurrently as Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to the Republic of Portugal.

PN785 Department of Commerce. Brian M. Glick, of Ohio, to be a Commissioner of the National Transportation Safety Board.

PN787 National Transportation Safety Board. Marion Blakey, of Mississippi, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2005.

PN788 Department of Commerce. Stacy Harrison, of Virginia, to be an Assistant Secretary of Commerce, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

PN789 Department of Commerce. Edward Rey, of the District of Columbia, to be Under Secretary of Commerce for International Trade.

PN790 Department of Commerce. John M. Carney, of Delaware, to be Under Secretary of Commerce for Oceans and Atmosphere.

PN791 Department of Commerce. Christopher A. Bell, of Ohio, to be Assistant Secretary of Commerce, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

PN792 Department of Commerce. Brian M. Glick, of Ohio, to be a Commissioner of the National Transportation Safety Board for a term expiring December 31, 2005.

PN793 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN794 Department of Commerce. Christy D. Costello, of Virginia, to be Assistant Secretary of Commerce for Environmental Quality.

PN795 Department of Commerce. Marcella G. Stump, of Pennsylvania, to be Assistant Secretary for Economic Development, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Luxembourg.

PN796 Department of Commerce. Edward J. Collins, of Ohio, to be a Member of the Board of Directors of the National Nuclear Security Administration.

PN797 Department of Commerce. Robert C. Bonner, of California, to be Commissioner of Customs.


PN799 Department of Commerce. Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

COMMITTEE ON FINANCE

PN800 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN801 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN802 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN803 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN804 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.

PN805 Department of Commerce. Ellen G. Engleman, of Indiana, to be Assistant Secretary of Commerce for Export Administration.
States of America to the Central African Republic.

PN699 Department of State. R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Min-
ister-Counselor, to be Ambassador Extra-
ordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

PN767 Department of State. Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Min-
ister-Counselor, to be Ambassador Extra-
ordinary and Plenipotentiary of the United States of America to the Republic of Ar-
menia.

PN784 Department of State. Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Min-
ister-Counselor, to be Ambassador Extra-
ordinary and Plenipotentiary of the United States of America to the Republic of Ar-
menia.

PN786 Department of State. Howard J. B. Jones, of California, to be General Counsel, Department of Education.

PN788 Department of Labor. Eugene Scallia, of Virginia, to be Solicitor for the Department of Labor.

PN405 Equal Employment Opportunity Commission. Cari M. Dominguez, of Mary-
land, to be a Member of the Equal Employ-

PN608 Department of Health and Human Services. Joan A. Ohi, of West Virginia, to be Commissioner on Children, Youth, and Fam-
ilies, Department of Health and Human Serv-
ices.

PN692 National Foundation On the Arts and the Humanities. Bruce Cole, of Indiana, to be Chairperson of the National Endow-
ment for the Humanities for a term of four years.

PN720 Corporation For National and Commu-

nity Service. Leslie Lenkowsky, of Indiana, to be Chief Executive Officer for the Corporation for National and Community Service.

PN776 Department of Labor. Frederico Juarbe, Jr., of Virginia, to be Assistant Sec-

etary of Labor for Veterans' Employment and Training.

PN352 Department of Justice. John W. Gillis, of California, to be Director of the Office for Victims of Crime.

PN393 The Judiciary. Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second Circuit.

PN395 The Judiciary. Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

PN398 The Judiciary. Edith Brown Clem-

ent, of Louis, to be United States Circuit Judge for the Fifth Circuit.

PN397 The Judiciary. Priscilla Richman Ow-
en, of Texas, to be United States Circuit Judge for the Fifth Circuit.

PN398 The Judiciary. Ronald L. Ellis, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

PN399 The Judiciary. Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

PN400 The Judiciary. Michael W. McCon-
nell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

PN401 The Judiciary. Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

PN403 The Judiciary. Sharon Fish, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

PN446 Department of Justice. Thomas L. Sansonetti, of Wyoming, to be an Assistant Attorney General.

PN449 The Judiciary. Laverski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

PN457 Department of Justice. J. Robert Flores, of Virginia, to be Administrator of the Office of Juvenile Justice and Delin-
quency Prevention.

PN463 Department of Commerce. James Edward Rogan, of California, to be Under Secretary for Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

PN471 The Judiciary. Charles W. Pick-

ering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

PN472 The Judiciary. Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Fifth Circuit.

PN482 Department of Justice. Deborah J. Daniels, of Indiana, to be an Assistant Attor-
ney General.

PN483 Department of Justice. Richard R. Nedelkoff, of Texas, to be Director of the Bu-
reau of Justice Assistance.

PN484 Executive Office of the President. John P. Walters, of Michigan, to be Director of National Drug Control Policy.

PN495 The Judiciary. Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina.

PN545 The Judiciary. Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

PN546 The Judiciary. Paul G. Cassell, of Utah, to be United States District Judge for the District of Utah.

PN547 Department of Justice. Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.


PN549 The Judiciary. Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Co-

lumbia.

PN557 The Judiciary. Harris L. Hartz, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.

PN558 The Judiciary. Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of four years.


PN574 The Judiciary. Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

PN609 The Judiciary. James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

PN610 The Judiciary. Michael J. Molloy, of Michigan, to be United States District Judge for the Eighth District.

PN611 The Judiciary. Michael P. Mills, of Missouri, to be United States District Judge for the Northern District of Mis-
sissippi.

PN629 Department of Justice. Mauricio J. Torres, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring Sep-

PN703 Department of Justice. John W. Suthers, of Colorado, to be United States At-
torney for the District of Colorado for a term of four years.

PN705 Department of Justice. Antonio J. Trujillo, of Utah, to be United States Attorney for the District of Utah for a term of four years.

PN706 Department of Justice. Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for a term of four years.

PN707 Department of Justice. William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for a term of four years.

PN708 Department of Justice. Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for a term of four years.

PN709 Department of Justice. Todd Peter-
son Graves, of Missouri, to be United States Attorney for the Western District of Mis-
souri for a term of four years.

PN710 Department of Justice. Paul K. Charlton, of Arizona, to be United States At-
torney for the District of Arizona for a term of four years.

PN711 Department of Justice. Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

PN721 Department of Justice. Edward F. Beatty, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years.

PN722 Department of Justice. Marie F. Rokita, of Mary-
land, to be Commissioner of the United States Parole Commis-
ion for a term of six years.

PN723 Department of Justice. Gilbert G. Greaves, of New Mexico, to be a Commissioner of the United States Parole Commis-
ion for a term of six years.

PN724 Department of Justice. J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for a term of four years.

PN725 The Judiciary. Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN726 The Judiciary. Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN727 Department of Justice. Michael W. Mosman, of Oregon, to be United States At-
torney for the District of Oregon for a term of four years.

PN728 Department of Justice. Paul J. McNulty, of Virginia, to be United States At-
torney for the Eastern District of Virginia for a term of four years.

PN729 Department of Justice. Robert Gar-
ner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for a term of four years.

PN730 Department of Justice. Harry Sandlin Mattice, Jr., of Tennessee, to be
United States Attorney for the Eastern District of Tennessee for the term of four years.

PN73 Department of Justice. Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

PN74 The Judiciary. Terrence L. O'Brien, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

PN75 The Judiciary. Jeffrey R. Howard, of New Hampshire, to be United States Circuit Judge for the First Circuit.

PN76 The Judiciary. M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico for the term of four years.

PN77 The Judiciary. Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

PN78 The Judiciary. David L. Running, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.


PN81 The Judiciary. Kurt D. Engelhardt, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

PN82 The Judiciary. Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

PN83 The Judiciary. Callie V. Granade, of Alabama, to be United States District Judge for the Southern District of Alabama.

PN84 The Judiciary. Joe L. Heaton, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

PN85 The Judiciary. Larry H. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

PN86 The Judiciary. William P. Johnson, of Nevada, to be United States District Judge for the District of New Mexico.

PN87 The Judiciary. James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

PN88 The Judiciary. Danny C. Reeves, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

PN89 Department of Justice. Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

PN90 Department of Justice. David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

PN91 Department of Justice. Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

PN92 Department of Justice. Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

PN93 Department of Justice. Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

PN94 Department of Justice. Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

PN95 Department of Justice. Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

PN96 Department of Justice. Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

PN97 Department of Justice. Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

PN98 Department of Justice. Raymond W. Gruender, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

PN99 Department of Justice. Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

PN100 Department of Justice. Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

PN101 The Judiciary. Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN102 Department of Justice. Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

PN103 Department of Justice. Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

PN104 Department of Justice. James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

PN105 Department of Justice. Terrell Lee Harris, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

PN106 Department of Justice. Stephen Bevillé Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

PN107 Department of Justice. Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

PN108 Executive Office of the President. Scott M. Burns, of Utah, to be Deputy Director for National Intelligence, Office of National Drug Control Policy.

PN109 Department of Justice. Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

PN110 Department of Justice. Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

PN111 Department of Justice. Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

COMMITTEE ON VETERANS’ AFFAIRS

PN112 Department of Labor. Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans’ Employment and Training.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider en bloc the following nominations: Calendar Nos. 59, 60, 159, 161, 248, 303 through 310, 312 through 336, 338 through 342, 347 through 359, and all the nominations on the Secretary’s desk; that the nominees be confirmed; that the motion to reconsider be laid upon the table; and the President be immediately notified of the Senate’s action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.

Michele A. Davis, of Virginia, to be Assistant Secretary of the Treasury.

James Gurule, of Michigan, to be Under Secretary of the Treasury for Enforcement.

Peter R. Fisher, of New Jersey, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF JUSTICE

Robert D. McCallum, Jr., of Georgia, to be an Assistant Attorney General.

DEPARTMENT OF COMMERCE

Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce.

Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Henrietta Holsman Fore, of Nevada, to be Director of the Mint for a term of five years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Michael Minoru Pawn Lii, of Illinois, to be an Assistant Secretary of Housing and Urban Development.

Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David A. Sansevino, of Texas, to be an Assistant Secretary of Commerce for Economic Development.

ENVIRONMENTAL PROTECTION AGENCY

Jeffrey R. Holmstead, of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

George Tracy Mehlan, III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

Judith Elizabeth Ayres, of California, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Richard J. Egan, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Vincent Martin Battle, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Robert Geers Loftis, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Daniel R. Coats, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Thomas H. Katon, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Maureen Quinn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.
Joseph Gerald Sullivan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Slovenia.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary, vice Alexander R. Vershbow.

Edmund James Hull, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

R. Nicholas Burns, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister-Counselor, to be United States Executive Director of the International Monetary Fund, vice James L. Glassman.

Nancy Goodman Brinker, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Air Force under the provisions of title 10, U.S.C., section 803:

To be general
Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Marine Corps under the provisions of title 10, U.S.C., section 803:

To be general
Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Lt. Gen. Larry R. Ellis, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Army under the provisions of title 10, U.S.C., section 803:

To be general
Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Army under the provisions of title 10, U.S.C., section 803:

To be lieutenant general

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)
Capt. CHRISTOPHER C. AMES, 0000.
Capt. MICHAEL C. BACHMANN, 0000.
Capt. REUBIN B. BROOKS, 0000.
Capt. CHARLES T. BUSH, 0000.
Capt. JOHN D. BUTLER, 0000.
Capt. JEFFREY A. BROOKS, 0000.
Capt. JEFFREY A. BASSIS, 0000.
Capt. BRUCE W. CLINGAN, 0000.
Capt. DONNA L. CRISP, 0000.
Capt. WILLIAM D. CROWDER, 0000.
Capt. PATRICK J. DUNNE, 0000.
Capt. STEPHEN E. JOHNSON, 0000.
Capt. GARY R. JONES, 0000.
Capt. JAMES D. KELLY, 0000.
Capt. DONALD P. LOREN, 0000.
Capt. JOSEPH M. MAGURICK, 0000.
Capt. ROBERT T. MOELLER, 0000.
Capt. ROBERT B. MURRETT, 0000.
Capt. ROBERT D. RELLY, JR., 0000.
Capt. STEPHEN E. STANLEY, 0000.
Capt. JOHN P. STEVENBOLT, 0000.
Capt. PATRICK M. WALSH, 0000.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Marine Corps under the provisions of title 10, U.S.C., section 803:

To be general
Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Marine Corps under the provisions of title 10, U.S.C., section 803:

To be lieutenant general
Lt. Gen. Larry R. Ellis, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Army under the provisions of title 10, U.S.C., section 803:

To be general
Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Army under the provisions of title 10, U.S.C., section 803:

To be lieutenant general

The following officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)
Capt. CHRISTOPHER C. AMES, 0000.
Capt. MICHAEL C. BACHMANN, 0000.
Capt. REUBIN B. BROOKS, 0000.
Capt. CHARLES T. BUSH, 0000.
Capt. JOHN D. BUTLER, 0000.
Capt. JEFFREY A. BROOKS, 0000.
Capt. JEFFREY A. BASSIS, 0000.
Capt. BRUCE W. CLINGAN, 0000.
Capt. DONNA L. CRISP, 0000.
Capt. WILLIAM D. CROWDER, 0000.
Capt. PATRICK J. DUNNE, 0000.
Capt. STEPHEN E. JOHNSON, 0000.
Capt. GARY R. JONES, 0000.
Capt. JAMES D. KELLY, 0000.
Capt. DONALD P. LOREN, 0000.
Capt. JOSEPH M. MAGURICK, 0000.
Capt. ROBERT T. MOELLER, 0000.
Capt. ROBERT B. MURRETT, 0000.
Capt. ROBERT D. RELLY, JR., 0000.
Capt. STEPHEN E. STANLEY, 0000.
Capt. JOHN P. STEVENBOLT, 0000.
Capt. PATRICK M. WALSH, 0000.
I was with John Huntsman, Sr., recently, the father of this fine man who is going to be Deputy U.S. Trade Representative. He had made a commitment this year to give many millions of dollars to charity. Times were bad in his business. Oil prices went up, and he simply hadn’t had the money to fulfill this commitment. He went out and borrowed the money so he could give it away.

He is a wonderful man. I am happy to be present when he is confirmed as Trade Representative. He is from the same state as his father, and we can expect great things for the country from John Huntsman.

The nominations were considered and confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominee: John Henshaw to be Assistant Secretary of Labor. Emily DeRocco to be Assistant Secretary of Labor; And the Foreign Relations Committee be discharged from further consideration of the nomination of Martin Silver to be Ambassador to the Oriental Republic of Uruguay;

That the nominations be considered and confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate return to legislative session. The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed.

Referral of Frederico Juarbe, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the nominations of Frederico Juarbe, Jr., to be Assistant Secretary for Veterans' Employment and Training, be referred jointly to the HELP Committee and the Committee on Veterans’ Affairs.

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

NOMINATION OF ROBERT D. MCCALLUM, JR.

Mr. LEAHY. Mr. President, today the Senate completes the confirmation process for Robert D. McCallum, Jr., to be the Assistant Attorney General to head the Civil Division at the Department of Justice. I congratulate Mr. McCallum and his family.

The Judiciary Committee has worked very hard since returning in July to act on presidential nominations to fill vital positions at the Department of Justice. In addition to the confirmations of the Deputy Attorney General, the Solicitor General, the Assistant Attorney General for the Criminal Division, the Assistant Attorney General for Legislative Affairs, and the Assistant Attorney General for Legal Policy, during the last month we have held four Senate hearings on Department of Justice nominees and today we confirm a sixth nominee to a leadership role at the Department of Justice in the last month.

With the confirmation of Mr. McCallum, we have confirmed seven of the Attorney General’s Assistant Attorneys General. We have also completed action on Asa Hutchinson to head the Drug Enforcement Administration, Jim Ziglar to head the Immigration and Naturalization Service and Bob Mueller to serve as the Director of the Federal Bureau of Investigation. I commend the Members of the Committee on both sides of the aisle for their cooperation in this regard.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.


Mr. DASCHLE. Mr. President, many of our colleagues have indicated their strong support for H.R. 1088, the Investor and Capital Markets Fee Relief Act. I share the belief that the Senate should take action on this critical legislation promptly.

A number of Senate leaders on securities matters have noted the importance of this bill, including the senior Senator from New York, Mr. SCHUMER, Chairman of the Banking Committee, Mr. SARBANES, the Chairman of the Securities Subcommittee, Senator DODD, the Assistant Majority Leader, Senator REID, and many others.

I want to take this opportunity to update the Senate on the status of H.R. 1088. The Senate approved the bill unanimously in March. After good faith negotiations between both bodies, the House then approved an amended bill, which included agreed-upon improvements by an overwhelming bipartisan vote of 404 to 22. It is now pending on the Senate calendar.

This legislation is long overdue. The Securities Exchange Commission now collects fees from the investing public that are six times higher than needed to cover the costs of operating the Commission. Fee reductions can free up new investment capital that can help spur the economy at a time when it needs a boost.

Equally important are provisions in the bill that provide the Commission with the resources it needs to maintain a favorable environment for investors, businesses, and individual investors alike. The bill also gives pay parity for employees at the SEC so that the SEC may attract and retain qualified employees.

As my colleague knows, H.R. 1088, as passed by the House, incorporates the Senate position reflected in S. 143, which was approved by this Senate under unanimous consent in March. There will be no conference on the bill and we have assurances the President will sign it. All that is left is for the Senate to act, and I urge that we do so as expeditiously as possible upon our return from the August recess.

I also thank the distinguished Assistant Majority Leader, the Senator from Nevada, Mr. REID, for his commitment to moving this critical legislation.

Mr. REID. I thank my friend, the Senator from New York, Mr. SCHUMER, for his unwavering leadership on this
bill. I couldn’t agree more that this bill is very important to investors. It is unfortunate that we have not been able to act on this bill before the August recess, but this should not be interpreted as anything other than a difficulty with timing.

As my friend knows, I support this legislation. I think it is a good bill and I look forward to getting it to the floor. As the Majority Leader has indicated, although there will be a number of important measures competing for floor time, including appropriations bills, it is our intention to bring this bill before the Senate.

I am hopeful our friends in the minority will extend to us the necessary cooperation to complete action on this matter. I look forward to working with the Senator from New York and our colleagues to pass this important legislation.

Mr. DODD. Mr. President, I would like to add my support for the passage of H.R. 1088, the Investor and Capital Markets Relief Act. As many of my colleagues have noted, this legislation is the result of bipartisan cooperation in both the Senate and the House.

We have worked closely to craft legislation that I believe will have important benefits for both retail and institutional investors, the securities industry and the Securities and Exchange Commission.

I would specifically like to recognize the Chairman and Ranking Members of the Banking Committee for their efforts on this bill, especially with regard to ensuring pay parity for employees of the SEC. The inclusion of this vital component will help to maintain the high level of competency we currently enjoy at the SEC.

I would also like to thank the Majority Leader and the Assistant Majority Leader for their commitment to the timely consideration of this legislation. I recognize that when we return from the August work period, we will consider this legislation in a prompt fashion.

THE RETIREMENT OF REAR ADMIRAL LARRY BAUCOM, USN

Mr. THURMOND. Mr. President, I rise today to recognize an outstanding naval officer and public servant, Rear Admiral Larry C. Baucom, U.S. Navy, as he completes more than 30 years of active duty with the U.S. Navy. Whether as a midshipman at the U.S. Naval Academy, as the commanding officer of a fighter squadron, as the commander of a nuclear-powered aircraft carrier, or, most recently, as the Director of the Navy’s Environmental Protection, Safety and Occupational Health Division, he tirelessly worked to serve America and our Navy and Marine Corps. It is a privilege for me to honor his many outstanding achievements and service to our great Nation and our service men and women.

Rear Admiral Baucom is a son of Columbia, SC. A 1970 Naval Academy graduate, he was awarded his Naval Flight Officer wings in 1971. During his 30-year career in the Navy, he served in a variety of operational assignments, including Fighter Squadron 32, Fighter Wing ONE, the U.S. Naval Test Pilot School in Patuxent River, MD, and as Executive Officer of USS George Washington, CVN 73. An inspired, confident leader, he commanded Fighter Squadron 143, USS Trenton, LPD 14, and the nuclear-powered aircraft carrier, USS Carl Vinson, CVN 70. Under his command, USS Carl Vinson participated in the development of the University of Southern California and in National Security and Strategic Studies from the Naval War College.

In his most recent assignment as the Navy’s Director of Environmental Protection, Safety and Occupational Health Division, Rear Admiral Baucom worked to ensure that the Navy remains a leader of environmental stewardship and towards ensuring the safety and welfare of its Sailors. Marines and civilian services whether contributing to the Department’s efforts to guarantee critical training at the Atlantic Fleet Weapons Training Facility at Vieques, Puerto Rico, protecting the health and safety of shipyard workers, or addressing the encroachment issues that complicate our operational and training ranges, Rear Admiral Baucom’s leadership has been vital to the readiness and success of our country’s military forces.

Rear Admiral Baucom also continuously pursued educational opportunities throughout his career being awarded a Master’s Degree in Systems Management from the University of Southern California and in National Security and Strategic Studies from the Naval War College.

The risks that climate change poses to our nation are profound. The current situation demands leadership from the United States. In accordance with the agreement reached last week, there is going to be a world marketplace for carbon reductions, a marketplace that rewards improvements in energy efficiency, advances in energy technology, and improvements in land-use practices—and we are running the risk that America is not going to be part of it.

The risks that climate change poses for businesses have now increased. In addition to the risks of unpredictable impacts of global warming, and of unpredictable regulation of greenhouse gas emissions, American companies now face the risk of being left out of the global marketplace to buy and sell emission reductions.

While U.S. businesses are gaining experience with voluntary programs and are recognized as the world’s experts in...
this area, they are increasingly recognizing that purely voluntary approaches will not be enough to meet the goal of preventing dangerous effects on the climate system. Increasingly, businesses confronting these three risks see sensible regulation of carbon dioxide and other greenhouse gases as necessary and inevitable. Clearly, they prefer the cap-and-trade approach.

In a July 23 editorial in the Wall Street Journal, a cap and trade program was discussed as one of the incentive-based market strategies that has been developed as an alternative to traditional flat-based, "nanny-sez-so" regulation. The editorial further states that "a cap and trade program will result in more abatement from those firms who can do it at relatively lower costs and less abatement from those firms who can only do it at relatively higher costs. The net will be the same amount of overall pollution reduction, but achieved at lower cost than would obtain under traditional regulation."

As usual, industry is ahead of government in this area. Many companies have already started trading programs either within their company or as members of partnerships to meet predetermined levels. Not only are these companies meeting their environmental goals, they are also realizing it on a profitable basis. We all know that improved efficiencies mean improved profitability.

The 1990 Clean Air Act's acid rain emissions trading program for limiting sulfur emissions has shown that there can be top-down limits on pollutants and not endanger the economy. The key is unleashing the power of markets to find the most innovative, cost-effective ways of meeting those top-down limits. That's what a cap-and-trade system does best. Deploying the power of a marketplace to pursue the least expensive answers is a unique and powerful American approach to the threat of climate change.

In 1994, the Arizona Public Service (APS), an Arizona public utility, entered into an agreement with the Niagara Mohawk, a New York utility, and the US Department of Energy to swap carbon dioxide and sulfur dioxide credits. APS had reduced its sulfur dioxide emissions below levels mandated under the 1990 Clean Air Act. Niagara Mohawk had reduced its carbon dioxide emissions below the level of its voluntary commitment. APS exchanged its sulfur dioxide allowances under the Clean Air Act's acid rain program for Niagara Mohawk carbon dioxide emissions reductions that APS could then use to help meet its commitment to DOE to reduce greenhouse gas emissions. But receiving carbon dioxide allowances, Niagara Mohawk donated them to an environmental organization to be retired. The cost savings achieved through this plan were used to fund new domestic and overseas projects designed to capture additional carbon dioxide reductions.

However, we should not be deceiving ourselves. Designing a cap and trade system is not an easy task. Critical decisions will have to be made as to the design and implementation of such a system. These decisions will ultimately affect some industries more than others. I would hope that the government can work hand-in-hand with industry so that we would all come to a decision be made to pursue a cap and trade program.

A comprehensive cap on America's greenhouse gas emissions, paired with an allowance trading system, can encourage industry to pursue the full range of opportunities for reducing emissions. That would provide businesses with the regulatory certainty and flexibility they need to confront the climate challenge successfully. Industry has repeatedly said that if government sets the rules, they will take them from there and make it work.

Trading helps to establish a market value per unit of greenhouse gas. This can be especially helpful as corporate decisions about major investments in new technologies. The market value will allow them to make a real comparison by which to consider purchasing new credits for the markets or investing in technologies and capital improvements.

We also have to recognize that the international system for addressing climate change is evolving. Only a few years ago, many of America's trading partners were reluctant to accept market-based solutions. Now they have embraced them, and the global marketplace for greenhouse gas cap-and-trade is beginning. A national cap-and-trade system could give America the business valuable experience they will need to remain competitive with other companies in countries where greenhouse emissions trading is moving forward. We can expand trade opportunities through a new marketplace for the environment.

Given this developing international market, it also makes sense to ensure that what we do domestically can be integrated and recognized on the international level. Ultimately, we need to make sure that the emissions reductions our companies, our farmers, and our foresters produce are fully recognized and fully tradable in the emerging global greenhouse gas marketplace.

I think it is clear that a cap and trade program is a good idea worthy of further consideration by the U.S. Senate. I look forward to working with Senator Lieberman and others who have expressed a willingness to consider this type of approach to address this problem of global climate change. Mr. Lieberman, Mr. President, I am pleased to rise to join my colleagues, Senator McCain, in advocating an economy-wide cap-and-trade system to control our emissions of greenhouse gases.

I have been extremely troubled by the failure of our government to engage on this crucial issue. Last Monday, 180 nations agreed to take historic action against global warming by agreeing to the Kyoto Protocol. One did not. We are the one. I believe this failure abdicates the United States' position as a leader in environmental affairs and places U.S. industry at risk.

We now have general scientific agreement that climate change is a problem we must face. Early this year, the United Nations' Intergovernmental Panel on Climate Change released its Third Assessment Report on global warming. According to this panel of experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during the next century. Such a large, rapid rise in temperature will pose serious threats to human life and fundamental economic activity.

As the IPCC report reminds us, this threat is being driven by our own behavior. Let me quote the scientists directly: "There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities." There is no doubt that human-induced emissions are warming the planet.

After receiving the IPCC's dire report, the White House requested and received a second opinion from the National Academy of Sciences. The NAS confirmed the findings of the IPCC. Let me quote:

The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the scientific opinion of the community on this issue. . . . Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past decade.

By going forward with the Kyoto Protocol even without the United States, the world has taken a giant stride forward in response to this pressing problem. That agreement will create a worldwide market in greenhouse gas credits, reducing emissions, and revenues to drive environmental gains. Unfortunately, because the United States did not participate, U.S. interests were virtually ignored in crafting the final deal. In the end, I believe that not just our environment but our economy will suffer as a result.

For example, let's say a multinational corporation is faced with the need to invest in new, more efficient technology, and has the choice of installing it in the United States or overseas. Under the Kyoto Protocol, the corporation will be able to receive valuable credits for making those efficiency gains and therefore reducing...
its greenhouse gas emissions. Those credits will be worth cold, hard cash in the world market that will be established under the treaty. In contrast, the United States currently has no system by which the company will gain credit for the gains. The result will be that those firms that can adopt this more effective technology will be driven overseas.

The agreement in Bonn also has probably made billions of dollars in U.S. investment worthless. A number of U.S. corporations have invested heavily in forest conservation on the assumption that they would receive credit for these forests' ability to pull carbon out of the atmosphere. In Bonn, however—without the U.S. at the table—credit for forest conservation was written out of the agreement.

After the agreement at Bonn, it will take a lot of work to convince the other nations of the world to reopen the negotiations to U.S. participation. We can begin by creating a credible domestic system that can work in parallel with the Kyoto Protocol so the United States remains in tune with the remainder of the world as we move forward. Such an approach must be beyond our laudable but inadequate voluntary programs unfortunately do not work. Instead, Senator McCain and I believe that we need a set of standards requiring action. We need an economy-wide cap and trade approach. In contrast to the current international arrangement, such a system will take the interests of the United States into account.

I also believe having such a system will place much better enable us to negotiate an acceptable international agreement with the Kyoto participants when the U.S. does come back to the table. If we do not have our own domestic cap-and-trade system, our companies will be years behind the rest of the world. It is within this framework and therefore disadvantaged when we join an international agreement.

The bonafides of a cap and trade approach are impressive. I was involved in the drafting of the cap-and-trade program in the Clean Air Act to reduce acid rain—one of the most successful environmental programs on the books. Recent reports from the EIA and the Resources for the Future espoused such an approach. Progressive companies such as DuPont have already reduced their greenhouse emissions by using their own internal cap-and-trade markets. And no less authority than the Wall Street Journal has endorsed cap-and-trade proposals in the past. Recently, how- ever, even the Euros are beginning to see the merit of cap-and-trade solutions. Not surprisingly, European leaders would rather bureaucrats control the economy than allow cap and trade proposals to take root.

Mr. President, I ask unanimous consent to print the Wall Street Journal editorials in the RECORD.

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

REVIEW & OUTLOOK

EMISSIONS IMPOSSIBLE?

While Genoa burned—a topic we take up at greater length in the space below—bureaucrats in Bonn, unable to make a deal treat, the Kyoto Protocol on global warming, Japan and Europe appear more determined than ever to renege on the treaty the United States. At the risk of sounding flippant, we ask: Why bother? The whole idea behind Kyoto is puzzling at first, but outrageously at worst. Why require the nations of this planet to spend the hundreds of billions of dollars necessary to reduce carbon dioxide and other emissions when we don’t even know if the earth’s climate is getting warmer or not? Why do we assume that temperature change is caused by human activity or if that change is even dangerous? Why, indeed. Except that new and more sophisticated models show that human-generated greenhouse gases are a menace to civilization as we know it, then it is better to start now to control them and far better to do so in the most cost effective fashion. And that’s why we harbor a certain fondness for one part of the Kyoto treaty—emissions trading.

Emissions trading—part of a package called “cap-and-trade”—is one of the incentive-based market strategies that has been developed into a powerful and flexible approach to cutting pollution. It works by setting a cap on total emissions and allowing individual emitters to buy and sell permits. Firms that produce emissions below their targets can sell their excess permits to firms that exceed their targets. Firms have a straightforward incentive to come up with emission-reducing innovations because they can keep the financial rewards of their innovation through reduced abatement costs, reduced payments for emission permits and/or selling unneeded permits.

Thus, by providing flexibility and financial incentives, cap-and-trade program will result in more competitive firms that can do it at relatively lower cost and less abatement from those firms who can only do it at relatively higher cost. The net will be the same amount of overall pollution reduction, but achieved at lower cost than would obtain under traditional regulation.

The cost is really mega-important. Consider the tab if—as mandated by Kyoto—the U.S. had to reduce its carbon dioxide emissions 7% below its 1990 levels by 2012. Without the Kyoto treaty, companies from other countries, compliance would have to be achieved mainly by switching from coal-fired plants to natural gas plants, resulting in the premature retirement of billions of dollars of capital stock, the zooming of energy costs throughout the economy, and the loss of millions of jobs. According to the Economic Information Office, the cost could be as much as 4% of GDP.

Now, however, consider the cost if the U.S. could meet its targets by buying permits from other countries. In a scenario offered back in 1998 by the Clinton Administration’s Council of Economic Advisors, if the U.S. bought permits for its “excess” emissions—so that it doesn’t have to reduce by very much its own emissions—the cost would be only 10% of GDP.

If you doubt these estimates—and we agree that the models they are based on are technically complex—then how about a real-life example? Look no further than the fabulously successful cap for sulfur dioxide. The program, which was started in the U.S. in 1995 as part of the effort to cut the emissions that cause acid rain, has saved about $70 billion, compared with the cost of traditional regulation and has been reducing emissions by four million tons annually. When the program is fully implemented, over the next couple of years, cost savings should be as much as $2 billion a year—that’s twice as much as originally estimated by the EPA.

Europe, the U.S. world, the idea of reducing pollution has proved so attractive that some firms—which are under no legal obligation to cut greenhouse gases—have begun to set up programs for internal trading of permits. For firms interested in external trading, there are already several “precompliance” markets where permits can be traded across companies and across national borders.

So, who needs Kyoto? While whatever number of government bureaucrats are filling in Bonn, the private sector is going ahead with its own cap-and-trade solutions. Not surprisingly, European leaders would rather bureaucrats control the economy than allow market-based permits and emissions and have bad mouthed cap-and-trade proposals in the past. Recently, however, even the Euros are beginning to see the light.

President Bush got it exactly right when he dissed Kyoto. And after Kyoto is pronounced dead in Bonn, the Bush Administration should propose a domestic cap-and-trade program for carbon dioxide that could, of course, be easily expanded to Canada and Mexico, and then to Latin America. And then the U.S. could meet its treaty, obligations.

ARSENC IN RURAL WATER SUPPLIES

Mr. STEVENS. Mr. President, yesterday the Senate passed the Appropriations bill funding the Environmental Protection Agency and other depart-
IN MEMORY OF PAUL R. CAREY

Mr. SCHUMER. Mr. President, I rise to draw attention of the Senate to the recent passing of Paul R. Carey, an extraordinary public servant and New Yorker who died on June 14th at the age of 38 after a long battle with cancer.

Paul Carey was a Commissioner of the United States Securities and Exchange Commission at the time of his death. Previously, he served in the Clinton White House as Special Assistant to the President for Legislative Affairs, and before that as Finance Director for the United States for the 1992 Clinton-Gore campaign.

Commissioner Carey was a scion of a great New York family whose patriarch is my friend and political hero, the distinguished former Governor of New York, Hugh L. Carey.

The loss of Paul Carey at such an early age was a blow to the causes he fought for as an SEC Commissioner and White House official, and of course to his loving family and his literally thousands of colleagues, who revered him as a master of Christian burial at St. Patrick’s Cathedral in New York on June 18th, and celebrated his life at a memorial service here in Washington on July 25th. Governor Carey and his family honored this Senator by asking me to participate in the memorial service, which was a wondrous event whose other celebrants included former SEC Chairman Arthur Levitt; Senator CLINTON; former President Clinton; Governor Carey; and an audience of hundreds of colleagues, Members of the Senate and the House of Representatives, and other loved ones.

All of the remembrances shared at the memorial service were special and poignant, but none could have been more pointedly touching than the remarks of Paul’s father, Governor Carey. He told the uplifting story of the life of a truly gallant young man.

I ask unanimous consent that excerpts of Governor Carey’s remarkable eulogy be printed in the RECORD.

And on behalf of the Senate, I extend our thoughts and prayers to the Carey family on the loss of their beloved Paul.

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

EXCERPTS FROM REMARKS BY FORMER GOVERNOR HUGH L. CAREY

This extended gathering of Paul’s family, both the Carey family and his extended family in public service, has been a wonderful tribute to Paul. On behalf of our family, I would like to thank Rev. Coughlin, President Clinton, Senators Clinton and Schumer, Ar- thur Levitt, Jim Molloy, Mark Patterson, Janet Howard and the many great friends who were responsible for this day of remembrance—and it is, we feel, a celebration, with no remorse, by friends, who made a difference.

When he was about 3 years old, Paul showed signs of the peripatetic propensity he would continue throughout his life. After spending the day with his great-aunt’s house at all hours, his mother fast- tened a small cowbell to a soft ribbon around his neck. So it became the custom in our house to listen for the bell and to ask, “where’s Paul?”

Over the years, Paul’s whereabouts gave us some concern but even greater satisfaction. When we took summer vacations, while others took lessons in swimming and waterskiing, he would accompany his mother to Shelter Island, where many disabled teens and adults. Summer after summer, he began to learn, and to show us, his gift capacity to help others.

In 1973, Paul’s mother—who was then wag- ing her own battle with the illness that was to take her the next spring, and later Paul— was able to see the new roof. She decried that the Congressional career had separated us too often. By agreement, we decided to give up Congress for an office that would give the help we committed, against all odds, to the race for Governor of New York.

It was in that 1974 campaign that Paul’s appetite and zeal for his avocation—campaigning—started to shine. He and his 11 brothers and sisters took to the road in a Winnebago, bringing the Carey campaign message to county fairs long. And he never stopped reminding me of that of the 62 counties in New York State, I carried all but the one I had to canvas on my own after sending my children back to school in the fall.

Later, after his graduation from Colgate, Paul embarked on a career in business. I rejoiced in the thought that my future comfort was assured by the prospect of a string of successful IPO’s. But after he faced his ini- tial surgery and the prospect of a life-threaten- ing illness, he was determined to pursue a life in public service. When he told me he was offered a fundraising position in a na- tional campaign, I tried to talk him away, but swallowed my initial advice when I saw his great enthusiasm and success. Indeed, he did an outstanding job in that role, as the northeast finance director for the Clinton-Gore campaign in 1992, and President Clinton has re cuent for you how pivotal Paul’s help was at a time when it was needed most. And when that victory was won, Paul took his passion for public service to the White House.

There, he astounded everyone but himself with his accomplishments at the center of policy making in the world. He mastered legislative detail and created relationships on Capitol Hill that would help his President and his administra- tion achieve the most successful debt and debt reduction package since Harry Tru- man and Lyndon Johnson.

Then suddenly, one Christmas, his life was suddenly and cataclysmically threatened by the returning disease. But, to our family’s lasting gratitude, the brilliant surgeon Dr. Murray Brennan and the medical team at Memorial Sloan-Kettering Cancer Center saved Paul’s life and gave him the gift of time. And we will always be especially grate- ful to Dr. Jim Dougherty, who was the man who was to take her the next spring, and later Paul— was able to see the new roof.

As you know, Paul was not only my brother but my partner. He was the man I had never known. One morning, after his surgery, when I visited his room and saw that he was appar- ently asleep, under heavy sedation, I told Paul’s sister that I was going to Al- bany for the state of the State. Paul suddenly awoke, sat up, and said clearly and adamantly: “When you get to Albany, you tell them that we put money in the budget for research and teaching hospitals and they’d better be sure they don’t cut it.”
took my orders, went to Albany, and carried Paul’s message to the legislature. Although Paul would continue to battle illness over the next 5½ years, he would do it on his own, made a deal with Dr. Dougherty, to structure his treatments around his work schedule. When he became a Commissioner of the SEC, he waged a spirited battle for the least powerful, individual investor, and never let his illness impair his commitment to that work.

He would sometimes have to travel to the Netherlands, to take powerful treatments, but he would combine those trips with visits to friends at European Embassies, or tours with his brothers and sisters through France and Italy.

Among his most memorable journeys was the White House delegation’s trip to Ireland last winter, where he and I were privileged to join President Clinton as he made a farewell visit to the country he had guided toward peace. And this spring we had the honor to attend the investiture of new Cardinals by his Holiness Pope John Paul II. On that trip, we visited many glorious and deeply religious sites, including the Basilica of his namesake, Saint Paul.

And although we mark today his passing into eternal life, we repeat our belief that today is a joyful remembrance, with no remorse or regret.

And there is no need to ask now, “Where’s Paul?” But today we celebrate Paul’s Homecoming. We know where Paul is, he’s in his mother’s arms.

And now that Paul’s ascendency is complete, I wonder if when he arrived at the Heavenly Gate, perhaps St. Peter had gone fishing as was his custom, and that day St. Paul may have been there to greet him.

If so, I wonder if he had a chance there to ask a question he had long pondered: When St. Paul wrote to the Romans and the Colossians and the Corinthians, did they ever write back?

But before he’s answer, St. Paul might say, I have a question for you: “Did you bring your Rolodex?”


And St. Paul would answer, “If it contains the names of people you helped, and the people who helped you, that’s a list we want to have!”

So if you were in Paul’s Rolodex, you’re half-way to Heaven!

And you can count on us to be there with you, until we all make it the rest of the way. Thank you and God bless you!

Mrs. CLINTON, Mr. President, I rise to join the senior Senator from New York, Mr. SCHUMER, in paying tribute to the late Paul R. Carey. I was also honored to have been invited to speak at the memorial service for Paul here in Washington last week, and I wish every reader of this floor could have been there to share in the outpouring of emotion and affection for this wonderful young man. My husband and I knew Paul Carey well and we considered him a dear friend. Paul made many important contributions to President Clinton’s work in the White House, and he remained a close friend after he left the White House to become a Commissioner of the Securities and Exchange Commission. He touched so many of us with his wonderfully passionate attitude toward life and his truly special gift for friendship. I join Senator SCHUMER in paying tribute to Paul Carey, and in expressing condolences to Gover-

nor Carey, to Paul’s 11 brothers and sisters, and to his many friends. He was a great New Yorker and we will never forget him.

Mr. DASCHLE, Mr. President, I thank the Senators from New York, Mr. Schumer and Mrs. Clinton, for their statements about Paul Carey. I also knew Paul and his work, both at the SEC and at the White House, and I join the Senators from New York in expressing condolences to his distin-
guished father, Governor Hugh Carey, and to the rest of Paul’s family and many friends. He was a fine public servant and a fine man, and he will be sorely missed.

SALUTE TO JIM GOODNIGHT AND HIS ASSOCIATES AT SAS INSTITU-

TIONS

Mr. HELMS, Mr. President, this Na-
tion was founded on the principle of freedom and, needless to say, America’s free enterprise system is the hall-
mark of our Founding Fathers’ eco-
nomic vision. The news on television and in the newspapers report remark-
ablesummers and years. Indeed, our Country’s most notable businesses were founded by men and women who had the ideas and the vision, and the courage to convert those visions into in-
credible successes.

Those of us blessed to live in North Carolina are proud of our State’s his-
tory of business successes, citizens like Buck Duke who developed a system to roll tobacco, William Henry Belk, the amazing merchant, whose Main Street sidewalk in Monroe grew into a chain of high-end department stores. There are countless others whose vision and faith in the free enterprise system made North Carolina one of the leading states in which to do business.

Now then, it’s an honor to salute an-
other remarkable North Carolinian who has fulfilled the principles of the free enterprise system and thereby de-
veloped the largest privately-held soft-
tware company in the world which, by the way, is headquartered in Cary, NC. SAS Institute, as it is known, was co-
founded and co-owned by James H. Goodnight and John P. Sall in 1976. Today their dream and wisdom ranks as one of North Carolina’s largest em-
ployers.

This remarkable enterprise was born following a research grant from the U.S. Department of Agriculture to sev-
eral universities which were seeking new ways to analyze enormous volumes of agricultural data. A result of this grant was the development of the Sta-
tistical Analysis System from which SAS takes its name. The customer list of SAS is impressive, it has proven that major-
ity of the Fortune 100 companies, plus all 14 Federal Government departments now use software developed by SAS. SAS software is used by customers in more than 111 countries around the world. It has vast overseas operations which are based in Heidelberg.

I could go on and on reciting the SAS company’s business successes but when you get down to it SAS is a reflection of its leadership. It is important to note the innovation of Dr. Goodnight, the distinguished Chairman and Chief Executive Officer who has created one of the most desirable workplace envi-
ronments in America.

For example, Jim Goodnight had the forethought to create an on-site childcare center back in 1981 and SAS has an extensive medical facility providing healthcare for all of its associ-
ates on its campus. A such a creative and family friendly innova-
tions SAS has one of the lowest person-
nel turnover rates in the industry; moreover SAS has been justifiably praised nationally by countless publica-
tions such as Working Mother, Fortune and Business Week.

SAS’s longstanding commitment to its community, its State and the world is evidenced by its significant con-
tributions to multiple charitable organi-
zations which focus on education and technology.

Jim Goodnight took his personal commitment to education further by establishing a world-class independent preparatory day school, which is a model for integrating technology into all facets of education.

Its vast campus might easily be con-
 fused for that of a major university.

As the SAS Institute marks its silver anniversary, it’s an honor, indeed a privilege to join other friends across North Carolina in saluting this re-
markable corporate citizen, the great leader, Jim Goodnight, on his in-
credible 25 years. Jim Goodnight’s sound business practices, his adherence to the principles of the free enterprise system, together guarantee another re-
markable 25 years for this great North Carolina business.

GUNS AND TEEN SUICIDE

Mr. LEVIN, Mr. President, we often rise on this floor to address the sub-
ject of gun violence and what we can do to prevent it. The debate frequently centers on how we can keep guns out of the hands of criminals and what penal-
alty is appropriate for using a gun to commit a crime. While the importance of these debates cannot be overstated, these discussions all too often ignore a second related and equally important issue—gun-related suicide.

According to statistics from the Brady Campaign they estimate that Gun Vio-

lence, most gun deaths in America are not the result of murder, but suicide. The numbers are particularly shocking for young people. According to the Cen-
ters for Disease Control and Prevent-
tion from 1999 through 1997, an average of 1,409 young people took their own lives with guns each year. The con-
nection between access to guns and suicide is particularly strong. In fact, The Brady Campaign reports that the pre-

vence of a gun in the home increases the risk of suicide fivefold.

While this problem cannot simply be legislatively away, trigger locks and
other sensible gun safety measures can help limit children's access to firearms. It is clear that reducing our kids' access to guns can save lives.

PROTECTING AGAINST WRONGFUL CONVICTIONS

Mr. WARNER. Mr. President, I rise today to once again state my strong support for legislation that increases access to post conviction DNA testing. Our judicial system has numerous safeguards in place to help protect against wrongful convictions of innocent people. The presumption that a person is innocent until proven guilty beyond a reasonable doubt is one of many protections our judicial system provides to protect against wrongful convictions. Rights to appeal criminal convictions are another example.

Despite these many protections, I recognize that wrongful convictions, unfortunately, do occur. In my view, we must continuously examine our judicial system to determine if new protections are available to ensure that individuals are not imprisoned for crimes they did not commit.

In the Commonwealth of Virginia, we need look no further than the Earl Washington case to understand that individuals can be convicted of crimes they did not commit. Washington, a mentally retarded man, spent more than a decade on death row after being convicted and sentenced to death after a trial where the defense attorney slept through portions of the case, was inexperienced in death penalty cases, or failed to even interview important witnesses. Such incompetency on the part of a defense attorney undoubtedly results in some wrongful convictions.

Certainly, convicted defendants may appeal their conviction to a higher court based on the assertion that they were denied a constitutional right to effective assistance of counsel. However, I believe that our system, particularly in the highly complex capital punishment cases, can do a better job at ensuring effective assistance of counsel prior the time a case gets the appellate level.

In this regard, I share the views of Supreme Court Justice Sandra Day O'Connor, who, in a recent speech, stated that perhaps it's time to look at the minimum standards for appointed counsel in death cases and adequate compensation for appointed counsel when they are used.

Increasing access to post conviction DNA testing, and undertaking a closer examination of the issue of national, minimum standards for appointed counsel in death penalty cases, are two steps in the right direction to improving our judicial system and further protecting against wrongful convictions.

My colleague, Senator LEAHY, has joined with Senator GORDON SMITH and Senator COLLINS in introducing legislation that improves access to post conviction DNA testing and provides for minimum standards for appointed counsel in death penalty cases. Today, I am pleased to join as a cosponsor of this important legislation, S. 486, the Innocence Protection Act.

While I believe that some technical improvements can be made to the Innocence Protection Act, I support its overall goal of additional, reasonable, protections against wrongful convictions.

Specifically, the Innocence Protection Act contains provisions relating to habeas corpus reform. Under the bill, prisoners in States that do not adopt appointed counsel minimum competency standards will be subject to dying harsperous rules than prisoners in States which have adopted such standards. In my view, habeas corpus reform is outside the scope of this legislation, and the issue ought to be thoroughly examined by the Judiciary Committee and addressed in separate legislation.

In addition, the Innocence Protection Act directs the Attorney General to withhold a portion of the funds awarded to the prison systems in States that have not established or maintained a program for providing legal representation in capital cases that satisfy the standards called for by this bill. In my view, a more appropriate approach is to encourage States to adopt minimum competency standards by making available new grants to those States that adopt such standards.

Nevertheless, despite these differences, the goal of the Innocence Protection Act is an important one. I look forward to working with the sponsors of this legislation on these concerns, and look forward to working for passage of legislation that will further protect against wrongful convictions.

IN HONOR OF PURPLE HEART MEDAL RECIPIENTS

Mr. WELLSTONE. Mr. President, I rise today to recognize those veterans who have earned the Purple Heart Medal. My own State of Minnesota has recently decided to designate August 7, 2001 as a day to honor these veterans.

The Purple Heart Medal was created by General George Washington and first awarded to soldiers who were wounded as a result of actions by an enemy of the United States. General Washington established the award on August 7, 1782. The Purple Heart Medal is still awarded to members of our Nation's armed forces who are wounded while protecting our Nation and democracy.

Our Government issues several medals to soldiers for bravery, good conduct, and efficiency. However, the Purple Heart Medal is unique in the fact that a soldier who is awarded this medal received a wound as a result of hostile actions by an enemy of our Nation. As a U.S. Senator and a member of the Senate Veterans Affairs Committee, I have had the opportunity to personally thank many of the Purple Heart Medal recipients in the State of Minnesota for the sacrifice they made for our Nation and democracy. I believe that every recipient of this distinguished award should also receive appropriate acknowledgment from the Senate.

I invite all members of the Senate to join me and urge all 50 States to hold appropriate ceremonies to honor their Purple Heart Medal recipients.

WE NEED A DRUG CZAR

Mr. GRASSLEY. Mr. President, in the last several days, I have reviewed a copy of the most recent PRIDE survey of youth drug use in this country. The numbers are not encouraging. In fact, the numbers over the last several years...
have not been encouraging. Drug use among teenagers since 1992 has risen sharply. This is true for use of more traditional drugs, like heroin. It is true for the newer or more recently popular designer drugs, like meth and new ecstasy.

I have spoken about these trends frequently here and in hearings. The Caucus on International Narcotics Control, which I co-chair, has held a number of hearings on these dangerous trends and their enforcement initiatives. No one who is familiar with the details can be anything but concerned about what is happening. No one that is except those who seek to legalize drugs in our society and make them even more available than they now are.

The legalizers, of course, do not admit that this is their intent. But it is like the old magician’s trick, watch the birdie. They cloak their efforts to legalize with various disguises. They want marijuana for sick people. They want compassionate use. They want to decriminalize and make compassion not punishment. But it’s an old game. It’s just a variation on the useful lie: I am for a good cause so I don’t have to be honest. Well, as the old saying has it, fool me once shame on you, shame on me. And they are trying to fool people again. The goal this time is to stop the nomination of John Walters to be the nation’s drug czar. Their effort is a purely cynical one trying to portray Mr. Walters as some kind of stone age, Neanderthal throwback who is out of step with the needs of real drug policy. But the policy they really advocate is to make drugs more widely available. What they object to is that Mr. Walters does not accept that. So they have begun a campaign to impugn his character, misstate his views, and misrepresent the facts and their own goals. They do not want strong leadership on this issue.

They are trying to portray Mr. Walters as a total supply side advocate who cares nothing about treatment or prevention. They are relying on the hope that people will read what they have to say about his record rather than look at his record. Remember, watch the birdie. They hope to block his nomination in order not to help stop drug use but to clear the way for their efforts to legalize.

The main voices against him have come surrounded by billboards, local newspaper and other advertisements. They are coming from a number of journals and organizations that are on record favoring drug legalization. They would have us believe that their motive for opposing the President’s candidate to be the drug czar is out of concern for treatment and prevention. This is like the wolf expecting Little Red Riding Hood to believe it is really grandma in the bed.

Some facts. When Mr. Walters was the chief of staff for Bill Bennett, the first Drug Czar, Walters was a key player in helping to ensure that we had a serious demand reduction effort as part of our policy. In the Bush years, demand reduction resources doubled. In 4 years of that administration, the rate of funding for demand was higher than in the 8 years of the last administration. Mr. Walters was a player in making that happen in the first Bush administration. He spearheaded a lot on supply reduction. That too was part of the President’s strategy and he was responsible for helping to implement that as well. He also became the Deputy Director for Supply at ONDCP. It was his job to speak on these issues. There was a Demand Deputy. It was his job to speak on demand issues. You will not find a lot of supply talk in Dr. Kleber’s public comments. As the demand guru it wasn’t the focus of his job. You won’t find a lot of demand comments in Mr. Walters’ statements. Why do you think that is?

In the years after he left ONDCP, Mr. Walters made numerous public statements. Many of these were before Congress. He was a member of Congress responsible for dealing with supply issues to speak on them. Is it any wonder that most of those concern supply reduction? It isn’t a mystery, but, remember, watch the birdie.

Let’s be clear. Let’s be honest. Mr. Walters is not that he is a supply sider or a hawk on demand. It is that he believes we need a serious drug policy that is comprehensive. That is what Congress wants and funds. The President has made it clear that that is what he wants. It’s the President’s policy. As a member of the President’s Cabinet, Mr. Walters will be a strong voice, a forceful advocate. We need that. The major demand groups in this country recognize that and support him.

Mr. Walters is not a drug legalizer. He is a man committed to stopping the flow of illegal drugs across our borders and into our schools and neighborhoods. He is committed to prevention and effective treatment. He has children of his own. He is determined to help protect them in their schools from the drug pushers among us. He cares passionately about this issue.

That is why I believe the Senate needs to move quickly on his nomination. We need leadership. We need commitment. We need passion. Mr. Walters can supply those needs in working with Congress to accomplish a common goal. The only people who benefit from blocking this nomination are the legalizers. We should not become their unwitting allies.

I support this nomination. I urge my colleagues to join me. It is late in the year. The August recess is almost upon us. We need to give Mr. Walters a speedy hearing and a quick confirmation so that he can get about the Nation’s business.

JOHN WALTERS NOMINATION

Mr. SESSIONS. Mr. President, I rise today to encourage my colleagues to expedite the nomination of John Walters to be Director of the Office of National Drug Control Policy, ONDCP.

We continue to be faced with a major drug problem in America. Drugs are easily available and kids are using them.

To our friends I believe that we must address the supply of drugs coming into this country. I believe that true achievement can only come from within our Nation.

We must decrease the demand for drugs in America before our efforts to stop the flow of drugs can gain any measure of success.

The real challenge is developing a multifaceted approach to move us down the road to substantial reduction in drug use.

According to the University of Michigan, “Monitoring the Future” survey, that has tested students for 20 years, for 12 years under the Reagan and Bush administrations, drug use went down every single year. (University of Michigan, "Monitoring the Future Study," 1999.)

This was done through a commitment to energizing our Nation as a whole against this threat. Parents, educators, law enforcement officials, business and community leaders, and the media were all enlisted to create a climate of intolerance.

As a Federal prosecutor in Mobile, AL, during these years, I am proud to say that I participated in this effort. Unfortunately, when the Clinton–Gore administration took office, things began to change. When President Clinton appeared on MTV and joked about whether or not he inhaled marijuana by saying “Maybe I wish I had,” he began to erode the leadership example that is the crucial first step in the war against drugs.

When President Clinton nominated people who did not carry out a tough drug policy this further weakened the message to our children and to drug criminals regarding the importance of the war on drugs.

After taking office, the Clinton–Gore Administration all but eliminated the Drug Czar’s office, slashing the number of employees from 146 to 25.

It is not a surprise that the same University of Michigan study that showed the gains we made during the Reagan-Bush years, showed that drug use had steadily risen among our youth during the Clinton-Gore years.

According to the Monitoring the Future Study, since 1992: overall drug use among 10th graders increased 55 percent. Marijuana and hashish use among 10th graders increased 91 percent; heroin use among 10th graders increased 92 percent; cocaine use among 10th graders increased 133 percent.

Except for a slight decline in 2000, drug use generally increased during the Clinton-Gore administration. If we are going to make real progress in combating drug use in America, we must return to the key concepts of leadership by example, tough law enforcement initiatives, and community
August 3, 2001

CONGRESSIONAL RECORD — SENATE

KOREAN GOVERNMENT SUBSIDIES

Mr. CRAIG. Mr. President, I rise today to express my extreme concern about developments in the Republic of Korea that have far reaching negative implications for U.S. semiconductor companies. I am referring to the massive and unjustified government bailouts of the South Korean government, now known as Hynix.

To date, the South Korean Government and the government-owned banks have given Hynix over $4 billion in loans and other types of financing which carry the guarantee of the government of Korea. This is a subsidy pure and simple. As if this is not bad enough, however, two Wall Street Journal articles over the past week report that the Korean government is now planning on giving Hynix an additional billion dollars to keep them solvent.

In the year 2000, Hynix was the world’s largest producer of dynamic random access memory, or DRAM, an important type of memory semiconductor that is used in everything from personal computers to satellites. Hynix has captured over 24 percent of the worldwide semiconductor market, but Hynix achieved such a large share of the global market not because it is particularly good at making DRAMs, but because it borrowed excessively and built up enormous capacity.

Hynix cannot and cannot repay the loans it took out to finance its expansion. Vering on bankruptcy, Hynix has been kept alive by the South Korean government through infusions of new cash. Far from solving the company’s problems, however, these government subsidies are just plunging Hynix deeper into debt. This behavior circumvents normal market forces and has very severe implications for the companies in the U.S. and the rest of the world that are forced to compete with Hynix’s illegally subsidized products.

Over the past several months, the Korean government has given assurances to me, to my colleague Senator CRAPO, and other members of this body, as well as Ambassador Zoellick, Secretary Evans and Secretary O’Neill, that the Korean government will stop giving these subsidies to Hynix, subsidies that clearly violate our international trade agreements. Now, the Korean government seems poised to violate these assurances completely, destroying the U.S. semiconductor industry in the process.

I call on the Korean government to stop subsidizing Hynix, to stop this distortion of the international semiconductor market, and to let Hynix sink or swim on its own.

Mr. McCONNELL. Mr. President, as we are all aware, the Internet has revolutionized communication and business. Unfortunately, Hynix also provides a new tool for some very traditional villains: child molesters. While it is already a Federal crime to cross State
lines to sexually molest a minor. In recent years the number of people using the Internet to violate this law has skyrocketed. According to a report issued to Congress last year by the National Center for Missing and Exploited Children, NCMEC, out of five children, aged 10-17, 17 are approached online daily.

Unfortunately, loopholes in the current law allow some of these predators to escape without any real consequences. Because most cybermolesters are well-educated, middle-class, and have no previous criminal record, many judges are giving them laughably light sentences. Ironically, the purveyors of child-pornography receive mandatory ten-year sentences, but those who use the Internet to meet children and act out pornographic fantasies often receive no jail time at all.

We need to extend the double standard that gives lighter sentences to a special class of privileged criminals. For this reason, last week I re-introduced my Cybermolesters Enforcement Act to ensure that the FBI’s new on-line molesters are apprehended and brought to justice. Like last year, my bill provides for a five-year mandatory minimum sentence for those who abuse the Internet in an effort to sexually abuse American children, but it does not change the ten-year sentence provided by Federal law.

This year, the bill contains two additional provisions to help the Bureau apprehend these abusers and destroy their disturbing wares. First, my bill would allow law enforcement to obtain in a Federal wiretap on those suspected of committing certain child sexual exploitation offenses, such as transmitting computer-generated child pornography, entrancing a minor to travel for sexual activity, or recruiting a minor for sexual activity. Allowing these offenses to the list of crimes for which Federal law enforcement may obtain wiretaps will significantly increase the ability of the authorities to detect and interdict those who use the Internet to send pornography to minors and then arrange to meet them for unlawful sexual activity. As with any other wiretap request, though, the government first must demonstrate probable cause to the satisfaction of a Federal judge in order to use this important tool.

Second, this year my bill would classify child pornography as contraband. Illegal drugs and counterfeit currency are already defined as contraband, and child pornography is at least as dangerous to our society. Classifying child pornography as contraband would enable law enforcement officials to seize it based upon probable cause and destroy it automatically after its use as evidence becomes no longer needed. Furthermore, treating this odious material as contraband will likely lead to increased cooperation from commercial entities, such as Internet service providers, which are unwittingly used by child pornographers to store and transmit this disgusting material. Because no customer can claim a legitimate property interest in contraband, these entities will be free to seize child pornography, delete its presence on the Internet, and report it to law enforcement without fear of civil liability from their customers.

The Cybermolesters Enforcement Act addresses a real and chilling threat to our Nation’s children. It will support the FBI’s “IHOP” program, which is on the front lines of the battle against on-line pedophiles. Both Ernie Allen, President of the NCMEC, and by John Walsh of “America’s Most Wanted” have endorsed it. “Pedophiles are hiding behind the relative anonymity of the Internet to target children,” said Mr. Allen. “While we’re making enormous progress in addressing this problem, it is clear that too many of these cases are not being viewed in a serious way by the courts. Senator McConnell’s bold, clear message that enticing children for sexual purposes over the Internet is just as illegal and just as dangerous as doing it in a shopping mall or playground,” said Allen. And John Walsh notes that “yesterday’s child molesters are today’s cybermolesters. Senator McConnell’s bill is a comprehensive approach to fighting these despicable crimes. It helps the FBI track down these criminals, allows the Bureau to seize their perverse wares, and makes sure we do not let them escape justice.”

I urge my colleagues to support this initiative, and I ask unanimous consent that this article by George Will outlining the problem of cybermolesters be printed in the RECORD.

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

[From the Washington Post, Jan. 23, 2000]

NASTY WORK

(BY GEORGE WILL)

To visit a crime scene, turn on your computer. Log on to a list of “bulletin boards” or real-time chat rooms, which come and go rapidly.

Look for names like “Loveymuchyounger” (“Y” stands for females) or “vrryrrvrrybligay” or “Mome’nos” or “likemung.”

The Internet, like the telephone and automobile, offers no possibili- ties for crime. Some people wielding computers for criminal purposes are being com- bated by FBI agents working out of an office in Calverton, Md.

The FBI operation, named Innocent Images, targets cyber-stalkers seeking sex with children, and traffickers in child pornog- raphy. One agent here says, “Business is good—unfortunately.” Criminal sexual ac- tivity on the Internet is a growth industry.

In many homes, children are the most competent computer users. They are as com- fortable on the Internet as their parents are on the telephone. On the Web, children can be pen pals with the entire world, instantly connect with other users, and at times contains many bad people. Parents should take seri- ously a cartoon that shows two dogs working on computers. One says to the other, “When you’re online, no one knows you’re a dog.”

A child does not know if the person with whom he or she is chatting is another child or a much older person with sinister inten- tions. The typical person calls a “traveler”—someone who will cross state lines hoping to have a sexual encounter with a child—as a white male age 25-45. He has above-average educational attainment, degree, and he can find his way around the Internet—and above-average income, ena- bling him to travel. Many “travelers” are married men, or single men with children.

But these cyber-stalkers do not know if the person with whom they are chatting is really, as they think, a young boy or girl, or an FBI agent. Some “travelers” who thought they had arranged meetings with children have been unpleasantly surprised, arrested, tried and jailed.

Since the first arrest under Innocent Im- ages in 1995, there have been 467 arrests of “travelers” and pornographers, and 409 con- victions. Most of the 78 nonconvictions are in cases still pending. The conviction rate is about 85 percent. However, it is dis- tressed by light sentences from some judges who justify their leniency by the fact that the offenders are socially upscale and first offenders. (Actually, is it likely is it that they get caught the first time they become predators? Lienent judges also call the crime “victimless” because it is an “information” crime, not a child, receiving the offend- er’s attention.

Agents are trained to avoid entrapment, and predators usually initiate talk about sexual encounters. But these cyber-stalkers do not know if the person with whom they are chatting is another child or a young boy or girl.

Publicity about Innocent Images may deter some predators, but most are driven to risk-taking by obsessions. America Online and other service providers look for suspect chat rooms and close those they spot, but there exist in such rapid succession that there are always many menacing ones open.

Digital cameras, and the plunging price of computer storage capacity for downloaded photographs, have made the golden age of child pornography. The fact that the mere possession of it is a crime does not deter people from finding, in the bizzard of Internet activities, like-minded people to whom they say things like, “I’m interested in pictures of boys 6 to 8 having sex with adults.”

A booklet available from any FBI office, “A Parent’s Guide to Internet Safety,” lists signs that a child might be at risk online. These include the child’s being online for protracted periods, particularly at night. Being online like that is a significant part of the average day’s activities.

Each of the FBI’s 56 field offices has an of- ficer trained to seek cyber-stalkers and traf- fickers in child pornography. Ten offices have Innocent Images operations. Agents as- signed to Innocent Images can spend as many as 10 hours a day monitoring the sexual solicitations of children. The typical person that the agents call a “traveler” who, while working, are given psychological tests to see if they have had any managed goods.” Whatever these agents are being paid, they are underpaid.
BALLISTIC MISSILE DEFENSE

Mr. SMITH of New Hampshire. Mr. President, as momentum builds for the deployment of missile defense and the abandonment of the obsolete ABM Treaty, those who oppose missile defense are getting more and more desperate in their arguments. One argument that we are hearing with more frequency is the threat of the suitcase bomb. This argument maintains that we shouldn’t be spending our scarce defense dollars on ballistic missile defense systems for the sake of our adversary’s potential ability to deliver such weapons. This means that our one-layer defense system won’t do anything to stop a suitcase bomb, so it must be a waste of money, or so the argument goes.

I think this argument is repeated with such frequency, it might be useful to state for the record why it misses the point. Let me state the most obvious reason first. The presence of one kind of threat doesn’t mean you shouldn’t also defend against other threats. Imagine if the logic applied to our approach to national defense. Why have an army if you can be attacked by sea? Or, why have air defenses if you can be attacked by land? Such reasoning is absurd. If we refused to defend against one threat simply because the other threat existed, we would end up completely defenseless.

National defense capabilities are like insurance policies; we hope we never have to use them, but the consequences of not having them could be catastrophic. No one would argue that because you have auto insurance you shouldn’t also buy insurance for your house. However, opponents of missile defense argue that you don’t need insurance against ballistic missiles, but that the insurance against nuclear weapons is a defense against suitcase bombs and other terrorist threats.

I think we would all agree that a potential adversary would likely try to exploit any perceived vulnerabilities in our defenses. This is only logical. If the U.S. forgoes the capability to repel a missile attack, that creates a powerful incentive for our adversaries to seek a ballistic missile capability. Once again, this is only logical. I would like to emphasize that defending against the so-called suitcase bomb threats is not an alternative to defending against ballistic missiles, as opponents of missile defense assert. We must do both. We have an obligation to do both.

Keep in mind that terrorist acts, such as those that would be perpetrated by a suitcase bomb, serve purposes entirely different from ballistic missiles. The surreptitious placement and detonation of a weapon, such as occurred at the World Trade Center or in Oklahoma City, is intended to disrupt society by spreading terror. Such acts depend on covert action and their goal is the actual use of the weapon. That’s why nations acquire ballistic missiles.

How many times have we heard opponents of missile defense drag out the tired cliché, “What’s your return address?” as though that somehow devalues them. The opposite is true, missiles derive their value from the knowledge of their existence and the belief that they might be used. Of course they have a return address; their own owners want to make sure we know it. The point is not, as it is with terrorist weapons, to hide the existence of ballistic missiles, but to broadcast it. The ability to coerce the United States with ballistic missiles depends on our belief that a potential adversary has nuclear missile and would be willing to use them against us. We called this principle deterrence when the Soviet Union was in existence. However, in the hands of a dictator, deterrence can quickly become coercion and blackmail.

Those who argue that missile defense is not necessary as long as a potential adversary could use a suitcase bomb erroneously assume that the goal of a terrorist is to hide the existence of a missile. The terrorist’s goal is to use it somewhere. This is not necessarily correct. These rogue states recognize that ballistic missiles armed with nuclear warheads provide an effective way to coerce the United States. Imagine a dictator who could stand up to the United States with a nuclear missile, knowing full well that there is nothing the United States can do to defend itself.

There is another huge difference between the terrorist act and the ballistic missile—we are actively fighting against terrorism but doing nothing whatsoever to protect ourselves against ballistic missiles. Last year, the United States spent around $11 billion in counter-terrorism programs, more than double what we spent on the entire missile defense program, including theater missile defenses. Spending this year on counter-terrorism programs will be even higher. And that layer of defense is working, as evidenced last year by the successful interdiction of terrorist infiltration attempts on our northern border. Counter terrorism is an important aspect of our national security program, but we can’t spend H/R as vigilant as well.

For those opponents of missile defense, I pose the following questions. Why are nations like North Korea and Iran spending billions of dollars on the development of ballistic missiles? Are they irrational, spending money on things that “don’t work”? I think that’s highly unlikely. In thinking a better explanation is that the leaders of such nations see tremendous value in such weapons. They understand that the only way to counter the power of the United States and reduce its influence is to exploit its vulnerabilities. I think they have surveyed the landscape and have correctly perceived that our one glaring vulnerability is our utter defenselessness against ballistic missile attack. And I think they also realized that ballistic missiles, with their return address painted right on the side in bright big letters, can be instruments of coercion without ever being launched.

Keep in mind that a purpose very different from the one served by suitcase bombs, and it is time opponents of missile defense stopped pretending otherwise.

THE FISCAL YEAR 2002 VA–HUD AND INDEPENDENT AGENCIES

Mr. KYL. Mr. President, I regret that, once again, I was compelled to oppose this appropriations bill. At the outset, I should note that there are many worthwhile items contained within it. Above all, I am pleased that the committee has provided significant increases in funding for veterans’ health care, veterans’ medical research, State veterans home construction and other vital programs that serve those who have sacrificed for our Nation.

Nevertheless, I cannot endorse the order of priority accorded to the various programs funded within this bill. I do not think we have realigned needs and projects from previous years while funding hundreds of earmarked projects. And I regret that our appropriations process compels Members to, in effect, choose between voting for rightly popular veterans’ programs and voting against wasteful social spending.

For a number of years, I have questioned the desirability of grouping agencies with unrelated missions into omnibus appropriations bills, and I have cited the VA–HUD bill as the best illustration of the problem. Despite my strong support for veterans benefits I have, more often than not, voted against the VA–HUD bill since I came to the Senate, because I believed that the spending levels and earmarks in the HUD portion could not be defended.

We all know that HUD is a Department fraught with serious problems, as detailed repeatedly by the General Accounting Office, which to this day, criticizes HUD as the most “high risk” executive branch agency at the Cabinet level. Yet the bill before us provides HUD with a robust nine percent increase, bigger than the increase provided for veterans.

The HUD title also includes eleven projects of earmarked projects, the vast bulk of them in States represented by appropriators. If past history is any guide, the final list of earmarks will grow beyond what is in this bill, or the House bill.

Last night, I reluctantly voted against the amendment offered by the senior Senator from Minnesota, because I believed that the additional
WILDFIRE TRAGEDIES

Mr. SMITH of Oregon. Mr. President, I rise today to reflect on a tragedy that weighs very heavy upon my heart. Last month four firefighters were killed in a conflagration in Washington State’s Okanogan National Forest. My prayers and thoughts are with the families of Tom Craven, Devin Weaver, Jessica Johnson, and Karen FitzPatrick. Their service and bravery will not be forgotten.

This tragedy, like those at Mann Gulch and Storm King Mountain, reminds us of the very real, imminent and often hidden specter of wildfire. While Congress and the Administration have made a commendable commitment to fighting and preventing wildfire, this most recent tragedy raises valid concerns about potential administrative and regulatory barriers to responsible fire management.

There are reports that conflicting authorities, involving the requirements to protect bull trout under the Endangered Species Act, delayed a water drop on the fire for nearly 12 hours, during which time the fire grew from 25 to 2,500 acres. It appears that the Forest Service is investigating this matter, and in no way want to comment on the verity of this report. The fact that such an occurrence is possible, however, is cause enough for great alarm, and a call for immediate attention by this body and the administration.

I would pose two questions to my colleagues: What obstacles are preventing the protection of human life during emergency situations? If there is indecision—indeed, the face of danger, is there also inconsistency in our laws, and our priorities as a government?

There is a clause in the Endangered Species Act, ESA, that provides for threats to human life. It says that “No civil penalty shall be imposed if it can be shown . . . that the defendant committed an act based on a good faith belief that he was acting to protect himself . . . or any other individual from bodily harm, from any endangered species,” under the “good faith” scenario, which I believe in spirit, should apply to any conflict between human and animal life.

As the Forest Service investigates this tragedy, I believe that clarity should be provided to local land management agencies, as well as the National Marine Fisheries Service, NMFS, giving explicit authority, in emergency situations, to take without reservation necessary actions to prevent the loss of human life. While this authority is consistent with the Endangered Species Act, it seems to be constrained by a bureaucracy that has repeatedly turned a blind eye to the human side of natural disasters.

I also want to express my disappointment in one of the government’s missed opportunities to prevent wildfire threats in the first place. The National Fire Plan provided a landmark level of funding to reduce hazardous fuels on 3.2 million acres of public lands. In addition, the Forest Service and NMFS entered into a Memorandum of Agreement to streamline the ESA consultation process for fuels reduction projects while protecting salmon habitat. NMFS was consequently given $148.5 million to accomplish this. Over a month ago, thirty NMFS biologists were sent to the Pacific Northwest to expedite these consultations. It appears that, to date, they have not been assigned a single project. In addition, testimony from the General Accounting Office this week reported that there are serious flaws in the implementation of the National Fire Plan, including interagency cooperation.

When I go home to Oregon tomorrow I want to tell my constituents, including my friends and neighbors, that “help is on the way.” In order to do that, I must be confident that this body will exert every power at its disposal to protect our citizens, and our forests, from Nature’s disasters, and our own.

TRIBUTE TO LANCE ARMSTRONG

Mr. BROWNBACK. Mr. President, in the world of sports, there are competitions, there are grueling tests of strength and endurance, and there is the Tour de France. For 22 days—through 20 different stages—over 2,286 miles—over mountains—across valleys—through cities—some of the world’s greatest athletes ride. They compete against each other, the elements, the terrain and themselves, primarily with the hope of simply completing the ride.

Competing in the Tour de France, there are the great athletes, there are the elite athletes, and there is Lance Armstrong. On his Circum Vitae, Lance might list himself as a two time Olympian, a two time US Champion, World Champion, or—a feat boasted by only eight riders since the beginning of the tour in 1903—a three time Tour de France winner.

On this past Sunday, July 29, the 29 year old Texan pulled up to the Champs-Elysees, six minutes and 44 seconds ahead of his next closest competitor. It was his third victory at the Tour de France in as many years. While he has been reluctant to accept the title, many of his fellow cyclists consider him to be “the Patron”—the unquestioned boss of the race.

However, as remarkable as his competitive achievements may be, Mr. Armstrong’s Circum Vitae has one addition that establishes him as a truly remarkable human being—he is a cancer survivor. With the same fortitude that carried him over 6 peaks in the Pyrenees, Mr. Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer. By the time it was discovered, the cancer had spread to, and established itself in, Mr. Armstrong’s abdomen, lungs and brain. Some of the 11 masses in the talented young cyclist’s lungs were the size of golf balls. According to medical science, Mr. Armstrong had an estimated 50/50 chance of survival. Needless to say, the odds of his ever returning to the sport he loved were more slim.

However, as has been made obvious in the last three tours, Lance Armstrong is a man of great determination. Since 1997, Mr. Armstrong has been cancer free. Despite having endured brain surgery, the removal of a testament and intense chemotherapy, he has returned to and excelled in one of the toughest competitions in the history of sport.

Beyond his professional triumphs, Mr. Armstrong has lived a fulfilled personal life. In 1998, Lance Armstrong married Kristin Richard as husband and wife. In 1999, the couple were blessed with the birth of their first son, Luke David.

Beyond his incredible professional and personal triumphs, Mr. Armstrong has become a beacon of hope to his community. Through his work with the Lance Armstrong Foundation, Mr. Armstrong has greatly benefited the causes of research, early detection and treatment, and survivorship. The name Lance Armstrong has come to signify hope for cancer patients and their families.

So, I rise today not to congratulate Mr. Armstrong, but to thank him. He has meant a great deal to a great many people. The word “hero” is, in my opinion, overused in the world of sports. Lance Armstrong is a hero.

THE BUDGET OUTLOOK

Mr. ALLARD. Mr. President, on July 20 the senior Senator from the great State of North Dakota made a series of thought-provoking comments on the
floor of the Senate. Many of those comments related to a speech Larry Lindsey, President Bush's economic advisor and a distinguished public servant, delivered in Philadelphia on July 19.

In his statement my colleague alleges that Dr. Lindsey misrepresented his views on raising taxes at a time of economic slowdown. In fact, on page 12 of his speech, Dr. Lindsey said, "In recent hearings conducted by Senator CONRAD at which Budget Director Daniels testified, the Senator agreed that raising taxes this year might not be a good idea given the economy. But he went on to be clear that next year might be different. He hinted at a tax increase in 2002, just as the economy is recovering."

If, when he made his remarks on the floor of the Senate, Senator CONRAD had not seen a copy of Dr. Lindsey's speech, I can well understand that he may not have realized that his allegations on the matter of his favoring a tax increase this year was false. As to Senator CONRAD's views on the advisability of a tax increase next year, I must say that the transcript of his floor statement on July 20 only reinforces the views that he might support a tax increase next year when the economy is growing more robustly. Independent observers have drawn the same conclusion about Senator CONRAD's views from his public statements. Robert Samuelson, in the Wall Street Journal Post wrote, "To protect on-budget surpluses, Conrad says the Bush administration has 'an affirmative obligation to come up with spending cuts or new revenue (tax increases)."" If this is not the case, and Senator CONRAD is opposed to tax increases next year, I can assure you that I would applaud his decision.

In his Philadelphia speech, Dr. Lindsey provided compelling reasons why it would be unwise to tax earnings during an economic slowdown. In fiscal year 2003, the relevant scorecard reported that the Democratic alternative cost $83 billion. In fiscal year 2006 and later no one is forecasting anything like that rate of spending increase.

Furthermore, the spending side of the fiscal year 2001 budget was determined last fall under President Clinton. At that time, the President and the Congress increased discretionary spending 4 percent. Had that rate of spending increase been sustained, we certainly would have deficit problems later this decade. Fortunately President Bush proposed a budget, and Congress adopted a budget resolution, with a sharp deceleration of that rate of spending increase.

Looking forward, a comparison of the Democratic alternative that Senator CONRAD referred to in his remarks and the bill that actually passed is instructive. For example, in fiscal year 2002 the bill that passed the Congress and was signed by the President was scored at $38 billion. By comparison, the Democratic alternative was scored at $64 billion. Would the Democratic alternative revenue even come into the "fiscal ditch" deeper and faster than the President's budget?

In fiscal year 2003, the relevant scorecard by Congress' Joint Committee on Taxation shows the bill that actually passed cost $91 billion while the Democratic alternative cost $85 billion. In fiscal year 2004 the figures were $108 billion for the bill that actually passed and $101 billion for the Democratic alternative. In fiscal year 2005 the actual legislation scored while the Democratic alternative cost $115 billion. Surely this $7 billion difference between the two bills over a three year period cannot plausibly be labeled "driving us into the fiscal ditch" either.

One must assume that Senator CONRAD's assertions are based on the long-term revenue effects of the President's proposal. Yet, in fiscal year 2006 and later no one is forecasting anything but a large budget surplus. Thus, it is hard to find any factual basis for the President's claim that the President's tax plan is "driving us into the fiscal ditch" by any definition of that term that does not also apply to the proposals Senator CONRAD and his Democrat colleagues advanced during the budget debate.

It is apparent from Senator CONRAD's remarks that he and Dr. Lindsey differ on the proper measure of fiscal tightness. Dr. Lindsey asserted in his speech that the best measure of the Government's effect on the financial markets is the Unified Budget Surplus. This was a concept created by a special commission appointed by President Lyndon Johnson and has been in use for at least 30 years. It has long been the standard for non-partisan analysis of the budget. For example, on page fifteen of his speech, Dr. Lindsey quoted Robert Samuelson regarding the usefulness of alternative definitions.

As to the appropriate size of the unified surplus, I concur wholeheartedly with the administration's view that the unified surplus should be at least as large as the Social Security surplus. Dr. Lindsey outlined in his Philadelphia speech why this is appropriate. But, Senator CONRAD and Dr. Lindsey disagree fundamentally regarding the term to apply to this. For example Dr. Lindsey stated in his speech, every dollar of Medicare premiums paid by beneficiaries and every dollar of Medicare taxes paid by workers and their employers is spent on Medicare. In addition, any revenue in excess of Medicare spending is the rest of the budget. Frankly, the "surplus" concept does not make much sense under the circumstances.

In his floor speech Senator CONRAD made an analogy to "defense," noting that all of its funding is paid for from the rest of the Federal budget. But no one talks of a "defense surplus." Indeed, the concept of a "surplus" in a program that requires net inflows from the rest of the budget seems to make little sense. I therefore do not see why revenue to the budget conceivably supports the assertion that Medicare has a "surplus."

Finally, Senator CONRAD and Dr. Lindsey also seem to disagree on the extent to which the Government should control the fruits of our Nation's labor, saving, and risk-taking. Over the last 8 years, the share of GDP taken in Federal receipts has increased from 17.3 percent to 20.3 percent. Even if the President's original campaign proposal on taxes were to have been enacted, the tax share of GDP would have been rolled back only modestly, and would still have been above the post-War average. I believe that I am on firm ground stating that Senator CONRAD's opposition to even this modest rollback means that he supports something close to the current record-setting tax take.

As a member of the Senate Budget Committee, I urge my colleagues to consider these facts as they consider the appropriate course for fiscal policy in the months and years ahead.
FURTHER INVESTIGATION OF THE FBI'S ACTIONS AT RUBY RIDGE

Mr. GRASSLEY. Mr. President, I rise today to discuss the need to revisit an unfortunate chapter in the FBI's history: the investigation of the FBI's actions at Ruby Ridge.

While there have been a number of internal investigations of the FBI's actions at Ruby Ridge, the most recent investigation, sponsored by the Justice Management Division of the Department of Justice, was completed in 1999. The results of this investigation have raised serious questions about the integrity of the previous joint investigation by the Department of Justice and the FBI, which was completed in 1993. Among these questions is whether FBI supervisors who headed that previous investigation were personal friends of some of the senior executives they were investigating. These questions, and many others, were raised in the testimony of four FBI agents who appeared before the Committee Hearing on FBI Oversight, chaired by Senator LEAHY, last month. These exemplary agents exposed the double standard that has existed in how rank and file FBI Agents are punished versus FBI Senior Officials.

So, you might think that the Justice Management Division’s report would have cleared this matter up. Well, you’d be wrong. As a matter of fact, most of us didn’t even realize the existence of this issue until it was brought to light by the testimony of these Agents. It was also then that we found that Justice Management sat on this report for two years before releasing it internally in January of this year. And, despite clear and convincing evidence of irregularities in how FBI officials have been punished in this matter, Justice Management division has ruled that no new discipline would be imposed against any FBI personnel. One of the FBI Agents testifying at the hearing called this decision as “outrageous” and “alarmist.”

Three weeks ago, I joined Chairman LEAHY and Senator SPECTER in requesting documents relating to the Justice Management Division’s report. While the Department of Justice was responsive in providing the requested materials, many of these documents were subject to protection under the privacy act and our staffs could only review them for a short period of time.

Once again, Senator SPECTER and I have joined Chairman LEAHY, along with Ranking Member HATCH, and Senator KOHL, to request that these documents be provided again, this time with appropriate redactions to comply with Privacy Act concerns. I ask that this letter be made part of the RECORD.

Less than twenty-four hours ago we confirmed the nomination of Robert Mueller to head the Federal Bureau of Investigation. In his testimony before the Senate Judiciary Committee, Mr. Mueller stated, as their new Director, the FBI would be honest and forthright about mistakes. While, I understand that the mistakes of Ruby Ridge did not occur on Mr. Mueller’s watch I truly believe that the FBI will never truly make a clean break with the past unless matters such as these are resolved.

The being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,

Hon. JOHN ASHCROFT,
Attorney General, Department of Justice, Wash-
ington, DC,

DEAR GENERAL ASHCROFT: As you are aware, the Subcommittee is conducting oversight hearings on the Federal Bureau of Investigation. At our hearing last week, three present FBI agents and one former agent testified that there is a widespread perception among FBI agents that a “double standard” has been applied in FBI internal disciplinary decisions, with members of the FBI’s senior executive service receiving far lighter punishment than line agents for similar infractions.

As a case in point, the witnesses cited the various instances in which the FBI conducted into the 1992 incident at Ruby Ridge. A 1993 investigation conducted by a DOJ/FBI task force led to the imposition of discipline on three FBI agents in 1995. However, information that subsequently came to light has called into question the integrity of that internal investigation. It was alleged that FBI supervisors who headed the internal investigation were personal friends of some of the senior executives they were investigating and that they failed to take basic investigations things that a more diligent review would have uncovered significant new evidence on questions such as who had approved the FBI’s rules of engagement during the Ruby Ridge siege. Based upon this new information, the Office of Professional Responsibility for the Department of Justice and a Task Force of the Justice Management Division recommended in 1999 that two FBI senior executives be suspended and that the FBI Director and one other FBI agent be censured. The report further noted that discipline imposed in 1995 on three FBI agents was rescinded because of procedural irregularities in their disciplinary proceedings as well as evidence of possible misconduct. The Justice Management Division ruled that no new discipline would be imposed against any FBI agents and that no previously-imposed discipline would be rescinded. One of the agents at our hearing described this decision as “outrageous” and “alarmist.”

In order to evaluate these issues, we requested the production of documents relating to the Justice Management Division’s disciplinary decision. The Department of Justice’s Office of Legislative Affairs provided our committee with outstanding cooperation in providing the requested material.

We, of course, understand that none of these matters occurred under your watch. However, we believe that it is important for our Committee to review carefully how decisions on matters of internal discipline are made within the FBI. As we seek to appreciate, the poisonous perception that there is a double standard being applied threatens to undermine FBI morale as well as public confidence. We would therefore appreciate your providing us with appropriately-redacted copies of the documents previously produced to our Committee as soon as possible. In its report on Ruby Ridge filed in December of 1995, the Subcommittee on Terrorism, Technology and Government Information noted that allegations of a cover-up in the Ruby Ridge incident were then investigated by the Department of Justice, but that “a full public airing of this matter must eventually be undertaken” and that “the Subcommittee will continue to deal with the cover-up allegations.”

We intend to pursue these matters
within the Committee to ensure that Congress, and the public, are fully informed as to how the FBI handled these important investigations.

Sincerely,

PATRICK J. LEAHY, Chairman, CHARLES E. GRASSLEY, Senator, ARLEN SPECTER, Senator, OBERG G. HATCH, Ranking Republican Member, HERB KOHL, Senator.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 4, 1996 in Santa Monica, CA. Lawrence Ford, 61, a retired stockbroker, was found beaten to death in his apartment, allegedly killed by a man who believed Ford was gay. Michael Robert Schafer, 28, was arrested and faces first-degree murder and hate crime charges.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS, Mr. President, at the close of business yesterday, Thursday, August 2, 2001, the Federal debt stood at $5,730,045,940,032.12, five trillion, seven hundred thirty billion, forty-five million, nine hundred forty thousand, thirty-two dollars and twelve cents.

One year ago, August 2, 2000, the Federal debt stood at $5,656,022,578,326.22, five trillion, six hundred fifty-six billion, twenty-two million, five hundred seventy-eight thousand, three hundred twenty-six dollars and twenty-two cents.

Five years ago, August 2, 1996, the Federal debt stood at $5,172,068,136,975.88, five trillion, one hundred seventy-two billion, eight million, one hundred thirty-six thousand, nine hundred seventy-five dollars and eighty-eight cents.

Ten years ago, August 2, 1991, the Federal debt stood at $3,569,166,000,000, three trillion, five hundred sixty-nine billion, one hundred sixty-six million.

Twenty-five years ago, August 2, 1976, the Federal debt stood at $263,367,000,000, six hundred twenty-three billion, three hundred sixty-seven million, which reflects a debt increase of more than $5 trillion, $5,106,678,940,032.12, five trillion, one hundred six billion, six hundred seventy-eight million, nine hundred forty thousand, thirty-two dollars and twelve cents during the past 25 years.

ADDITIONAL STATEMENTS

HONORING DR. FRED GILLIARD

Mr. BAUCUS. Mr. President, I want to take this opportunity to recognize a good friend of mine and a man who has committed his life to education—Dr. Fred Gilliard.

Dr. Gilliard announced this year that he will retire as President of the University of Great Falls on August 13, 2001.

I have seen firsthand the impact Dr. Gilliard has had on the University of Great Falls community. Without a doubt, he was a huge success and will be missed.

Dr. Gilliard was proud of his students, staff and facility. Not only did he understand the importance of a good, solid education, but he followed the mission of the University at work and everyday in his life. When I read the mission of the University of Great Falls, three areas, in my view, tell us who Dr. Gilliard is and what he stands for:

- Character—have a positive impact on the world and on the communities in which they live and work, particularly by recognizing and accepting personal accountability to themselves, to society and to God.
- Competence—further their ability to live full and rewarding lives by becoming competent working members of society who know the basics of their professional field and have access to future learning.
- Commitment—find meaning in life which enables them to participate effectively in society while transcending its limitations, by living according to their own moral and religious convictions, as well as respecting the dignity and beliefs of other people.

Dr. Gilliard achieved so much during his tenure as President. From introducing the Student Service Learning Center, moving the institution from “College” to “University” status, and broadcasting classes over the Internet, to completing a successful capital campaign, completing the Jorgenson Library addition and re-starting the Argos men’s and women’s basketball program. These are just a few Dr. Gilliard’s successes.

In early 2000, I called Fred to see if he would be interested in hosting “Montana’s Economic Development Summit” at the University of Great Falls. Without hesitation he said, “yes.” Since that time, Dr. Gilliard has continued to work tirelessly to help me grow Montana’s economy.

I wish the best to Dr. Fred Gilliard and his wife, Berry Lynn. I know Dr. Gilliard will be spending lots of his free time cheering for the Detroit Tigers with his grandson.

Semper Fi, Fred.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

MESSAGES FROM THE HOUSE

At 9:31 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 208. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 12:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 988. An act to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall United States Courthouse.”


The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 89. A concurrent resolution mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat terrorism.

H. Con. Res. 179. A concurrent resolution expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H. R. 2501. An act to reauthorize the Appalachian Regional Development Act of 1965; to direct the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:
MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

H. R. 2565. An act to amend title 18, United States Code, to prohibit human cloning.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H. R. 4. An act to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3273. A communication from the Commis- sioner of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revised Class E Airspace; Poplar, MT” ((RIN2120–AA66)(2001–0117)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3274. A communication from the Chief Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Restricted Area, ID” ((RIN2120–AA66(2001–0118)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3275. A communication from the Com- missioner of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Hagerstown, MD” ((RIN2120–AA66(2001–0116)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3281. A communication from the Pro- gram Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Hagerstown, MD” ((RIN2120–AA66(2001–0117)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Pro- gram Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–100 and –200 Series Airplanes” ((RIN2120–AA64(2001–0941)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3283. A communication from the Pro- gram Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, 314, and 315 Series Airplanes” ((RIN2120–AA64(2001–0936)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3284. A communication from the Pro- gram Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–100 and –200 Series Airplanes Modified by Supplemental Type Certificate SA4826NM” ((RIN2120–AA64(2001–0941)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3285. A communication from the Pro- gram Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, 314, and 315 Series Airplanes” ((RIN2120–AA64(2001–0936)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3286. A communication from the Com- missioner of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Malta, MT” ((RIN2120–AA66(2001–0119)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3278. A communication from the Pro- gram Analyst of the Federal Aviation Admin- istration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Restricted Area, ID” ((RIN2120–AA66(2001–0118)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3279. A communication from the Pro- gram Analyst of the Federal Aviation Admin- istration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Poplar, MT” ((RIN2120–AA66(2001–0117)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memo- rials were laid before the Senate and were referred or ordered to lie on the table as indicated:


H. Res. 179. Concurrent resolution expressing the sense of Congress regarding the establish- ment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; to the Committee on the Judiciary.

The following communications were transmitted, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Hagerstown, MD” ((RIN2120–AA66(2001–0117)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3288. A communication from the Para- legal Specialist of the Federal Transit Ad- ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Prevention of Alcohol Mis- use and Illicit Drug Use in Transit Operations; Prohibited Drug Use in Transit Operations” (RIN2132–AA56) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

Resolved, That the House of Representa- tives of the Commonwealth of Pennsylvania call for a repudiation of the agreement reached last year to allow the Navy to re- sume firing training on the island of Vieques; and be it further

Resolved, That the House of Representa- tives request that the President issue an ex- ecutive order for the immediate cessation of bombing on the island; and be it fur- ther

Resolved, That copies of this resolution be transmitted to the President, the presiding officers of each house of Congress and to each member of Congress from Pennsyl- vania.
HOUSE RESOLUTION NO. 238

Whereas, The ballistic missile threat to the United States has been declared by the President, the Secretary of Defense, the Congress of the United States, the bipartisan Commission on the Ballistic Threat to the United States (known as the Rumsfeld Commission) and the United States intelligence community to be a clear, present and growing danger to the United States; and

Whereas, The United States currently cannot stop one missile launched with malice or by accident by any number of foreign states or terrorist organizations; and

Whereas, It is immoral to intentionally leave our troops, our people, our troops and overseas allies and the nation’s children vulnerable to attack by nuclear, chemical or biological weapons delivered by ballistic missiles; and

Whereas, The citizens of the Commonwealth of Pennsylvania and the United States remain exposed to missile attack; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to fully fund and deploy a technologically possible and effective, affordable global missile defense system, including a sea-based system to intercept theater and long-range missiles, space-based ground-based interceptors and radar, to protect all Americans, United States troops stationed abroad and our nation’s allies from ballistic missile attack; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–179. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to money earmarked for abandoned mine reclamation; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 230

Whereas, The biggest water pollution problem facing the Commonwealth of Pennsylvania today is polluted water draining from abandoned mine lands; and

Whereas, Over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has more abandoned mine lands than any other state in the nation, with more than 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of the 67 counties; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $1 billion a year from the Federal Government for reclamation projects; and

Whereas, There is now a $1.5 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal-producing state in the nation and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, The Commonwealth does not seek to rely on the Federal appropriation to solve the abandoned mine lands problem in this State and has enacted the Growing Greener Act and provided the appropriate public education that emphasizes all children with disabilities in the United States to make the $1.5 billion of Federal funds available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.


HOUSE RESOLUTION NO. 214

Whereas, In 1975 the Congress of the United States constituted the Committee on the Handicapped Act, now known as the Individuals with Disabilities Education Act (Public Law 91–230, 26 U.S.C. §1400 et seq.), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to ensure that the rights of children with disabilities and their parents or guardians are protected, to assist states in providing for the education of all children with disabilities and to assess and ensure the effectiveness of efforts to educate children with disabilities; and

Whereas, Since 1975, Federal law has authorized Congress to provide 40% of the average per pupil expenditure; and

Whereas, Congress continued the 40% funding authority in the Individuals with Disabilities Education Act amendments of 1997 (Public Law 105–117, 111 Stat. 37); and

Whereas, Congress appropriated funds equivalent to the authorized level, has never exceeded the 15% funding level and has usually appropriated funding at approximately the 10% level; and Congress to fully fund its obligations under the Individuals with Disabilities Education Act; and be it further

Resolved, That copies of this resolution be transmitted to the President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–181. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Committee on Foreign Relations.

Resolved, That the Commonwealth does not seek to rely on the Federal appropriation to solve the abandoned mine lands problem in this State and has enacted the Growing Greener Act and provided the appropriate public education that emphasizes all children with disabilities in the United States to make the $1.5 billion of Federal funds available to states to clean up and make safe abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and the Congress of the United States have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the Hoils of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to make the $1.5 billion of Federal funds available for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–182. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to the Railroad Retirement and Survivors Improvement Act of 2000; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, The Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Missouri delegation, to provide needed improvements for surviving spouses of rail workers, who currently suffer deep cuts in their retirement income; and

Whereas, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

Whereas, The bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now, therefore, be it

Resolved by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, That the Senate of the General Assembly of the State of Missouri urge the Congress of the United States to support the Railroad Retirement and Survivors Improvement Act of 2000.
Congress; and be it further Resolved, That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all Missouri members of the Missouri Congressional delegation.

POM–183. A concurrent resolution adopted by the House of the Legislature of the State of Missouri relative to the Railroad Retirement and Survivors Improvement Act of 2000; to the Committee on Finance.

RESOLUTION

Whereas, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives, all Missouri members of the Missouri Congressional delegation; and

Whereas, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

Whereas, the bill before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

Whereas, management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share of active employees: Now, therefore, be it

Resolved, That the members of the Missouri House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; and be it further

Resolved, that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Committee on Intellligence:

Special Report entitled ‘‘Committee Activities: Special Report of the Select Committee on Intelligence’’ (Rept. No. 107-51).

By Mr. BARRANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:


INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, and Mr. FEINGOLD):

S. 1349. A bill to amend the Federal Limitation Act of 1934 to provide a new authority to apprehend fugitives; to the Committee on the Judiciary.

S. 1351. A bill to provide for a Federal entity to provide relief to freight railroads, Amtrak and commuter railroads; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON: S. 1350. A bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. SADLER, and Mr. HATCH):

S. 1354. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1352. A bill to amend the National and Community Service Act of 1990 to carry out the AmeriCorps program as a voucher program that assists states serving low-income individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1355. A bill to amend the Afford Act of 1990 to eliminate the consumer price index exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. LEAHY):

S. 1354. A bill to require the Secretary of Agriculture to provide payments to producers of forage crops for losses due to army worms; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. LEVIN, Mr. REED, and Mr. SCHUMER):

S. 1356. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. KENNEDY):

S. 1356. A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. FRANKEN):

S. 1357. A bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education’s Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students; to the Committee on the Judiciary.

By Mr. RAYH:

S. 1358. A bill to revise Federal building energy efficiency performance standards, to establish the Office of Federal Energy Productivity within the Department of Energy, and to amend Federal Energy Management Program requirements under the National Energy Conservation Policy Act, to enact into law certain provisions of Executive Order No. 13123, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. BREAUX, Mr. HAGEL, Mrs. LINCOLN, and Mr. ENZI):

S. 1359. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary barriers to two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. SMITH of New Hampshire, and Mr. CRAPO):


By Mr. BENNETT:

S. 1361. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself and Mr. CHAO):

S. 1362. A bill to amend title XVIII of the Social Security Act and title VII of the Public Health Service Act to expand medical residency training programs in geriatrics, and for other purposes; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. ORRICE, Mr. LEAHY, and Mr. JOHNSON):

S. 1363. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. STEVENS):

S. 1364. A bill to ensure full and expeditious enforcement of the Communications Act of 1934 that seek to bring about the competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. KERRY, Mr. GRASSLEY, Mr. DAYTON, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. SARBANES):

S. 1365. A bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES:

S. 1366. A bill to authorize the Secretary of the Department of Interior and Natural Resources to provide assistance to States, and the District of Columbia, to improve or provide assistance to critical ecosystems, including ecosystems which may be designated as sensitivity areas; to the Committee on Energy and Natural Resources.

By Mr. CONYNS (for herself and Mr. FEINGOLD):

S. 1367. A bill to amend title XVIII of the Social Security Act to provide appropriate reinsurance under the medicare program for ambulance trips originating in rural areas; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. AKaka, Mr. BIDEN, Mr. BURTON, Mr. DURBIN, Mr. HARKIN, Mr. LEVIN, Mr. RYAN, Mr. SMITH of Oklahoma, Mr. SPECTER, and Mr. THURMOND):

S. 1368. A bill to amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes; to the Committee on Armed Services.
By Mr. WARNER:
S. 1396. A bill to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

By Mr. McCONNELL:
S. 1397. A bill to reform the health care liability system; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. SANTANOS, Mr. NELSON of Florida, Mr. Kyl, and Mr. DeWINE):
S. 1371. A bill to combat money laundering and protect the United States financial system from the abuse of financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SABRA:
S. 1372. A bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. SMITH of New Hampshire (for himself, Mr. HEMS, and Mr. BROWNBACK):
S. 1373. A bill to protect the right to life of each born and preborn human person in existence at fertilization; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. REID):
S. 1374. A bill to provide for a study of the effects of hydraulic fracturing on underground sources; to the Committee on Environment and Public Works.

By Mr. DORGAN:
S. 1375. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. NELSON of Florida:
S. 1376. A bill to amend part C of title XVIII of the Social Security Act to ensure that Medicare + Choice eligible individuals have sufficient time to consider information and to make an informed choice regarding enrollment in a Medicare + Choice plan; to the Committee on Finance.

By Mr. SMITH of Oregon:
S. 1377. A bill to require the Attorney General to establish an office in the Department of Justice to investigate acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out other related activities; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. HATCH, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):
S. 1378. A bill to allow patients access to drugs and medical devices recommended by health care practitioners under strict, individually tailored guidelines for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. HATCH):
S. 1379. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. HOLLINGS):
S. 1380. A bill to coordinate and expand United States and international programs for the protection and conservation of North Atlantic Whales; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:
S. 1381. A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressmen Julian C. Dixon Post Office Building”; to the Committee on Governmental Affairs.

By Mr. DeWINE (for himself and Ms. LANDRIEU):
S. 1382. A bill to amend title 11, District of Columbia Code, to redesignate the Family Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. ROBERTS):
S. 1383. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases; to the Committee on Finance.

By Mr. SANTORUM:
S. 1384. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to expand the definition of the term “Major disaster” to include an application of the Endangered Species Act of 1973 that so uses severe economic hardship, to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself and Mr. MURRAY):
S. 1385. A bill to authorize the Secretary of the Interior, in cooperation with the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DODD, Mr. ROCKEFELLER):
S. 1387. A bill to conduct a demonstration program to show that physician shortage, related to the rural source of medical personnel, may be alleviated in rural States by developing a comprehensive program that will result in widespread physician population growth, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:
S. 1388. A bill to make election day a Federal holiday; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. JOHNSON):
S. 1389. A bill to provide for the conveyance of certain real property in South Dakota to the State of South Dakota to the Secretary of the Interior by the United States government, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. TORRICELLI, and Mr. CORZINE):
S. 1390. A bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outpatient and enrollment efforts under the State children’s health insurance programs for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. DODD):
S. 1391. A bill to establish a grant program for Sexual Assault Forensic Examiners, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LIEBERMAN):
S. 1392. A bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):
S. 1393. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VINOVICH (for himself and Mr. DeWINE):
S. Res. 150. A resolution designating the week of September 23 through September 29, 2001, as “National Parents Week”; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. CLINTON, Mr. LUGAR, Mr. SANTANOS, Mr. WELLSTONE, and Mr. CORZINE):
S. Res. 151. A resolution expressing the sense of the Senate for the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance presents a unique opportunity to address global discrimination; to the Committee on Foreign Relations.

By Mrs. LINCOLN:
S. Res. 152. A resolution expressing the sense of the Senate that the Secretary of Veterans Affairs should request assistance from the Commissioner of Social Security in fulfilling the Secretary’s mandate to provide outreach to veterans, their dependants, and their survivors; to the Committee on Veterans’ Affairs.

By Mrs. CLINTON (for herself, Mr. BIDEN, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, and Mr. SCHUMER):
S. Res. 153. A resolution recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):
S. Res. 154. A resolution commending Elizabeth B. Letchworth for her service to the United States Senate; considered and agreed to.

By Mr. LOTT:
S. Res. 155. A resolution electing David J. Schiappa of Maryland as Secretary of the Minority of the Senate; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. LOTT):
S. Res. 156. A resolution expressing the sense of the Senate that the Regional Humanities Initiative of the National Endowment for the Humanities be named for Eudora Welty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire:
S. Res. 157. A resolution expressing the sense of the Senate that the Secretary of State should redesignate the Palestine Liberation Organization as a terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. CANTWELL, Mrs. CARNABY, Mr. DODD, Mr. LEVIN, Ms. Mikulski, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW):
S. Con. Res. 64. A concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contribution of women to women’s suffrage and to the participation of minority women in public life, and for other purposes; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself and Mr. BREAXAUX).

S. Con. Res. 65. A concurrent resolution expressing the sense of Congress that all Americans should be more informed of dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 60
At the request of Mr. BYRD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 143
At the request of Mr. ALLEN, his name was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 486
At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 535
At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 543
At the request of Mr. DOMENICI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 627
At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 756
At the request of Mr. WELLS, his name was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 762
At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 762, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for information technology training expenses and for other purposes.

S. 778
At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) 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. 790
At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 790, a bill to amend title XVIII, United States Code, to prohibits human cloning.

S. 805
At the request of Mr. WELLSTONE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, and emery-dreifuss muscular dystrophies.

S. 817
At the request of Mr. DAYTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 837
At the request of Mr. BOND, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 918
At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 918, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 926
At the request of Mr. HARKIN, the name of the Senator from Marylad (Ms. MIKULSKI) was added as a cosponsor of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 1002
At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. DUNHAM) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1008
At the request of Mr. BYRD, the name of the Senator from Ohio (Mr. VOINOvICH) was added as a cosponsor of S. 1008, a bill 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, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1022
At the request of Mr. HELMS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civil and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.
At the request of Mr. Rockefeller, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 1093, a bill to amend title 38, United States Code, to exclude certain income from annual income determinations for pension purposes, to limit provision of benefits for fugitive and incarcerated veterans, to increase the home loan guaranty amount for construction and purchase of homes, to modify and enhance other authorities relating to veterans' benefits, and for other purposes.

At the request of Mr. Craig, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 1161, a bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time, earned adjustment to legal status for certain agricultural workers; and for other purposes.

At the request of Mr. Breaux, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

At the request of Mr. Campbell, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

At the request of Mr. McConnell, the names of the Senator from North Carolina (Mr. Helms), the Senator from New Hampshire (Mr. Smith), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Kyl), the Senator from Iowa (Mr. Grassley), the Senator from Ohio (Mr. DeWine), the Senator from Alabama (Mr. Shelby), and the Senator from Kansas (Mr. Brownback) were added as cosponsors of S. 1232, a bill to provide for the effective punishment of online child molesters, and for other purposes.

At the request of Mrs. Feinstein, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

At the request of Mr. Kennedy, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

At the request of Mrs. Carnahan, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 1289, a bill to provide for greater access to child care services for Federal employees.

At the request of Mr. Levin, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 1295, a bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

At the request of Mr. Kennedy, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 1313, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, and for other purposes.

At the request of Mr. Hatch, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to expand human clinical trials qualifying for the orphan drug credit, and for other purposes.

At the request of Mr. Chafee, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1343, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

At the request of Mr. Burns, the names of the Senator from New Hampshire (Mr. Gregg) and the Senator from Missouri (Mrs. Carnahan) were added as cosponsors of S. Res. 138, a resolution designating the month of September 2001 as "National Prostate Cancer Awareness Month."

At the request of Mr. Biden, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. Res. 143, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as "National Veterans Awareness Week."

At the request of Mr. Allen, his name was added as a cosponsor of S. Res. 143, supra.

At the request of Mr. Kennedy, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. Res. 145, a resolution recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society.

At the request of Mr. Hutchinson, the names of the Senator from Washington (Mrs. Murray), the Senator from Idaho (Mr. Craig), the Senator from South Dakota (Mr. Daschle), the Senator from Wisconsin (Mr. Feingold), the Senator from New Mexico (Mr. Bingaman), the Senator from Alabama (Mr. Sessions), and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors 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.

AMENDMENT NO. 1157

At the request of Mr. Smith of New Hampshire, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of amendment No. 1157 intended to be proposed by R. 2000, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Leahy (for himself, Mr. Hatch, Mr. Schumer, Mr. Specter, Mrs. Clinton, Mr. McCain, and Mr. Feingold):

S. 1348. A bill to designate the Federal building located at 10th Street and Constitution Avenue, NW, in Washington, District of Columbia, as the Robert F. Kennedy Department of Justice Building; and to the Committee on Environment and Public Works.

Mr. Leahy. Mr. President, I am pleased to introduce, with Senators Hatch, Schumer, Specter, Clinton, and McCain, a bipartisan bill to name the Department of Justice building in honor of the late Robert F. Kennedy. I am also pleased to join the bipartisan efforts of Congressmen Roemer and Scarborough, who are introducing companion legislation in the House of Representatives today.

Robert F. Kennedy was a man of great courage and conviction. Of his many accomplishments during his life, the one we honor today is his tenure as Attorney General of the United States. Appointed by his brother, President John F. Kennedy, on January 21, 1961, he served his country admirably in the office of Attorney General until September 3, 1964.

During his tenure as Attorney General, Robert Kennedy led the fight against injustice and championed civil rights for all Americans. United States Marshals to protect the Freedom Riders in Montgomery, Alabama. He sent Federal troops to open
the doors for James Meredith to walk with dignity as the first African-American to attend the University of Mississippi. He pushed Congress to enact the Civil Rights Act of 1964 to guarantee basic freedoms for all our citizens, regardless of race, religion or creed.

Robert F. Kennedy’s commitment to justice for all echoed in his fond saying: “Some men see things as they are and ask why; I dream of things that never were and ask why not.”

Attorney General Kennedy also was a determined prosecutor. His investigated organized crime throughout America and became the first attorney general to establish coordinated federal law programs for the prosecution of organized crime. From 1960 to 1963, Department of Justice convictions against organized crime rose 800 percent because of his efforts and dedication to bring organized crime figures to justice.

As Attorney General, Bobby Kennedy represented President Kennedy in foreign affairs and closely advised the President in times of trouble. Attorney General Kennedy’s wise counsel during the Cuban Missile Crisis in October of 1962, with negotiations with the Soviet Embassy, helped bring a peaceful end to the crisis.

The memory of Robert F. Kennedy lives on in the work of others who care as much for justice as he did. As Attorney General, Robert Kennedy wrote these words: “What happens to the country, to the world, depends on what we do with what others have left us.” It is in that spirit that we honor him today.

I am proud to lead this bipartisan effort to name the Department of Justice Building after Robert F. Kennedy with the greatest respect, admiration and appreciation for his service to his country.

By Mr. ENSIGN (for himself and Mr. BROWNBACK):

S. 1349. A bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem cells, and for the conduct and support of research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise to join my colleague John ENSIGN of Nevada in support of The Responsible Stem Cell Research Act of 2001, legislation aimed at committing our Nation to a bold investment in promising, ethical medical research with which we all can live.

As my colleagues well know, the issue of stem cell research has been the subject of rigorous debate in Congress, within the medical, bioethical, legal, and patient advocacy communities, and on the pages and airwaves of the local and national media.

Over the past several months in particular the American public has been witness and subject to a maddening barrage of charges and countercharges about how our public conscience may or may not countenance the deliberate destruction of a human embryo for the purpose of research.

If one thing is clear on this controversial issue, it is that the country is divided about this wrenching dilemma, about whether or not the Federal Government ought to lend support—and thus communal moral sanction—to the speculative potential of stem cell research which involves the destruction of human embryos. This is a profound policy question which is fraught with considerable ethical, moral and legal questions. It requires that our body politic make the monumental determination that will forever brand our public conscience as to whether a human embryo is a life, or conversely, a property which can be destroyed and exploited for the advancement of science and research.

I fervently believe that fetization produces a new member of the human species, the categorically imperative that human life be treated as an end and not a means. To use a human being, even a newly conceived one, as a commodity is never morally acceptable. Each person must be treated as an end in himself, not as a means to improve someone else’s life.

Indeed, current Federal law explicitly prohibits Federal funding of experiments that destroy embryos outside the womb precisely because individual human life begins at fertilization.

But while President Bush continues to review the stem cell guidelines issued under the previous administration and not to violate current Federal law barring the use of Federal funds in research that leads to the destruction of embryos, and it is my hope that President Bush will uphold current Federal law and reject any semantical nuances or euphemisms with regard to what embryonic stem cell research is all about, the field of promising research behind which all Americans can unite, which is ethical and beyond controversy, is that which involves embryonic-type post-natal stem cells.

Unfortunately, the opportunities for developing successful therapies from stem cells that do not require the destruction of human embryos have been given relative short shrift by the media. But adult and other post-natal stem cells have been successfully extracted from umbilical cord blood, placenta, fat, cadaver brains, bone marrow, and tissues of the spleen, pancreas, and other organs. They can be located in numerous cell and tissue types and can be transformed into virtually all cell and tissue types. And perhaps most important of all, these alternative cell therapies are already treating cartilage defects in children, systemic lupus, and helping restore vision to the blind, just to name a few. By contrast, embryonic stem cell research has no equivalent record of success even in animal studies. Embryonic cells have never ameliorated one human malady.

In order to move forward with and build upon the successes of this promising research, the Responsible Stem Cell Research Act would authorize $275 million a year to move embryonic stem cell research which is actually proven to help hundreds of thousands of patients, with new clinical uses expanding almost weekly. This represents a 50 percent increase in current NIH funding being devoted to this stem cell research.

This legislation would also establish a National Stem Cell Donor Bank for umbilical cord blood and human placenta to generate a source of versatile, embryonic-type stem cells that could be used for treatment. These stem cells would be available for biomedical research and clinical purposes.

No matter where one stands on the divisive issue of embryonic stem cell research, this issue and many others dealing with the rapid advancements in biotechnology are coming to define the very important choices which confront us as a society and the courses we must choose as policymakers. With stem cell research moving forward so rapidly, we have a duty to be well educated to be able to make informed decisions about these issues. For this reason, and because of biotechnology’s prospects for affecting positive changes in other areas of our lives such as in our agriculture community, I have recently joined as a member of the bipartisan Senate Biotechnology Caucus. Co-chaired by my colleagues Tim HUTCHINSON of Arkansas and Chris DODD of Connecticut, the Biotechnology Caucus regularly hosts educational forums for members of the Senate and their staff about a broad scope of biotech issues, from the increasing availability of genetically-engineered products to trade, and bioethics. The group also acts as a resource for information about biotechnology and encourage committee hearings on the topic.

The possibility that biotechnology may help improve the health human-kind holds great promise and must be examined closely. But there is no reason for our Nation to lie fallow with respect to the federal government’s support for type of stem cell research which is life-friendly and beyond controversy. It is my hope that our colleagues here in the Senate and in the House will pause from the rancor that has surrounded the stem cell research debate and come to support the Responsible Stem Cell Research Act, an aggressive initiative to fund and develop promising medical research with which we all can live.

By Mr. DAYTON:

S. 1350. A bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing services for emergency medical transportation for non-emergency purposes; to the Committee on Finance.

Mr. DAYTON. Mr. President, today I rise to introduce the Medicare Access
to Ambulance Service Act of 2001. Reliable ambulance service is often a matter of life and death. This bill is designed to head off growing problems that are putting ambulance providers in Minnesota and across the country in financial jeopardy and affecting their ability to deliver emergency services to patients.

The Medicare Access to Ambulance Service Act of 2001 will help ambulance providers whose service quality is threatened by inadequate Medicare payments and the inappropriate payment denials by Medicare claim processors. The continuing difficulties jeopardize the quality of care, and ultimately may increase the time it takes to respond to emergencies.

Recently my staff in Minnesota met with ambulance providers and Medicare beneficiaries in Hibbing, Duluth, Moorhead, St. Cloud, Bemidji, Marshall, and Harmony, Minnesota to listen to their concerns over Medicare ambulance claims. In every case and in the State the stories were the same. The biggest concern was Medicare’s denial of ambulance claims. Medicare has denied claims for such medical emergencies as cardiac arrest, heart attack, and elderly woman from Duluth, Minnesota was so upset with the Medicare process and the year it took to get her claim paid, that when she needed an ambulance again she called a taxi. This is unacceptable.

To make matters worse, when Congress enacted the Balanced Budget Act of 1997 it required that ambulance payments be moved to a fee schedule on a cost-neutral basis. Moving to a fee schedule makes sense, but not on a cost-neutral basis for a system that is already underfunded. The proposed fee schedule is especially unfair to rural areas and will mean the end of small ambulance providers in Minnesota and throughout the country.

My bill includes four components to address these problems. First, the bill requires that the Medicare fee schedule be based on the national average cost of providing the service. Second, the bill requires the General Accounting Office to determine a reasonable definition for how to identify rural ambulance providers and higher payments for rural ambulance services. Third, the bill includes a “prudent layperson” standard for the payment of emergency ambulance claims. Simply stated, this provision means that if a reasonable person believed an emergency medical problem existed when the ambulance was requested then Medicare would pay the claim. Minnesota already leads the nation with this successfully implemented standard for all other patients, with the exception of those covered by Medicare. And finally, the bill requires Medicare to adopt a “condition coding” to be used by the ambulance provider.

Medicare beneficiaries deserve more from the health insurance system than additional anxiety in an emergency situation for a system into which they have paid. When people in Minnesota and across the country have an emergency requiring an ambulance, they want to know that they will quickly and reliably get the care they need. However, current Medicare policies and procedures are putting quality ambulance service at risk and are forcing many ambulance providers to struggle to stay in business, especially in rural communities. My legislation addresses problems that threaten quality ambulance service for patients in Minnesota and across the country.

By Mr. THURMOND (for himself, Mr. BIDEN, and Mr. HATCH):

S. 1351. A bill to provide administrative subpoena authority to apprehended fugitives; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation that will give to the Department of Justice the power to track down and apprehend dangerous fugitives who are roaming the streets of America.

I am pleased to have as original co-sponsors Senator BIDEN and Senator HATCH. Both of them are distinguished members of this Body with extensive knowledge in crime issues, and I greatly appreciate their support on this important legislation.

Fugitives from justice pose a serious threat to public safety. These criminals are evading the criminal justice system with impunity, and many of them are committing more crimes while they are free. We should help law enforcement bring them to justice and prevent future crime.

It has been estimated that fifty percent of the crimes in America are committed by five percent of the offenders. It is these serious, repeat criminals, who commit most crimes and have been convicted by a court, that I turn to the Department of Justice.

There are over 550,000 felony or other serious Federal and State fugitives listed in the National Crime Information Center database. The number has more than doubled since 1987, and is growing every year.

This bill would respond to the growing fugitive threat by providing the Justice Department administrative subpoena authority for fugitives. Federal officers already have this crime-fighting tool in other areas, and this legislation would fill a serious gap that currently exists for fugitive investigations. Information such as telephone or apartment records may provide the missing link to the fugitive. Also, it can be critical to track down leads very quickly because fugitives are often transient and the trail can quickly become cold.

The grand jury is routinely available to obtain information about the whereabouts of those who are suspected of committing crimes. Surprisingly, the same cannot be said for those who were caught but got away. The grand jury is generally not an option to get information about known fugitives who are evading justice.

It is true that a Federal prosecutor can seek the approval of a judge for an administrative subpoena under the All Writs Act. However, it is a long, time-consuming process to get overworked federal judges with crowded dockets to act on these requests, especially if they are not rare. In any event, it may be too late by the time the court responds. Administrative subpoenas can prevent costly delays.

Last year, we worked hard to give law enforcement tools to address the serious fugitive threat, holding hearings and moving important legislation. The Congress authorized $40 million over three years to create task forces led by the Marshals Service to apprehend dangerous fugitives. As part of this effort, the Senate passed administrative subpoena authority twice by unanimous consent last year. However, this authority was not included in the final legislation because it stalled in the House last year. I hope that, as we explain the need for this authority and help the House realize a very narrow expansion beyond current law, we will receive widespread support in both Houses of Congress.

Administrative subpoenas are not new to federal law enforcement. They have existed for years to help authorities solve various crimes, including drug offenses, child pornography, and even health care fraud. However, this bill places greater restrictions on the use of the subpoenas as they currently exist in these other areas. These subpoenas could be used only to obtain documents and records, not testimony.

None of us want a subpoena issued unless it is needed and fully complies with the law. This bill contains procedures for people to challenge the subpoena that they receive and have a judge review whether it should be issued. Judicial review is required in any case where the person requests it. This subpoena authority has no impact on the Fourth Amendment and its general prohibition on searches and seizures without a court-approved warrant. Courts have routinely upheld administrative subpoenas as entirely consistent with the Fourth Amendment. Administrative subpoenas do not allow law enforcement to enter a home or business to conduct any search. They only allow the government to receive documentary information that they can show will help them find felons who are on the run.

In summary, this legislation would help authorities get the information they need to find dangerous fugitives before it is too late. I am pleased that this proposal has the endorsement of law enforcement organizations, including the Fraternal Order of Police, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

I encourage my colleagues to stand up for law enforcement and support this important legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
(1) AGENT.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of the service.

(2) NATURAL PERSON.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

(3) CORPORATION.—Service upon a corporation or partnership may be made upon any officer, or a managing or general agent, of the corporation or upon any other officer or agent authorized by the corporation to receive service of process.

(4) AFFIDAVIT.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

(5) CONTUMACY OR REFUSAL.—

(1) IN GENERAL.—If the court finds after due hearing that the party to whom an administrative subpoena was served is in contempt and the party is the owner, lessee, or tenant of the place described in the subpoena, the court may order the owner, lessee, or tenant to the end the following:

§ 1075. Administrative subpoenas to apprehend fugitives.

(a) Definitions.—In this section:

(1) FUGITIVE.—The term ‘fugitive’ means a person who—

(A) has been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(B) has been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment under Federal or State law, or having been convicted of committing a felony under Federal or State law; or

(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

(2) INVESTIGATION.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

(b) Subpoenas and Witnesses.—

(1) SUBPOENAS.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulate facts, are relevant to discerning the whereabouts of the fugitive. A subpoena issued under this subsection may require the person, including officers, agents, and employees of the United States, to appear and produce records or items requested in a subpoena to any customer or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that the person shall not be required to appear more than 50 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid their actual expenses and mileage that are paid witnesses in the courts of the United States.

(c) Service.—

(B) flight from prosecution;
Unfortunately, this incident from my home State is not an isolated one, and we should not hamstring law enforcement when they try to catch these criminals. To better equip our Federal law enforcement agents with the resources they need to track and apprehend those who threaten public safety, we need to make some changes to our criminal laws. The Fugitive Apprehension Act of 2001 gives the Attorney General, principally through the United States Marshals Service, authority to issue administrative subpoenas in cases involving fugitives. Last year, the Director of the Marshals Service testified as to the need for these subpoenas in fugitive cases; he noted that seldom is a grand jury available to issue a subpoena in these instances. In fugitive cases, time is often of the essence and successful investigations depend on real-time information, such as telephone subscriber and credit records. The time required to get a court order can make the difference between whether a fugitive is apprehended or remains at large.

Given the privacy concerns that rightfully arise whenever Fourth Amendment protections are impacted, I want to go on to describe some of the safeguards in the bill we introduce today. First, and importantly, the bill's provisions apply only to those fugitives charged with or convicted of violent felonies or trafficking in drugs.

Second, the bill in no way authorizes searches by law enforcement agencies; the subpoenas envisioned by the bill may be used only to obtain documents. Witness testimony and searches still must meet the Constitution's warrant requirement.

Third, each administrative subpoena issued must be approved by the local United States Attorney for the district in which the subpoena will be served. I realize that the Marshals Service and other law enforcement groups would rather this safeguard not be in the bill, but I insisted upon its inclusion at this point so as to ensure this new investigative power is not abused. I look forward to continuing my discussions with the Marshals Service and others concerning the effect this safeguard could have on their fugitive apprehensions.

Fourth, the bill allows the person on whom an administrative subpoena is served to request a court that it be overturned—judicial review is mandated each time an administrative subpoena is challenged.

I am mindful of the fact that Federal law enforcement already has administrative subpoena power in other types of cases, including drug enforcement, child abuse and child pornography investigations. The need for administrative subpoena authority should be more clear in fugitive cases; there, the criminal being pursued has already proven his or her society's spitting a very serious crime. The bill we are introducing today is quite limited in scope, and its built in safeguards coupled with the opportunity for judicial review I believe balance the clear need to catch those violent criminals on the lam, criminals whose very presence on our streets threatens us all. I thank Senator THURMOND for his leadership on this theme. I look forward to working with him and Senator HATCH to see this bill signed into law.

By Mr. SANTORUM:

S. 1352. A bill to amend the National and Community Service Act of 1990 to carry out the AmeriCorps program as a voucher program that assists charities serving low-income individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, today I am introducing a bill which reforms and expands service opportunities through the AmeriCorps program by transforming people service from a traditional toward an individual model with voucher-like awards to individuals desiring to serve low-income individuals or communities. The goal is to decrease dependency on large, more permanent government services and dramatically increase the scope of service opportunities and charitable locations which would be eligible for voucher recipients to serve communities and to require that site locations be predominantly serving low-income communities.

Under the leadership of former Senator Harris Wofford and the States, significant steps were taken to improve the management of the AmeriCorps program of the Corporation for National Service, CNS, and I recognize the dedication and contributions of AmeriCorps participants. I also believe that more can be done to expand the effectiveness of the AmeriCorps by expanding the opportunities for service and having the volunteer participate in a number of options for more than a year.

The bill's approach to reform should better enable participants to get to know the communities that they are serving. It is also a goal of this initiative to place an additional emphasis on the importance of leveraging volunteers and providing technical assistance and capacity building skills for these organizations. This will increase the long-term benefit which the organizations and participants in the program receive.

The new proposal has some similarities to AmeriCorps VISTA under the CNS but the scope of the proposed authorization is limited to AmeriCorps, although I believe that other restructuring may well be warranted.

The reform proposal includes the following elements: The individual award or voucher would be for use at charitable organizations predominantly serving the poor (like the current AmeriCorps VISTA focus). All eligible qualifying charities (consistent with IRS requirements for 501(c)(3)/s) predominantly serving the poor would be eligible locations for service. All receiving locations must comply with the current supervisory and reporting requirements (e.g., web-based reporting system) of the Corporation for National Service. The voucher is awarded to the individual who chooses a qualified individual chosen by the charitable organization. The current education and stipend benefits of AmeriCorps would remain the same and be included with the new voucher. The education award may be given to the other individual chosen by the AmeriCorps volunteer without impacting the ability of the donee to receive other sources of grant and scholarship assistance. Increasing the attractiveness for older Americans to participate. If the number of applicants exceeds the available vouchers, a lottery system established by the Corporation for National Service would be used to determine the selection of qualified voucher recipients. The bill provides for consolidations of AmeriCorps and AmeriCorps VISTA state offices to better leverage resources. A one-year transition period to the new system is provided.

I urge my colleagues to consider this opportunity to reform AmeriCorps and believe that focusing the program on poverty alleviation efforts, expanded choice, and placing a greater emphasis on serving charities and the needy communities they serve through provision of expanded technical assistance and capacity building services will provide a brighter future for AmeriCorps and a more strategic contribution from this federally supported program for Americans in need.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. REED, and Mr. SCHUMER):

S. 1355. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today with my colleagues Senator KENNEDY, LEVIN, REED, and SCHUMER to introduce the Children’s Firearm Access Prevention Act of 2001.

My legislation is modeled after similar legislation that Texas enacted into law under then Governor George W. Bush in 1995. It is my sincere hope that President Bush will work with Congress to enact this important bill.

While many in Congress have argued that the Second Amendment guarantees individuals the right to bear arms, there has been far less discussion about the corresponding responsibilities of gun owners to keep their firearms away from children.

The Children’s Firearm Access Prevention, CAP, Act of 2001 subjects gun owners to a prison sentence of up to 1 year and a fine of up to $1,000 when they fail to use a secure gun storage or safety device for their firearms and a person under the age of 18 uses that firearm to cause serious bodily injury to themselves or others. The CAP bill also subjects gun owners to a fine of up
to $500 when they fail to use a secure gun storage or safety device for their firearm and a juvenile obtains access to the firearm.

My legislation includes commonsense exceptions. Gun owners would not be subject to civil or criminal liability when a juvenile uses a firearm in an act of lawful self-defense; takes the firearm off the person of a law enforcement official; obtains the firearm as a result of an unlawful entry; or obtains the firearm at a time when the juvenile was engaged in agricultural enterprise. Gun owners would also not be liable if they had no reasonable expectation that juveniles would be on the premises, or if the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or other lawful purposes.

CAP laws have reduced unintentional shootings in states that have enacted these laws. In Florida, the first State to pass a CAP law, unintentional shooting deaths dropped by more than 50 percent in the first year following enactment. 17 states, including my home state of Illinois, have enacted CAP laws.

A study published in the Journal of the American Medical Association, JAMA, in October of 1997 found a 23 percent decrease in unintentional firearm related deaths among children younger than 15 in those States that had implemented CAP laws. According to the JAMA article, if all 50 States had CAP laws during the period of 1990–1994, 216 children might have lived.

While I understand that some Americans feel safer with a gun in the home, the sad reality is that a gun in the home is far more likely to be used to kill a family member or a friend than to be used in self-defense. Over 90 percent of handgun involved in unintentional shootings occur in the home where these shootings occur. Many unintentional shootings could be prevented if firearms were safely stored.

Children and easy access to guns are a recipe for tragedy. I ask my Senate colleagues to join me in this effort to protect children from the dangers of gun violence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1355
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Children’s Firearms Access Prevention Act.”

SEC. 2. CHILDREN AND FIREARMS SAFETY.
(a) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting “or removing after deactivating” after “deactivating”.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after the following:

“(2) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

(1) DEFINITIONS.—In this subsection:

(A) JUVENILE.—The term ‘juvenile’ means an individual who has not attained the age of 18 years.

(B) CRIMINAL NEGLIGENCE.—The term ‘criminal negligence’ pertains to conduct that involves a gross deviation from the standard of care that a reasonable person would exercise in the circumstances, but which is not reckless.

(2) PROHIBITION.—Except as provided in paragraph (5), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for a firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise transferred in interstate or foreign commerce, within any premises that is under the custody or control of that person if that person knows or, with criminal negligence, should know that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile, and fails to take steps to prevent such access.

(3) EXCEPTIONS.—(Paraphrased) does not apply if—

(A) the person uses a secure gun storage or safety device for the firearm;

(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during the performance of the official duties of the person in that capacity;

(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of one or more other persons;

(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept;

(E) the juvenile obtains the firearm as a result of an unlawful entry by any person;

(F) the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or another lawful purpose;

(G) the juvenile gained the gun during a time that the juvenile was engaged in an agricultural enterprise.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Whoever violates section 922, if a juvenile (as defined in section 921(z)) obtains access to the firearm that is the subject of the violation and thereby causes serious bodily injury to the juvenile or to any other person, shall be fined not more than $1,000, imprisoned not more than 1 year, or both.

(B) Whoever violates section 922, if a juvenile (as defined in section 921(z)) obtains access to the firearm which is not reckless.

(d) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. KENNEDY):

S. 1356. A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, Europeans, Latin Americans, and refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Wartime Treatment of European Americans and Refugees Study Act. This bill would create a Commission to review the United States Government’s treatment during World War II of German Americans, Italian Americans, certain Latin Americans, and refugees of Nazi Germany.

The allied victory in the Second World War was an American triumph, and most of all, a triumph for human freedom. Today we rightly celebrate the sacrifices made by Tom Brokaw’s Greatest Generation. But, even in war, we must respect the basic freedoms for which so many Americans have given their lives, including untold numbers of German and Italian Americans.

Many Americans are now aware that during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes and into camps. This evacuation policy forced Japanese Americans to endure great hardship. Approximately 15,000 additional ethnic Japanese were selectively interned in government operated internment camps. They often lost their basic freedoms, their livelihood, and perhaps worst of all, suffered the shame and humiliation of being locked behind barbed wire and military guard, by their own government. Under the Civil Liberties Act of 1988, this shameful episode in American history received the official condemnation it deserved. Under the Act, people of Japanese ancestry who were relocated or selective internment received an apology and reparations, on behalf of the people of the United States.

(e) NOTICE OF CHILDREN’S FIREARMS ACCESS PREVENTION ACT.—A licensed dealer shall post a prominent notice in the place of business of the licensed dealer as follows:

“IT IS UNLAWFUL AND A VIOLATION OF THE CHILDREN’S FIREARMS ACCESS PREVENTION ACT TO STORE, TRANSFER, OR ABANDON AN UNSURRENDERED FIREARM WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.”.

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But, while the treatment of Japanese Americans has finally received the attention it deserves by the public, most Americans have never even heard about the approximately 11,000 ethnic Germans living in America, the 3,200 ethnic Italians living in America, or the scores of ethnic Bulgarians, Rumanians or other European Americans who were taken from their homes and placed into internment camps during World War II. Hundreds remained interned for up to three years after the war was over.

Today I introduce legislation to convene an independent commission to examine this tragic history, try to understand why it happened, and to try to ensure that it never happens again. We must learn the lessons of history, however painful they might be for us, and for the families that endured this shameful treatment. In a time of American heroism abroad, here at home we faltered. We failed to protect the Europeans. Through our restrictive immigration policies, we also failed to offer safe harbor to European refugees fleeing Nazi genocide. We turned away thousands of refugees fleeing Germany, delivering many of their deaths.

As a Nation we have been slow to address our conduct during the war. There has finally been some measure of justice for Japanese Americans who suffering in the United States, however little. A small portion of the Nation has finally begun to address the treatment of Italian Americans. Last year, the President signed into law The War-Time Violation of Italian American Civil Liberties Act, which called for a report from the Department of Justice detailing injustices suffered by Italian-Americans during World War II. I believe that this is a step in the right direction, but an independent panel should be convened to conduct a full and thorough review.

I think many Americans would be surprised to learn that, to this day, there has been no justice for ethnic Germans living in America who were branded “enemy aliens” by their own government. The U.S. government uprooted and forced these people from their homes and into camps in the United States, essentially kidnapping them from nations not even directly involved in the War. Again, many were then shipped for exchange to Europe.

And finally, there has been no justice for Europeans, often Jews, who sought refuge from the Nazis on our shores. We must examine the U.S. immigration policies of the 1930s and 1940s that turned these people away, and often delivered them into the hands of the Third Reich.

This legislation proposes an independent commission to look at U.S. policies during World War II, including the policies regarding German and Italian Americans, European Latin Americans, and the refugee immigration policies of the World War II era.

In the 1940s, Germans and Italians were the two largest foreign-born populations in the United States. Under the policy put in place by the U.S. government, thousands of aliens were simply arrested by the FBI. Far more often than not, these arrests were based on highly questionable evidence. Those arrested were often left to fend for themselves until family members or local governments took custody of them.

They received a brief hearing before local hearing boards during which the local U.S. Attorney acted as prosecutor. The hearing boards then recommended to the Department of Justice whether they should be released, paroled, or interned for the duration of the War. Despite the serious nature of this proceeding, those arrested did not have the right to have their own lawyers, or to have the right to confront witnesses against them. The hearing boards would then send their recommendations to the Department of Justice, where a final determination could take months. Internment orders lasted for the duration of the War. Ironically, many were interned on Ellis Island, where immigrants had been welcomed for decades.

Families, often left destitute, struggled to survive and often lost their homes. People who would have been permitted to permit families to join their loved ones in a family camp, where they would live indefinitely behind barbed wire. These spouses and children were frequently American citizens.

In addition to internment, all enemy aliens during World War II were subject to strict regulations affecting their daily lives. Enemy aliens were required to carry photo-bearing identification booklets at all times, were forbidden to travel beyond a five mile radius of their homes, were required to turn in any short wave radios and cameras they owned. They were required to give the government a full-week’s notice if they planned to spend a night away from home, and could not ride in airplanes. Thousands of enemy aliens were prohibited from entering military zones, some even evacuated from their homes. Many aliens and European American citizens were also subject to local internment in non-military areas that collectively covered one-third of the country.

As I’ve said, there has been some recognition of the wrongs done to Italian Americans during World War II. I believe that this is a step in the right direction, but an independent panel should be convened to conduct a full and thorough review.

The FBI searched tens of thousands of alien residences between 1943 and 1945. The stories of homes ransacked, or people being taken from their families for years, are chilling. Take the story of Anton Schroeger, a German citizen who came to America at the age of 16, and by the time World War II began, had lived half his life in America. When World War II broke out, Anton was lucky to have a relatively high paying job as a skilled painter at the Milwaukee Road repair shops. Based on what Anton believed to be a false tip from somebody who wanted his job, however, Anton was arrested while at work, and taken to a series of internment camps. After his arrest, his wife, Anna, insisted on joining him in the internment camps, and, in fact, gave birth to a daughter in a camp in Texas. After World War II, Anton earned a living working at lower paying jobs. Despite this ordeal, Anton did not come in or exclude from this country, and he did not receive any recognition of the wrongs done to Italian Americans during the War. Again, many were then shipped for exchange to Europe.

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Or take the story of Anton Schroeger, a German citizen who came to America at the age of 16, and by the time World War II began, had lived half his life in America. When World War II broke out, Anton was lucky to have a relatively high paying job as a skilled painter at the Milwaukee Road repair shops. Based on what Anton believed to be a false tip from somebody who wanted his job, however, Anton was arrested while at work, and taken to a series of internment camps. After his arrest, his wife, Anna, insisted on joining him in the internment camps, and, in fact, gave birth to a daughter in a camp in Texas. After World War II, Anton earned a living working at lower paying jobs. Despite this ordeal, Anton did not come in or exclude from this country, and he did not receive any recognition of the wrongs done to Italian Americans during the War. Again, many were then shipped for exchange to Europe.

I think many Americans would be surprised to learn that, to this day, there has been no justice for ethnic Germans living in America who were branded “enemy aliens” by their own government. The U.S. government uprooted and forced these people from their homes and into camps in the United States, essentially kidnapping them from nations not even directly involved in the War. Again, many were then shipped for exchange to Europe.

And finally, there has been no justice for Europeans, often Jews, who sought refuge from the Nazis on our shores. We must examine the U.S. immigration policies of the 1930s and 1940s that turned these people away, and often delivered them into the hands of the Third Reich.

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who harbored sympathy for our adversaries, and was potentially dangerous. And every government must take steps to protect its homefront in a time of war. But even the people who may have posed a threat to our security should have had the basic protections enshrined in our Constitution. War tests all of our principles and values, without question. But it is during these times of conflict, and fear, that we need to protect those principles the most.

At least 11,000 German-Americans were placed in internment camps during WWII. Thousands more were denied basic freedoms that most of us today take for granted. These Germans and German-Americans deserve a full fact-finding review and acknowledgement from the U.S. government, and they deserve to have their story told so that we may strive to ensure that the individual rights of all Americans will remain free from arbitrary persecution.

The Commission created by this bill would include a review of The Alien Enemy Act of 1798, which permitted this treatment under U.S. law and remains on the books today. So, the first act of the Commission would be to provide an impartial and thorough review of the federal government’s treatment of European Americans and European Latin Americans.

The second part of the Commission’s work would be to study America’s treatment of refugees from Nazi Germany. After Hitler took power in 1933, the freedoms of German Jews were eroded until many of them sought desperately to flee the country. First came an economic boycott, the loss of civil rights, citizenship, and jobs.

Between 1933 and 1939, 300,000 Germans, mostly Jews fleeing Nazi persecution, applied for visas to America. Yet only about 90,000 applicants were ever admitted into our nation.

During the Second World War, we dealt terrible enemies abroad, but we also lost something of ourselves as we denied freedoms to people at home. For many, the nation they called home would never be the same to them after their loyalty was questioned, and their lives were ripped apart. Too many German and Italian Americans were harassed and humiliated by the country where they lived, struggled, raised children, ran businesses, and built their dreams for a better life. This was the wartime treatment of European Americans and other European American and Latin Americans during World War II and its effect on Italian American, German American, and other European American communities.

The United States Government should also fully assess its treatment of European refugees who fled persecution and genocide in Europe to seek refuge in the United States prior to and during World War II.

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Congress makes the following findings:

1. The United States has long encouraged other nations to acknowledge their wartime offenses against civilians. Now, the United States Government should fully assess its treatment of European Americans and European Latin Americans during World War II and its effect on Italian American, German American, and other European American communities.

2. The United States Government should also fully assess its treatment of European refugees who fled persecution and genocide in Europe to seek refuge in the United States prior to and during World War II.

3. During World War II, the United States Government branded as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

4. During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

5. Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Italian-born Latin Americans, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.
(6) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(7) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(8) Prior to and during World War II, the United States restricted the entry of European refugees who were fleeing persecution and seeking safety in the United States. During the 1930’s and 1940’s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of European refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(9) Time is of the essence for the establishment of a Commission, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government’s policies. Many who suffered have already passed away and will never be able to respond.

SEC. 3. DEFINITIONS.

In this Act:

(1) During World War II—The term “During World War II” refers to the period between September 1, 1939, through December 31, 1945.

(2) European Americans—The term “European Americans” includes United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(3) European Refugees—The term “European Refugees” refers to potential witnesses and, most importantly, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government’s policies. Many who suffered have already passed away and will never be able to respond.

(4) Latin American Refugees—The term “Latin American Refugees” refers to persons of European ancestry, including Italian, or those residing in a Latin American nation during World War II.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) In General.—There is established the Commission on Wartime Treatment of European Americans and Refugees (referred to in this Act as the “Commission”).

(b) Membership.—The Commission shall be composed of 12 members who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Five members shall be appointed by the President.

(2) Three members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Three members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The Commission shall include 2 members from the Italian American community and 2 members from the German American community representing their wartime treatment interests. The Commission shall also include 2 members representing the interests of European refugees.

(e) Meetings.—The President shall call the first meeting of the Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Six members of the Commission shall constitute a quorum, but a lesser number may act in the absence of members.

(g) Chairman.—The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for 2 years from the date of appointment.

(h) Compensation.—

(1) In General.—Members of the Commission shall serve without pay.

(2) Reimbursement of Expenses.—All members of the Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 5. DUTIES OF THE COMMISSION.

(a) In General.—It shall be the duty of the Commission to:

(1) The United States Government’s wartime treatment of European Americans and European Latin Americans as provided in subsection (b)(2).

(2) The United States Government’s refusal to allow European refugees fleeing persecution in Europe entry to the United States as provided in subsection (b)(2).

(b) Scope of Review.

(1) European Americans and European Latin Americans.—The Commission’s review shall conclude, but not be limited, to the following:

(A) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II which violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemy Act (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Armed Forces pursuant to such law, with respect to the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans, including an assessment of the underlying rationale of the United States Government’s decision to develop related programs and policies, the information contained in the report received by the Commission under paragraph (C) of subsection (a), and the production of such books, records, and other evidence of the Commission.

(B) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(C) Field Hearings.—The Commission shall hold public hearings in any city of the United States, as the Commission may direct, to receive testimony, or production.

(d) Meeting of the Commission.—The Commission shall meet at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and other evidence of the Commission.

(e) Field Hearings.—The Commission shall submit a written report of its findings and recommendations to the Congress within 18 months after the date of the first meeting called pursuant to section (a).

SEC. 6. POWERS OF THE COMMISSION.

(a) In General.—The Commission may acquire, by purchase or otherwise, such attendance, testimony, or production.

(b) Government Information and Co-operation.—The Commission may require the attendance, testimony, or production.

(c) Government Information and Co-operation.—The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the United States, or the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Federal Government, all information that the Commission considers useful in the discharge of its duties. All departments, agencies, independent instrumentalities, or other authorities of the executive branch of the Federal Government shall cooperate with the Commission and furnish all information requested by the Commission, to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–351. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Commission shall be deemed to be a committee of jurisdiction.

SEC. 7. ADMINISTRATIVE PROVISIONS.

The Commission is authorized to—
States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification of the competitive service, Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–18 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 108 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of pay or benefits or privileges;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and associations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $850,000 to carry out the purposes of this Act.

SEC. 9. SUNSET.

The Commission shall terminate 60 days after it submits its report to Congress.

Mr. KENNEDY. Mr. President, I am honored to join Senator FEINGOLD and my other colleagues in the Senate in introducing the Wartime Treatment of European Americans and Refugees Study Act. This legislation will authorize the study of U.S. policies and practices during World War II that resulted in severe civil liberties violations against European Americans and European-Americans. The bill also authorizes an investigation into U.S. refugee policy during World War II that caused many persons seeking safe haven to be turned away from our shores.

This bill will examine these issues by establishing a commission to investigate U.S. policies and programs during that period. Other countries are re-examining their own policies, and so must the United States. Identifying the abuse and the past is one of the best ways to ensure that they never happen again. I urge the Senate to adopt this important legislation.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 1357. A bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, today I am introducing a modest bill that can help us take an important step toward providing all of America's students physically and psychologically safe school environments so they can reach their full potential as students. I appreciate that Senator FEINGOLD is joining me as an original co-sponsor.

Unfortunately, there is increasing evidence that schools are anything but safe havens for American students who are gay and lesbian, or for those who are perceived to be gay or lesbian. Two studies in recent months have focused on the issue of school harassment of gay and lesbian students. A 2001 study of abuses of gay and lesbian students by their peers, conducted by Human Rights Watch, found that these students were not protected by school officials, and that in some cases harassment was condoned by teachers and administrators. That report's troubling summation was that, "Gay youth spend an inordinate amount of energy plotting how to get safely to and from school, how to avoid the hallways when other students are present so they can avoid slurs and shoves, how to cut gym class to escape being beaten up, in short, how to become invisible so they will not be verbally or physically attacked. Too often, students have little energy left to learn." A second, more general report on school bullying, conducted by the American Association of University Women, AAUW, found that 61 percent of students had seen fellow students bullied for being gay or lesbian, whether or not the students actually were gay or lesbian. Boys were the most likely target of such teasing, according to the report.

Furthermore, we are seeing Surgeon General's Call to Action to Promote Sexual Health and Responsible Behavior notes that "anti-homosexual attitudes are associated with psychological distress for homosexual persons and may have a negative impact on health, including a greater incidence of depression and suicide, lower self-acceptance and a greater likelihood of hiding sexual orientation." That report finds that, "Averaged over two dozen studies, 80 percent of gay men and lesbians have experienced verbal or physical harassment on the basis of their orientation, 45 percent had been threatened with violence, and 17 percent had experienced a physical attack. These studies and numerous journalistic reports describe the verbal, physical and psychological abuse that becomes part of two many gay, lesbian, bisexual and transgendered students' daily lives. We should seek to provide equal learning experiences for gay and lesbian students. We should also be concerned about the widespread bullying of students with sexual orientation-related epithets in view of the growing evidence that students who are bullied are more likely to harm their fellow students.

The Department of Education's "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," issued in 1997 by the Assistant Secretary for Civil Rights, includes in one section the following statement: "Sexual harassment was redefined in 1997 to include harassment by gay and lesbian students that is sufficiently serious or limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX." This guidance was revised in 2001, clarifying that school officials have a responsibility to respond to "acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping."

In spite of the Department's existing guidance, evidence is clear that harassment of gay students remains a serious problem. Even so, the AAUW study cited earlier points out that many schools and universities have not established grievance procedures or designate any representative to address complaints of sex discrimination, including harassment.

To better understand the true level of sexual harassment against gay and lesbian students by peers and school officials in schools, as well as the degree to which schools are employing the Office of Civil Rights, OCR, standard in reacting against such cases of harassment, this bill calls for a study by the Commission on Civil Rights. The study would attempt to answer the following questions:

What is the best estimate of the true level of harassment against gay and lesbian students in America's schools and universities, applying the OCR standard?

What is the best estimate of the level of gender-based harassment such as that described in the 2001 update of the policy guidance that negatively affects the learning environment of gay and lesbian students?

To what degree are school officials and teachers aware of the alteration of the guidelines in 1997 that now includes certain harassment of gay and lesbian students?

Are the 1997 guidelines being accurately and aggressively enforced by schools?

What are the Commission's recommendations for an alteration in policy or enforcement based on the findings of the study?

The bill calls for completion of the study within 18 months so that Congress can act thoughtfully in working to create safe learning environments for all students, gay and straight alike. It is endorsed by a number of the groups focused on promoting learning environments that are safe ones for gay students. I hope my colleagues will support it also.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

SECTION 1. FINDINGS AND PURPOSE.

(a) Findings—Congress makes the following findings:

(1) Although title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) does not explicitly disallow discrimination on the basis of sexual orientation, one section of the Department of Education’s Office for Civil Rights’ 1997 final policy guidance, entitled “Sexual Harassment: Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” published in the Federal Register on March 13, 1997, 62 Fed. Reg. 12034, included a determination that “sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s program constitutes sexual harassment prohibited by title IX under the circumstances described in this guidance.” This language was unchanged in a 2001 update of the policy guidance entitled “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” published in the Federal Register on January 19, 2001, 66 Fed. Reg. 5512.

(2) A 2000 study by the American Association of University Women focused on implementation of title IX of the Education Amendments of 1972 more generally, and the application of such policy guidance. The study concluded that many schools were implementing the policy guidance.

(3) There is evidence that brings into question the degree to which the policy guidance on sexual harassment against gay, lesbian, bisexual, and transgender students is being implemented. For example, a 7-State study by Human Rights Watch of the abuses suffered by gay, lesbian, bisexual, and transgender students in the schools of their peers, published in “Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students” found that such students were often the victims of abuses.

(4) A 2000 study by the American Association of University Women focused on implementation of title IX of the Education Amendments of 1972 more generally, and the findings of that study, published in “A License for Bias: Sex Discrimination, Schools, and Transgender Students” found that many schools and universities have not established procedures for handling title IX-based grievances.

(5) The 2001 report of the Surgeon General, entitled “Surgeon General’s Call to Action to Promote Sexual Health and Responsible Sexual Behavior” notes that “anti-homosexual attitudes and acts are associated with psychological distress for homosexual persons and may have a negative impact on mental health, including a greater incidence of depression, lower self-esteem, lower self-efficacy, lower self-esteem, and a greater likelihood of hiding sexual orientation.” It goes on to report: “Averaged over two dozen studies, 80 percent of gay, lesbian, and bisexual respondents had experienced verbal or physical harassment on the basis of their orientation, 45 percent had been threatened with violence, and 17 percent had experienced a physical attack.”

(b) Purpose.—The purpose of this Act is to provide for an examination of how secondary schools are implementing the policy guidance of the Department of Education’s Office for Civil Rights related to sexual harassment directed against gay, lesbian, bisexual, and transgender students.

SEC. 2. STUDY OF HOW EDUCATIONAL INSTITUTIONS ARE IMPLEMENTING THE POLICY GUIDANCE RELATING TO SEXUAL HARASSMENT.


(b) Scope.—

(1) Nationally.—The study shall be conducted nationwide.

(2) Elements of Study.—The study shall examine, at a minimum, with regard to secondary schools—

(A) the extent to which there exists sexual harassment against gay and lesbian students in secondary schools, using the applicable standards in the policy guidance of the Office for Civil Rights described in subsection (a); and

(B) the extent to which there exists gender-based harassment that negatively affects the learning environment of gay, lesbian, bisexual, and transgender students in secondary schools, applying the definition of such gender-based harassment contained in the 2001 update of the policy guidance entitled “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” for which a notice of availability was published in the Federal Register on January 19, 2001, 66 Fed. Reg. 5512.

(c) Level of Awareness by School Officials and Students of the Policy Guidance Described in Subsection (a) and the Level of Implementation of Such Policy Guidance.

(d) Definition.—In this section, the term “secondary school” has the meaning given in the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 801).

SEC. 3. REPORTING OF FINDINGS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Commission shall report to Congress and to the Secretary of Education—

(1) a report of the Commission’s findings under section 2; and

(2) any policy recommendations developed by the Commission based upon the study carried out under section 2.

(b) Dissemination.—The report and recommendations shall be disseminated, in a manner that is easily understandable, to the public by means that include the Internet.

SEC. 4. COOPERATIVE AGENCIES.

(a) In General.—The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study under this section.

(b) Information.—The head of each Federal department or agency shall provide to the Commission, to the extent permitted by law, data and reports, and documents concerning the subject matter of such study as the Commission may request.

(c) Definition.—In this section, the term “Federal department or agency” means any agency as defined in section 551 of title 5, United States Code.

SEC. 5. APPROPRIATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act, such sums as may be necessary for fiscal year 2002.

(b) Availability.—Any amount appropriated under the authority of subsection (a) shall remain available until expended.

By Mr. BAYH:

S. 1358. A bill to revise Federal building energy efficiency performance standards; to establish Federal Building Energy Productivity within the Department of Energy, to amend Federal Energy Management Program requirements under the National Energy Conservation Policy Act, to enact into law certain requirements of Executive Order No. 13123, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be agreed to.

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

S. 1358

be enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Facility Energy Management Act of 2001”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the energy efficiency of facilities of Federal agencies by—

(1) establishing the Office of Federal Energy Productivity within the Department of Energy to provide for interagency coordination in evaluating opportunities for, and implementation of, energy efficiency measures and performance contracts;

(2) updating energy reduction goals;

(3) expanding Federal agency resources for energy measurement and improving accountability by providing for—

(A) energy metering and monitoring;

(B) transparent energy spending; and

(C) rigorous interagency and congressional oversight;

(4) promoting the acquisition and operation of more efficient facilities by extending the authority and eligibility of a Federal building energy savings performance contract; and

(5) establishing a reliable and steady source of funding for permanent energy capital improvement available to supplement appropriations for use by Federal agencies and the Architect of the Capitol—

(A) to fund energy efficiency projects; and

(B) to leverage funding for energy savings performance contracts.

SEC. 3. REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)—

(A) by striking “energy performance contracting” and inserting “energy savings performance contracting”;

(B) by adding at the end the following:

“(2) Revised Federal Building Energy Efficiency Performance Standards.

“(A) In General.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

(1) buildings and commercial buildings and multifamily high rise residential buildings be constructed so as—

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be agreed to.

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

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be enacted by the Senate and House of Representatives of the United States of America in Congress assembled.
“(1) to have, in the aggregate, a level of energy efficiency that is 10 percent greater than the level of energy efficiency required under the standards established under paragraph (2)(A) by the most recent version of the International Residential Code by not less than 10 percent.

“(2) REVISIONS.—Not later than 180 days after the date of approval of amendments to ASHRAE Standard 90.1 or the International Residential Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

“(C) COMPUTER SOFTWARE.—The Secretary of Energy shall develop computer software to facilitate compliance with the revised standards established under this paragraph.

“(D) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency during each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 6852), the head of the Federal agency shall include—

“(i) a list of all new Federal buildings of the Federal agency; and

“(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a metering and commissioning capability that ensures compliance with the measurement and verification protocols of the Department of Energy.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.

“(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administration for Financial Management, the Office of Management and Budget, the Office of the Federal Chief Information Officer, and other Federal agencies and the private sector, shall develop and submit to Congress a list of the principal conservation officers of the Federal Government, who shall be responsible for the allocation and distribution of energy conservation measures, and the data required to measure the energy consumption of Federal facilities, and the Missouri Value Information Clearinghouse.

“(f) COLLECTION OF INTERVAL SOLAR DATA.—The Secretary of Commerce shall collect and analyze data at all weather stations under the jurisdiction of the Secretary of Commerce for use in determining building energy efficiency performance under this section.

SEC. 4. OFFICE OF FEDERAL ENERGY PRODUCTIVITY OF THE DEPARTMENT OF ENERGY.

(a) In General.—Title II of the Department of Energy Organization Act is amended by inserting after section 211 (42 U.S.C. 7114) the following:

“SEC. 212. OFFICE OF FEDERAL ENERGY PRODUCTIVITY.

“(a) Establishment.—There is established, within the Department, the Office of Federal Energy Productivity (referred to in this section as the ‘Office’).

“(b) Assistant Secretary for Federal Energy Productivity.—

“(1) In General.—The Office shall be headed by the Assistant Secretary for Federal Energy Productivity (referred to in this section as the ‘Assistant Secretary’), who shall report directly to the Secretary.

“(2) Duties.—The Assistant Secretary shall—

“(A) ensure compliance with the energy use and expenditure requirements applicable to Federal agencies under Federal law (including Executive orders);

“(B) perform all duties assigned to the Director of the Federal Energy Management and Productivity Program under Federal law (including Executive orders) that are faced by each Federal agency; and

“(C) coordinate implementation of energy efficiency requirements by Federal agencies using staff of the Office that have expertise in the most recent version of the International Residential Code by not less than 10 percent.

“(2) REVISIONS.—Not later than 180 days after the date of approval of amendments to ASHRAE Standard 90.1 or the International Residential Code, the Secretary of Energy shall—

“(a) to meet or exceed the most recent ASHRAE Standard 90.1, approved by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.;

“(b) new residential buildings (other than those described in clause (i) be constructed in order to identify opportunities and obstacles to expanded private and Federal markets for energy management technologies, energy efficiency technologies, and renewable energy technologies;

“(C) coordinate implementation of energy efficiency requirements by Federal agencies using staff of the Office that have expertise in the most recent version of the International Residential Code by not less than 10 percent.

“(D) coordinate compilation of, and review, energy-use reports required to be submitted by Federal agencies under Executive orders.

“(E) serve as a liaison from the Federal Government to government agencies, academia, businesses, and research institutions to develop new methods for assessing energy efficiency performance under this paragraph and to implement the revised stand-

“(2) assigns to the official appointed to that position by the Secretary of Energy the duty to coordinate with appropriate officials of the Department of Defense and appropriate officials of the Department of Energy concerning energy use and expenditure requirements applicable to the Department of Defense under Federal law (including Executive orders).

“(a) In General.—The Assistant Secretary may require the Inspector General of each Federal agency to conduct audits of the energy management programs of the Federal agencies every 3 years.

“(b) Technical Guidelines.—The Assistant Secretary shall—

“(A) issue guidelines for the conduct of audits described in paragraph (1); and

“(B) conduct training for Inspectors General on the use of the guidelines described in paragraph (1).

“(c) Technical and Conforming Amendments.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

“(1) in the item relating to section 209, by striking ‘Section’ and inserting ‘Sec.‘;

“(2) by inserting after the item relating to section 211 the following:


“(3) in the items relating to each of sections 213 through 216, by inserting ‘Sec.’ before the section designation.

SEC. 5. ENERGY REDUCTION GOALS.

(a) In General.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 6852) is amended—

“(1) in subsection (a)—

“(A) by striking paragraph (1) and inserting the following:

“(1) In General.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in calendar year 2000 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in calendar year 2001, by the percentage reduction shown in the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
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<tr>
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<tr>
<td>2004</td>
<td>6</td>
</tr>
<tr>
<td>2005</td>
<td>8</td>
</tr>
</tbody>
</table>
“Calendar year:  

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage reduction:</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>2009</td>
<td>16</td>
</tr>
<tr>
<td>2010</td>
<td>18</td>
</tr>
<tr>
<td>2011</td>
<td>20</td>
</tr>
</tbody>
</table>

(B) by striking “(2) An” and inserting the following:  

“(2) EXCLUSION OF CERTAIN FEDERAL BUILDINGS.—An”; and

(C) by adding at the end the following:  

“(3) REVIEW AND REVISION OF ENERGY PERFORMANCE GOALS.—Not later than December 31, 2010, the Secretary shall—  

“(A) review the results of the implementation of the energy performance requirement established under paragraph (1); and  

“(B) submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.”; and

(2) in subsection (c)—  

(A) by striking paragraph (1) and inserting the following:  

“(1) IN GENERAL.—  

“(A) EXCLUSIONS.—An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, and the associated energy consumption footprint, if—  

“(i) the head of the agency finds that compliance with those requirements would be impracticable; and  

“(ii) the agency has—  

“(I) completed and submitted all federally required energy management reports;  

“(II) achieved compliance with the energy efficiency requirements of—  

“(aa) this Act;  


“(cc) Executive orders; and  

“(dd) other Federal law; and  

“(III) implemented all practicable, cost-effective, life-cycle projects with respect to the Federal building or collection of Federal buildings to be excluded.  

“(B) FINDING OF IMPRACTICABILITY.—A finding of impracticability under subparagraph (A)(i) shall be based on—  

“(I) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or  

“(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.”;

(B) in paragraph (2)—  

(i) by striking “(2) Each agency” and inserting the following:  

“(2) REVIEW BY SECRETARY.—Each agency”;

(ii) in the second sentence—  

“(i) by striking “impracticability standards” and inserting “standards for exclusion”;

(II) by striking “a finding of impracticability” and inserting “the exclusion”; and

(C) by adding at the end the following:  

“(3) CRITERIA.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).”;

(B) Reports.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(b)) is amended—  

(1) in the subsection heading, by inserting “THE PRESIDENT” before “and Congress”;

(2) by inserting “President and” before “Congress.”

(c) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8285b(d)) is amended in the second sentence by striking “the 20 percent goal established under subsection 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253a(a)),” and inserting “the energy performance requirement established under section 543(a).”;

(c) ENERGY AND WATER CONSERVATION INCENTIVE PROGRAM.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8265e) is amended by adding at the end the following:  

“(e) ENERGY AND WATER CONSERVATION INCENTIVE PROGRAM.—  

“(1) IN GENERAL.—In addition to the other incentive programs established under this section, the Secretary shall establish an incentive program under which, for any fiscal year, the amounts made available to each agency to pay the costs of providing energy or water for Federal buildings under the jurisdiction of the agency, the agency may retain, without fiscal year limitation, such amounts as are determined under paragraph (2) to have been saved because of energy and water management and conservation projects carried out by the agency.

“(2) DETERMINATION OF RETAINED AMOUNTS.—In cooperation with the Secretary of Defense and the Director of the Office of Management and Budget, the Secretary shall issue guidelines and establish methodologies for—  

“(A) retention of amounts saved as described in paragraph (1) for a period ending not more than 3 years after the date of completion of the project that resulted in the savings;  

“(B) establishment of a baseline amount of energy and water expenditures, consisting of the amounts that would be expended on energy or water but for implementation of the project; and  

“(C) use by agencies of the baseline amounts established under subparagraph (B) in submitting to the President budget requests for appropriated amounts equal to the amounts of savings that an agency is expected to be entitled to retain under paragraph (1).”;

(c) USE OF RETAINED AMOUNTS.—Amounts retained under paragraph (1) may be used to carry out energy and water management and conservation projects, invest in renewable energy systems, and purchase electricity from renewable energy sources for use at the Federal building or collection of Federal buildings for which the project that resulted in the savings was carried out.

“(4) ANNUAL REPORT ON USE OF AMOUNTS.—Each report submitted by an agency under section 548(c) shall describe—  

“(A)(i) the amounts retained under paragraph (1) during the period covered by the report; and  

“(ii) the use of the amounts retained; and  

“(B) if no amounts were retained under paragraph (1), why no amounts were retained and the plans of the agency for retaining such amounts in the future.”;

(d) REPORTS.—Section 548 of the National Energy Conservation Policy Act (42 U.S.C. 8265a) is amended—  

(1) in subsection (a)—  

(A) in paragraph (1), by striking “and” at the end;  

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:  

“(3) the quantity of greenhouse gases emitted by the Federal building or collection during each fiscal year, as measured by the agency in consultation with the Assistant Secretary for Federal Energy Productivity of the Department of Energy;  

(2) in subsection (b)—  

(A) in subparagraph (B), by striking “and” at the end;
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(C) by adding at the end the following:

"(D) the quantity of greenhouse gases emitted by the Federal buildings of each agency during each fiscal year;" and

(3) by amending subsection (a) to read as follows:

"(d) RECOMMENDATIONS ON MEANS OF ACCOUNTING FOR ENERGY USE.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the Administrator of General Services, and the Secretary of Defense, shall conduct a study to develop recommendations on the most accurate means of accounting for energy use in Federal facilities.

"(2) REQUIRED RECOMMENDATIONS.—Recommendations shall include a recommendation concerning whether a uniform performance measure based on British thermal units per gross square foot is preferable to an agency-specific performance measure or any other performance-based metric.

"(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this sub-section, the Secretary shall submit to Congress a report on the results of the study."

SEC. 7. FEDERAL GOVERNMENT PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(1) REQUIREMENTS.—

(A) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding after section 554(4) the following:

"SEC. 551. FEDERAL GOVERNMENT PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means a program administered by the Administrator of the Environmental Protection Agency that involves voluntary cooperation between that agency and an industry to enhance the energy efficiency of the energy consuming products of the industry so as to reduce—

"(A) burdens on air conditioning and electrical loadings that result from the use of the products in the buildings; and

"(B) air pollution caused by utility power generation.

"(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Defense, the products selected for procurement as energy efficient products.

"(5) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—

"(1) DEVELOPMENT.—The Administrator of General Services and the Director of the Defense Logistics Agency of the Department of Defense shall—

"(A) develop, and revise if appropriate, catalog listings of Energy Star products and FEMP designated products; and

"(B) clearly identify in the listings the products that are Energy Star products and the products that are FEMP designated products.

"(2) AVAILABILITY OF LISTINGS.—The Administrator and the Director shall make the listings available in printed and electronic formats.

"(d) GSA AND DLA INVENTORIES AND LISTINGS.—No energy consuming product may be made available to any executive agency from an inventory or listing of products by the General Services Administration or the Defense Logistics Agency unless—

"(1) the product is an Energy Star product;

"(2) the product is a FEMP designated product and no equivalent Energy Star product is reasonably available; or

"(3) no equivalent Energy Star product or FEMP designated product is reasonably available.

"(e) REGULATIONS.—The Secretary of Energy shall promulgate regulations to carry out this section, including policies and conditions for exercising authority under this section to procure energy consuming products other than Energy Star products and FEMP designated products."

"(f) CONFORMING AMENDMENTS.—

(i) The following sections in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) are amended by striking the item relating to section 551 and inserting the following:

"Sec. 551. Federal Government procurement of energy efficient products.


"Sec. 553. Federal Government energy efficient buildings measures in congressional buildings.

"Sec. 554. Definitions."

(ii) Section 1515 of the Energy Policy Act of 1992 (42 U.S.C. 8251 note) is amended by striking "section 551(4)" and inserting "section 551(4)'.

(iii) Section 654(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 8251 note) is amended by striking "section 551(5)' and inserting "section 551(5)'."

"(2) IMPLEMENTATION.—

(A) REGULATIONS.—Not later than 180 days after the effective date specified in subsection (d), the Secretary of Energy shall promulgate regulations to carry out section 551 of the National Energy Conservation Policy Act (as added by paragraph (1)(A)(ii)).

(B) DISPOSAL OF EXISTING INVENTORIES.—An energy consuming product that is effectively used after the effective date specified in subsection (d), is in an inventory of products offered by the General Services Administration or the Defense Logistics Agency may be made available to an executive agency out of that inventory without regard to section 551(d) of the National Energy Conservation Policy Act.

"(c) DESIGNATION OF ENERGY STAR PRODUCTS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall—

"(1) expedite the process of designating products as Energy Star products (as defined in section 551(a) of the National Energy Conservation Policy Act) as added by subsection (a)(1)(A)(ii)); and

"(2) merge the efficiency rating procedures used by the Environmental Protection Agency and the Department of Energy under the Energy Star programs as defined in section 551(a) of that Act.

(d) EFFECTIVE DATE.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 8. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by inserting after section 551 (as added by section 7(a)(1)(A)(ii)) the following:

"SEC. 552. FEDERAL ENERGY BANK.

"(a) DEFINITIONS.—In this section:

"(1) BANK.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

"(2) ENERGY OR WATER EFFICIENCY PROJECT.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

"(A) this part;

"(B) title VIII;

"(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8251 note) (June 3, 1999);

"(D) any applicable Executive order, including Executive Order No. 13123 (42 U.S.C. 8251 note) (June 3, 1999).

"(2) FEDERAL AGENCY.—The term 'Federal agency' means—

"(A) an Executive agency as defined in section 105 of title 5, United States Code;

"(B) the United States Postal Service;

"(C) the United States Patent and Trademark Office;"
“(D) Congress or any other entity in the legislative branch; and
“(E) a Federal court or any other entity in the judicial branch.

“(4) TRUSTFUND.—The term ‘utility payment’ means a payment made to supply electricity, natural gas, or any other form of energy to provide the heating, ventilation, air conditioning, lighting, or other energy needs of a facility of a Federal agency.

“(b) ESTABLISHMENT OF BANK.—

“(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Federal Energy Bank’, consisting of—

“(A) such amounts as are deposited in the Bank under paragraph (2);

“(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

“(C) any interest earned on investment of amounts in the Bank under paragraph (3).

“(2) DEPOSITS IN BANK.—

“(A) IN GENERAL.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to 2.5 percent for fiscal year 2002 and 5 percent for each calendar quarter thereafter of the total amount of utility payments made by all Federal agencies for the preceding fiscal year.

“(B) IN GENERAL.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts in the Bank) become equal to or exceed $1,000,000,000.

“(C) LIMITATION.—No funds made available to any Federal agency (other than to the Department of the Treasury under subsection (f)) shall be deposited in the Bank.

“(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of deposits in the Bank as are necessary to fund such energy projects.

“(4) REPORTS AND AUDITS.—

“(A) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of any project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

“(i) states whether the project meets or fails to meet the energy savings projections for the project; and

“(ii) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

“(B) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(c) LOANS FROM THE BANK.—

“(1) IN GENERAL.—The Secretary of the Treasury shall make loans from the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

“(2) PLAN PROGRAM.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—In accordance with subsection (d), the Secretary, in consultation with the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

“(ii) COMMITMENT OF LOAN.—The Secretary may—

“(A) accept applications for loans from the Bank in fiscal year 2002; and

“(B) make loans from the Bank in fiscal year 2003.

“(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—The Secretary shall not make a loan from the Bank to a Federal agency for a project for which funding is available and is acceptable to the Federal agency under title VIII.

“(C) PROTECTION.—

“(i) IN GENERAL.—A loan from the Bank may be used to pay—

“(I) the costs of an energy or water efficiency project, utility payment, or alternative energy project, for a new or existing Federal building (including selection and design of the project);

“(II) the costs of an energy metering plan developed in accordance with the measurement and verification protocols of the Department of Energy, or energy metering equipment, for the purpose of—

“(aa) a new or existing building energy system; or

“(bb) verification of the energy savings under an energy savings performance contract under title VIII; or

“(III) at the time of contracting, the costs of development of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is subject to the energy savings performance contract.

“(ii) LIMITATION.—A Federal agency shall make loans only to a Federal agency that certifies to the Secretary in accordance that—

“(A) such amounts as are deposited in the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive orders));

“(B) the Secretary of the Treasury shall invest such portion of deposits in the Bank as are necessary to fund such energy projects.

“(C) any interest earned on investment of amounts in the Bank shall be deposited in the Bank under subsection (3).

“(D) those loans shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

“(E) ISUFFICIENCY OF APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year following such repayment.

“(F) IN GENERAL.—The Secretary may—

“(i) make loans only to a Federal agency that certifies to the Secretary in accordance with that clause that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

“(ii) determine the rate of interest by a Federal agency at the rate determined under that clause is not required to fund the operation of the Bank.

“(iii) Waiver or Reduction of Interest.—

“(A) IN GENERAL.—The Secretary may waive or reduce the rate of interest required to be paid under clause (I) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

“(B) LIMITATION.—A Federal agency may make loans only to a Federal agency that certifies to the Secretary in accordance with that clause that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

“(C) FEDERAL AGENCY ENERGY BUDGETS.—

“(1) IN GENERAL.—The Secretary may—

“(i) invest amounts in the Bank made available from the Bank in fiscal year 2002; and

“(ii) use amounts in the Bank in fiscal year 2003.

“(2) SELECTION CRITERIA.—

“(A) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

“(B) SELECTION CRITERIA.—

“(1) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

“(i) is technically feasible;

“(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary by regulation;

“(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy;

“(iv) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy;

“(v) commission energy savings for new and existing Federal facilities;

“(vii) monitor and improve energy efficiency management at existing Federal facilities;

“(viii) verify the energy savings under an energy savings performance contract under title VIII; and

“(B) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

“(II) in the case of any other project, has a simple payback period of not more than 10 years.

“(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

“(C) are a component of a comprehensive energy management project for a Federal facility; and

“(D) are designed to significantly reduce the energy use of the Federal facility.

“(c) REPORTS AND AUDITS.—

“(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of any project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

“(A) states whether the project meets or fails to meet the energy savings projections for the project; and

“(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

“(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(d) Regulatory Environment.—

“(A) IN GENERAL.—The Secretary may—

“(i) require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(B) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by inserting after section 552 (as amended by the Energy Policy Act of 2005) the following:

“SEC. 553. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

“(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by inserting after section 552 (as added by section 8) the following:

“(b) IN GENERAL.—The Architect of the Capitol—
"(1) shall develop and implement a cost-ef-ective energy conservation strategy for all facilities administered by Congress (referred to in this section as 'congressional build-ings') that establishes the mandatory standards for Federal buildings established under title III of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.);

"(2) shall submit to Congress, not later than 120 days after the date of enactment of this section, a revised comprehensive energy conservation and management plan that in-cludes cost-effectiveness methods to determine the cost-effectiveness of proposed energy ef-ficiency projects;

"(3) shall submit to Congress annually a report on congressional energy management and conservation programs that describes in detail—

(A) energy expenditures and cost esti-mates for each facility;

(B) energy management and conservation projects; and

(C) future priorities to ensure compliance with this section;

"(4) shall perform energy surveys of all congressional buildings and update the sur-veys as necessary;

"(5) shall use the surveys to determine the cost and payback period of energy and water conservation measures likely to achieve the energy and emission levels specified in the strategy developed under paragraph (1);

"(6) shall install energy and water con-servation measures that will achieve those levels through life cycle cost methods and procedures included in the plan submitted under paragraph (2);

"(7) may contract with nongovernmental entities and use private sector capital to fi-nance energy conservation projects and achieve energy consumption targets;

"(8) may use state-of-the-art energy and water efficiency and conservation methods that will attract private sector funding for the installation of energy effi-cient and renewable energy technology to meet the requirements of this section, such as energy savings performance contracts de-scribed in title VIII;

"(9) may participate in the Financing Re-newable Energy and Efficiency (FREE) Sav-ings contracts program for Federal Govern-ment facilities established by the Depart-ment of Energy not later than 180 days after the date of enactment of this section, shall submit to Congress the results of a study of the instal-lation of submetering in congressional build-ings;

"(11) shall produce information packages and 'how-to' guides for each Member and em-ploying authority of Congress that detail simple, cost-effective methods to save en-ergy and taxpayer dollars;

"(12) shall ensure that state-of-the-art en-ergy efficiency technologies are used in the construction of the Visitor Center; and

"(13) shall include in the Visitor Center an exhibit on the energy efficiency measures used in Federal buildings.

(b) ENERGY AND WATER CONSERVATION IN-CENTIVE.—

"(1) IN GENERAL.—For any fiscal year, of the amounts made available to the Architect of the Capitol to pay the costs of providing energy and water for congressional build-ings, the Architect may retain, without fis-cal year limitation, such amounts as the Ar-chitect determines were not expended be-cause of energy and water management and conservation projects.

"(2) USE OF RETAINED AMOUNTS.—Amounts retained under paragraph (1) may be used to carry out energy and water management and conservation projects.

"(3) USE OF ALTERNATIVE FUELS.—As part of each annual report under sub-section (a)(3), the Architect of the Capitol shall submit to Congress a report on the amounts retained under paragraph (1) and the use of the amounts.

(c) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 1681), is repealed.

SEC. 10. ENERGY SAVINGS PERFORMANCE CON-TRACT.—

(a) COST SAVINGS FROM REPLACEMENT FA-CILITIES.—Section 801(a) of the National En-ergy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

"(4) USE OF ALTERNATIVE FUELS.—Not-withstanding paragraph (2)(B), the average annual payments by a Federal agency under an energy savings performance contract described in subparagraph (A) may take into account (through the procedures developed under this section) savings resulting from re-duced costs of operation and maintenance as described in subparagraph (A).

"(5) WATER CONSERVATION MEASURE.—The term 'water conservation measure' means a measure to achieve water efficiency, that is carried out at a building or other facility, and conservation programs that describes in detail—

(A) energy savings performance contract that provides for energy savings through the construction and operation of 1 or more buildings or other facilities to replace 1 or more existing build-ings or other facilities, benefits ancillary to the purpose of achieving energy savings under the contract shall include, for the pur-pose of paragraph (1), savings resulting from reduced costs of operation and maintenance at the replacement buildings or other facili-ties as compared with the costs of operation and maintenance at the buildings or other facilities being replaced.

(B) DETERMINATION OF PAYMENTS.—(i) In this title:

"(I) a military tactical vehicle of the Armed Forces; or

(ii) any law enforcement, emergency, or other vehicle class or type determined to be excluded under guidelines issued by the Secre-tary of Energy under paragraph (6).

"(C) FEDERAL AGENCY.—The term 'Federal agency' means an Executive agency (as de-fined in section 105 of title 5, United States Code) (including each military department specified in section 102 of that title) that uses or owns more motor vehicles in the United States.

"(D) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term in section 32901 of title 49, United States Code.

"(2) MINIMUM AVERAGE FUEL ECONOMY.—In fiscal year 2005 and each fiscal year there-after, the average fuel economy of the covered vehicles acquired by each Federal agen-cy shall be not less than 3 miles per gallon greater than the average fuel economy of the covered vehicles acquired by the Federal agency in fiscal year 2000.

"(3) USE OF ALTERNATIVE FUELS.—(A) IN GENERAL.—Subject to subparagraph (B), each fiscal year thereafter, each Federal agency shall use alternative fuels for at least 50 percent of the total annual volume of motor fuel used by the Federal agency to operate covered vehi-cles.
Mr. BURNS. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1359

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Facilitating Access to Speedy Transmissions for Networks, E-commerce and Telecommunications (FASTNET) Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced services and information technologies and services to all Americans by promoting competition and reducing regulation in telecommunications markets nationwide.

(2) The Telecommunications Act of 1996 specifically recognized the unique abilities and circumstances of local exchange carriers serving densely populated regions of the Nation.

(3) Existing regulations are typically tailored to the circumstances of larger carriers and therefore often impose disproportionate burdens on two percent carriers, impeding such carriers’ deployment of advanced telecommunications services and competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(b) PURPOSES.—The purposes of this Act are—

(1) to accelerate the deployment of advanced services and the development of competition in the telecommunications industry for the benefit of consumers in all regions of the Nation, consistent with the Telecommunications Act of 1996, by reducing regulatory burdens on local exchange carriers within the meaning of section 251(h), the Commission’s rules, or any other provision of law.

(2) to improve such carriers’ flexibility to undertake such initiatives; and

(3) to allow carriers to redirect resources from paying the costs of such regulatory burdens to increasing investment in such initiatives.

SEC. 3. DEFINITION.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (51) and (52) as paragraphs (52) and (53), respectively; and

(2) by inserting after paragraph (50) the following:

“(51) TWO PERCENT CARRIER.—The term ‘two percent carrier’ means an incumbent local exchange carrier within the meaning of section 251(h) whose access lines, when aggregated with the access lines of any local exchange carrier that such incumbent local exchange carrier directly or indirectly controls, are between one and two percent of the Nation’s subscriber lines installed in the aggregate nationwide.”

SEC. 4. REGULATORY RELIEF FOR TWO PERCENT CARRIERS.

Title II of the Communications Act of 1994 is amended by adding at the end thereof a new part IV as follows:

*PART IV—PROVISIONS CONCERNING TWO PERCENT CARRIERS*.

SEC. 281. REDUCED REGULATORY REQUIREMENTS FOR TWO PERCENT CARRIERS.

“(a) Commission To Take Into Account Differences.—In adopting rules that apply to incumbent local exchange carriers (within the meaning of section 251(h)), the Commission shall take into account that any proposed regulatory, compliance, or reporting requirements would have on two percent carriers.

“(b) Effect of Commission’s Failure To Take Into Account Differences.—If the Commission adopts a rule that applies to incumbent local exchange carriers and fails to take into account the separate regulatory, compliance, or reporting requirements that would have on two percent carriers, the Commission shall not enforce the rule until the Commission performs such separate evaluation.

“(c) Additional Review Not Required.—Necessary, commission shall be construed to require the Commission to conduct a separate evaluation under subsection (a) if the rules adopted do not apply to two percent carriers, or such carriers are exempted from such rules.

“(d) Savings Clause.—Nothing in this section shall be construed to prohibit any size-based differentiation in regulation mandated by this Act, chapter 6 of title 5, United States Code, the Commission’s rules, or any other provision of law.

“(e) Effective Date.—The provisions of this section shall apply with respect to any rule adopted on or after the date of enactment of this Act.

SEC. 282. LIMITATION OF REPORTING REQUIREMENTS.

“(a) Limitation.—The Commission shall not require a two percent carrier—

“(1) to file cost allocation manuals or to have such manuals audited or attested, but a two percent carrier that qualifies as a class A carrier shall annually certify to the Commission that the two percent carrier’s cost allocation complies with the rules of the Commission; or

“(2) to file Automated Reporting and Management Information Systems (ARMIS) reports, except for purposes of title 48, United States Code, the Commission’s rules, or any other provision of law.

“(b) Preservation of Authority.—Except as provided in subsection (a), nothing in this Act limits the authority of the Commission to obtain access to information under sections 202 and 203 of title 48, United States Code, the Commission’s rules, or any other provision of law.

“(c) Effective Date.—The provisions of this section shall apply with respect to any rule adopted on or after the date of enactment of this Act.

SEC. 283. INTEGRATED OPERATION OF TWO PERCENT CARRIERS.

“The Commission shall not require any two percent carrier to establish or maintain a separate affiliate to provide any common carrier or noncommon carrier services, including local and interexchange services, commercial mobile radio services, advanced services (within the meaning of section 706 of the Telecommunications Act of 1996), paging, Internet, information services or other enhanced services, or other services. The Commission shall not require any two percent carrier and its affiliates to maintain separate officers, directors, or other personnel, network facilities, buildings, research and development departments, books of account, financing, marketing, provisioning, or other operations.

SEC. 284. PARTICIPATION IN TARIFF POOLS AND PRICE CAP REGULATION.

“(a) NECA Pool.—The participation or withdrawal from participation by a two percent carrier of one or more study areas in the common line tariff administered and
filed by the National Exchange Carrier Association or any successor tariff or administrator shall not obligate such carrier to participate or withdraw from participation in such tariff entered into with respect to a study area. Except as permitted by section 310(f)(3), a two percent carrier’s election under this subsection shall be binding for one year from the date of the election.

(“b) Price Cap Regulation.—A two percent carrier may elect to be regulated by the Commission under price cap rate regulation, or elect to opt out of such regulation for one or more of its study areas. The Commission shall not require a carrier making an election under this subsection with respect to any study area or areas to make the same election for any other study area. Except as permitted by section 310(f)(3), a two percent carrier’s election under this subsection shall be binding for one year from the date of the election.

**SEC. 285. Deployment of New Telecommunications Services by Two Percent Carriers.**

(“a) One-Day Notice of Deployment.—The Commission shall permit two percent carriers to introduce new interstate telecommunications services by filing with the Commission on one day’s notice showing the charges, classifications, regulations, and practices therefor, without obtaining a waiver, or make any other showing before the Commission in advance of the tariff filing. The Commission shall not have authority to approve or disapprove the rate structure for such services shown in such tariff.

(“b) Definition.—For purposes of subsection (a), the term ‘new interstate telecommunications service’ means a class or subclass of services, over charges, classifications, practices, and regulations therefor, which the Commission authorizes a two percent carrier to introduce by wire or radio of any carrier.

**SEC. 286. Entry of Competing Carrier.**

(“a) Pricing Flexibility.—Notwithstanding any other provision of this Act, any two percent carrier shall be permitted to deliver any service or services by switched or special access rates, file tariffs on one day’s notice, and file contract-based tariffs for interstate switched or special access services immediately following the certification by the Commission that a telecommunications carrier unaffiliated with such carrier is engaged in facilities-based entry within such carrier’s service area. A two percent carrier subject to rate regulation with respect to an interstate switched or special access service, for which pricing flexibility has been exercised pursuant to this subsection, shall compute its interstate rate of return based on the nondiscounted rate for such service.

(“b) Streamlined Pricing Regulation.—Notwithstanding any other provisions of this Act, upon receipt by the Commission of a certification by a two percent carrier that—

1. a local exchange carrier, or its affiliate, or

2. a local exchange carrier operated by, or owned in whole or part by, a governmental authority,

is engaged in facilities-based entry within the two percent carrier’s service area, the Commission shall regulate the two percent carrier as non-dominant and shall not require the tariffing of the interstate service offerings of the two percent carrier.

“c) Participation in Exchange Carrier Association Tariff.—A two percent carrier that is engaged in facilities-based entry within the two percent carrier’s service area as described in section 286(a) or (b) of this section with respect to one or more study areas shall be permitted to participate in the common line tariff administered by the National Exchange Carrier Association or any successor tariff or administrator, by electing to include one or more study areas as a result of such participation.

“d) Definitions.—For purposes of this section:

1. ‘Facilities-Based Entry’—The term ‘facilities-based entry’ means, within the service area of a two percent carrier—

2. (A) the provision or procurement of local telephone exchange switching or its equivalent, and

3. (B) the provision of telephone exchange service to at least one unaffiliated customer.

2. ‘Contract-Based Tariff’—The term ‘contract-based tariff’ means a tariff based on a service contract entered into between a two percent carrier and one or more customers of such carrier. Such tariff shall include—

3. (A) the term of the contract, including any renewal options;

4. (B) a brief description of each of the services provided under the contract;

5. (C) minimum volume commitments for each service, if any;

6. (D) the contract price for each service or services at the same levels committed to by the customer or customers;

7. (E) a brief description of any volume discounts built into the contract rate structure; and

8. (F) a general description of any other classifications, practices, and regulations affecting the contract rate.

9. ‘Service Area.’—The term ‘service area’ has the same meaning as in section 214(e).

**SEC. 287. Savings Provisions.**

(“a) Commission Authority.—Nothing in this part shall be construed to restrict the authority of the Commission under sections 201 through 208.

(“b) Memphis Telephone Company Rights.—Nothing in this part shall be construed to diminish the rights of rural telephone companies otherwise accorded by this Act, or the rules, policies, procedures, guidelines, and standards of the Commission as of the date of enactment of this section.

(“c) State Authority.—Nothing in this Part shall affect any authority of the States over charges, classifications, practices, services, facilities, or regulations or in connection with the provision of local exchange service by wire or radio of any carrier.

**SEC. 5. Limitation on Merger Review.**

(“a) Amendment.—Section 310 of the Communications Act of 1934 (47 U.S.C. 310) is amended by adding at the end the following:

1. “(i) Deadline for Making Public Interest Determination.—In connection with any merger between two percent carriers, or the acquisition, directly or indirectly, by a two percent carrier or its affiliate of securities or assets of such carrier, if the merged or acquiring carrier remains a two percent carrier after the merger or acquisition, the Commission shall make any determinations required by this section and section 214, and shall rule on any petition for waiver of the Commission’s rules or other request related to such determinations, not later than 60 days after the date an application for such determination with respect to such merger or acquisition is submitted to the Commission.

2. “(j) Approval Absent Action.—If the Commission fails to act on a petition for reconsideration or other review subject to the requirements of this section within such 90-day period, the Commission’s enforcement of any rule the reconsideration or other review of which was specifically sought by the petitioning party shall be stayed with respect to that party until the Commission issues an order granting or denying such petition.

(“b) Effective Date.—The provisions of this section shall apply with respect to any petition for reconsideration or other review subject to the requirements of this section within such 90-day period, the Commission’s enforcement of any rule the reconsideration or other review of which was specifically sought by the petitioning party shall be stayed with respect to that party until the Commission issues an order granting or denying such petition.

**SEC. 6. Time Limits for Action on Petitions for Reconconsideration or Review.**

(“a) Amendment.—Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by adding at the end the following:

1. “(1) Time Limit.—Within 90 days after receiving from a two percent carrier a petition for reconsideration or other review under this section the Commission, or public safety concerns that may not present national security, law enforcement, or other Commission that the petition or application, submits a written filing to the Federal Communications Commission advising the Department of Defense, Department of Justice, and the Federal Bureau of Investigation, Department of the Treasury, Department of Homeland Security, and any other Commission advising the Department of Defense, Department of Justice, and the Federal Bureau of Investigation, Department of the Treasury, Department of Homeland Security, and any other

Mr. VОINOВИЧ. Mr. President, I rise today to introduce legislation to reauthorize the Price-Anderson Act which provides the insurance program for our Nation’s commercial nuclear reactor fleet. In 1954, Congress passed the Atomic Energy Act which ended the government monopoly over possession, use, and manufacturing of ‘special nuclear material’. While the Act allowed the private sector access to the nuclear market, due to concerns over liability, the private sector was extremely hesitant to invest in the new market.

Due to these liability concerns, Congress passed the Price-Anderson Act in 1957, the Act was reauthorized on three occasions, most recently in 1988. The Act is due to be reauthorized in 2002. In 1990 the NRC issued their report to Congress in the Price Anderson Act—Crossing the Bridge to the Next Century: A Report to Congress.” In that report the NRC recommended renewal of the Price Anderson Act because the Act provides a valuable public benefit by establishing a system for prompt and equitable steelement of public liability claims resulting from a nuclear accident.

While the report originally suggested that consideration be given to doubling the current annual retrospective premium installment from each power reactor license, the NRC has reconsidered this suggestion and now recommends that original premium level be retained. They expressed this view in a letter to me, as the Chairman of the Nuclear Safety Subcommittee on May 11th of this year.

The reason for the change is that in 1998 the NRC had projected that many of the existing commercial reactors would be, file insane request! The drop in the number of reactors would cause a corresponding drop in the contributions to the fund. There is now heightened interest in extending the operating license of most of the commercial reactors. Therefore an increase in the premium from each reactor is no longer necessary. This has occurred because of the growing interest in nuclear energy. Nuclear energy is a clean, emissions-free source of electricity which currently provides almost twenty percent of our nation’s energy supply.

This legislation will help further the commercial application of nuclear energy for electricity, as well as the growing number of medical applications of nuclear medicine. Nuclear energy is vital to supplying cost-efficient and environmentally sound power to the American consumer. This legislation will continue to ensure the availability of our commercial nuclear reactor program. I am pleased today to introduce this legislation by the ranking members of the Senate Environment and Public Works Committee, Senator SMITH, and the Nuclear Safety Subcommittee Senator ISHOFF, as well as an important member of the Subcommittee Senator CRAPО.

By Mr. BENNETT:
S. 1361. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce legislation that would amend the Central Utah Project Completion Act. CUPCA, as originally enacted in 1962, CUPCA re-authorized and provided funding for the completion of the Central Utah Project, CUP, a project that develops Utah’s share of water from the Colorado River for use in ten central Utah counties. The CUP was originally authorized in 1956 as part of the Colorado River Storage Project Act and includes five units. The Bureau of Reclamation began construction of this project in 1964. However, in 1992 CUPCA conferred CUP planning and construction responsibilities to the Central Utah Water Conservancy District, which has cultivated an excellent working relationship with the Office of CUP Completion in the Interior Department.

The legislation I am introducing would amend CUPCA to clarify the relationship between the Department of the Interior and the CUP by ensuring that the Secretary of the Interior continue to retain full responsibility for the CUP after the completion of the project’s final phase. It only makes sense that the decisions regarding future operations and maintenance, contract negotiations, and program oversight functions of the Interior Department are consistent with the cooperative decisions made during the project’s planning and construction stages. As such, language is needed to clarify the Secretary’s further involvement.

Since 1992, numerous changes in the project have occurred to better reflect contemporary water needs. Certain project features were downsized or eliminated while other water management programs grew in size. The 106th Congress, in an effort to address these changes, approved a CUPCA amendment that allowed unused funding authorization resulting from the redesign of the Bonneville Unit to be used “to acquire water and water rights for project purposes including in stream flows, to complete project facilities authorized in title II, to implement water conservation measure . . .”. In light of the continuing need to address the redesign replacement projects originally designed in the sixties, my legislation would again extend the unused authorization provision to all CUP units.

Finally, this legislation also extends a CUPCA provision that authorizes the Utah Water Conservancy to prepay over $138 million to the federal treasury, while also avoiding unnecessary interest charges. The legislation introduced today would remove the 2002 expiration provision and extends the provision to allow the repayment of obligations associated with projects relating to the Uinta Basin.

The water supplied by CUP’s many water diversion projects is crucial to the livelihoods of Utah’s rural residents and to Utah’s burgeoning population. I believe that legislation will serve to better facilitate the timely, economically responsible, and fiscally efficient completion of the Central Utah Project.

By Mr. HUTCHINSON (for himself and Mr. CRAIG):
S. 1362. A bill to amend title XVIII of the Social Security Act and title VII of the Public Health Service Act to extend the Medicare program to cover geriatrics, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased today to be joined by my distinguished Senator CRAIG in introducing the Advance of Geriatric Education Act of 2001, or AGE Act is comprehensive legislation which seeks to prepare physicians and other health care professionals to care for our Nation’s growing aging population. It is a know fact that aging cannot be treated like little adults and prescribed the same medications in the same dosage amounts. For this reason, we have pediatricians. But just as there are differences between children and adults, so are there differences between middle aged adults and seniors. Many people are unaware that aging individuals often exhibit different symptoms than younger adults with the same illness. For example, an older patient who has a history of not experiencing excruciating chest pain, but rather, show signs of dizziness and confusion. Similarly, older people often exhibit different responses to medica- tions than younger people.

The demographic reality is that there is an enormous segment of the population which will soon be age 65 or older, and there is serious doubt that the U.S. health system will be equipped to handle the multiple needs and demand of an aging population. By 2030, it is projected that one in five Americans will be over age 65.

Geriatricians are physicians who are experts in aging-related issues and the
study of the aging process itself. They are specially trained to prevent and manage the unique and often multiple health problems of older adults. Geriatric training can provide health care professionals with the skills and knowledge to recognize the specific characteristics of older patients and distinguish between disease states and the normal physiological changes associated with aging. Our health care system must increase its focus in this vital area.

Today, there are 9,000 practicing, certified geriatricians in the United States, far short of the 20,000 geriatricians estimated to be necessary to meet the needs of the current aging population. By the year 2030, it is estimated that at least 36,000 geriatricians will be needed to manage the complex health and social needs of the elderly. These figures, as astounding as they sound, say nothing of the geriatrics training that all health care professionals who are facing such an increasingly older patient population.

Unfortunately, out of 125 medical schools in our country, only 3 have actual departments of Geriatrics, including the University of Arkansas for Medical Sciences. Moreover, only 14 schools include geriatrics as a required course, and one-third of medical schools do not even offer geriatrics as a separate course elective.

Congress has taken some positive steps to increase our focus on geriatrics, including the establishment of Geriatric Education Centers and Geriatric Training Programs, which seek to train all health professionals in the area of geriatrics, including the establishment of Geriatric Training Programs, which seek to train all health professionals in the area of geriatrics, including the establishment of Geriatric Education Centers and Geriatric Training Programs.

It is clear to me, however, that more steps need to be taken, which is why I have introduced the AGE Act today. The AGE Act encourages more physicians to specialize in the area of geriatrics, including the current federal programs relating to geriatrics under the Public Health Service Act. The AGE Act is supported by the American Geriatrics Society, the International Longevity Center, and the American Association of Geriatric Psychiatry. I ask unanimous consent that a summary of the AGE Act and the text of the bill be printed in the RECORD.

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

S. 1962

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

SEC. 1. SHORT TITLE. TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Advance of Geriatric Education Act of 2001".

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

Sec. 1. Short title; table of contents.
Sec. 2. Disregard of certain geriatric residency and fellows against graduate medical education limitations.

Sec. 3. Extension of eligibility periods for geriatric graduate medical education.
Sec. 4. Study and report on improvement of geriatric medical education.
Sec. 5. Improved funding for education and training relating to geriatrics.

Sec. 2. DISREGARD OF CERTAIN GERIATRIC RESIDENCY AND FELLOWS AGAINST GRADUATE MEDICAL EDUCATION LIMITATIONS.

(a) DIRECT GME.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

"(iii) INCREASE IN LIMITATION FOR GERIATRIC RESIDENCIES AND FELLOWSHIPS.—For cost reporting periods beginning on or after the date that is 6 months after the date of enactment of the Act of 2001, in applying the limitations regarding the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine under clause (i) for a hospital, the Secretary shall not take into account a maximum of 5 residents enrolled in a geriatric residency or fellowship program approved by the Secretary for purposes of paragraph (5)(A) to the extent that the hospital increases the number of geriatric residents or fellows above the number of such residents or fellows for the hospital’s most recent cost reporting period ending before the date that is 6 months after the date of enactment of the Act of 2001.".

(b) INDIRECT GME.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(ix) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (v) of section 1886(h)."

Sec. 3. EXTENSION OF ELIGIBILITY PERIODS FOR GERIATRIC GRADUATE MEDICAL EDUCATION.

(a) DIRECT GME.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended by adding at the end the following new clause:

"(v) VI GERIATRIC RESIDENCY AND FELLOWSHIP PROGRAMS.—In the case of an individual enrolled in a geriatric residency or fellowship program approved by the Secretary for purposes of subsection (h) for the period of board eligibility and the initial residency period shall be the period of board eligibility for the subspecialty involved, plus 1 year.".

(b) AMENDMENT.—Section 1886(h)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(F)) is amended by striking "subsection (G)(vii)" and inserting "subsection (G)(vi)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date that is 6 months after the date of enactment of this Act.

Sec. 4. STUDY AND REPORT ON IMPROVEMENT OF GRADUATE MEDICAL EDUCATION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study to determine how to improve the graduate medical education programs under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) so that such programs prepare the physician workforce to serve the aging population of the United States. Such study shall include a determination of whether the establishment of an initial residency program for the development of individuals as academic geriatricians would improve such programs.

(b) REPORT.—Not later than the date that is 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Secretary determines appropriate.

Sec. 5. IMPROVED FUNDING FOR EDUCATION AND TRAINING RELATING TO GERIATRICS.

(a) GERIATRIC FACULTY FELLOWSHIPS.—Section 753(c)(4) of the Public Health Service Act (42 U.S.C. 294c(c)(4)) is amended—

(1) in subparagraph (A), by striking "$50,000 for fiscal year 1998" and inserting "$75,000 for fiscal year 2002";

and

(2) in subparagraph (B), by striking "shall not exceed 5 years" and inserting "shall be 5 years".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 757 of the Public Health Service Act (42 U.S.C. 294a) is amended—

(1) in subparagraph (A), by striking "In General.—There are authorized" and inserting "Authorization.—";

(2) in subparagraph (B), by striking "and" and inserting "and" at the end; and

(3) by striking paragraph (C) and inserting the following:

"(C) Not less than $22,631,000 for awards grants and contracts under—

(i) section 753 for fiscal years 1998 through 2001;

and

(ii) sections 754 and 755 for fiscal years 1998 through 2002; and

(D) for awards grants and contracts under section 753 after fiscal year 2001—

(i) in 2002, not less than $20,000,000;

(ii) in 2003, not less than $24,000,000;

(iii) in 2004, not less than $35,000,000; and

(iv) in 2005, not less than $36,000,000; and

(v) in 2006, not less than $36,000,000;"

(b) in paragraph (2), by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (D)"; and

(c) in paragraph (3), by striking "subparagraphs (A) through (C) of paragraph (2)" and inserting "subparagraphs (A) through (D) of paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

ADVANCEMENT OF GERIATRIC EDUCATION (AGE) ACT OF 2001—LEGISLATIVE SUMMARY

1. PROVIDES AN EXEMPTION TO THE CAP ON RESIDENTS FOR GERIATRIC RESIDENTS

The AGE Act amends the Medicare graduate medical education (GME) resident cap imposed under BBA 97 to provide exceptions for geriatric residencies training programs. The 1997 BBA imposed a per-hospital cap based on the number of GME residency slots in existence on or before December 31, 1996. As geriatrics is a relatively new specialty, the cap has resulted in either the elimination or reduction of geriatric training programs. This is because a lower number of geriatric residents existed prior to December 31, 1996. The AGE Act provides for an exception from the cap for up to 5 geriatric residents.

2. REQUIRE GERIATRIC GME PAYMENT FOR THE 2ND YEAR OF GERIATRIC FELLOWSHIP TRAINING

Under current law, hospitals receive 100 percent GME reimbursement for an individual’s initial residency period, up to the third year. The law also includes a geriatric exception allowing programs training geriatric fellows to receive full funding for an
additional period comprised of the first and second years of fellowship training. Programs training non-geriatric fellows receive 50 percent of GME funding for fellowship training. In 1996, the period of board eligibility for geriatrics was decreased to one year, in an effort to encourage more geriatric specialists. However, this change was not accompanied by support for training of teachers and researchers in geriatrics. A two-year fellowship remains the generally accepted standard, and is generally required to become a board certified geriatrician. The AGE Act explicitly authorizes Medicare GME payments for the second year of fellowship.

III. DIRECTS THE SECRETARY OF HHS TO REPORT TO CONGRESS ON WAYS TO IMPROVE THE MEDICAID PROGRAMS TO READY THE PHYSICIAN WORKFORCE TO SERVE THE AGING POPULATION, INCLUDING WHETHER AN INITIATIVE SHOULD BE EMBRACED TO DEVELOP ACADEMIC GERIATRICIANS

It is estimated that the country currently has one-quarter of the academic geriatricians necessary to ready a program, which creates geriatricians in the area of geriatrics. Out of 125 medical schools in our country, only 3 have actual Departments of Geriatrics. Moreover, only 21 medical schools have a required course, and one third of medical schools do not even offer geriatrics as a separate course elective. The AGE Act requires the Secretary of Health and Human Services to examine the training programs that prepare the physician workforce to serve the aging population, including initiatives to develop academic geriatricians, and to report to Congress within 5 months after the date of enactment.

IV. ENHANCES AND AUTHORIZES GREATER FUNDING FOR THE GERIATRIC TRAINING SECTIONS OF THE PUBLIC HEALTH SERVICE ACT

Section 501 of the Public Health Service Act, encompasses Geriatric Education Centers, which provide geriatrics training to all health professionals (Arkan- sas has a Geriatric Education Center program), a program to provide geriatric training to dentists and behavioral and mental health benefits, and the Geriatrics Academic Development program, which creates junior faculty awards to encourage the development of academic geriatricians. The AGE Act increases the amount of the Geriatric Academic Development Award from $50,000 to $75,000, and authorizes greater funding for all three programs in Fiscal Years 2005, $36 million in Fiscal Year 2006.

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. LEAHY, and Mr. JEFFORDS):

S. 1363. A bill to authorize the Secretary of Health and Human Services to provide greater assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce the Upper Connecticut River Partnership Act of 2001. This legislation is a truly locally-led initiative. I believe it will result in great environmental benefits for the river and its watershed.

The Connecticut River forms the border to New Hampshire and Vermont and provides for a great deal of recreational and tourism opportunities for residents of both States. This legislation takes a major step forward in making sure this River continues to thrive as a treasured resource.

To understand just how significant this legislation is, I would like to share with you some of the history of the Connecticut River program. In 1987-88, New Hampshire and Vermont each created a commission to address environmental issues facing the Connecticut river valley. The commissions were established to evaluate water quality and various other environmental efforts along the Connecticut river valley. The two commissions came together in 1990 to form the Connecticut River Joint Commission. The Joint Commission has no regulatory authority, but carries out cooperative education and advisory activities.

To further the local influence of the Commission, the Connecticut River Joint Commission established five advisory subcommittees comprised of representatives nominated by the governing body of their municipalities. These advisory groups developed a Connecticut River Corridor Management Plan. A major portion of the plan focuses on federal funding to local communities to implement water quality programs, nonpoint source pollution controls and other environmental projects. Over the last ten years, the Connecticut River Joint Commission has fostered widespread participation and support of community and citizen involvement.

As a Senator from New Hampshire and the ranking Republican of the Environ- ment and Public Works Committee, as well as someone who enjoys the beauty of the Connecticut River, I am proud to be the principal author and cosponsor of this locally led, voluntary effort that accomplishes real environmental progress. Too often we have a regulatory group ending regulatory programs to accomplish environmental success. This bill takes a different approach and one that I believe will achieve greater results on the ground. I hope that other communities and neighboring states will look at this model as an example of how to develop and implement true voluntary, on the ground, locally-led environmental programs.

I want to thank my colleague from New Hampshire, Senator GREGG, and the two distinguished Senators of Vermont, Senators LEAHY and JEFFORDS, for joining me as original cosponsors to this legislation. I look forward to working with them as we move this important legislation through the Senate.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. STEVENS):

S. 1364. A bill to ensure full and expeditious enforcement of the provisions of the Communications Act of 1934 that seek to bring about the competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise to introduce S. 1364, the Telecommunications competition Enforcement Act of 2001.

I introduce this bill to affirm and enforce the competitive tenants of the Telecommunications Act of 1996. Some want to deregulate the Bell companies and mistakenly assert that deregulation will lead to increased deployment of broadband services. I disagree. The evidence simply does not support such a conclusion. It is only through strengthening and enforcing the competitive provisions of the 1996 Act that local phone markets will become open to competition and the delivery of advanced services will be enhanced.

Congress in conjunction with members of the industry worked to pass the 1996 Act. I should note that at that time, everyone realized the pending innovations in technology and the potential for new and advanced services. These technological changes were expected to allow phone companies to provide high speed data and video serv- ices to their customers, and to allow cable companies to provide high speed data and phone services over their facilities. It was unquestionably understood by everyone involved that competition would be the driving force for incumbent companies to provide new services. And was this the right way to proceed? Of course it was. A wall street analysis with Montgomery Securities stated that “RBOCs have finally begun to feel the competitive pressure from both CLECs and cable modem providers and are now planning to . . . accelerate/expand deployment of ADSL in order to counter the threat.” Another wall street analyst with Prudential Securities noted that with respect to RBOC deployment of broadband services, the demoti- vating factor is the threat of competi- tion and [and] [o]ther players are taking dead aim at the high-speed Internet ac- cess market."

Let us not forget the context in which the 1996 Act was passed. When Judge Greene in the 1990s broke-up Ma Bell, the agreement limited the service areas that the Regional Bell Operating Companies could enter. Judge Greene understood the significant market power of the Bell companies who had no competitors in their local markets and had complete access to the customer. Clearly, under such conditions, if Bells were allowed to enter new mar- kets, they could quickly decimate their competitors by leveraging their monopolies in their local markets. Consequently, in an effort to protect competition in other areas, Judge Greene restricted their access to other markets. For these reasons, the Bell companies came to Congress for a solu- tion to Bell’s violation of service restrictions. After many years of hard work, numerous hearings, and tons of analyses, Congress in an agreement
with all the relevant parties including the Bells, long distance service providers, cable companies, and consumer organizations put together a framework that met the needs and requests of all involved parties and one that gave them what they most wanted, entrance into all markets. In doing it, however, Congress also put in place provisions to preserve competition.

Under these conditions, the Bell companies worked with Congress to draft and pass the 1996 Act, and when the Act was finally passed, the Bell companies stated that they would quickly and aggressively open their local markets to competition. On March 5, 1996, Bell South-Alabama President, Neal Travis, stated that “We are going full speed ahead . . . and within a year or so we can offer [long distance] to our residential and business wireline customers.” Ameritech’s chief executive officer, Richard Notebaert on February 1, 1996, indicated that the Act was “a giant leap for the telecommunications industry” and that it “will lead to a revolution in the way people communicate.”

Yet the local phone markets remain an unopened door. Today, all Bell companies are proving what they had promised in 1996—i.e., that they would compete vigorously in the long distance market. After the passage of the 1996 Act, they were very much in favor of the Act and it was signed into law by President Clinton. The Act is set to expire in 2006. In the meantime, the FCC has issued a number of orders that have created new opportunities for long distance service providers. In addition, there have been a number of court decisions that have opened new opportunities for long distance service providers to enter the local markets.

In the meantime, the Bell companies have not kept their promises. Instead of getting down to the business of competing, the Bell companies chose a strategy of delay. In doing so, they have tried to block, delay, and slow the delivery of affordable advanced service to consumers by gutting the 1996 Act. Bell companies claim that because no one anticipated the growth of the Internet, they were not prepared to compete when it came. Instead, they have kept their promises. Instead of getting down to the business of competing, the Bell companies chose a strategy of delay. In doing so, they have tried to block, delay, and slow the delivery of affordable advanced service to consumers by gutting the 1996 Act. Bell companies claim that because no one anticipated the growth of the Internet, they were not prepared to compete when it came. Instead, they have tried to block, delay, and slow the delivery of affordable advanced service to consumers by gutting the 1996 Act.

Bell companies claim that because no one contemplated the growth of data services that they should be permitted to continue to provide broadband services to their local markets even though they have not kept their promises. Instead of getting down to the business of competing, the Bell companies chose a strategy of delay. In doing so, they have tried to block, delay, and slow the delivery of affordable advanced service to consumers by gutting the 1996 Act. Bell companies claim that because no one contemplated the growth of the Internet, they were not prepared to compete when it came. Instead, they have tried to block, delay, and slow the delivery of affordable advanced service to consumers by gutting the 1996 Act.

In addition to the Bells realizing the importance of broadband service, Congress recognized the importance of broadband services when it passed the 1996 Act and included section 704 which is dedicated to promoting the development and deployment of advanced services. To quote the Act, “advanced telecommunications capability” is defined as “high-speed switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.”

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Richard McCor-
to the local phone markets, competitive companies will not be able to make a go of their businesses. My grave concern is that they will not be able to survive the Bell strategy of delay. Today, CLEC's are struggling to survive, and the CLEC's that began providing service since 1996, some of whom have declared bankruptcy or are on the verge of failing and several others have scaled back their buildout plans. CLEC's are faced with a significant downturn in the market-place, tremendous difficulty in raising capital, and local markets that remain largely closed to competition. From the standpoint of capital, CLEC’s are particularly sensitive to the financial market since the vast majority of them are not profitable and rely on the capital markets for funding. Relying on the market-place, CLEC's have raised and spent $56 billion in their attempts to compete in the local market. Of the publicly traded CLECS in 2000, only 4 CLEGs made a profit. Additionally, as a result of the market downturn, the market capitalization of CLEC's fell from a high of $38.4 billion in 1999 to $32.1 billion in 2000.

In Congress, we hear about the continued problems faced by competitive carriers trying to obtain access to the Bell network. Between December 1999 and April 2001, both the FCC and state regulators have imposed fines on several CLEC'S for violating their market opening and service quality requirements and other rules. For BellSouth, these fines totaled $804,750, for Qwest, $73.6 million, for SBC, $175 million, and for Verizon, $233 million. However, these fines may be substantial to most businesses, many in the industry believe that they simply represent the cost of doing business for the Bell companies which over the past year had annual revenues in the range of tens of billions of dollars. Specifically, total revenue for Verizon was $25.6 billion, Qwest, $13.3 billion, SBC, $50.1 million, and Verizon, $66.4 billion. Chairman Powell has stated that in order to make fines a more effective tool, Congress should increase the FCC's current fine authority against a common carrier for a single continuing violation from $1.2 million to at least $10 million and extend the statute of limitations for violations which currently stands at 1 year.

In the local competition going on, the Pennsylvania PUC mandated the functional separation of the retail and wholesale functions of Verizon. Petitions have been filed to impose structural separation in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, New York, South Carolina, Tennessee, and Virginia. Legislation has also been introduced in the State legislatures of Maryland, Michigan, Minnesota, and New Jersey, on the issue of structural separation. In Minnesota, Chairpersons of the Commissions in Illinois, Indiana, Michigan, Ohio, and Wisconsin, issued a joint statement asserting that although the Commissions had taken repeated and sustained actions over the past months to address operating deficiencies with respect to SBC-Ameritech, CLEC customers had experienced a marked decline in service quality in purchasing network elements from these carriers. In addition to these actions by regulators, the courts also have taken action. In California in 1997, Caltech International Telecom Corporation sued SBC-Pacific Bell claiming that SBC was violating antitrust laws by acting anticompetitively and blocking competitors from their local phone market. Last year, a Federal district court ruled in favor of Caltech. Covad has sued SBC, Verizon, and BellSouth and already has obtained a $21 million arbitration ruling against SBC. Consumers have filed suit in the Superior Court of D.C. alleging that Verizon signed up over 3,000 new customers per day knowing that the company would be unable to provide high-speed service as promised and that its customers would experience significant disruptions and significant delays in obtaining technical support.

Regrettably, locals seek to block their competitors from entering their markets, many consumers are suffering through poor quality of Bell service. In New York, the Communications Workers of America issued a service quality data submission to the PSC stating that Verizon has systematically misled state regulators and the public by falsifying service quality data submitted to the PSC and “60 percent of workers have been ordered to report troubles as fixed when problems remained.” 91 percent of field technicians surveyed reported that they were dispatched on repairs of recent installations only to find that dial tone had never been provided. Additionally, consumers with inside wiring maintenance plans were not receiving the services for which they were paying.

Concerned about competition and service quality, the FCC as well as state Commissions have opposed legislative efforts to further deregulate the Bell companies. In response to such measures, former Chairman of the FCC, William Kennard, stated that such legislation would only upset the balance struck by the 1996 Act. … [and] would reverse the progress attained by the Act's pro-competitive policies. He stated that “the Telecommunications Act of 1996 is working. Because of years of litigation, competition did not take hold as quickly as some had hoped. The fact that it is now working, however, is undeniable. Local markets are being opened, broadband services are being deployed, and competition, including broadband competition is taking root.” More recently at a hearing before Congress in March, Chairman Powell of the FCC counseled against reopening the Telecommunications Act of 1996. He stated that “any wholesale rewrite of the Telecommunications Act would be ill-advised.” The Former Assistant Secretary for Communications and Information, Greg Rhode also stated that “[d]espite the progress being made under the pro-competitive approach of the Telecommunications Act of 1996, some in Congress are talking about changing the Act. Reformulation for data services' some are talking about stopping the progress of competition... competition, structured under the 1996 Act, is the model that will best deliver advanced telecommunications and information services and applications... recognizing the importance of the 1996 Act, the National Association of Regulatory Utilities Commissioners adopted a resolution opposing federal legislation that would deregulate the Bells and restrict the ability of State public utility commissions from fulfilling their obligations to regulate core telecommunications facilities that are used to provide both voice and data services and to promote deployment of advanced telecommunications capabilities. Given the lack of competition in the local markets, the intransigent behavior of the Bell companies about poor service quality, we are left with no choice but to adopt measures that will ensure Bell compliance with the 1996 Act. This will have to include actions, but also the separation of a Bell's retail operations responsible for marketing services to consumers from its wholesale operations responsible for operating and selling capacity on the network. Bell companies continue to have substantial profit margins and revenues in the billions of dollars. In contrast, Bear Stearns has stated that it expects half of the CLEC's to disappear because of bankruptcy and consolidation. Unquestionably, I do anticipate that competition will be rolled out poorly. However, it does not serve consumers well for competitors to be weeded out because monopolies are not playing fair. I strongly believe that the power that the Bell companies have wielded to block their competitors from the local markets must be curbed. That's why I rise to introduce legislation today. Under my bill within one year after passage of the legislation, a Bell company is required to provide retail service through a separate division. If a Bell company has to resell or provide portions of its network to its division on the same terms and conditions that it provides to its competitors, then it will quickly and affordably make its network available to competitors.

Requiring a company to separate functions or divest property is not a novel concept. In 1980, the court decided that the only way to introduced competition into the long distance market was to require Ma Bell to divest the Baby Bells. This has worked well and now the long distance market is competitive. More recently, the Pennsylvania PSC has required Verizon
to separate its retail operations from its wholesale operations. These decisions are all based on concerns about the ability of a company to distort competition because the company has significant market power.

Also, my bill clarifies that a carrier may bring an action against a Bell company with respect to the competition provisions of the 1996 Act at the FCC or at a State commission, and has the option of entering an alternative dispute resolution, ADR, process to enforce an interconnection agreement. The FCC is required to resolve such a complaint in 90 days and issue an interim order to correct the dispute within 30 days upon a proper showing by the carrier bringing the dispute.

My bill requires the FCC to impose a penalty of $10 million for each violation and $2 million for each day of each violation. The FCC can treble the damages if the Bell company repeatedly violates competitive provisions of the 1996 Act. I have chosen to include hefty fines, because the fines at the FCC are too small to have any real effect. I am also suggesting that the fact that for the Bells, fines seem to be just a cost of doing business and not a punishment that deters or positively affects their behavior. As Chairman Powell has stated, the FCC’s “fines are trivial and the cost of doing business to many of these companies.” My bill would also require the FCC to establish performance guidelines detailing what Bell companies must do in order to allow CLEC’s to interconnect with the Bell network.

Today, our communications network remains the envy of the world and the development of innovative advanced services is accelerating rapidly. Last year in a discussion about the lead America has over Europe with respect to the technology revolution, Thomas Middelhoff, Chief executive officer of Bertelsmann, which is Europe’s largest media conglomerate stated that “Europe just doesn’t get the message . . . [governments] are still trying to protect the old industrial structure.” The article also noted that many [European] leaders now acknowledge a basic policy failure of the past decades [was] subsidizing dying industries.” With that said, it is unfortunate that the rollout of local and broadband services on a competitive basis to all Americans is being thwarted by the failure of Bell companies to open their markets to competition. These same monopolists told us their markets would be open years ago. This legislation seeks to hold them to their word.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

S. 1364

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Telecommunications Fair Competition Enforcement Act of 2001.”

SEC. 2. FINDINGS.

(a) In General.—The Commission shall make a final determination with respect to any complaint described in section 291(a) or an enforcement action described in section 291(b) within 90 days after the date on which the complaint, or the filing initiating the action, is received by the Commission.

(b) Discovery Period.—Within 30 days after a complaint described in section 291(a) has been filed with the Commission, the Commission shall issue an order to the Bell operating company or its affiliate named in the complaint directing it to cease the act or practice that constitutes the alleged violation, or initiate an act or practice to correct the alleged violation, pending a final determination by the Commission if—

(A) the complaint contains a prima facie showing that the alleged violation occurred or is occurring;

(B) the filing describes with specificity the act or practice, or failure to act, that constitutes the alleged violation;

(C) it appears from specific facts shown by the complaint or an accompanying affidavit that substantial injury, loss, or damage will result to the telecommunication carrier before the 90-day period in subsection (a) expires if the order is not issued.

(2) INTERCONNECTION AGREEMENTS.—Within 30 days after an enforcement action described in section 291(b) has been initiated at the Commission by a telecommunications carrier, the Commission shall issue an order to the Bell operating company or its affiliate named in the action directing it to cease the act or practice that constitutes the alleged noncompliance with the interconnection agreement, or initiate an act or practice to correct the alleged noncompliance, pending a final determination by the Commission if—

(A) the filing initiating the action contains a prima facie showing that the alleged noncompliance occurred or is occurring;

(B) the filing describes with specificity the act or practice, or failure to act, that constitutes the alleged noncompliance;

(C) it appears from specific facts shown by the filing or an accompanying affidavit that substantial injury, loss, or damage will result to the telecommunications carrier before the 90-day period in subsection (a) expires if the order is not issued.

(e) BURDEN OF PROOF.—In any proceeding under this part with respect to a complaint described in section 291(a), or an enforcement action described in section 291(b), by a telecommunications carrier against a Bell operating company or its affiliate upon a prima facie showing by a carrier that there are reasonable grounds to believe that there is a violation or noncompliance, the burden of proof shall be on the Bell operating company or its affiliate to demonstrate its compliance with the section allegedly violated, or with the terms of such agreement, as the case may be.

SEC. 3. ALTERNATIVE DISPUTE RESOLUTION OF INTERCONNECTION COMPLAINTS.

(a) INTERCONNECTION AGREEMENTS.—A party to an interconnection agreement entered into under section 252 may submit a dispute under the agreement to an alternative dispute resolution process established by subsection (b). An action brought under...
SEC. 290. PERFORMANCE STANDARDS.

(a) COMMISSION TO PRESCRIBE PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001, the Commission shall, after notice and opportunity for public comment, issue a final rule implementing this subsection. The Commission shall, after notice and opportunity for public comment, issue final rules for performance standards, data validation procedures, and audit requirements to ensure prompt and verifiable implementation of interconnection agreements entered into under section 252 and for the purposes of sections 251, 252, 271, and 272. The process shall include the most rigorous performance standards, data validation procedures, and audit requirements for such agreements adopted by the Commission before the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001, as well as any new performance standards, data validation procedures, and audit requirements needed to ensure full compliance with the requirements of this Act for the local exchange telecommunications markets to competition. In establishing performance standards, data validation procedures, and audit requirements under this subsection, the Commission shall ensure that such standards, procedures, and requirements are quantifiable and sufficient to determine ongoing compliance by incumbent local exchange carriers with the requirements of their interconnection agreements, including the provision of operating support systems, special access, and retail and wholesale interconnected transmission, and for the purposes of enforcing sections 251, 252, 271, and 272.

(b) SPECIFIC REQUIREMENT FOR PROVISION OF LOCAL LOOPS.—A Bell operating company or its affiliate which has not been granted an exemption, suspension, or modification under section 251(c) of the requirement to provide access, including subloop elements to the extent required under section 231(d)(2) as an unbundled network element under section 251(c) shall provide such access for such a requesting telecommunications carrier with which such Bell operating company or affiliate has an interconnection agreement entered into under section 252 within 30 days after receiving a request for a specific local loop.

(c) ENFORCEMENT OF PERFORMANCE STANDARDS.—Any violation of this section, or the rules adopted hereunder, shall be a violation of section 251.

SEC. 291. FORFEITURES; DAMAGES; ATTORNEYS FEES.

(a) IN GENERAL.—The forfeitures provided in this section are in addition to any other requirements, forfeitures, and penalties that may provide more than one party to an action brought by a complaint described in section 291(c) or an alternative dispute resolution proceeding under section 293, respectively.

(b) SPECIFIC FORFEITURE FOR VIOLATION OF SECTIONS 251, 252, 271, OR 272.—

(1) IN GENERAL.—The Commission shall impose a forfeiture of $10,000,000 for each violation by an incumbent local exchange carrier of section 251, 252, 271, or 272.

(2) REPEAT VIOLATIONS.—The forfeiture under paragraph (1) shall be increased for each additional violation of section 251, 252, 271, or 272 by a percentage amount equal to the year of the Consumer Price Index for all urban consumers published by the Department of Labor, expressed as a decimal, beginning with $5,000,000 for the year 2004 and multiplied by a percentage amount equal to the Consumer Price Index for all urban consumers published by the Department of Labor, expressed as a decimal, beginning with 2.00 for the year 2004 by a percentage amount equal to the Consumer Price Index for all urban consumers published by the Department of Labor, expressed as a decimal, beginning with 2.00 for the year 2004.

(c) COMPENSATORY AND PUNITIVE DAMAGES; COSTS AND ATTORNEY'S FEES.—

(1) IN GENERAL.—In any civil action brought by a telecommunications carrier against a Bell operating company or any affiliate of such company under sections 251, 252, 271, or 272, or any action brought by a complaint described in section 291, respectively, or by a complaint described in section 291(c) or an alternative dispute resolution proceeding under section 293, respectively.

(d) ATTORNEYS FEES.—The Commission, a State commission, a court, or person conducting an arbitration under section 293 may award reasonable attorney fees and costs to the prevailing party in an action commenced by a complaint described in section 291(a), an enforcement action described in section 291(b), or an alternative dispute resolution proceeding under section 293, respectively.

SEC. 292. SAVINGS CLAUSES.

(a) Other Remedies Under Act.—The remedies in this part are in addition to any other requirements, forfeitures, or penalties that may provide more than one party to an action brought by a complaint described in section 291(c) or an alternative dispute resolution proceeding under section 293, respectively.

(b) Antitrust Laws.—Nothing in this part modifies, impairs, or supersedes the applicability of any antitrust law, except that a violation by an incumbent local exchange carrier of section 251 or 252 shall be a violation of the Act of July 2, 1890, commonly known as the Sherman Anti-Trust Act (15 U.S.C. 1 et seq.), and a forfeiture of $20,000 for each day on which the violation continued.

SEC. 293. FORFEITURES DIVIDED BETWEEN COMPLAINANTS AND COMMISSION.—Any forfeiture imposed under subsection (b) or (d) shall be divided equally between—

(1) the party whose complaint contains the action that resulted in the determination by the Commission, if the Commission’s determination was made in response to a complaint; or

(2) the Commission for use by its Enforcement Bureau for the purposes of enforcing parts II and III of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq. and 271 et seq.) and carrying out part IV of title II of that Act.

SEC. 294. STATUTE OF LIMITATIONS EXTENDED TO 3 YEARS.

SEC. 295. ATTORNEYS FEES.

SEC. 296. SAVINGS CLAUSES.
SEC. 7. STATE COMMISSIONS MAY USE FEDERAL FORFEITURES.

In any action brought before a State commission to enforce compliance with sections 251, 252, 271, or 272 of the Communications Act of 1934 (47 U.S.C. 251, 252, 271, or 272) or an interconnection agreement entered into under any State commission may apply to the Federal Communications Commission requesting that the Commission impose a forfeiture under section 205 of that Act in any case in which relief granted by the State commission in that action. The Federal Communications Commission may impose a forfeiture under section 205 of that Act upon application by a State commission under this section if it determines that the State commission proceeding was conducted in accordance with the requirements of State law.

SEC. 8. SEPARATION OF RETAIL AND WHOLESALE FUNCTIONS.

(a) In General.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 277. FUNCTIONAL SEPARATION OF RETAIL SERVICES.

"(a) In General.—A Bell operating company may provide retail services.

"(1) A Bell operating company shall transfer to its retail division all relationships with retail customers, including customer interfaces and retail billing and all development, marketing, and pricing of retail services.

"(2) A Bell operating company shall transfer to its retail division all accounts for retail services and all assets, systems, and personnel used by the Bell operating company to carry out the business functions described in paragraph (1).

"(3) The retail division required by this section—

"(A) shall be operated independently from the wholesale services and functions of the Bell operating company of which it is a division;

"(B) shall maintain books, records, and accounts separate from those maintained by other departments, divisions, sections, affiliates, or units of the Bell operating company of which it is a division;

"(C) shall have separate employees and office space from the wholesale services and functions of the Bell operating company of which it is a division;

"(D) shall tie its management compensation only to the performance of the retail division;

"(E) may not own any telecommunications facilities or equipment jointly with the Bell operating company of which it is a division;

"(F) shall not participate in any joint marketing with the wholesale services department, division, section, affiliate, or unit of the Bell operating company of which it is a division;

"(G) shall conduct all wholesale transactions with the Bell operating company of which it is a division on a fully compensatory, arms-length basis, in accordance with part 32 of the Commission's rules (part 32 of title 47, Code of Federal Regulations);

"(H) shall offer wholesale telecommunications service solely at rates set by tariff; and

"(I) shall also offer all of its retail telecommunications services to unaffiliated, arms-length, wholesale purchasers at the avoided cost discount as established pursuant to sections 251(c)(4) and 252(d)(3).

"(b) Code of Conduct.—The Code of Conduct described in subsection (b) of section 205 of the Communications Act of 1934 (47 U.S.C. 205) is amended by adding at the end the following:

"(1) A Bell operating company shall be operated independently from the retail division of the Bell operating company to which it is affiliated.

"(2) A Bell operating company shall conduct all business functions described in subsection (b) of section 205 of the Communications Act of 1934 (47 U.S.C. 205) on an arms-length basis, in accordance with the requirements of State law.

"(c) Preventive and Remedial Measures.—Nothing in this section shall be construed to prevent or to mandate any preventive or remedial action to meet the requirements of this section.
“(2) shall maintain books, records, and accounts separate from those maintained by the Bell operating company of which it is an affiliate; “(3) shall have separate officers and directors from the Bell operating company of which it is an affiliate; “(4) shall have separate capital stock, the outstanding shares of which may not be held by the Bell operating company in any amount exceeding four times the amount of shares held by unaffiliated persons; “(5) shall have separate employees and separate employee benefit plans from the Bell operating company of which it is an affiliate; “(6) shall be able to make independent arrangements that would permit a creditor, upon default, to have recourse to the assets of the Bell operating company; “(7) may not own or operate telecommunications facilities or equipment; “(8) shall conduct all transactions with the Bell operating company of which it is an affiliate on an arm’s length basis, with any such transactions reduced to writing and available for public inspection; “(9) shall offer retail telecommunications services at rates set by tariff; “(10) shall offer all of its retail telecommunications services for wholesale purchase at the avoided cost discount as established pursuant to sections 254(c)(4) and 252(d)(3); “(11) shall have separate office space from the wholesale services and functions of the Bell operating company of which it is an affiliate; “(12) shall tie its management compensation only to the performance of the retail affiliate; and “(13) shall conduct all wholesale transactions with the Bell operating company of which it is an affiliate on a fully competitive basis, in accordance with part 32 of the Code of Federal Regulations.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) for adjustment of status under section 245 of that Act (8 U.S.C. 1101(a)(10)) or for adjustment of status to lawful permanent resident status, a person is considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act if the alien has entered and remained lawfully and continuously in the United States for five years, during which time the alien satisfies the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(a)(10)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 1366. A bill to amend title XVIII of the Social Security Act to provide appropriate reimbursement under the medicare program for ambulance trips originating in rural areas; to the Committee on Finance.

Ms. COLLINS, Mr. President, I am pleased to join with my friend and colleague, Senator Russ Feingold, in introducing legislation today to provide needed financial relief to rural ambulance providers.

Historically, Medicare payments for ambulance services provided by free-standing ambulance providers have been based on a proportion of their reasonable charges, while payments to hospital-based providers have been
based on their actual costs. The Balanced Budget Act of 1997, however, directed the Secretary of Health and Human Services to establish a fee schedule for the payment of ambulance services using a negotiated rulemaking process. The rulemaking Committee finalized its agreement in February of 2000, and the then-Health Care Financing Administration, HCFA, issued a proposed rule last September. The new fee schedule was originally scheduled to start on January 1, 2001, but its implementation has been delayed while HCFA, now the Centers for Medicare and Medicaid Services, continues to work on publishing a final rule.

Payment under this new fee schedule will preclude hospital providers of ambulance services from recouping their actual costs. For the average, high-volume urban provider, this should not pose a significant problem. Ambulance services in rural areas, however, tend to have higher fixed costs and low volume, so that they are unable to take advantage of any economies of scale. I am therefore extremely concerned that the proposed rule fails to include a meaningful adjustment for low-volume ambulance providers.

I referred earlier about the impact that this change will have on one of Maine’s rural hospitals, Franklin Memorial Hospital in Farmington, ME. Logging, tourism, and recreational activities are central to the economic viability of the Franklin Memorial area, but the ambulance service there is unable to absorb the increased costs. The ambulance service itself is an essential service to the community, as there are no other hospitals nearby. Franklin Memorial is the closest hospital to the state’s only ski resort, as well as to several other minor hospitals.

Under the current Medicare reimbursement system, Franklin Memorial has just managed to break even on its ambulance services. Under the proposed fee schedule, however, these services stand to lose up to $500,000 per year, system-wide. While the small towns served by Franklin Memorial help to subsidize this service, there is no way that the small towns could absorb this. The Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act, BIPA, did increase the mileage adjustment for rural ambulance providers driving between 17 and 50 miles by $1.25. While this is helpful, it will not begin to offset the rate for low-volume ambulance services like Franklin Memorial Hospital adequately.

Congress has required the General Accounting Office to conduct a study of costs in low-volume areas, but any GAO-recommended adjustments in the ambulance fee schedule would not be effective until 2004. The Rural Ambulance Relief Act that I am introducing today with Senator Feingold will therefore establish a hold harmless provision allowing rural ambulance providers to elect to be paid on a reasonable cost basis until the Centers for Medicare and Medicaid Services is able to identify and adjust payments under the new fee schedule for services provided in low-volume rural areas.

By Mr. ALLARD (for himself and Mr. SMITH of New Hampshire): S. 1368. A bill to amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, today I rise to introduce, along with Senator Bob Smith, a bill to improve the organization and management of the Department of Defense with respect to space programs and activities. To my very good friend, I would like to extend my congratulations for being the driving force in establishing the “Commission to Assess United States National Security Space Management and Organization,” or better known as the Space Commission which led to this legislation.

The Commission looked at the role of organization and management in the development and implementation of national-level guidance and in establishing requirements, acquiring and operating systems, and planning, programming and budgeting for national security space capabilities. What the Commission found is that the United States dependence on space is creating vulnerabilities and demands on our space systems which require space to be recognized as a top national security priority. This priority must begin at the top with the President and must be embraced by the country's leaders. Senator Smith and I agree that space must be a top priority and that is why we are introducing this legislation. We want this to be a statement to everyone, that space is a priority and must be treated as such.

The Commission also concluded that these new vulnerabilities and demands are not adequately addressed by the current management structure at the Department. The Commission found that the current management structure, which emphasizes a military approach, is suboptimal for space programs. The Commission recommended that the Air Force Space Command be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Space Command to be a four star general; and prohibits the commander of Air Force Space Command from serving concurrently as CINCSpace or and commander of the U.S. element of NORAD—Elevates space component commander to level of all other major Air Force component commanders.

Finally, it expresses the sense of Congress that CINCSpace should be the best qualified four-star officer from the Army, Navy, or Marine Corps—Rotation of CINCSpace will encourage Army, Navy, and Marines to develop space expertise.
These measures provide the authority which, if exercised by the Secretary, can provide the focus and attention that space programs and activities deserve. This is imperative in a world where some technology’s life span can be less than 24 months. DOD must respond to these changing environments.

Mr. President, I want to thank my colleagues for joining with me in this effort to provide the Department the tools it needs to make space a national priority. We look forward to seeing this bill becoming law and welcome all Senators to join us on this important legislation.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to send to the desk a bill that will make improvements in our current national security space management and organization.

This restructuring resulted from years of assessment problems under the Army, insufficient reforms under the Army Air Corps established in 1926, and assessments of numerous committees like the recent Space Commission.

The military management and organizational reforms of fifty years ago were a great success, and today, quite a bit has changed for the better. As a result of the formation of a separate service focused on air power, we soon developed, and have had, right up to today, the best equipped and best trained Air Force in the world. The U.S. Air Force is capable of surpassing any enemy.

However, we have come to see that there are structural limitations inherent in the Air Force today with respect to space power just as there were in the Army fifty years ago with respect to air power. The Army has been structured to meet ground requirements. Its institutions and culture are all focused on fighting ground battles. For systemic reasons, the Army was not able to develop a strong, viable military air power. Therefore, the Air Force was created by the 1947 National Security Act. It was the creation of a separate organization designed to deal specifically with air power.

There are many parallels between the early struggle for air power that led to the creation of the Air Force and the issues we face today in seeking space power. The similarities between these two issues are truly astounding.

Today, space is used only in support of air, land, and sea warfare in much the same manner that air power was at first seen as only a way to support ground forces. Space today is used to provide “information superiority” in support of other missions, but there is the potential for so much more. We, as a nation, need to be forced into thinking and dreaming of a dominant space presence and start doing. We must recognize the importance of space as a permanent frontier for the military, so that America may proceed into space with the same confidence, assurance, and authority that marked our entrance into the skies.

Currently, space programs are raided for funds ten times more often than other Air Force programs because space programs are either not aggressively defended and/or not aggressively executed consistent with the intent of Congress. Other space opportunities like the military space plane, an air and space vehicle promising future operations, offers power anywhere in the world in 45 minutes or less, are extremely important to the cost-effective transformation of the military especially during this period of shrinking American military presence around the globe. Yet the space plane and most of Air Force programs continue to be underfunded. We need a better leader in space.

The reason for this is simple: the top priority of the Air Force is and will remain air power, not space power. The top jobs do and will continue to elude space officers in an Air Force run by pilots unless we can create an organization whose job it would be to defend space programs, to make sure that funding for space opportunities goes where it is supposed to go, and does not get rerouted back to other non-space programs.

Space is too important a frontier and too vital a resource to be allowed to remain untapped and unexplored, underfunded, underutilized. America’s future security and prosperity depends on our constant vigilance. We cannot afford to ignore space because our enemies will not. While we are ahead of any potential rival in exploiting space, we are not unchallenged. Our future superiority is by no means assured. To ensure superiority, we must combine expansive thinking with a sustained and substantial commitment of resources and invest them in a dedicated, politically powerful, independent advocate for space.

The way it is organized today, the Air Force is not building the material, cultural, or organizational foundations of a service dedicated to space power. Where are the space science and technology investments? Where is the funding for key space-power programs? Where are the personnel investments? What concrete steps are being taken to build a dedicated cadre of young space-warfare officers?

Before closing, let me assure my colleagues of what this legislation is and what it is not. This legislation is about streamlined management, efficient operations, and the elimination of red tape. It is about creating a dedicated, politically powerful, independent advocate for space. Just as Congress established the Army Air Corps in 1926 and the Air Force in 1947, it is right that Congress legislate the future of this nation. It is important for Congress to provide leadership so that these recommendations are implemented quickly and not watered down. While the Secretary does have broad management authority to run the Department of Defense, space is too important to be managed in-the-margin or through loopholes in statute. Just as Congress established the Army Air Corps in 1926 and the Air Force in 1947, it is right that Congress legislate these space management reforms.

Space dominance is too important to the success of future warfare to allow any bureaucracy, military department, or parochial concern to stand in the way. To protect America’s interests we must move forward with the same confidence, assurance, and authority that the creation of the Space Commission is implemented quickly.

The Secretary of Defense, the Services, and the Intelligence Community all support the unanimous bipartisan recommendations from the Space Commission. I urge my Colleagues to support this bill which implements those recommendations, is critical to the future of this nation. It is important for Congress to provide leadership so that these recommendations are implemented quickly and not watered down. While the Secretary does have broad management authority to run the Department of Defense, space is too important to be managed in-the-margin or through loopholes in statute. Just as Congress established the Army Air Corps in 1926 and the Air Force in 1947, it is right that Congress legislate these space management reforms.

Space dominance is too important to the success of future warfare to allow any bureaucracy, military department, or parochial concern to stand in the way. To protect America’s interests we must move forward with the same confidence, assurance, and authority that the creation of the Space Commission is implemented quickly.

By Mr. WARNER:

S. 1369. A bill to provide that Federal employees may retain for personal use
promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, today I am introducing legislation that will allow Federal employees to keep frequent flyer miles they receive while on official government travel. This will level the playing field between Federal employees and their counterparts in the private sector where companies traditionally allow employees to retain frequent flyer miles and similar benefits earned while on business travel.

In 1994, a law was passed that requires Federal employees to surrender their frequent flyer miles back to their agencies. The frequent flyer miles would then be used to defray the costs of future travel by agency personnel.

A recent review conducted by the Government Accounting Office reports that these miles usually become lost, however, in an administrative shuffle. Airlines do not keep separate business and personal accounts for the same individual. While the law had good intentions, it is impractical, if not impossible, for an agency to apply the miles or travel credits anywhere. While travel may be inherent with certain jobs, business related travel often impedes on an individual's personal time, time that person could be spending with family and at home. Allowing Federal employees to keep their frequent flyer miles will also help to support the government's ongoing efforts to recruit and retain a skilled, qualified workforce. Furthermore, I believe it will boost morale in the Federal workforce. I encourage my colleagues to cosponsor this legislation and show their support for the dedicated employees of the Federal workforce.

I am unanimous in 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. 371—A bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing, along with my colleagues Senator GRASSLEY, Senator SARBANES, Senator NELSON of Florida, Mr. KYL, and Mr. DEWINE:

S. 103—The United States Code is amended—

(a) in General.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note: Public Law 103-355) is repealed.

(b) REPEAL OF SUPERCEDED LAW.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note: Public Law 103-355) is repealed.

(c) APPLICATION.—The amendments made by this Act shall apply with respect to promotional items received before, on, or after the date of the enactment of this Act.

By Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. NELSON of Florida, Mr. KYL, and Mr. DEWINE):

S. 371—A bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing, along with my colleagues Senator GRASSLEY, Senator SARBANES, Senator BILL NELSON, Senator MIKE DEWINE, and Senator Jon KYL, the Money Laundering Abatement Act, a bill to modernize and strengthen U.S. laws to detect, stop and prosecute money laundering through U.S. banks.

The safety and soundness of our banking system, the stability of the U.S. dollar, and U.S. banks perform, and the returns our banks earn for depositors make the U.S. banking system an attractive location for money launderers. And money launderers who are able to use U.S. banks can take advantage of the prestige of U.S. banks, the willingness of their operations, reassure victims, and send wire transfers that may attract less scrutiny from law enforcement. So whether it is to protect their funds or further their crimes, money launderers want access to U.S. banks, and they are devising one scheme after another to infiltrate the U.S. banking system.

The funds they want to move through our banks are enormous. Estimates are that at least $1 trillion in criminal proceeds are laundered each year, with about half of that amount, $500 billion, going through U.S. banks.

Stopping this flood of dirty money is a top priority for U.S. law enforcement which spent about $650 million in taxpayer dollars last year on anti-money laundering efforts. That's because money laundering damages U.S. interests in so many ways, rewarding criminals and financing crime, undermining the integrity of our financial systems, weakening emerging democracies and distorting their economies, and impeding the international fight against corruption, drug trafficking and organized crime.

The bill we are introducing today would provide new and improved tools to stop money laundering. Because it includes provisions that would outlaw the proceeds of foreign corruption, cut off the access of offshore shell banks to U.S. banks, and end foreign bank immunity, it may be the product of government corruption or other criminal conduct. The 1999 staff report described four case histories of senior government officials or their relatives depositing hundreds of millions of suspect dollars into private bank accounts in the United States. These case histories showed how Citibank Private Bank had become the banker for a rogues' gallery of senior government officials or their relatives. One infamous example is Raul Salinas, the brother of the former President of Mexico, who is imprisoned in Mexico for murder and is under indictment in...
Switzerland for money laundering associated with drug trafficking. He deposited almost $100 million into his Citibank Private Bank accounts. Another example involves the three sons of General Sani Abacha, who was the former military leader of Nigeria and was misappropriating N400 billion, and extorting billions of dollars from his country. His sons deposited more than $110 million into Citibank Private Bank accounts.

The investigation determined that Citibank’s private bankers asked few questions before opening the accounts and accepting the funds. It also found that, because foreign corruption offenses are not currently on the list of crimes that can trigger a U.S. money laundering prosecution, corrupt foreign leaders may be targeting U.S. banks as a safe haven for their funds.

Another striking aspect of the investigation was how a culture of secrecy pervaded most private banking transactions. Private banks, for example, routinely helped clients set up offshore shell companies and open bank accounts in the name of these companies or under other fictional names such as “Bonaparte” or “Gelibert.” In opening these accounts, secrecy remained such a priority that Citibank private bankers were often told by their superiors not to keep any record in the United States disclosing the true owner of the offshore accounts or corporations they managed. One private banker told of stashing with his secretary a “cheat sheet” that identified which client owned which shell company in order to hide it from Citibank managers who did not allow such ownership information to be kept in the United States.

On some occasions, Citibank Private Bank even hid ownership information from its own staff. For example, one Citibank private banker in London worked for a Salinas without knowing Salinas was the beneficial owner. Salinas was instead referred to by the name of his offshore corporation, Trocca, Ltd., or by a code, “CC-2,” which stood for “Confidential Client Number 2.” Citibank even went so far as to allow Mr. Salinas to deposit millions of dollars into his private bank accounts without putting his name on the wire transfers moving the funds, instead allowing his future wife, using an assumed name, to wire the funds through Citibank’s own administrative accounts. Later, when Mr. Salinas’ wife was arrested, Citibank discussed transferring all of his funds to Switzerland to minimize disclosure, abandoning that suggestion only after noting that the wire transfer documentation would disclose the funds’ final destination.

That’s how far one major U.S. private bank went on client secrecy.

The Subcommittee’s second money laundering investigation focused on U.S. correspondent accounts opened for high risk foreign banks. Correspondent banking occurs when one bank provides services to another bank to move funds or carry out other financial transactions. It is an essential feature of international banking, allowing the rapid movement of funds across borders and enabling banks and their clients to conduct business worldwide, including in jurisdictions where the banks do not maintain offices.

The problem uncovered by the Subcommittee’s year-long investigation is that too many U.S. banks, through correspondent accounts they provide to foreign banks that carry high risks of money laundering, have become conduits for illicit funds associated with drug trafficking, financial fraud, Internet gambling and other crimes. The investigation identified three categories of foreign banks with high risks of money laundering: shell banks, offshore banks, and banks in jurisdictions with weak anti-money laundering controls. Because many U.S. banks have failed to screen and monitor these high risk foreign banks as clients, they have been exposed to poorly regulated, poorly managed, sometimes corrupt, foreign banks with weak or no anti-money laundering controls. The U.S. correspondent accounts have been used by these foreign institutions and their owners and criminal clients to gain direct access to the U.S. financial system, to benefit from the safety and soundness of the U.S. banking system, and to launder dirty money through U.S. bank accounts.

In February of this year, my staff released a 450 page report detailing the money laundering problems uncovered in correspondent banking. The report indicated that virtually every U.S. bank examined, from Chase Manhattan, to Bank of America, to First Union, to Citibank, had opened correspondent accounts for offshore banks. Citibank also admitted opening correspondent accounts for offshore shell banks with no physical presence in any jurisdiction.

The report presents ten detailed case histories showing how high risk foreign banks managed to move billions of dollars through U.S. banks, including hundreds of millions of dollars in illicit funds associated with drug trafficking, financial fraud or Internet gambling. In some cases, the foreign banks were engaged in criminal behavior; in others, the foreign banks had such poor anti-money laundering controls that they did not know or appeared not to care whether their clients were engaged in criminal behavior.

Several of the foreign banks operated well outside the parameters of normal banking practices, without basic fiscal or administrative controls, account opening procedures or anti-money laundering safeguards. All had limited resources and staff and relied heavily upon their U.S. correspondent accounts to conduct operations, provide client services, and execute transactions. Many completed virtually all of their transactions through their correspondent accounts, making correspondent banking integral to their operations. The result was that their U.S. correspondent accounts served as a significant gateway into the U.S. financial system for criminals and money launderers.

In March 2001, the Subcommittee held hearings on the problem of international correspondent banking and money laundering. One witness was a former owner of an offshore bank in the Cayman Islands, John Mathewson, who pleaded guilty to United States conspiracy to commit money laundering and tax evasion and has spent the past 5 years helping to prosecute his former clients for tax evasion and other crimes. Mr. Mathewson testified that he had charged his bank clients about $5,000 to set up an offshore shell corporation and another $3,000 for an annual corporate management fee, before opening a bank account for them in the name of the shell corporation. He noted that no one would pay $8,000 for a bank account in the Cayman Islands when they could have the same account for free in the United States, unless they were willing to pay a premium for secrecy. He testified that 95 percent of his 2,000 clients were U.S. citizens, and he believed that 100 percent of his bank clients were engaged in tax evasion. He characterized his offshore bank as a “run-of-the-mill” operation. He also stated that the Achilles’ heel of the offshore banking community is its dependence upon correspondent banks to do business and that was how jurisdictions like the United States could take control of the situation and stop abuses, if we had the political will to do so.

I think we do have that political will, and that’s why we are introducing this bill today. Let me describe some of its key provisions.

The Money Laundering Abatement Act would add foreign corruption offenses such as bribery and theft of government funds to the list of crimes that can trigger a U.S. money laundering prosecution. This provision would make it clear that corrupt funds are not welcome here, and that corrupt leaders can expect criminal prosecutions if they try to stash dirty money in our banks. After all, America can’t have it both ways. We can’t condemn corruption abroad, be it officials taking bribes or looting their treasuries, and then tolerate American banks profiting off that corruption.

Second, the bill would require U.S. banks and U.S. branches of foreign banks to exercise enhanced due diligence before opening a private bank account of $1 million or more for a foreign person, and to take particular care before opening accounts for foreign persons with close relatives or associates to make sure the funds are not tainted by corruption. This due diligence provision targets the greatest money laundering risks that the Subcommittee investigated—corruption and money laundering in the private banking field. While some U.S. banks are already performing enhanced due diligence reviews, this provision would put
that requirement into law and bring U.S. law into alignment with most other countries engaged in the fight against money laundering.

The Money Laundering Abatement Act would also put an end to some of the extreme secrecy practices at private banks. For example, if a U.S. bank or a U.S. branch of a foreign bank opened or managed an account in the United States for a foreign account officer, the bill would require the bank to stop allowing the foreign bank's account to be "concentration accounts," an administrative account which merges and processes funds from multiple accounts and transactions, and by requiring banks to link client names to all client funds passing through the bank's concentration accounts.

Our bill would also take a number of steps to close the door on money laundering through U.S. correspondent accounts. First and most importantly, our bill would require any U.S. bank or U.S. branch of a foreign bank from opening a U.S. correspondent account for a foreign offshore shell bank, which the Subcommittee investigation found to pose the highest money laundering risks of all foreign banks. Shell banks are banks that have no physical presence anywhere—no office where customers can go to conduct banking transactions or where regulators can go to inspect records and observe bank operations. They also have no affiliation with any other bank and are not regulated through any affiliated bank.

The Subcommittee investigation examined four shell banks in detail. All four were found to be operating far outside the parameters of normal banking practice, often without paid staff, basic fiscal and administrative controls, or anti-money laundering safeguards. All four also largely escaped regulatory oversight. All four used U.S. bank accounts to channel business and millions of dollars in suspect funds associated with drug trafficking, financial fraud, bribe money or other misconduct.

Let me describe one example from the Subcommittee's investigation. M.A. Bank was an offshore bank that was licensed in the Cayman Islands, but had no physical office of its own in any country. In 10 years of operation, M.A. Bank never underwent an examination by any bank regulator. Its owners admitted that the bank had opened accounts in fictitious names, accepted deposits for unknown persons, allowed clients to authorize third parties to make large withdrawals, and manufactured withdrawal slips or receipts on request.

Nevertheless, M.A. Bank was able to open a U.S. correspondent account at Citibank in New York. M.A. Bank used the account to launder millions of dollars of drug money. After the Subcommittee staff began investigating the account, Citibank closed it. After the staff report was released, M.A. Bank decided to close the bank, but since the bank had no office, Cayman regulators at first didn't know where to go. They eventually sent teams to Uruguay and Argentina to locate bank documents and take control of bank operations. The Cayman Islands finally closed the bank a few months ago.

The four shell banks investigated by the Subcommittee are only the tip of the iceberg. There are hundreds in existence, operating through correspondent accounts in the United States and around the world. By nature, shell banks operate in extreme secrecy and are resistant to regulatory oversight. No one really knows what they are up to other than their own clients, known for buying offshore businesses, such as Jersey and Guernsey, refuse to license shell banks. Others, such as the Cayman Islands and the Bahamas, stopped issuing shell bank licenses several years ago. In addition, both the Cayman Islands and Bahamas announced that by the end of this year, 2001, all of their existing shell banks, which together number about 120, must establish a physical office within their respective jurisdictions, or lose their license. But other offshore jurisdictions, such as Nauru, Vanuatu and Montenegro, are continuing to license shell banks. Nauru alone has licensed about 400.

Here at home, many U.S. banks, such as Bank of America in Manhattan, will not open correspondent accounts for offshore shell banks as a matter of policy. But other banks, such as Citibank, continue to do business with offshore shell banks and continue to expose the U.S. banking system to the money laundering risks they bring. Our bill would close the door to these money laundering risks. Foreign shell banks occupy the bottom rung of the banking world, and they don't deserve a place in the U.S. banking system. It is time to shut the door to these rogue operators.

In addition to barring offshore shell banks, the bill would require U.S. banks to exercise enhanced due diligence before opening a correspondent account for an offshore bank or a bank licensed by a jurisdiction known for poor anti-money laundering controls. These foreign banks also expose U.S. banks to high money laundering risks. Requiring U.S. banks to exercise enhanced due diligence before opening an account for one of these banks would not only help protect the U.S. banking system from the money laundering risks posed by these foreign banks, but would also help bring U.S. law into parity with the anti-money laundering laws of other countries.

Another provision in the bill would address a key weakness in existing U.S. law that allows correspondent banks, by making a depositors' funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors' funds in all other U.S. bank accounts. Right now, due to a quirk in the law, U.S. law enforcement faces a significant and unusual legal barrier to seizing funds from a correspondent account. Unlike a regular U.S. bank account, it is not enough for U.S. law enforcement to show that criminal proceeds were deposited into the correspondent account; the government must also show that the foreign bank holding the deposits was somehow part of the wrongdoing.

That's not only a tough job, that can be an impossible job. In many cases, the foreign bank will not have been part of the wrongdoing, but that's a strange reason for letting the foreign depositor who was engaged in the wrongdoing escape forfeiture. And in those cases where the bank may have been involved, no prosecutor will be able to allege it in a complaint without first getting the resources needed to chase the foreign bank about town.

Take the example of a financial fraud committed by a Nigerian national against a U.S. victim, a fraud pattern which the U.S. State Department has identified as affecting many U.S. citizens and businesses and which consumes U.S. law enforcement resources across the country. If the Nigerian fraudster deposits the fraud victim's funds in a personal account at a U.S. bank, U.S. law enforcement can freeze the funds and litigate the case in court. But if the fraudster deposits the victim's funds in a U.S. correspondent account belonging to a Nigerian bank at which the Nigerian fraudster does business, U.S. law enforcement cannot freeze the funds unless it is prepared to show that the Nigerian bank was involved in the fraud. And what prosecutor has the resources to travel to Nigeria to investigate a Nigerian bank? Even when the victim is sitting in the prosecutor's office, and the funds are still in U.S. accounts, in a U.S. bank, the prosecutor's hands are tied unless he or she is willing to take on the Nigerian bank as well as the Nigerian fraudster. That is one reason so many Nigerian fraud cases are no longer being prosecuted in this country, because a Nigerian criminal is taking advantage of that quirk in U.S. forfeiture law to prevent law enforcement from seizing a victim's money before it is transferred out of the country.

Our bill would eliminate that quirk by placing civil forfeitures of funds in correspondent accounts on the same footing as forfeitures of funds in all.
other U.S. accounts. There is just no reason foreign banks should be shielded from forfeitures when U.S. banks would not be.

The Levin-Grassley bill has a number of other provisions that would help U.S. banks in the battle against money laundering. They include giving U.S. courts "long-arm" jurisdiction over foreign banks with U.S. correspondent accounts; expanding the definition of money laundering to include laundering funds through a foreign bank; authorizing U.S. prosecutors to use a Federal receiver to find a criminal defendant's assets, wherever located; and requiring foreign banks to designate a U.S. resident for service of subpoenas.

These are realistic, practical provisions that could make a real difference in the fight against money laundering. One state Attorney General who has reviewed the bill has written that "there is a serious need for modernizing and refining the federal money laundering statutes to thwart the efforts of the criminal element and close the loopholes they use to their advantage." He expresses "strong support" for the bill, explaining that it "will greatly aid law enforcement and provide much needed reform that will assist law enforcement in keeping pace with the modern money laundering schemes." Another state Attorney General has written that the bill "would provide much needed relief from the most pressing problems in money laundering enforcement in the international arena." She predicts that the bill's "effects on money laundering affecting victims of crime and illegal drug trafficking would be dramatic." She also writes that the "burdens it places on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved."

This country passed its first major anti-money laundering law in 1970, when Congress made clear its desire to not allow U.S. banks to function as conduits for dirty money. Since then, the world has experienced an enormous growth in the accumulation of wealth by individuals around the world, and in the activities of private banks servicing these clients. At the same time there has been a rapid increase in offshore activities, with the number of offshore accounts doubling in 10 years from about 30 to about 60, and the number of offshore banks skyrocketing to an estimated worldwide total of 4,000, including more than 500 shell banks.

At the same time, the Subcommittee investigations have shown that private and correspondent accounts have become gateways for criminals to carry on money laundering and other criminal activity in the United States and to benefit from the safety and soundness of the U.S. banking industry. U.S. law enforcement is at a serious disadvantage to detect, stop and prosecute money launderers attempting to use these gateways into the U.S. banking system. Enacting this legislation would help provide the tools needed to close those money laundering gateways and curb the dirty funds seeking entry into the U.S. banking industry.

I ask unanimous consent that letters in support for the bill from the two State Attorneys General of the States of Massachusetts and Arizona, as well as a short summary of the bill, and the text of the bill be printed in the RECORD.

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

S. 1371
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Money Laundering Abatement Act."

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress finds that—
(1) money laundering, the process by which criminal proceeds are dis-
guised as legitimate money, is contrary to the national interest of the United States, because it finances crime, undermines the integrity of financial systems and the United States financial system imperils the international fight against corruption and drug trafficking, distorts econom-
ies, and weakens emerging democracies and international stability;
(2) United States banks are frequently used by criminal elements to launder dirty money, and by terrorist groups and drug traffickers to launder drug-related proceeds from criminal activity; and United States banks are frequently used by terrorist groups and drug traffickers to launder drug-related proceeds from criminal activity; and
(3) private banking is particularly vulner-
able to money laundering by corrupt foreign government officials because the services provided (offshore accounts, secrecy, and large international wire transfers) are also key tools used to launder money;
(4) correspondent banking is vulnerable to money laundering because United States banks—
(A) often fail to screen and monitor the transactions of their high-risk foreign bank
clients; and
(B) enable the owners and clients of the foreign bank to get indirect access to the United States banking system when they would be unlikely to get direct access;
(5) the high-risk foreign bank that currently possesses the greatest money laundering risks in the United States correspondent banking field is a shell bank, which has no physical presence in any country, is not af-
filiated with any other bank, and is able to evade day-to-day bank regulation; and
(6) United States anti-money laundering efforts are currently impeded by outmoded and inadequate statutory provisions that make United States money launderers, pros-
ecutors and forfeitures more difficult when money laundering involves foreign persons, foreign banks, or foreign countries.
(b) PURPOSE.—The purpose of this Act is to modernize and strengthen existing Federal laws to combat money laundering, particu-
larly in the private banking and cor-
respondent banking fields where money laun-
video tape money laundering offenses involve foreign persons, for-

SEC. 3. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.
Section 1956(c)(7)(B) of title 18, United States Code, is amended—
(1) in clause (ii), by striking "or destruc-
tion of property by means of explosive or
fire" and inserting "destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)";
(2) in clause (iii), by striking "1978" and in-
serting "1978 and 1996"; and
(3) by adding at the end the following: "(v) fraud, or any scheme or attempt to defraud, against foreign nation or an entity of that foreign nation; (vi) bribery of a public official, or the mis-
appropriation, theft, or embezzlement of public funds by or for the benefit of a public official; (vii) smuggling or export control viola-
tions involving— (A) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or (B) technologies with military applica-
tions controlled on any control list established under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) or any successor statute; (viii) an offense with respect to which the United States would be obligated by a multi-
ilateral treaty, except to extradite the alleged offender or to submit the case for prosecu-
tion, if the offender were found within the territory of the United States; or (ix) the misuse of funds of, or provided by, the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution; (x) an offense with respect to which the United States would be obligated by a multi-

SEC. 4. ANTI-MONEY LAUNDERING MEASURES FOR UNITED STATES BANK ACCOUNTS INVOLVING FOREIGN PERSONS.
(a) REQUIREMENTS RELATING TO UNITED STATES BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following:

S. 5318A. Requirements relating to United States bank accounts involving foreign persons.

"(a) DEFINITIONS.— "(1) IN GENERAL.—In this section, the fol-
lowing definitions shall apply: "(A) ACCOUNT.—The term "account"— (i) means a formal banking or business rela-
tionship established to provide regular services, dealings, or financial transactions; and (ii) includes a demand deposit, savings de-
posit, or other transaction or asset account, and a credit account or other extension of credit; (B) BRANCH OR AGENCY OF A FOREIGN BANK.—The term 'branch or agency of a foreign bank' has the meanings given those terms in section 5318(c)(2) of title 31, United States Code; (C) COVERED FINANCIAL INSTITUTION.—The term 'covered financial institution' means— (i) a depository institution, credit union, or foreign bank; (ii) a credit union; and (iii) a branch or agency of a foreign bank. (D) CREDIT UNION.—The term 'credit union' means any insured credit union, as
defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), or any credit union that is eligible to make application to become an insured credit union pursuant to section 701 of the Federal Credit Union Act (12 U.S.C. 1771).

"(G) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

"(H) FOREIGN BANK.—The term 'foreign bank' has the same meaning as in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).

"(I) FOREIGN COUNTRY.—The term 'foreign country' means, unless the context otherwise requires, any country other than the United States.

"(J) FOREIGN PERSON.—The term 'foreign person' means an individual who is not a United States person.

"(K) OFFSHORE BANKING LICENSE.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of issuance, prohibits the licensed entity from conducting banking activities in the United States.

"(L) PRIVATE BANK ACCOUNT.—The term 'private bank account' means an account (or combination of accounts) that—

"(i) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

"(ii) is assigned to, administered, or managed by, or on behalf of, or by an employee of, a financial institution acting as a liaison between the institution and the direct or beneficial owner of the account.

"(M) OTHER TERMS.—After consultation with the Board of Governors of the Federal Reserve System, the Secretary may, by regulation, order, or otherwise as permitted by law, define any term that is used in this section and that is not otherwise defined in this section or section 5312, as the Secretary deems appropriate.

"(N) UNITED STATES BANK ACCOUNTS WITH UNIDENTIFIED FOREIGN OWNERS.—

"(1) RECORDS.—

"(A) IN GENERAL.—A covered financial institution shall not establish, maintain, administer, or manage an account in the United States for a foreign person or a representative or foreign person, unless the covered financial institution maintains in the United States, for each such account, a record identifying, by a verifiable name and account number, each individual or entity having a direct or beneficial ownership interest in the account.

"(B) PUBLICLY TRADED CORPORATIONS.—A record that is required under subparagraph (A) to identify an entity, the shares of which are publicly traded on a stock exchange regulated by an organization or agency that is a member of and endorses the principles of the International Organization of Securities Commissions (in this section referred to as 'publicly traded'), is not required to identify individual shareholders of the entity.

"(C) FOREIGN BANKS.—In the case of a correspondent account that is established for a foreign bank, the shares of which are not publicly traded, the record required under subparagraph (A) shall identify each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner.

"(D) COMPLEX OWNERSHIP INTERESTS.—The Secretary may, by regulation, order, or other-
“(a) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

“(b) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States;

“(c) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States;

“(d) the foreign person is a foreign bank, branch, or agency of a foreign bank, or a branch, agency, or other representative office of a foreign bank located within the United States;

“(e) the foreign person is a financial institution or other representative of a financial institution acting as an intermediary in the transfer of funds into, out of, or through a covered financial institution in the United States, and such funds are not used to prevent association of the identity of customers of financial institutions; or

“(f) the foreign person is a foreign bank that has discharged all or part of its responsibilities for maintaining records of all transactions involving funds deposited into an account at the foreign bank or at an intermediary at an off-shore financial institution acting as an intermediary in the transfer of funds into, out of, or through an account at the foreign bank.

“After section 1007 the following: "United States Code, is amended by inserting the following:

‘‘(4) T A B L E O F S E C T I O N S .—The table of sections that govern maintenance of concentration accounts of the financial institution;’’.}

“SEC. 8. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, is amended by adding the following:

‘‘(b) DEFINITIONS.—In this section, the following definitions shall apply:

‘‘(1) CONCENTRATION ACCOUNT.—The term ‘concentration account’ means any account, separate from a cash account or other financial account maintained by a financial institution, that is to be used to facilitate the movement of funds of which the customer is the direct or beneficial owner, which regulation shall, at a minimum—

‘‘(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

‘‘(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

‘‘(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that transactions involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is identified.’’.}

“SEC. 9. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended by adding the following:

‘‘(1)inserting ‘‘(1)’’ before ‘‘Any person’’; and

‘‘(2) adding at the end the following: ‘‘(2) Any person who commits multiple violations of this section or section 1957 that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.’’.}

“SEC. 10. FORFEITABLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

‘‘(b) The provisions of this section may be invoked only if the action for forfeiture was commenced by the seizure or restraint of the property, or by the filing of a complaint, within 2 years of the offense that is the basis for the forfeiture.’’.}

“SEC. 11. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

‘‘(k) INTERBANK ACCOUNT.—‘‘(1) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318(a) of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

‘‘(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

‘‘(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

‘‘(d) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

‘‘(A) INTERBANK ACCOUNT.—The term ‘interbank account’ has the same meaning as in section 989(c)(2)(B).

‘‘(B) OWNER.—

‘‘(i) IN GENERAL.—Except as provided in clause (ii), the term ‘owner’—

‘‘(I) has the same meaning as in section 983(d)(6); and

‘‘(II) does not include any foreign bank or other financial institution acting as an intermediary in the transfer of funds into the interbank account and having no ownership interest in the funds sought to be forfeited.

‘‘(ii) EXCEPTION.—The foreign bank may be considered the ‘owner’ of the funds (and no other person shall qualify as the owner of such funds) only if—

‘‘(A) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

‘‘(B) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its
obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.

(b) Foreign Shells. Section 5318 of title 31, United States Code, is amended by adding at the end the following:

"(i) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term ‘appropriate Federal banking agency’ has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1812).

(B) INCORPORATED TERMS.—The terms ‘correspondent account’, ‘covered financial institution’, and ‘foreign bank’ have the same meanings as in section 313.

"(2) 48-HOUR RULE.—Not later than 48 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, any information and records documentation for any account opened, maintained, administered, or managed in the United States by the covered financial institution.

"(3) FOREIGN BANK RECORDS.—

(A) SUMMONS OR SUBPOENA OF RECORDS.—

(i) IN GENERAL.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account.

(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

(B) ACCEPTANCE OF SERVICE.—

(i) IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records and documents identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept process for records regarding the correspondent account.

(ii) OUTSIDE THE UNITED STATES.—No covered financial institution has the same meaning as in section 5318A.

"(4) RETURN OF PROPER TO JURISDICTION.—

In the case of property described in subparagraph (A) through (E) of paragraph (1), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.

"(2) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(1) ORDER TO REPATRIATE AND DEPOSIT.—

(A) IN GENERAL.—Pursuant to its authority under this subsection, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant pursuant to the due process provision of the Federal Sentencing Guidelines.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

SUMMARY OF MONEY LAUNDERING ABATEMENT ACT

Foreign Corruption. Expands the list of foreign crimes triggering a U.S. money laundering offense to include foreign corruption offenses such as bribery and misappropriation of government funds. Requires the U.S. Secretary of State to report on the implementation of new anti-money laundering rules that apply to depositors' funds in other countries.

Money Laundering. Requires the U.S. correspondent bank, if it receives government notice that the foreign bank refuses to comply or contest the subpoena, to close the foreign bank's account.

Additional Measures Targeting Foreign Money Laundering. Requires the U.S. correspondent bank to identify a U.S. resident who can accept the subpoena. Requires the U.S. correspondent bank, if it receives government notice that the foreign bank refuses to comply or contest the subpoena, to close the foreign bank's account.

On August 4, 2001, I wrote to you to express my strong support for the Money Laundering Abatement Act. I am aware, money laundering has become increasingly prevalent in recent years. As law enforcement has worked to curb the illegal flow of funds, the criminal element has become more sophisticated and focused in its efforts to evade the grasp of the law.
At this juncture, there is a serious need for modernizing and redefining the Federal money laundering statutes to thwart the efforts of the criminal element and close the loopholes that allow their advantage to be exploited. The money laundering business has taken advantage of its ability under current law to use foreign banks, largely without negative consequences or consequences, and a result that must be addressed on the Federal level because of its international element. Moreover, in the Commonwealth of Massachusetts, there is no state anti-money laundering legislation. As a result, we rely on Federal-State law enforcement partnership to eradicate money laundering and tax evasion, for eliminating international money laundering ties within our State lies with the United States Congress. I encourage the Congress to take the necessary State and Federal anti-money laundering law enforcement in their continuing efforts to control the illegal laundering of funds. The Money Laundering Abatement Act is an important step in that process. Among many useful provisions, the Act prohibits United States banks from providing services to foreign shell banks that have no physical presence in an30 country, and as a result, are easily used in the laundering of illegal funds. In addition, the legislation provides for enhanced due diligence procedures by United States banks, as well as measures that will greatly aid law enforcement in their mission. I strongly support your efforts to assist state and federal law enforcement in their money laundering control efforts through the Money Laundering Abatement Act. The legislation strengthens the existing anti-money laundering structure and provides new tools that will assist law enforcement in keeping pace with the modern money laundering schemes. Good luck in your efforts to pass this vital legislation.

Sincerely,

Thomas F. Reilly,
State of Arizona,
Office of the Attorney General,

Hon. Carl Levin,
U.S. Senate, Washington, DC.
Hon. Chuck Grassley,
U.S. Senate, Washington, DC.

Dear Senators Levin and Grassley: I write to express my views on the Money Laundering Abatement Act you are planning to introduce soon. This bill would provide much needed relief from some of the most pressing problems in money laundering law enforcement in the international arena. The burdens placed on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved.

The bill focuses on the structural arrangements that allow major money launderers to operate. These include the use of shell banks and foreign accounts, abuse of private banking, evasion of law enforcement efforts to acquire necessary records, and safe for criminals to operate. The approach is very encouraging, because efforts to limit the abuse of these international money laundering techniques must be addressed by Congress rather than the state legislatures, and because such measures attack money laundering at a deeper and more lasting level than safer measures.

The focus on structural matters means that this bill’s effects on cases actually prosecuted by state attorneys general are a relatively small part of the substantial effects its passage would have on money laundering as a whole. Nevertheless, its effects on money laundering activities are of critical importance, and illegal drug trafficking would be dramatic. I will use two examples from my Office’s present money laundering efforts to illustrate the impact that the Money Laundering Abatement Act would have. One of our targets was a so-called “prime bank fraud” in 1996, and continued to focus on these cases. Some years ago, the International Chamber of Commerce, a body that over $10 million per day is invested in this wholly fraudulent investment scam, the “PBI” business has grown substantially since then. To date, my Office has recovered in these cases, directly and in concert with U.S. Attorneys and SEC. Prime bank fraudsters rely heavily on the money movement and concealment techniques that this bill would address, particularly foreign bank accounts, shell banks, accounts in false identities, movement of funds through “concentration” accounts, and immunity from efforts to repatriate stolen funds. One of our targets was sentenced recently in federal court to over eight years in prison and ordered to make restitution of over $46 million, which will make tracing of funds immeasurably easier. In addition to these few provisions that I have mentioned, the Act contains many other measures that will greatly aid law enforcement in their mission. I strongly support your efforts to assist state and federal law enforcement in their money laundering control efforts through the Money Laundering Abatement Act. The legislation strengthens the existing anti-money laundering structure and provides new tools that will assist law enforcement in keeping pace with the modern money laundering schemes. Good luck in your efforts to pass this vital legislation.

Sincerely,

Janet Napolitano,
Attorney General.

By Mr. Bingaman (for himself and Mr. Reid):
S. 1374. A bill to provide for a study of the effects of hydraulic fracturing on underground drinking water sources; to amend the Safe Drinking Water Act; and for other purposes.

Mr. BINGAMAN. Mr. President, today I introduce, along with the senior Senator from Nevada, very important legislation to remedy an unnecessary impediment to natural gas production.

In 1997, the Eleventh Circuit ruled that hydraulic fracturing, a process for stimulating development in certain types of gas wells, constituted as “underground injection” under the Safe Drinking Water Act. The State of Alabama was required to establish standards by which all hydraulic fracturing operations associated with natural gas development would be required to obtain a permit under the Safe Drinking Water Act. This is an expensive and time-consuming process, and one that appears unnecessary for protection of underground sources of drinking water.

The Environmental Protection Agency argued before the Eleventh Circuit that hydraulic fracturing did not pose a threat to underground sources of drinking water, and should not be subject to regulation under the Safe Drinking Water Act. The Eleventh Circuit did not find that hydraulic fracturing in fact threatened underground sources of drinking water. Instead, the Court found only that, as written, the definition of “underground injection” under the Safe Drinking Water Act included the process of hydraulic fracturing.

Natural gas, including gas from coalbed methane and other unconventional source, is becoming an increasingly important source of energy for the United States. It is a clean burning, domestically produced resource, the increased production of which will both enhance our energy security and help us address the problem of global warming.

The provision of drinking water, which is also an issue of the highest priority. However, it appears that the situation created by the Eleventh Circuit’s decision is one that addresses protection of underground sources of drinking water, and if the Court held that any harm to drinking water associated with hydraulic fracturing on underground sources of drinking water. If the Administration determines that hydraulic fracturing endangers underground sources of drinking water, the Administrator shall regulate it under the Safe Drinking Water Act. If, however, the Administrator determines that hydraulic fracturing will not endanger underground sources of drinking water, the Administrator shall not regulate it under the Safe Drinking Water Act. In that case, States, including the State of Alabama, shall likewise not be required to regulate hydraulic fracturing as an underground injection under the Safe Drinking Water Act.

Our bill addresses regulation under section 1421 of the Safe Drinking Water Act, 42 U.S.C. 300h. Under current law, States are entitled to make a showing under section 1425 of the Safe Drinking Water Act, 42 U.S.C. 300h-4, that for certain oil and gas operations, the State regulations satisfy the statutory...
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requirements of the Safe Drinking Water Act and the State will therefore not be required to promulgate regulations under section 1422 of the Safe Drinking Water Act.

It is our intention that the provisions of Section 1225 apply to hydraulic fracturing operations and it is our understanding that this is the status of current law. This issue is currently being litigated before the Eleventh Circuit. Should the Eleventh Circuit decide otherwise, we will address the issue as appropriate at that time.

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. 1374

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hydraulic Fracturing Act”.

SEC. 2. HYDRAULIC FRAC-TURING.

Section 1421 of the Safe Drinking Water Act (42 U.S.C. § 300h) is amended by adding at the end the following:

“(e) HYDRAULIC FRACTURING FOR OIL AND GAS PRODUCTION.—

“(1) STUDY OF THE EFFECTS OF HYDRAULIC FRACTURING.—

“(A) IN GENERAL.—Not later than 24 months after the date of enactment of this subsection, if the Administrator determines under paragraph (3) that regulation is unnecessary in a timely manner, the Administrator shall enter into an appropriate agreement with the National Academy of Sciences to have the Academy make findings as to hydraulic fracturing conducted under subparagraph (A) shall, at a minimum, examine and make findings as to whether—

“(1) each hydraulic fracturing has, or will, endanger (as defined under subsection (d)(2)) underground drinking water sources on a nationwide basis, or within specific regions, states, or portions of states;

“(2) INDEPENDENT SCIENTIFIC REVIEW.—

“(A) IN GENERAL.—Not later than 6 months after receiving the National Academy of Sciences report under paragraph (2), the Administrator shall determine, after informal public hearings and public notice and opportunity for comment, whether—

“(i) hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within specific regions, states, or portions of a State, the Administrator shall, within 6 months after issuance of that determination, and after public notice and opportunity for comment, promulgate regulations under section 1421 (42 U.S.C. § 300h) to ensure that hydraulic fracturing will not endanger such underground sources of drinking water.

“(B) PUBLICATION OF DETERMINATION.—The Administrator shall publish the determination in the Federal Register, accompanied by an explanation and reasons for it.

“(C) STUDY ELEMENTS.—The study conducted under paragraph (3) that regulation is unnecessary will reduce or eliminate any regulations under this part is necessary to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, state or portions of a state; or

“(D) REGULATION NECESSARY.—If the Administrator determines under paragraph (3) that regulation is necessary or that hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within specific regions, states, or portions of states, the Administrator shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. § 300i).

“(B) REPORT.—Not later than 9 months after making the finding under subparagraph (A) the Administrator shall publish the determination in the Federal Register, accompanied by an explanation and reasons for it.

“(D) REGULATION UNNECESSARY.—The Administrator shall not promulgate regulations for hydraulic fracturing conducted under this part unless the Administrator determines under paragraph (3) that such regulations are unnecessary.

“(C) existing REGULATIONS.—A determination made under paragraph (3) that regulation is unnecessary will relieve states from any further obligation to regulate hydraulic fracturing under section 1421 (42 U.S.C. § 300h) to ensure that hydraulic fracturing does not endanger underground sources of drinking water.

“(D) DEFINITION OF HYDRAULIC FRAC-TURING.—For purposes of this subsection, the term “hydraulic fracturing” means the process of creating a fracture in a reservoir rock, and injecting fluids and propping agents, for the purposes of reservoir stimulation related to oil and gas production activities.

“(E) SAVINGS.—Nothing in this subsection shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. § 300i).’.’.

By Mr. NELSON of Florida:

S. 1376. A bill to amend part C of title XVIII of the Social Security Act to ensure that Medicare + Choice eligible individuals have sufficient time to consider information and to make an informed choice regarding enrollment in a Medicare + Choice plan; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Medicare Beneficiary Information Act.

It is vital that Medicare + Choice participants receive plan information in a timely, appropriate manner.

Under the Social Security Act, HMOs participating in the Medicare + Choice program are required to submit all of their plan information, including the type, cost and scope of benefits they intend to offer, by July 1st of each year. Upon receiving this information, the Secretary of HHS is required to prepare a booklet that compares the benefits and costs of each plan, and disseminate the information to seniors prior to the open enrollment season. The enrollment season is November 1st through December 15th.

The July 1st deadline was imposed so that seniors would have ample opportunity to read the materials and to make an informed decision before selecting a health plan.

Last month, at the request of the HMO industry, Secretary Thompson extended the deadline until September 15th. As a result, Medicare beneficiaries will have little time to review the comparative information before the open enrollment period. Due to these concerns, the Secretary indicated that the information would be posted on the Internet by October 15th.

Senior citizens in many cases do not have access to the Internet. If information will not be mailed to these seniors, it will be extremely difficult for seniors, especially low income seniors, to make informed choices about their health plan. As a result, they will have little time to find new health care coverage if their HMO sharply raises premiums and fees, reduces benefits or pulls out of Medicare. Consequently, seniors may be forced to accept whatever changes the HMOs impose or run the risk of having gaps in their coverage should they choose to switch plans.

This bill states that, effective 2002, HMO’s are required to submit, complete binding information to the Secretary of Health and Human Services. It also requires that the information be sent to beneficiaries at least 45 days before the beginning of the open enrollment period. It further requires all comparative information to be sent in mail, rather than only being posted on the Internet. This will ensure that seniors are receiving the information necessary to make educated informed decisions about their health plan.

By Mr. SMITH of Oregon:

S. 1377. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

Mr. SMITH of Oregon. Mr. President, almost everyday we hear about new Palestinian violence in Israel and all too often, American citizens are among the victims. Earlier this year, Mrs. Sarah Blaustein, of Long Island, New York, was murdered in a drive-by shooting by Palestinian terrorists south of Jerusalem. A few weeks before
SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1948, many United States citizens have been injured or killed in terrorist attacks committed by Palestinian individuals and organizations in and outside of the Middle East.

(2) Under United States law, individuals who commit acts of international terrorism outside of the United States against nationals of the United States may be prosecuted for such acts in the United States.

(3) The United States has taken a special interest and active role in resolving the Israeli-Palestinian conflict, including numerous diplomatic efforts to facilitate a resolution of the conflict and the provision of financial assistance to Palestinian organizations.

(4) However, despite these diplomatic efforts and financial assistance, little has been done to apprehend, indict, prosecute, and convict Palestinian individuals who have committed such acts against nationals of the United States.

SEC. 3. ESTABLISHMENT OF OFFICE IN THE DEPARTMENT OF JUSTICE TO MONITOR TERRORIST ACTS BY PALESTINIAN INDIVIDUALS AND ORGANIZATIONS AND CARRY OUT RELATED ACTIVITIES.

(a) In General.—The Attorney General shall establish within the Department of Justice an office to carry out the following activities:

(1) Monitor acts of international terrorism alleged to have been committed by Palestinian individuals or organizations acting on behalf of Palestinian organizations.

(2) Collect information against individuals alleged to have committed acts of international terrorism described in paragraph (1).

(3) Offer rewards for information on individuals alleged to have committed acts of international terrorism described in paragraph (1), including the dissemination of information relating to such rewards in the Arabic-language media.

(4) Negotiate with the Palestinian Authority or related entities to obtain financial compensation for nationals of the United States, or their families, injured or killed by acts of international terrorism committed by Palestinian individuals.

(5) In conjunction with other appropriate Federal departments and agencies, establish and implement alternative methods to apprehend, indict, prosecute, and convict individuals who commit acts of terrorism described in paragraph (1).

(6) Contact the families of victims of acts of international terrorism described in paragraph (1) and provide updates on the progress to apprehend, indict, prosecute, and convict the individuals who commit such acts.

(7) In order to effectively carry out paragraphs (1) through (6), provide for the permanent stationing of an appropriate number of United States officials in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, and elsewhere, to the extent practicable.

(b) Definition.—In this section, the term "international terrorism" has the meaning given such term in section 2331(b) of title 18, United States Code.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated for fiscal year 2002 and each subsequent fiscal year such sums as may be necessary to carry out this Act.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

By Mr. DASCHLE. for himself, Mr. HARKIN, Mr. HATCH, Mr. INOUYE, Mr. JOHNSON, and Mr. REID:

S. 1378. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners under strict guidelines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, today I am introducing the Access to Medical Treatment Act. I am pleased to be joined by Senators HARKIN, HATCH, INOUYE, JOHNSON, and REID in this effort to increase individuals' freedom of choice in health care.

Patient choice is a value often articulated in health care debates. Yet patients often do not have the right to choose potentially life-saving alternative treatments. I want to thank Berkley Bedell, who formerly represented the 6th District of Iowa, for making me aware of the importance of this issue and for assisting in the development of this bill. This has been a multi-year effort, and he has worked tirelessly on it. Berkley has experienced first-hand the life-saving potential of alternative treatments. His story convinced me that our health care system discourages the use of alternative medicine treatment and thereby restricts the right of patients to choose.

American consumers have already voted for expanded access to alternative treatments with their feet and their wallets. A 1997 study published in the Journal of the American Medical Association, JAMA, shows that 42 percent of Americans used some kind of alternative therapy, spending more than $27 billion that year. Americans made more visits to alternative practitioners than to primary care providers. According to a 1999 JAMA study, people sought complementary and alternative medicine not only because they were dissatisfied with conventional medicine but also because these therapies mirrored their own values, beliefs and philosophical orientation toward health and life.

Alternative therapies are rapidly being incorporated into mainstream medical programs, practice and research. Indeed, at least 75 out of 117 U.S. medical schools offer elective courses in alternative medicine or include alternative medicine topics in required courses. A 1994 study in the Journal of Family Practice revealed that more than 60 percent of doctors from a wide range of specialties recommended alternative therapies to their patients.

The National Institutes of Health now has a Center for Complementary and Alternative Medicine where research is under way to expand our knowledge of alternative therapies and their safe and effective use.

Despite the growing demand for many types of alternative medicine, some therapies remain unavailable because they have not yet been approved.
by the FDA. My bill would increase access to treatments that would normally be regulated by the FDA, but have not yet undergone the expansive and lengthy process currently required to gain FDA approval. Given the popularity of alternative medicine among the American public and its acceptance among traditional medical practitioners, it would seem logical to remove some of the access barriers that consumers face when seeking certain alternative therapies.

The Access to Medical Treatment Act of 2001 supports patient choice while maintaining important patient safeguards. It asserts that individuals, especially those who face life-threatening affictions for which conventional treatments have proven ineffective, should have the option of trying an alternative treatment. This is a choice rightly made by the consumer, and not dictated by the Federal Government.

All treatments sanctioned by this Act must be prescribed by an authorized health care practitioner who has personally examined the patient. The practitioner must fully disclose all available information about the safety and effectiveness of any medical treatment, including questions that remain unanswered because the necessary research has not been conducted.

The bill carefully restricts the ability of practitioners to advertise or market an orphan drug or device to profit financially from prescribing alternative treatment. This provision was included to ensure that practitioners keep the best interests of patients in mind and to retain incentives for seeking FDA approval. If an individual or a company wants to earn a profit from a product, they would be wise to go through the standard FDA process.

I want to be absolutely clear that this legislation will not dismantle the FDA, undermine its authority, or appreciably change current medical practices. It is not meant to attack the FDA or its approval process. It is meant to complement it. The FDA should, and would under this legislation, remain solely responsible for protecting the health of the Nation from unsafe and impure drugs. The heavy demands and requirements placed upon treatments before they gain FDA approval are needed, and I firmly believe that treatments receiving the Federal Government’s stamp of approval should be proven safe and effective.

The bill protects patients by requiring practitioners to report any adverse reaction that could potentially have been caused by an unapproved drug or medical device. If an adverse reaction is reported, manufacture and distribution of the drug must cease pending an investigation. If it is determined that the adverse reaction was caused by the drug or medical device, as part of a total recall, the Secretary of the Department of Health and Human Services and the manufacturer have the duty to inform all health care practitioners to whom the drug or medical device has been provided.

This legislation will help build a knowledge base regarding alternative medicine treatments by requiring practitioners to report on effectiveness. This is critical because current information available about the effectiveness of many promising treatments is inadequate. The information generated through this Act will begin to reverse this imbalance as data are collected and analyzed by the Center for Complementary and Alternative Medicine at the National Institutes of Health.

The Access to Medical Treatment Act represents an honest attempt to focus serious attention on the value of alternative treatments and overcome current obstacles to their safe development and utilization. In essence, this legislation addresses the fundamental balance of two seemingly irreconcilable interests: the protection of patients from dangerous and ineffective treatments and the preservation of consumers’ freedom to choose alternative therapies. The complexity of this policy challenge should not deter us from seeking to solve it. I am convinced that the public good will be served by a serious attempt to reconcile these contradictory interests, and I am hopeful the discussion generated by this legislation will help point the way to its resolution.

By Mr. Kennedy (for himself and Mr. Hatch):

S. 1379. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Kennedy. Mr. President, I am pleased to introduce the Rare Diseases Act of 2001.

This legislation, in conjunction with companion legislation introduced by Senator Hatch to amend the orphan drug tax credit, promises to greatly enhance the prospects for developing new treatments and diagnostics, and even cures for literally thousands of rare diseases and disorders.

The Rare Diseases Act provides a statutory authorization for the existing Office of Rare Diseases at the National Institutes of Health, NIH, and authorizes regional centers of excellence for rare disease research and training. The Act also increases the funding for the Food and Drug Administration’s, FDA, Orphan Product Research Grant program, which has provided vital support for clinical research on new treatments for rare diseases and disorders.

I am encouraged that, consistent with our legislation, the President has proposed to create a network of centers of excellence for rare diseases. This proposal originated with the NIH, in recommendations of a Special Emphasis Panel convened to examine the state of rare disease research. Because the Panel itself was convened in response to a request of the Senate Appropriations Committee in 1996, it is appropriate that we are today introducing legislation which complements the collaborative process involving both the Congress and the NIH.

It is important to note that Congress has had a longstanding interest in rare diseases. In 1966, Congress enacted the Orphan Drug Act to promote the development of treatments for rare diseases and disorders. Such diseases affect small patient populations, typically smaller than 200,000 individuals in the United States, and include Huntington’s disease, myoclonus, ALS, Lou Gehrig’s disease, Tourette syndrome, and muscular dystrophy. Although each disease may be rare, there are, in sum, 25 million Americans today who suffer from the six thousand known rare diseases and disorders.

As an original sponsor of the Orphan Drug Act, I am pleased it has been a great success, leading to the development of over 220 treatments for rare diseases and disorders. But the greatest share of credit is due to the original author of the Act, Congressman Henry Waxman of California, and to a woman named Abbey Meyers.

During the 1970s, an organization called the National Organization for Rare Disorders, NORD, was founded by Abbey to provide services and to lobby on behalf of patients with rare diseases and disorders. It was Abbey and her organization which were instrumental in pressing Congress for enactment of legislation to encourage the development of orphan drugs.

In light of this important history, I am very pleased that the Rare Diseases Act of 2001 is supported by NORD. And I am also pleased to join my colleague, Senator Hatch, a champion of research into rare diseases, in introducing this legislation.

By Mr. Kerry (for himself and Mr. Hollings):

S. 1380. A bill to coordinate and expand United States and international programs for the conservation and protection of North Atlantic Whales; to the Committee on Commerce, Science, and Transportation.

Mr. Kerry. Mr. President, as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to introduce the North Atlantic Right Whale Recovery Act of 2001. I am pleased to be joined by our Commerce Committee Chairman, Senator Hollings in this effort. This bill is designed to improve the management and research activities for right whales and increase the focus on reducing mortality caused by ship collisions, entanglement in fishing gear, and other causes. The most endangered of the great whales, the northern Atlantic right whale has shown no evidence of recovery since the whaling days of the
1900s despite full protection from hunting by a League of Nations agreement since 1935. Today the population of North Atlantic Right Whales remains at less than 350 animals, although 2001 was a banner year for reproduction as overall recovery appeared.

The entire Nation has watched with great interest as a team of experts from a number of organizations including the National Marine Fisheries Service, the New England Aquarium and the Center for Coastal Studies has sought to remove the nylon rope that is imbedded in the jaw of a North Atlantic Right Whale, dubbed “Churchill.” By all accounts, unless the rope is removed the whale is likely to die from infections that are already disoloring the whale’s skin. I would like to offer my sincere appreciation for all of these efforts to date and I hope that by offering this legislation today that we can refocus our attention on how to protect these magnificent mammals.

Right whale is at risk of extinction from a number of sources. These include, ship strikes, the number one source of known right whale fatalities, entanglement in fishing gear, coastal pollution, habitat degradation, ocean noise pollution. This legislation requires the Secretary of Commerce to institute a North Atlantic Right Whale Recovery Program, in coordination with the Department of Transportation and other appropriate Federal agencies, the Northeast and Southeast North Atlantic Right Whale Recovery Plan Implementation Team and the Atlantic Large Whale Take Reduction Team, pursuant to the authority provided under the Endangered Species Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

This legislation would require the Secretary of Commerce within 6 months of enactment, to initiate demonstration projects designed to result in the immediate reductions in North Atlantic right whale deaths. There are 4 distinct areas that I believe we should be focusing our attention on. First, we should develop acoustic detection and tracking technologies to monitor the migration of right whales so that ships at sea can avoid right whales. Second, we need to continue work on individual satellite tags for right whales. We need a way that we can track whale migration and alert ships at sea of the presence of whales and avoid ship strikes. Third, this legislation would speed up the development of neutrally buoyant line and “weak link” fishing gear, so that we can either avoid having whales become entangled in the first place or when they do the “weak links” break and they can more easily become disentangled. Finally this legislation supports research and testing into developing innovative ways to increase the success of disentanglement efforts.

This legislation allows for the government to provide fishermen “whale safe” fishing gear in high use or critical habitat areas. This is crucial, because once we have developed this “whale safe” gear we need to get it in the water as soon as possible. I believe an assistance program that is fair to fishermen will be needed and we are asking the agencies to provide us the potential costs so we can ensure that the gear can be deployed where needed.

This legislation requires the Secretary of Transportation and Commerce to develop and implement a comprehensive shipping avoidance plan for Right Whales. I am pleased that a draft plan has been issued this week, but I want to make it clear that a plan must be implemented by January of 2003. I would like to stress to my colleagues, that by far the number one source of know right whale mortalities is ship strikes, and in my opinion we have not done nearly enough to prevent these lethal ship strikes from happening.

This legislation establishes a right whale research grant program. This program will establish a peer review process of all innovative biological and technical projects designed to protect right whales. In addition to the scientific community, this peer review panel will consist of representatives of the fishing industry and the maritime transportation industry. It is important that from the very beginning we have the input of the people who are on the water every day. Their knowledge and experience is absolutely necessary to developing innovative practices and techniques to save right whales.

Congress has appropriated over $8 million dollars in the last two years to protect right whales. I believe that now is the time to develop a comprehensive plan that spells out what we can do immediately to better protect these whales and focus our research efforts on innovative ideas and technologies that can identify whale migrations.

By Mrs. FEINSTEIN:
S. 1381. A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressman Julian C. Dixon Post Office Building”; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to honor the late Julian Dixon, an esteemed Member of the House of Representatives from California for more than 20 years.

Julian Dixon lived a full life; highlighted by almost thirty years of public service. He served in the Army from 1957 to 1960 and in the California Assembly from 1972 until 1978. Julian was first elected to the House of Representatives in 1980.

As the representative for the Thirty-Second District of California, Julian consistently fought to maintain our Nation’s commitment to civil rights and to increase the economic upward mobility of his constituents. Julian was also chair of the Congressional Black Caucus and worked tirelessly to establish a memorial to Dr. Martin Luther King, Jr. here in our Nation’s capital.

Julian’s legislative work covered myriad issues from intelligence to defense to congressional ethics. He was the ranking member of the House Intelligence Committee and a member of the committee that determines defense appropriations. He used his position on the appropriations committee to provide Federal aid for communities that were devastated by base closings and other defense cuts. He also helped secure emergency funding for damaged businesses after the Northridge earthquake and the Los Angeles riots.

Julian was not only a great legislator, but also a great human being. He was a gentleman in every sense of the word who was willing to work across partisan lines to improve the lives of his constituents and Americans. I was privileged as a member of the Senate Appropriations committee to work with Mr. Dixon. In this role, Julian always put California’s needs first.

Julian served with passion and distinction. He was a man of the highest integrity and credibility. I am sure his constituents will be proud to have a Post Office named in his honor.

Julian Dixon was a man of principle and fairness whose grace and humility will forever be remembered to honor his memory by introducing a bill to designate the Post Office at 5472 Crenshaw Boulevard in Los Angeles as the “Congressman Julian C. Dixon Post Office Building.”

By Mr. DEWINE (for himself and Ms. LANDRIEU):
S. 1382. A bill to amend title 11, District of Columbia Code, to redesignate the Thirty-Second District of Columbia, to designate the Superior Court of the District of Columbia as the Family Court, to create the Family Court with a vital impact on children and families in the District of Columbia.

Mr. DEWINE. Mr. President, I rise today to introduce legislation along with my friends and colleagues Senator LANDRIEU and Senator LEVIN, that will have a vital impact on children and families in the District of Columbia.

Our bill, the “District of Columbia Family Court Act of 2001,” is aimed at guiding the District, as the Superior Court strives to reform its role in the child welfare system through its creation of a Family Court.

This legislation takes a very important step forward in helping to ensure that the best interest of children in contact with the DC child welfare system are always paramount. In making
sure that is the case, judges in the sys-
tem play a key role. I learned this
first-hand nearly thirty years ago when
I was serving as an assistant county
prosecutor in Greene County, OH. One
of my duties was to represent the
Greene County Children Services in
cases in which children were going to be
removed from their parents' custody.
I witnessed then that too many of
these cases drag on endlessly, leaving
children trapped in temporary foster
home to foster home, for years and
years. Such multiple placements and lack of permanency for
these kids is abuse in it's own right.
Since being appointed to the District
of Columbia Appropriations Com-
mittee, I have made it my personal
mission to find financial solutions for
the problems facing DC's foster chil-
dren. In March, Representative DELAY
and I laid the groundwork for a DC Family
Court Bill that would be acc-
tisant and effective. In drafting this
bill, we have held numerous hearings,
met with child welfare advocates from
across the District, and had countless
meetings with the DC Superior Court
Judges.
In particular, I want to thank Chief
Judge Rufus King for making himself
available to members of Congress and
their staffs and for appearing before the
DC Subcommittee on Appropri-
ations. Mr. King has made reforming
the Family Division of the DC Court
his number one priority, and I look for-
toward working with him in the future
to implement the reforms established
by our DC Family Court Bill.
Our legislation includes a number of
important reforms that would ensure
that the judicial system protects the
children of the District. First, it would
increase the length of judicial terms
for judges from one year for judges al-
ready presiding over the Superior
Court to three years. New judges ap-
pointed to the Superior Court and then
assigned to the Family Court would
have five-year terms. This change
would enable judges to develop an
expertise in Family Law.
Second, the bill would create mag-
istrates so that the current backlog
of 4500 permanency cases can be properly
and adequately addressed. These mag-
istrates would be distributed among
the judges according to a transition
plan, which must be submitted to Con-
gress within 90 days of passage of this
bill. We want to make sure the court
has the flexibility to deal with these
important child welfare issues.
Third, the bill provides the resources
for an Integrated Judicial Information
System, IJIS. This would enable the
court to track and properly monitor
family cases and would allow all judges
and magistrates to have access to the
information necessary to make the best
decisions about placement and
child safety.
Fourth, a reform in the bill that I
find extremely important is the One-
Judge/One Family provision. This pol-
cy would ensure that the same judge,
a judge who knows the history of a
family and the child, would be making
the important permanency decisions.
This provision is essential for those
hard cases involving abuse and neglect.
It ensures continuity and, it ensures safe-
ty. And, it just makes sense.
Ultimately, our bill would provide
consistency through the One-Judge/
One-Family provision, it would provide
security and safety, and it would pro-
vide clarity and understanding of the
District. We need to give the children
in the District’s welfare system all of
these things. It is the right thing to do.
I urge my colleagues to join in sup-
port of this bill. We must never, ever
lose sight of our responsibility to the
children involved. Their needs and
their best interests must always come
first. And today, I believe we are put-
ting children first and taking a step for-
don their behalf.
I ask you to support 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. 1382
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America
in Congress assembled,
SECTION 1. SHORT TITLE. — This Act may be
called the ‘‘District of Columbia Family Court Act of 2001’’.
SEC. 2. REDESIGNATION OF FAMILY DIVISION AS
FAMILY COURT OF THE SUPERIOR COURT. —
(a) IN GENERAL.—Section 11–902, District of Columbia
Code, is amended to read as fol-
lows:
§ 11–902. Organization of the court.
(a) IN GENERAL.—The Superior Court shall consist of the following:
(1) The Civil Division.
(2) The Criminal Division.
(3) The Family Court.
(4) The Probate Division.
(5) The Tax Division.
(b) BRANCHES.—The divisions of the Su-
perior Court may establish such branches
as the Superior Court may by rule prescribe.
(c) DESIGNATION OF PRESIDING JUDGE
OF FAMILY COURT.—The chief judge of the Su-
perior Court shall designate one of the judges
assigned to the Family Court of the Superior
Court to serve as the presiding judge of the
Family Court of the Superior Court.
(d) JURISDICTION DESCRIBED.—The
Family Court shall have original jurisdiction
over the actions, applications, determinations,
adjudications, and proceedings described in
section 11–1504.
(b) CONFORMING AMENDMENT TO
CHAPTER 9.—Section 11–906(b), District of Columbia
Code, is amended by striking ‘‘Family Court
and’’ before the ‘‘various divisions’’.
(c) CONFORMING AMENDMENTS TO
CHAPTER 11.—(1) The heading for chapter 11 of
title 11, District of Columbia, is amended by striking
‘‘FAMILY DIVISION’’ and inserting ‘‘FAMILY
COURT’’.
(2) The item relating to chapter 11 in the
table of chapters of title 11, District of Columbia,
Code, is amended by striking ‘‘FAMILY DI-
VISON’’ and inserting ‘‘FAMILY COURT’’.
(d) CONFORMING AMENDMENTS TO
TITLE 16.—(1) Chapter 16 of title 16, District of Columbia
Code, is amended by striking ‘‘FAMILY DI-
VISON’’ and inserting ‘‘FAMILY COURT’’.
S 16–2301. References deemed to refer to
FAMILY COURT OF THE SUPERIOR COURT.
Any reference in this chapter or any other Federal or District of Columbia
law, Executive order, rule, regulation, delegation of authority, or any
amendment, or other reference to the Family Division of the Su-
perior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Colum-
bia.
§ 11–908A. Special rules regarding assign-
ment and service of judges of Family Court.
(a) NUMBER OF JUDGES.—
(1) IN GENERAL.—The number of judges
serving on the Family Court of the Superior
Court at any time may not be less than 12 or
more than 15.
(2) REPORT.—The total number of judges
on the Superior Court may exceed the limit	on such judges to the extent necessary to
maintain the requirements of this subsection
if the chief judge of the Superior Court—
(A) obtains the approval of the Joint
Committee on Judicial Administration; and
(B) reports to Congress regarding the cir-
cumstances that gave rise to the necessity to
exceed the cap.
(b) QUALIFICATIONS.—The chief judge may
not assign an individual to serve on the
Family Court of the Superior Court unless—
(1) the individual has training or expert-
tise in family law;
(2) the individual certifies to the chief
judge that the individual intends to serve
for the full term of service, except that this
paragraph shall not apply with respect to
individuals serving as senior judges under
section 11–1504 and individuals serving as tem-
porary judges under section 11–906(c);
(3) the individual certifies to the chief
judge that the individual will participate in
the ongoing training programs carried out
by the DC Superior Court under section
11–1504(c); and
(4) the individual meets the requirements
of section 11–1504(b).
(3) GENERAL REFERENCES.—
(1) IN GENERAL.—
(A) SERVING JUDGES.—An individual as-
signed to serve as a judge of the Family
Court of the Superior Court, while
serving as a judge in the Superior Court on the date of
the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term not fewer than
the term determined by the chief judge of the Superior Court (in-
cluding any consecutive period of service on
the Family Division of the Superior Court immediately preceding the date of the enactment of such Act).

(B) NEW JUDGES.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is not serving as a judge in the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of 5 years.

(2) ASSIGNMENT FOR ADDITIONAL SERVICE.—After the term of service of a judge of the Family Court of the Superior Court (as described in paragraph (1)) expires, at the judge’s request the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 11–902(d) of the District of Columbia Home Rule Act) as the chief judge may provide.

(3) PERMITTING SERVICE ON FAMILY COURT FOR ENTIRE TERM.—At the request of the judge, a judge may serve as a judge of the Family Court for the judge’s entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

(d) REASSIGNMENT TO OTHER DIVISIONS.—The chief judge may reassign a judge of the Family Court of the Superior Court to the Family Court if the chief judge determines that the judge is unable, for cause, to continue serving in the Family Court.

(2) TRANSITION TO SUPERIOR COURT.—(i) Transition plan.—The chief judge of the Superior Court shall report to the Committee on Appropriations of each House, the Committee on Government Operations and Government Reform of the House of Representatives, and the Committee on Government Operations of the Senate not later than 30 days after the enactment of this Act, a transition plan to the President and Congress for the transition of the Family Court to the Superior Court.

(2) TRANSITION TO REQUIRED NUMBER OF JUDGES.—(a) ANALYSIS OF NUMBER OF JUDGES.—The chief judge shall prepare a transition plan to the President and Congress under paragraph (1) to carry out the transition of the Family Court to the Superior Court and shall include in the plan the following: (A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualifications requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a copy of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(3) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge shall prepare a transition plan to the Superior Court who meet the qualifications for judges of the Family Court under section 11–908A, District of Columbia Code (as added by subsection (b)) and shall include in the plan the following: (A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualifications requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(3) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge shall prepare a transition plan to the Superior Court who meet the qualifications for judges of the Family Court under section 11–908A, District of Columbia Code (as added by subsection (b)).

(3) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the transition plan under subsection (a)) and shall include in the report the following: (A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualifications requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a copy of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(6) CONFORMING AMENDMENT.—The first sentence of section 11–908A, District of Columbia Code, is amended by striking ”The chief judge” and inserting “Subject to section 11–908A, the chief judge”.

(7) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11–908 the following new item:

“11–908A. Special rules regarding assignment and service of judges of Family Court.”

SEC. 3. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by inserting after section 11–1101 and inserting the following:

“11–1101. Jurisdiction of the Family Court.

“(a) IN GENERAL.—The Family Court of the District of Columbia shall be assigned and have jurisdiction over the following:

“(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

“(2) applications for revocation of divorce from the bond of marriage and legal separation from bed and board;

“(3) actions to enforce support of any person as required by law;

“(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

“(5) actions to declare marriages void;
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§11–1002. Use of alternative dispute resolution.

(2) to establish and operate an electronic tracking and management system for the Family Court that are consistent with the Adoption and Safe Families Act of 1997.

(2) Goals and timetables as required by the Mayor.

(5) Information on factors which interfere with or prevent the Court from carrying out its responsibilities in the most effective manner possible.

(3) Goals and timetables as required by the Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate District agencies which provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

(5) Information on the extent to which the Court met deadlines and standards applicable under Federal and District of Columbia law to review and assess the District government with the activities of the Family Court.

(6) Based on outcome measures derived from carrying out its responsibilities.

(1) The chief judge's assessment of the Court's performance.

(2) The chief judge's assessment of the Court's performance.

(3) Information on the extent to which the Court met deadlines and standards applicable under Federal and District of Columbia law to review and assess the District government with the activities of the Family Court.

(4) The chief judge's assessment of the Court's performance.

(5) Information on factors which are not under the control of the Family Court that interfere with or prevent the Court from carrying out its responsibilities in the most effective manner possible.

(6) Based on outcome measures derived from the use of the information stored in the tracking and management system for the Family Court that are consistent with the Adoption and Safe Families Act of 1997.
(b) Expedited Appeals for Certain Family Court Actions and Proceedings.—Section 11–721, District of Columbia Code, is amended by adding at the end the following new subsection:

“(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals and shall be certified by the appellant. An oral hearing on appeal shall be deemed to be waived unless specifically requested by a party to the appeal.”.

c. Plan for Integrating Computer Systems. (1) In General.—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the computer systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

(2) Authorization of Appropriations.—There are hereby appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraphs (a) and (c). (d) Clerical Amendment.—The table of sections for chapter 11 of title 11, District of Columbia Code, is amended by adding at the end the following new items:

“11–1102. Use of alternative dispute resolution.


“11–1105. Social services and other related services.

“11–1106. Reports to Congress.”.

SEC. 5. TERMINATION OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.

(a) In General.—

(Redesignation of title.—Section 11–1732, District of Columbia Code, is amended by striking “family court” each place it appears in subsection (a), (b), (c), (d), and (e) and inserting “Superior Court” each place it appears in subsection (a), (b), (c), (d), and (e) and inserting “Superior Court”.

(A) by striking “hearing commissioners” each place it appears in subsection (a), (b), (c), (d), and (e) and inserting “magistrate judges”;

(B) by striking “hearing commissioner” each place it appears in subsection (a), (b), (c), (d), and (e) and inserting “magistrate judge”;

(C) by striking “hearing commissioner’s” each place it appears in subsection (a), (b), (c), (d), and (e) and inserting “magistrate judge’s”;

(D) by striking “hearing commissioner’s” each place it appears in subsection (b), (d), (i), and (l) and inserting “magistrate judge’s”;

(E) in the heading, by striking “hearing commissioners” and inserting “magistrate judges”;

(f) By striking “Affidavits of Hearing Commissioners.—Any individual serving as a hearing commissioner under section 11–1732 of the District of Columbia Code who, at the date of the enactment of this Act, shall have served the remainder of such individual’s term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11–1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of such enactment who was appointed as a hearing commissioner prior to the effective date of section 11–1732 of the District of Columbia Code shall not be reappointed to the same initial term of service under section 11–1732 of the District of Columbia Code, shall have the right to be reappointed to the Superior Court of the District of Columbia to be eligible to be reappointed.

(g) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF Family Court. (a) In General.—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1732 the following new section:

“§ 11–1732A. Special rules for magistrate judges of the Family Court of the Superior Court.

(a) Use of Social Workers in Advisory Capacity.—The advisory section merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11–1732(b) shall include social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia Courts.

(b) Training.—Any magistrate judge of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.

(b) Conforming Amendments.—(1) Section 11–1732(a), District of Columbia Code, is amended by striking after “the duties enumerated in” the following: “(or, in the case of magistrate judges for the Family Court of the Superior Court, the duties enumerated in section 11–1732(d))”.

(2) Section 11–1732(c), District of Columbia Code, is amended by striking “No individual” and inserting “Except as provided in section 11–1732(b), no individual”.

(c) Section 11–1732(k), District of Columbia Code, is amended by striking “subsection (j)” and inserting the following: “subsection (j) (or proceedings and hearings under section 11–1732(d), in the case of magistrate judges for the Family Court of the Superior Court)”.

(d) By inserting after “responsible” the following: “subject to the requirements of section 11–1732(f) in the case of magistrate judges of the Family Court of the Superior Court”.

(e) Clerical Amendment.—The table of sections for subsection 2 of chapter 17 of District of Columbia Code, is amended by inserting after the item relating to section 11–1732 the following new item:
"11–1732A. Special rules for magistrate judges of Family Court of the Superior Court."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXPEDITED INITIAL APPOINTMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall appoint not more than 5 individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11–1732 and 11–1732A(a), District of Columbia Code (as added by subsection (a)).

(B) APPOINTMENTS MADE WITHOUT REGARD TO SELECTION PANEL.—Sections 11–1732(b) and 11–1732A(a), District of Columbia Code (as added by subsection (a)) shall not apply with respect to any magistrate judge appointed under this paragraph.

(C) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall transfer to the magistrate judges appointed under this paragraph actions and proceedings described as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The judge to whom the action or proceeding is assigned as of the date of the enactment of this Act is not assigned to the Family Division.

(iii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of the enactment of this Act.

SEC. 11. EFFECTIVE DATE.

The amendments made by section 4 shall take effect upon the expiration of the 18 month period which begins on the date of the enactment of this Act.

By Mrs. CLINTON (for herself and Mr. ROBERTS):

S. 1385. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I am pleased to introduce today a bill to support the efforts of the many companies in New York and elsewhere who grant stock options to their employees. Over the past three decades, companies have increased the use of stock options to attract and motivate employees. These companies give their workers the right to purchase company stock, at a small discount from the listed price, through Employee Stock Purchase Plans, ESPPs, and Incentive Stock Options, ISOs. Employee stock ownership has been shown to motivate workers and enhance relationship between management and workers. Indeed, for many workers, these plans are the only way to own any stock.

For nearly thirty years, the Internal Revenue Service, IRS has taken the position that income from these stock options is not subject to employment taxes. However, courts and rulings of individual companies have raised the troubling prospect that the IRS may now reverse its policy.

ESPPs and ISOs were created by Congress to provide tools to build strong companies through increased employee ownership of company stock. The purpose of the bipartisan bill I am introducing today, with Senator ROBERTS, is to clarify that it was not the intent of Congress to dilute these incentives by adding withholding when the stock is purchased. While the IRS has in place a moratorium until January 1, 2003 on assessing employment taxes on stock options, we must take action to eliminate any uncertainty for companies and workers as to whether options are subject to withholding taxes.

Again, the legislation I am introducing would clarify that the difference between the exercise price and the fair market value of stock offered by the ISO and ESPP is excluded from employment taxes. In addition, wage withholding is not required on disqualifying dispositions of ISO stock or on the fifteen percent discount offered to employees by ESPPs.

I urge my colleagues to join me in cosponsoring this legislation.

By Mr. SMITH of Oregon:

S. 1384. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to expand the definition of the term ‘Major disaster’ to include an application of the Endangered Species Act of 1973 that poses a severe economic hardship to the Committee on Environment and Public Works.

Mr. SMITH of Oregon. Mr. President, earlier this month I went to the Santiam Canyon community of Detroit. Along with my visit to Klamath Falls in May, it was probably one of the most emotional days I have had as a Senator.

This beautiful community, located on one of Oregon’s most popular recreational lakes, has been devastated by a combination of natural and man-made disasters. I stood next to one of the Detroit Lake marinas, which in past years had been the busiest spot on the lake, provided services to hundreds of boaters. I was amazed to see this marina was high and dry. Now there are only the timbers and mud flats in the reservoir. Again, a result of both natural and man-made disasters. I hosted a town hall where 350 community residents, nearly the entire population of the City of Detroit, came to share their concerns.

I need to tell you what brought the community of Detroit, OR, to this point.

Over 50 years ago, the town was formed by the Federal Government to move from its original location so that Detroit Dam & Reservoir could be built. The original city site was buried under several feet of water. Detroit was a hearty community of strong-willed men and women. Instead of giving up, they moved their community to higher ground, and they survived. Years later, the Federal Government again came to Detroit. Like a number of other timber dependent communities in Santiam Canyon, the timer supply from the surrounding Federal land was cut off and the mills were forced to close. Again, the residents of Detroit refused to be broken, and instead retooled their economy from timber to tourism. Now the Federal Government is visiting Detroit, Oregon again. This time, as a result of drought and the government’s decision to drain Detroit Reservoir, upon which that new economy was based, the community is once again facing extinction. Even with economic losses estimated at $1.75 million, the Small Business Administration and the Federal Emergency Management Agency tell me that according to their regulations, there is no disaster in Detroit, OR, today.

I am here to tell you that there is a disaster in Detroit, it was caused by the Federal Government, and it should be made right by the Federal Government.

The Corps of Engineers drained Detroit Lake this summer before it ever had a chance to fill. The Corps tells me that under a negotiated agreement with the Oregon Department of Fish and Wildlife, the National Marine Fisheries Service, State and Federal agencies, it devised an operating plan to drain the reservoir in order to meet far downstream needs for water quality under the Clean Water Act and the Endangered Species Act, and even to meet the power needs of the San Juan Generating Station, near Los Alamos, New Mexico. And once again, the needs of rural communities were left out of the equation.
I hope that the Senate will work with me to find more effective ways of addressing drought. Detroit Lake is the prime example of how Federal programs fail to prepare and assist non-agricultural communities through drought disaster. This must change. The Federal Government must continue to work with the States in preparing comprehensive drought contingency plans that address all those who are affected, agricultural and non-agricultural communities alike.

Areas like Detroit Lake and the Klamath Basin also portray in bold proportion the Federal Government's failure to take responsibility for its own actions, actions it deems necessary to meet environmental goals. I do not believe, however, that commitment to shared environmental values means leaving dustbowls, wastelands, and paralyzed communities in the wake of Federal actions. There must be a better way.

Therefore, I am introducing legislation today that would qualify government-induced disasters for Disaster relief under the same guidelines as natural disasters only if fitting that if the Government causes the disaster, it should provide the same relief as when nature causes the problem.

I understand our environmental ethic, and I believe in our environmental stewardship obligations. But I know that I am not alone when I say this Government of the people and by the people, must also be for the people. Including those people hurting in Detroit, OR, today.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1385. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven utility reclamation project for the Metropolitan Water District of southern California; and for other purposes.

S. 1386. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven utility reclamation project for the Metropolitan Water District of southern California; and for other purposes.

S. 1386. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act.

S. 1386. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act.

The legislation authorizes the Water for America's Infrastructure. This bill limits the Federal contribution to 25 percent and comply with other limitations and obligations of the Reclamation Wastewater and Groundwater Study and Facilities Act.

This project would begin to meet the needs of improving the wastewater systems serving a large segment of the Northwest population, and will provide additional protection for vital natural resources, using economically feasible and proven technologies. The Federal Government has a role in maintaining these systems and assisting in building additional infrastructure to handle our nation's massive needs.

Thus I urge my colleagues to join with us in support of this critical legislation for the state of Washington and our Nation, I look forward to working with my colleagues to expeditiously take up and pass this bill.

By Mr. SANTORUM:

S. 1386. A bill to amend the Internal Revenue Code of 1986 to provide for the equitable operation of welfare benefit plans to employees, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

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

S. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT TO 1986 CODE.
(a) SHORT TITLE.—This Act may be cited as the "Employee Welfare Benefit Equity Act of 2001".
(b) TABLE OF CONTENTS.—The table of contents is as follows:
Sec. 1. Short title; table of contents; amendment to 1986 Code.
Sec. 101. Modification of definition of ten-or-more employer plans.
Sec. 102. Clarification of deduction limits for certain collectively bargained plans.
Sec. 103. Clarification of standards for section 501(c)(9) approval.
Sec. 104. Tax shelter provisions not to apply.
Sec. 105. Effective date.

TITLE II—ENFORCEMENT PROVISIONS
Sec. 201. Clarification of section 4976.
Sec. 202. Effective date.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—CERTAIN WELFARE BENEFIT PLANS
SEC. 101. MODIFICATION OF DEFINITION OF TEN-OR-MORE EMPLOYER PLANS.

(a) ADDITIONAL REQUIREMENTS.—Paragraph (6)(B) of section 419A(f) (relating to the exception for 10 or more employer plans) is amended by inserting "and" at the end of clause (i), by inserting the period at the end of clause (ii) and inserting a comma, and by adding the following new clauses: "(iii) which meets the requirements of section 505(b)(1) with respect to all benefits provided by the plan.
(iv) which has obtained a favorable determination from the Secretary that such plan (or a predecessor plan) is an organization described in section 501(c)(9), and
(v) which no severance pay benefit is provided." "(b) CLARIFICATION OF EXPERIENCE RATING.—(1) IN GENERAL.—Paragraph (1)(A) of section 419A(f) (relating to the exception for 10 or more employer plans) is amended by striking the second sentence and inserting in lieu thereof the following:
"(ii) A single plan shall not apply to any plan maintained pursuant to an agreement between employee representatives and 1 or more employers unless the taxpayer applies for, and the Secretary, in determining that such agreement is a bona fide collective bargaining agreement and that the welfare benefits provided under the agreement were the subject of good faith bargaining between employee representatives and such employer or employers, grants such approval.
"(2) EXPERIENCE-RATED PLAN.—Section 419A(f)(6) is amended by adding the following new subparagraph:
"(C) EXPERIENCE-RATED PLAN.—For purposes of this paragraph—
"(I) IN GENERAL.—The term ‘experience-rated plan’ means a plan which determines contributions by individual employers on the basis of actual gain or loss experience.
"(II) EXCEPTION FOR GUARANTEED BENEFIT PLAN.—(I) IN GENERAL.—The term ‘experience-rated plan’ shall not include a guaranteed benefit plan.
"(II) GUARANTEED BENEFIT PLAN.—The term ‘guaranteed benefit plan’ means a plan the benefits of which are funded with insurance contracts or other otherwise determinable and payable to a participant without reference to, or limitation by, the amount of contributions to the plan attributable to any contributing employer. A plan shall not fail to be treated as a guaranteed benefit plan solely because benefits may be limited or denied in the event a contributing employer fails to pay contributions or assessments required by the plan as a condition of continued participation.
"(c) SINGLE PLAN REQUIREMENT.—Section 419A(f)(6), as amended by subsections (a) and (b), is amended—
(1) by inserting "means a plan" in subparagraph (B) and inserting "means a single plan"; and
(2) by adding at the end the following:
"(D) SINGLE PLAN.—For purposes of this paragraph the term ‘single plan’ means a written plan or series of related written plans the terms of which provide that—
(i) all assets of the plan or plans, whether maintained under 1 or more trusts, accounts, or other arrangements and without regard to the method of accounting of the plan or plans, are available to pay benefits of all participants who—
(IA) are participants in the participant’s contributing employer, and
(IB) the method of accounting of the plan or plans may not operate to limit or reduce the benefits payable to a participant at any time before the withdrawal of the participant’s employer from the plan or the termination of any benefit arrangement underlying the plan.

SEC. 102. CLARIFICATION OF DEDUCTION LIMITS FOR CERTAIN COLLECTIVELY BARGAINED PLANS.
Paragraph (5) of section 419A(f) (relating to the deduction limits for certain collectively bargained plans) is amended by adding at the end the following flush sentence:
"Subparagraphs (1) and (2) shall not apply to any plan maintained pursuant to an agreement between employee representatives and 1 or more employers unless the taxpayer applies for, and the Secretary, in determining that such agreement is a bona fide collective bargaining agreement and that the welfare benefits provided under the agreement were the subject of good faith bargaining between employee representatives and such employer or employers, grants such approval.

SEC. 103. CLARIFICATION OF STANDARDS FOR SECTION 501(c)(9) APPROVAL.
Section 505 is amended by adding at the end the following:
"(d) CLARIFICATION OF STANDARDS FOR EXEMPTION.—
"(1) MEMBERSHIP.—An organization shall not be treated as an organization described in paragraph (9) of section 501(c)(9) solely because its membership includes employers or other allowable participants who—
(A) reside or work in different geographic locales, or
(B) do not work in the same industrial or employment classification.
"(2) FUNDS OR FUNDED WELFARE BENEFIT PLAN.—If an organization described in paragraph (9) of section 501(c)(9) is treated as a funded welfare benefit plan, it shall not be treated as discriminatory solely because its membership includes employers or other allowable participants who—
(A) reside or work in different geographic locales, or
(B) do not work in the same industrial or employment classification.

SEC. 104. TAX SHELTER PROVISIONS NOT TO APPLY.
Section 4976 (relating to treatment of funded welfare benefit plans) is amended by adding at the end the following:
"(b) TAX SHELTER RULES NOT TO APPLY.—For purposes of this title, a welfare benefit fund meeting all applicable requirements of this title shall not be treated as a tax shelter or corporate tax shelter.

SEC. 105. EFFECTIVE DATES.
(a) IN GENERAL.—The amendments made by section 104 shall take effect as if included in the amendments made by section 1028 of the Taxpayer Relief Act of 1997.
(b) TAX SHELTER RULES.—The amendment made by section 104 shall take effect as if included in the amendments made by section 1028 of the Taxpayer Relief Act of 1997.

TITLE II—ENFORCEMENT PROVISIONS
SEC. 201. CLARIFICATION OF SECTION 4976.
Section 4976 (relating to excise taxes with respect to funded welfare benefit plans) is amended to read as follows:
"SEC. 4976. TAXES WITH RESPECT TO FUNDED WELFARE BENEFIT PLANS.
"(a) IMPOSITION OF TAX.—
"(1) GENERAL RULE.—If—
"(A) an employer maintains a welfare benefit fund, and
(B) there is—
(i) a disqualified benefit provided or funded during any taxable year, or
(ii) a premature termination of such plan, then there is hereby imposed on such employer a tax in the amount determined under paragraph (2).

(2) AMOUNT OF TAX.—The amount of the tax imposed by paragraph (1) shall be equal to—
"(A) in the case of a taxable event under paragraph (1)(B)(i), 100 percent of—
(i) the amount of the disqualified benefit provided, or
(ii) the amount of the funding of the disqualified benefit, and
(B) in the case of a taxable event under paragraph (1)(B)(ii), 100 percent of all contributions to the fund before the termination.

"(b) DISQUALIFIED BENEFIT.—For purposes of subsection (a)—
"(1) IN GENERAL.—The term ‘disqualified benefit’ means—
(A) any post-retirement medical benefit or life insurance benefit provided with respect to a key employee if a separate account is required to be established for such employee under section 419A(d), and such payment is not from such account.
(B) any post-retirement medical benefit or life insurance benefit provided funded with respect to an individual in whose favor discrimination is prohibited unless the plan meets the requirements of section 505(b) with respect to such benefit (whether or not such requirements apply to such plan), and
(C) any portion of a welfare benefit fund reverting to the benefit of the employer.
"(2) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENT.—(A) IN GENERAL.—Except for any plan maintained pursuant to an agreement between employee representatives and 1 or more employers if the Secretary finds that such agreement is a bona fide collective bargaining agreement and that the benefits referred to in paragraph (1) were the subject of good faith bargaining between such employee representatives and such employer or employers.

"(3) EXCEPTION FOR NONDEDUCTIBLE CONTRIBUTIONS.—Paragraph (1)(C) shall not apply to any amount attributable to a contribution to the fund which is not allowable as a deduction under section 419 for the taxable year for any prior year or any other arrangement for a nongrantor, and such contribution shall not be included in any carryover under section 419(d).
"(4) EXCEPTIVE FOR CERTAIN AMOUNTS CHARGED AGAINST EXISTING RESERVE.—Subparagraphs (A) and (B) of paragraph (1) shall not apply to post-retirement benefits charged against an existing reserve for post-retirement medical or life insurance benefits (as defined in section 512(a)(3)(E)) or charged against any income on such reserve.

"(c) PREMATURE TERMINATION.—For purposes of subsection (a)—
"(1) IN GENERAL.—The term ‘premature termination’ means a termination event which occurs on or before the date which is 6 years after the date of the first contribution to a welfare benefit fund which benefits any highly compensated employee.
‘‘(2) EXCEPTION FOR INSOLVENCY, ETC.—
Paragraph (1) shall not apply to any termin-
ination event which occurs by reason of the
insolvency of the employer or for such other
reasons as the Secretary may by regulation
determine are not likely to result in abuse.

‘‘(3) TERMINATION EVENT.—For purposes of
this subsection—

‘‘(A) IN GENERAL.—The term ‘termination event’ means—

‘‘(i) the termination of a welfare benefit
fund,

‘‘(ii) the withdrawal of an employer from
a welfare benefit fund to which more than 1
employer contributes, or

‘‘(iii) any other action which is designed to
cause, directly or indirectly, a distribution of
any asset from a welfare benefit fund to a
highly compensated employee.

‘‘(B) EXCEPTION FOR BONA FIDE BENEFITS.—
Subparagraph (A) shall not apply to any
bona fide benefit (other than a severance
benefit) paid from a welfare benefit fund
which is available to all employees on a
non-discriminatory basis and payable pursuant
to the terms of a written plan.

‘‘(d) DEFINITIONS.—For purposes of this sec-
tion—

‘‘(1) IN GENERAL.—Except as otherwise pro-
vided, the terms used in this section shall
have the same respective meanings as when
used in subpart D of part I of subchapter D
of chapter 1.

‘‘(2) POST-RETIREMENT BENEFIT.—

‘‘(A) IN GENERAL.—The term ‘post-retire-
ment benefit’ means any benefit or distribu-
tion which is reasonably determined to be
paid, provided, or made available to a partic-
ipant on or after normal retirement age.

‘‘(B) NORMAL RETIREMENT AGE.—The term
‘normal retirement age’ shall have the same
meaning given the term in section 3(24) of
the Employee Retirement Income Security
Act of 1974, but in no event shall such date be
later than the latest normal retirement age
defined in any qualified retirement plan of
the employer maintaining the welfare ben-
efit fund which benefits such individual.

‘‘(C) PRESUMPTION IN THE CASE OF PERMA-
NENT LIFE INSURANCE.—In the case of a wel-
fare benefit fund which provides a life insur-
ance benefit for an employee, any contribu-
tions to the fund for life insurance benefits
in excess of the cumulative projected cost of
providing the employee permanent whole life
insurance, calculated on the basis of premi-
um for each for year before a nor-
mal retirement age, shall be treated as fund-
ing a post-retirement benefit.’’

SEC. 202. EFFECTIVE DATE.

The amendments made by this title shall
apply to benefits provided, and terminations
occurring, after the date of the enactment
of this Act.

By Mr. BINGAMAN (for himself,
Mr. DOMENICI and Mr. ROCKE-
FELLER):

S. 1387 would be to conduct a dem-
onstration program to show that physi-
cian shortage, recruitment, and reten-
tion problems may be ameliorated in
rural States by developing comprehen-
sive program that will result in state-
wide physician population growth, and
for other purposes; to the Committee
on Finance.

Mr. BINGAMAN. Mr. President, I rise
today to introduce legislation, the
‘‘Rural States Physician Recruitment
and Retention Demonstration Act of
2001,’’ introduced by Senators DOMENICI and
ROCKEFELLER. This Act would create a
demonstration program to show that
physician shortage, recruitment, and
retention problems may be ameliorated in
demonstration States by developing a
training program and loan repayment
program that will result in statewide
physician population growth.

The problem of recruiting and retain-
ing physicians, particularly in some
specialties, has reached crisis propor-
tions in my State. There are very few
small town residents who don’t have a
story to tell about losing a cherished
doctor or traveling vast distances to see
a specialist. And even in New Mexi-
co’s most populous city, Albuquerque,
the number of practicing neuro-
surgeons can be counted on one hand.
Not so long ago there were 11 of them
practicing there. We know that the
surgeons in Santa Fe are struggling to
recruit a new general surgeon, as are
many other communities throughout
the State. We know that the thought of
having an additional psychiatrist in Las Cruces would be considered by
many to be an unrealistic fantasy. I am
certain that many Senators from
States that are demographically more
similar to New Mexico than they are to
Washington, D.C. can truly understand
the discrepancy in physician recruit-
ment and retention.

Anyone representing a rural State
knows that a certain amount of physi-
cian turn over is inevitable and under-
standable. It is very important, how-
ever, to anticipate how we can ensure
a adequate number of physicians in the
future. Payment for Graduate Medical
Education slots has been frozen at the
number of physicians who were being
trained in 1996. Within the past six
months we have been told that the
funding for training family physicians,
general internists, pediatricians, den-
tists, nurse practitioners, physician as-
sistants, and other health professionals
should be drastically cut because
‘‘today a physician shortage no longer
exists’’. Although aggregate data ap-
pears to show a shortage, it is one of
the most difficult and economically
disadvantaged areas.

This particular piece of legislation
creates a demonstration program in
nine States that will correct the flaws
in the system in two ways, and then
work health care professionals in each
demonstration State through a state-
specific health professions database.
Demonstration States would be identi-
fied using three criteria including an
uninsured rate above the U.S. average,
loss of primary care physicians below
the U.S. average, and a combined Medicare
and Medicaid population above 20
percent.

The first flaw in the system is the
capitation limit placed on all residency
graduate medical education positions
in 1996. Whereas this action may have
been appropriate for some States,
maybe even most States, it has been
unnecessarily damaging to rural States
where we know physicians are in short
supply. This bill allows a sponsoring
institution to increase the number of
residency and fellowship positions by up
to 50 percent if the institution agrees
to require that each resi-
dent or fellow in the affected training
programs would spend an aggregate of
10 percent of their time during training
providing supervised specialty services
to underserved and rural community
populations outside of their training
institutions. A waiver from this rural
outreach requirement can be granted
by the Secretary for certain hospital-
based subspecialists, like neuro-
surgeons, if the demonstration State
can demonstrate a shortage of physi-
cians in that specialty statewide.

The second flaw in the system re-
volves around the debt load carried by
many physicians when they finish their
training program. Currently there are
only a few Federal and State programs
that will help repay education loans.
The problem lies in the fact that only
primary care specialties currently
qualify for these loan repayment pro-
grams. This legislation creates a simi-
lar loan repayment program for under-
served specialists who agree to practice
for one year in the demonstration
State for each year of education loans
that are repaid.

Thus, this demonstration project
does two critical things for recruit-
ment and retention in rural States. It
exposes to underserved areas that they
may never have otherwise been exposed
to, which increases the possibility that
they will stay and practice there. It
also relieves some of their economic
burden from loans which may help to
moderate the effect of lower Medicare
reimbursement rates.

I request unanimous consent that the
text of this bill be printed in the
RECORD.

There being no objection, the bill was
ordered to be printed in the RECORD, as
follows:
SEC. 3. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(A) Establishment.—

(1) in general.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural States in accordance with the requirements of this section.

(2) Consultation.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State;

(E) any other entity described in section 2(9)(B).

(B) Duration.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) Conduct of Program.—

(1) Funding of additional residency and fellowship positions.—

(A) in general.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall—

(i) notwithstanding section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) increase, by up to 50 percent of the total number of residency and fellowship positions approved at each medical residency training program in each demonstration State, the number of residency and fellowship positions in each shortage physician specialty; and

(ii) subject to subparagraph (C), provide funding for the program described in clause (i) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) for each position added under clause (i).

(B) Funding of additional positions.—

(i) Identification.—The Secretary shall identify each additional residency and fellowship position as a result of the application of subclause (A).

(ii) Negotiation and consultation.—The Secretary shall negotiate and consult with representatives of medical residency training programs in a demonstration State at which a position identified under clause (i) is created for purposes of supervising such position.

(C) Contracts with sponsoring institutions.—

(i) in general.—The Secretary shall enter into contracts containing the provisions described in clause (ii) on the execution of a contract containing such provisions as the Secretary determines are appropriate, including the provision described in clause (ii) by each sponsoring institution.

(ii) Provision described.—

(1) period of payment.—The Secretary may not pay any residency or fellowship position identified under subparagraph (B)(i) for a period of more than 10 years.

(2) reassessment of need.—The Secretary shall reassess the status of the shortage physician specialty in the demonstration program prior to entering into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(D) Loan repayment and forgiveness program.—

(A) in general.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for whom the Secretary has approved an application submitted under subparagraph (D); and

(ii) for whom the Secretary has entered into a contract under subparagraph (C).

(B) Qualified loan amount.—

(i) in general.—Subject to clause (ii), the Secretary shall repay the lesser of—

(C) contracts with residents and fellows.—

(A) in general.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(B) provisions.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate—

(i) to practice in the professional shortage area of a demonstration State during the period in which a loan is being repaid or forgiven under this section; and

(ii) to provide health services relating to the shortage physician specialty of the graduate that was funded with the loan being repaid or forgiven under this section during such period.

(D) application.—

(i) in general.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) reassessment of need.—The Secretary shall reassess the shortage physician specialty in the demonstration States prior to entering into any contract under this paragraph for the repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.
SEC. 4. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice type, education, and training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 3(c).

(b) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing administrative, Federal, and non-Federal files, including the AMA Master File, State databases, specialty medical society databases, and such other data points as may be recommended by COGME, MedPAC, or the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(2) LOAN REPAYMENT AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395ww).

(c) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395ww).

SEC. 5. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—Not later than 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date, COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress.

(2) MedPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of MedPAC, together with such recommendations for legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 6. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

By Ms. LANDRIEU:

S. 1388. A bill to make election day a Federal holiday; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1388

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

SEC. 1. FINDINGS.

Congress finds that—

(1) democracy is an invaluable birthright of American citizens and each generation must sustain and improve the democratic process for the good of all Americans;

(2) the Federal Government must actively create and enforce laws that protect the voting rights of all Americans, and further create an equal opportunity for all Americans to participate in the voting process;

(3) the Federal Government should encourage the value of the right to vote;

(4) 22.8 percent of Americans who do not vote in elections give the reasoning that they are too busy and have a conflicting work or school schedule;

(5) the creation of a legal public holiday on election day will increase the availability of poll workers and suitable polling places; and

(6) the creation of a legal public holiday on election day will make voting easier for some workers and increase voter participation by the American public.
owners, people from every walk of life, have contacted me to express their ex-
citement about the possibility of building
a laboratory. The support for this pro-
posal is overwhelming.

In order to make the mine available for research purposes, it is nec-
tary that the State of South Dakota and the United
States to assume a portion of the li-
ability currently associated with the
property. The purpose of the legisla-
tion is to ensure that the transfer takes places in a way that is fair to taxpayers, that protects the en-
vironment, and that ensures this facility can ultimately become available for research.

This legislation establishes a number of steps that must be taken to meet these goals. First it requires that an independent inspection of the property take place to identify any condition that could pose a threat to public safety or the environment. The En-
vironmental Protection Agency must re-
view the report accompanying this in-
spection and ensure that any problem-
atic conditions are mitigated before transfer may be allowed to take place. Second, it requires that the State of South Dakota purchase environmental insurance to protect the taxpayers against any issue that may arise as a result of acquiring the mine. Third, it establishes a trust fund to provide a permanent source of revenue to finance any clean-up that may be necessary.

Finally, this bill would take effect only if the National Science Foundation ap-
proves the construction of the labora-
tory.

To be clear, only a portion of Homestake's existing facilities that are required for the laboratory are being considered for transfer. These in-
clude the underground portion of the mine and a small "footprint" on the surface. This legislation specifically prohibits any tailings or storage sites, waste rock dumps or other areas from being transferred, as these sites must be reclaimed by Homestake Mining Company.

The final point I want to make is that this legislation is time-sensitive. Homestake's current plan to reclaim the underground mine is to let it slowly flood with water once the mine closes in January of 2001. If that hap-
pens, we will forever lose the opportu-
nity to create this laboratory.

This legislation has been developed over a period of months in close con-
sultation with Homestake Mining Com-
pany, the environmental community, the scientific community, the State of South Dakota and the South Dakota School of Mines and Technology. I want to thank all the individuals in-
volved with this effort for their help. In particular, I'd like to thank Governor Bill Janklow, whose help and support is this process have been invaluable.

I believe the resulting legislation is fair to all involved, and that it will en-
sure the success of the laboratory while protecting the environment. Moreover, by enabling the construction of this laboratory, it ultimately will bring significant benefits to the United States and make an important con-
tribution to human knowledge. I look forward to working with all interested parties to develop additional improve-
ments to this legislation when we re-
turn in September, and I am personally committed to passing this legislation in a timely manner this fall.

I urge my colleagues to give this legis-
lation their support. I am introducing today is to ensure that this transfer takes places in a way that is fair to taxpayers, that protects the en-
vironment, and that enables this facility can ultimately become available for research.

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

Be it enacted by the Senate and House of Rep-

resentatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the "Homestake Mine Conveyance Act of 2001".

SEC. 2. FINDINGS.
Congress finds that—
(1) the United States is among the leading nations in the world in conducting basic sci-
entific research;
(2) that leadership position strengthens the economy and national defense of the United States and provides other important bene-
fits;
(3) the Homestake Mine in Lead, South Da-

kota, owned by the Homestake Mining Com-
pany of South Dakota, is approximately 8,000
feet deep and is situated in a unique physical
setting that is ideal for carrying out certain
types of particle physics and other research;
(4) the Mine has been selected by the Na-
tional Underground Science Laboratory Com-
mittee, an independent panel of distin-
guished scientists, as the preferred site for
the construction of a national underground
laboratory;
(5) such a laboratory would be used to con-
duct scientific research that would be funded and recog-
nized as significant by the United States;
(6) the establishment of the laboratory is
in the national interest, and would substan-
tially improve the capability of the United States to conduct important scientific re-
search;
(7) for economic reasons, Homestake in-
tends to cease operations and close the Mine in
2001;
(8) on cessation of operations of the Mine,
Homestake intends to implement reclama-
tion actions that would preclude the estab-
lishment of a laboratory at the Mine;
(9) Homestake has advised the State that,
after cessation of operations at the Mine, in-
stead of carrying out reclamation activi-
tions, Homestake is willing to donate the un-
derground portion of the Mine and certain other real and personal property of substan-
tial value at the Mine for use as the under-
ground science laboratory;
(10) use of the Mine as the site for the lab-

oratory, instead of other locations under
consideration, would result in a savings of
millions of dollars;
(11) if the National Science Foundation se-
lects the Mine as the site for the laboratory,
it is essential that Homestake not complete
any reclamation activities that would preclude the location of the laboratory at
the Mine;
(12) Homestake is unwilling to donate, and
the State is unwilling to accept, the prop-
erty at the Mine for the laboratory if
Homestake and the State would continue to
have potential liability with respect to the
transferred property; and
(13) to secure the use of the Mine as the lo-
cation for the laboratory to realize the
benefits of the proposed laboratory, it is nec-

essary for the United States to—
(A) assume a portion of any potential fu-
ture liability of Homestake concerning the
Mine; and
(B) address potential liability associated
with the operation of the laboratory.

SEC. 3. DEFINITIONS.
In this Act:
(1) ADMINISTRATOR.—The term "Adminis-
trator" means the Administrator of the En-
vironmental Protection Agency.
(2) AFFILIATE.—
(A) IN GENERAL.—The term "affiliate" means any corporation or other person that
does not make a report to the Internal Revenue
Service.
(B) INCLUSIONS.—The term "affiliate" in-
cludes a director, officer, or employee of an
affiliate.
(3) CONVEYANCE.—The term "conveyance" means the conveyance of the Mine to the
State under section 4(a).
(4) FUND.—The term "Fund" means the En-
vironmental Protection Trust Fund estab-
lished under section 7.
(5) HOMESTAKE.—
(A) IN GENERAL.—The term "Homestake" means the Homestake Mining Company of Cal-
fornia, a California corporation.
(B) INCLUSION.—The term "Homestake" in-
cludes—
(i) a director, officer, or employee of Homestake;
and
(ii) an affiliate of Homestake.
(6) LABORATORY.—
(A) IN GENERAL.—The term "laboratory" means the national underground science lab-

oratory proposed to be established at the
Mine after the conveyance.
(B) INCLUSION.—The term "laboratory" in-
cludes operating and support facilities of the
laboratory.
(7) MINE.—
(A) IN GENERAL.—The term "Mine" means
the portion of the Homestake Mine in Law-
rence County, South Dakota, proposed to be
conveyed to the State for establishment and
operation of the laboratory.
(B) INCLUSIONS.—The term "Mine" in-
cludes—
(i) real property, mineral and oil and gas
rights, shafts, tunnels, structures, in-Mine
backfill, in-Mine broken rock, fixtures, and
personal property to be conveyed for estab-
lishment and operation of the laboratory, as
agreed upon by Homestake, the State, and
the Director of the laboratory; and
(ii) any water that flows into the Mine from
any source.
(8) PERSON.—The term "person" means—
(A) an individual;
(B) a trust, firm, joint stock company, cor-
poration (including a government corpora-
tion), partnership, association, limited li-
ability company, or any other type of busi-
ness entity;
(C) the State or political subdivision of a
State;
(D) a foreign governmental entity; and
(E) any department, agency, or instrument-
ality of the United States.
(9) PROJECT SPONSOR.—The term "project
sponsor" means an entity that manages or

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pays the costs of 1 or more projects that are carried out or proposed to be carried out at the property.

(10) STATE.—
(A) IN GENERAL.—The term "State" means the State of South Dakota.
(B) INCLUSIONS.—The term "State" includes an institution, agency, officer, or employee, use, or possession of, or right to property, or claim of title, under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition existing or resulting from the use of the property.

SEC. 4. CONVEYANCE OF REAL PROPERTY.
(a) IN GENERAL.—
(I) DELIVERY OF DOCUMENTS.—Subject to paragraph (3) and notwithstanding any provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of the independent entity related to the Mine, the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the conditions of the property.
(b) REQUIREMENTS FOR CONVEYANCE.—
(I) IN GENERAL.—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this Act, the Administrator shall accept the independent entity that is selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine poses a substantial risk to human health or the environment.

(2) DUE DILIGENCE INSPECTION.—
(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this Act, Homestake shall permit an independent entity that is selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine poses a substantial risk to human health or the environment.

(B) CERTIFICATION.—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine poses a substantial risk to human health or the environment.

(3) REPORT TO ADMINISTRATOR.—
(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—
(I) describes the results of the due diligence inspection under paragraph (2); and
(ii) identifies any condition of or in the Mine that poses a substantial risk to human health or the environment.

(B) DELIVERY OF DOCUMENTS.—Subject to any claim brought by or on behalf of the United States under section 3730 of title 31, United States Code, relating to negligence on the part of Homestake in carrying out activities in the conveyance of, and in conveying, the Mine.

(3) REQUIREMENTS FOR CONVEYANCE.—
(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or permit the State to carry out, such measures as are necessary to remove or remediate any condition identified by the Administrator under subparagraph (B)(i) as posing a substantial risk to human health or the environment.

(II) LONG-TERM REMEDIATION.—
(1) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing remediation, or remediation that can only be completed part-way through the final closure of the Mine, it shall be a condition of conveyance that Homestake or the National Science Foundation shall deposit into the Fund such funds as are necessary to pay the costs of that remediation.

(bb) SOURCE OF FUNDS.—Any funds deposited by the National Science Foundation under this paragraph shall be made available from grant funding provided for the construction of the Laboratory.

(ii) CERTIFICATION.—After the remedial measures described in clause (1)(i) are carried out and funds are deposited under clause (1)(ii), the independent entity may certify to the Administrator that the conditions for remediation identified by the Administrator under subparagraph (B) have been corrected.

(iii) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under clause (1)(i), the Administrator shall accept or reject the certification.

SEC. 5. LIABILITY.
(a) ASSUMPTION OF LIABILITY.—
(I) IN GENERAL.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall assume any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property conveyed by the United States to Homestake under that transaction.

(ii) SOURCE OF FUNDS.—Any funds deposited by the National Science Foundation under this paragraph shall be made available from grant funding provided for the construction of the Laboratory.

(iii) CERTIFICATION.—After the remedial measures described in section 4 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) are carried out and funds are deposited under clause (1)(ii), the independent entity may certify to the Administrator that the conditions for remediation identified by the Administrator under subparagraph (B) have been corrected.

(iv) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under clause (1)(i), the Administrator shall accept or reject the certification.

SEC. 6. INSURANCE COVERAGE.
(a) PROPERTY AND LIABILITY INSURANCE.—
(I) IN GENERAL.—To the maximum extent practicable, subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and any and all liabilities arising out of the conveyance of, and in conveying, the Mine, to provide coverage against the liability described in subsections (a) and (b) of section 5.

(ii) REQUIREMENTS.—The requirements referred to in paragraph (i) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—
(i) periodically consult with the Administrator and the Director of the National Science Foundation; and
(ii) consider certain factors, including—
(I) the nature of the projects and experiments being conducted in the laboratory;
(II) the availability of commercial insurance;
(III) the amount of funding available to purchase commercial insurance;
(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—
(i) secondary to the insurance purchased by project sponsors;
(ii) in excess of amounts available in the Fund to pay any claim.
(3) FINANCING OF INSURANCE PURCHASE.—
(A) In general.—The project to which this section applies, the State may finance the purchase of insurance required under this subsection by using—
(i) funds made available from the Fund; and
(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory;
(B) DIRECTED EXPENDITURE TO USE STATE FUNDS.—Nothing in this Act requires the State to use State funds to purchase insurance required under this subsection.
(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—
(A) name the United States as an additional insured; or
(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.
(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—
(A) the Mine ceases to be used as a laboratory; or
(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.
(b) PROJECT INSURANCE.—
(1) IN GENERAL.—The State, in consultation with the Administrator and the Director of the National Science Foundation, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 5.
(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—
(A) name the State and the United States as additional insureds; or
(B) otherwise provide that the State and the United States are beneficiaries of the insurance having the primary right to enforce all rights under the policy.
(c) STATE INSURANCE.—
(A) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—
(1) unemployment compensation insurance; and
(2) worker’s compensation insurance.
(B) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to purchase insurance required under this Act.
(d) ADDITIONAL TERMS.—The insurance purchased by the United States and the Fund for the purchase of insurance for the Mine and laboratory in which—
(A) the amount determined by the State, in consultation with the Director of the National Science Foundation and the Administrator, and approved by the appropriate project sponsor, for each project to be conducted, which amount—
(i) shall be used to pay—
(A) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;
(B) claims arising out of or in connection with the project; or
(ii) in a lump sum as a prerequisite to the approval of the project;
(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and
(4) all other funds received and designated by the State for deposit in the Fund;
(e) EXPENSES.—The amounts in the Fund shall be used only for the purposes of funding—
(A) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;
(B) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;
(C) a claim arising out of or in connection with the conduct of a project;
(D) purchases of insurance by the State as required under section 6;
(E) payments for and other costs relating to liability described in section 5; and
(F) closure of the Mine and laboratory;
(f) DETERMINATION OF INSURANCE PURCHASES.—The United States—
(1) to the extent the United States assumes liability under section 5—
(A) shall be a beneficiary of the Fund; and
(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and
(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.
(g) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 5.
SEC. 6. REQUIREMENTS FOR OPERATION OF LABORATORY.
(a) OPERATING PLAN.—After the conveyance, nothing in this Act exempts the laboratory from compliance with any law (including a Federal environmental law).
(b) SECURITIES.—The Fund shall consist of—
(A) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—
(i) in consultation with the Director of the National Science Foundation and the Administrator; and
(ii) after taking into consideration—
(A) the projects and experiments being conducted at the laboratory; and
(B) available amounts in the Fund;
(iii) any pending costs or claims that may be required to be paid out of the Fund; and
(iv) the amount of funding required for future actions associated with the closure of the facility;
(B) an amount determined by the State, in consultation with the Director of the National Science Foundation and the Administrator, and approved by the appropriate project sponsor, for each project to be conducted, which amount—
(A) shall be used to pay—
(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;
(ii) claims arising out of or in connection with the project; or
(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and
(B) may, at the discretion of the State, be assessed—
(i) annually;
(ii) in a lump sum as a prerequisite to the approval of the project;
(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and
(4) all other funds received and designated by the State for deposit in the Fund;
(c) EXPENSES.—The amounts in the Fund shall be used only for the purposes of funding—
(A) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;
(B) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;
(C) a claim arising out of or in connection with the conduct of a project;
(D) purchases of insurance by the State as required under section 6;
(E) payments for and other costs relating to liability described in section 5; and
(F) closure of the Mine and laboratory;
(d) DETERMINATION OF INSURANCE PURCHASES.—The United States—
(1) to the extent the United States assumes liability under section 5—
(A) shall be a beneficiary of the Fund; and
(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and
(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.
(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 5.
SEC. 7. ENVIRONMENT AND PROJECT TRUST FUND.
(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, an Environment and Project Trust Fund.
(b) AMOUNTS.—The Fund shall consist of—
(A) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—
(i) in consultation with the Director of the National Science Foundation and the Administrator; and
(ii) after taking into consideration—
(A) the projects and experiments being conducted at the laboratory; and
(B) available amounts in the Fund;
(iii) any pending costs or claims that may be required to be paid out of the Fund; and
(iv) the amount of funding required for future actions associated with the closure of the facility; and
(A) an amount determined by the State, in consultation with the Director of the National Science Foundation and the Administrator, and approved by the appropriate project sponsor, for each project to be conducted, which amount—
(i) shall be used to pay—
(A) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;
(B) claims arising out of or in connection with the project; or
(C) a claim arising out of or in connection with the conduct of a project;
(D) purchases of insurance by the State as required under section 6;
(E) payments for and other costs relating to liability described in section 5; and
(F) closure of the Mine and laboratory;
The biggest problems are knowledge gaps, confusion about program rules, and problems created by bureaucratic barriers to coverage. According to the study, “Only 38 percent of low-income uninsured children have parents who have heard of Medicaid or SCHIP or have heard of any of the programs that are currently available that would allow them to obtain insurance.” Moreover, less than half of parents, 47 percent, of low income uninsured children were even aware of the separate SCHIP program. As the authors conclude, “SCHIP expansions to reduce uninsurance among children, it is critical that families know about the coverage available through separate non-Medicaid SCHIP programs.”

In addition, senior health researcher Peter J. Cunningham at the Center for Studying Health System Change recently published an article in Health Affairs entitled “Targeting Communities With High Rates of Uninsured Children” that highlights that the “key to getting children insured” is improved “enrollment outreach.”

As the article notes, “Policymakers have understood from the beginning that the key to the success of SCHIP is in getting eligible children to enroll in the programs. This study suggests that outreach activities and other efforts to stimulate enrollment need to be especially focused in high-uninsured areas, both because they include a large concentration of the nation’s uninsured children and because high rates of public and private coverage have historically been lower in these areas.”

Cunningham particularly notes that children in high-uninsured communities are disproportionately Hispanic. As he points out, “Hispanics typically have lower take-up rates for health insurance programs for which they are eligible. This could be attributable to immigration concerns, language barriers, lack of awareness of public programs, or not understanding the role that insurance coverage plays in the United States in securing access to high-quality health care.”

As a result, the legislation also contains a provision giving priority to community-based organizations in communities with high rates of eligible but unenrolled children and in areas with high rates of families for whom English is not their primary language. It is intended for organizations such as “promotoras” or community health advisors to receive these grants, as they have been incredibly effective in New Mexico in improving health insurance coverage to children.

An estimated 11 million children under age 19 were without health insurance in 1999, including 129,000 in New Mexico, representing 15 percent of all children in the United States and 22 percent of children in New Mexico, the highest rate of uninsured children. An estimated 103,000 of those children are in families with incomes below 200 percent of poverty, so the majority of those children are already eligible for but unenrolled in Medicaid.

Why is this important? According to the American College of Physicians-American Society of Internal Medicine, uninsured children, compared to the insured, are far more likely to have gone without needed medical, dental or other health care; 2 times more likely to have gone without a physician visit during the previous year; up to 4 times more likely to have delayed care; and up to 10 times less likely to have a regular source of medical care; 1.7 times less likely to receive medical treatment for asthma; and, up to 30 percent less likely to receive medical attention for any injury.

In fact, one study has “estimated that the 15 percent rise in the number of children eligible for Medicaid between 1984 and 1992 decreased child mortality by 5 percent.” This expansion of coverage for children occurred, in large part, during the Reagan and Bush Administrations, so this is clearly a bipartisan issue that deserves further bipartisan action.

Mr. President, I urge this legislation’s immediate passage. We can and must do better for our children.

I ask unanimous consent for the text of the bill to be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1390
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Children’s Health Coverage Improvement Act of 2001.”

SEC. 2. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS UNDER SCHIP.
(a) IN GENERAL.—Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking “The Secretary” and inserting the following:
(‘‘(1) IN GENERAL.—Subject to paragraph (2), the Secretary’’; and

(2) by adding at the end the following:
‘‘(2) GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

‘‘(A) IN GENERAL.—Prior to any redistribution under paragraph (1) of unexpended allotments made to States under subsection (b) or (c) for fiscal year 2000 and any fiscal year thereafter, the Secretary shall—
‘‘(i) reserve from such unexpended allotments the lesser of $100,000,000 or the total amount of funds for rape victim grants under this paragraph for the fiscal year in which the redistribution occurs; and

(ii) subject to subparagraph (B), reserve funds to make grants to local and community-based public or nonprofit organizations (including organizations involved in pediatric advocacy, local and county governments, public health departments, Federally-qualified health centers, children’s hospitals, and hospitals defined as disproportionate share hospitals under the State plan under title XVII of the Social Security Act) for innovative outreach and enrollment efforts that are consistent with section 2102(c) and to promote parents’ understanding of the importance of health insurance for children.

‘‘(B) PRIORITY FOR GRANTS IN CERTAIN AREAS.—In making grants under subparagraph (A)(i), the Secretary shall give priority to grant applicants that propose to target the outreach and enrollment efforts funded under the grant to geographic areas—

(1) that are primarily rural; or

(2) that have a substantial number of low-income or unenrolled children, including such children who reside in rural areas; or

(ii) with high rates of families for whom English is not their primary language.

‘‘(C) APPLICATIONS.—An organization that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner and containing such information, as the Secretary may require.”

(b) EXTENDING USE OF OUTSTATIONED WORKERS—

Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended by inserting ‘‘, and applications for child health assistance under title XXI’’ after ‘‘(a)(10)(A)(i)(IX)’’.

By Mr. SCHUMER (for himself and Mr. DEWINE).

S. 1391. A bill to establish a grant program for Sexual Assault Forensic Examiners, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I rise today to introduce the Sexual Assault Forensic Examiners Act of 2001, which is being co-sponsored by Senator DEWINE. This bill aims to vastly improve the care of victims of sexual assault and help see to it that their attackers end up behind bars. Over 300,000 women are sexually assaulted each year in the United States. Unlike all other violent crimes, rape is not declining in frequency. When a woman suffers the crime of sexual assault, there are two minimal things our system owes her. First, we owe it to her to do everything in our power to find and put her assailants behind bars. Second, we owe her prompt and caring treatment when she’s reported the crime, which in itself is often an act of great courage. Yet, all too often, we fail in these basic obligations.

Most rape victims who seek treatment go to hospital emergency rooms, where they often wait hours in public waiting rooms. Some leave the hospital altogether rather than endure extended delay, decreasing the likelihood the offense will ever be reported or prosecuted. Once victims are finally attended to, most victims are treated by a series of rushed emergency room nurses, doctors and lab technicians who often lack specialized training in the particular physical and psycholegal concerns the horrific crime of emergency room nurses and doctors also typically have little training in collecting, correctly handling and preserving forensic evidence from rape victims. Moreover, many hospitals lack the last forensic tools, such as dye that reveals microscopic scratches, and colposcopes, which detect and photograph otherwise invisible pelvic injuries. As a result, evidence is mishandled or never uncovered in the first place—jeopardizing prosecutions. Finally, many forensic examiners, who are already overworked, are sometimes reluctant to cooperate with police and prosecutors in sexual assault cases.

The result of this study suggests the following:

(1) by striking “The Secretary” and inserting the following:
(‘‘(1) IN GENERAL.—Subject to paragraph (2), the Secretary’’; and

(2) by adding at the end the following:
‘‘(2) GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

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(ii) with high rates of families for whom English is not their primary language.

‘‘(C) APPLICATIONS.—An organization that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner and containing such information, as the Secretary may decide.”

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Most rape victims who seek treatment go to hospital emergency rooms, where they often wait hours in public waiting rooms. Some leave the hospital altogether rather than endure extended delay, decreasing the likelihood the offense will ever be reported or prosecuted. Once victims are finally attended to, most victims are treated by a series of rushed emergency room nurses, doctors and lab technicians who often lack specialized training in the particular physical and psycholegal concerns the horrific crime of emergency room nurses and doctors also typically have little training in collecting, correctly handling and preserving forensic evidence from rape victims. Moreover, many hospitals lack the last forensic tools, such as dye that reveals microscopic scratches, and colposcopes, which detect and photograph otherwise invisible pelvic injuries. As a result, evidence is mishandled or never uncovered in the first place—jeopardizing prosecutions. Finally, many forensic examiners, who are already overworked, are sometimes reluctant to cooperate with police and prosecutors in sexual assault cases.
knowing this entails time-consuming interviews, witness preparation and court appearances—to say nothing of unpleasant cross-examinations.

SAFE programs dramatically improve the situation. SAFE examiners are specially trained in the laboratory techniques of forensic evidence gathering. They cooperate fully with police and prosecutors, and their specialized training and experience makes them better witnesses in court. When defendants claim repeatedly that physical evidence of force, which can be difficult to uncover and explain to juries—can make all the difference. Prosecutors support SAFE programs because they lead to more prosecutions and convictions.

SAFE programs also provide better care to victims. Rather than face a long public wait and a revolving door of emergency room care-givers, victims treated by SAFEs are seen immediately in private, tell their story to and receive care from a single attendant, and with greater sensitivity by examiners with specialized psychological training.

There are now fewer than 750 SAFE programs in the United States, serving less than 5 percent of all victims. Our bill would provide $10 million a year to 2006 in grants to new or existing SAFE programs. SAFE programs currently have to compete against a myriad of other law enforcement and victims’ programs for federal funding under the Violence Against Women Act and the Victims of Crime Act; by contrast, the SAFE Grant Act of 2001 will provide a unique and direct source of Federal funding for SAFEs. The Department of Justice, which is already responsible for developing national standards for SAFE programs, will administer the grants, ensure that recipients conform to the national standards, and give priority to SAFE programs currently in underserved areas.

Being the victims of a sexual assault is bad enough. We have to see to it that the system doesn’t exacerbate the problem with shoddy care and mishandled cases. This bill should provide some help and I’m proud to introduce it today.

Mr. DeWINE. Mr. President, today I rise as a cosponsor of the Sexual Assault Forensic Examiners Act of 2001, sponsored by my colleague, Senator Gramm. I am especially grateful for introducing this important legislation. The purpose of this legislation is to appropriate $10 million annually for the support of programs that utilize Sexual Assault Forensic Nurses in the treatment and counseling of rape victims.

Somewhere in America, a woman is sexually assaulted every two minutes. In the past year alone, 307,000 women were sexually assaulted in this country, and unlike other violent crimes, rape is not decreasing in frequency. Unfortunately, the treatment that many rape victims presently receive is far from adequate. Most victims of sexual assault who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment only to see doctors without specialized training who lack the proper forensic tools for evidence collection. Many victims and their post-traumatic experiences in hospitals constitute another humiliating victimization. Victims of sexual assault should not be traumatized twice, especially when there are better programs in place that could help them.

A Sexual Assault Forensic Examiner, often referred to as a SAFE, is a registered nurse who has received advanced training and clinical preparation in the forensic examination of sexual assault victims. As opposed to rape survivors seen by typical emergency room personnel, patients seen by these SAFEs rarely wait for treatment, see a single specially trained examiner instead of any number of different doctors, and receive sensitive, specialized care. The intervention of SAFEs in a sex crimes case bolsters the odds of prosecution and conviction of offenders, as these nurses are trained in the proper methods to utilize “rape kits” and collect forensic evidence. Furthermore, the expertise of SAFE nurses renders them better witnesses than most emergency room personnel during trials, which can make the difference between a conviction and an acquittal. The Department of Justice reports that in areas where SAFE programs have been established for more than 10 years, there is a 96 percent rape conviction rate, as opposed to the 4 percent average conviction rate in areas without SAFE facilities.

Five hundred SAFE programs currently exist in the United States, but these programs treat less than 5 percent of all sexual assault victims. Fiscal constraints and limited Federal funding for SAFE programs, which frequently compete with other law enforcement and victims’ programs to obtain the limited Federal funds available from existing sources. By creating a specific and limited Federal funding source for SAFE programs, more SAFE programs will be established, improving both the quality of care provided to victims and the conviction rate of their assailants.

In the short time that I have been speaking here, two women became victims of sexual violence. By lending your support to the “Sexual Assault Forensic Examiner Grant Act of 2001,” you can help assure that the hundreds of thousands of women who are raped each year receive the sensitive medical care that they both require and deserve.

Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1393. A bill to provide grants to ensure full and fair participation in certain decision-making processes at the Bureau of Indian Affairs; to the Committee on Indian Affairs.

Mr. DODD. Mr. President, I rise today to introduce two pieces of legislation intended to improve the process by which the Federal Government acknowledges the sovereign rights of American Indian tribes and their Governments.

I offer these bills with a sense of hope and with the expectation that they will contribute to the long-needed conversation about how the Federal Government can best fulfill its obligations to America’s native peoples. Senator INOUYE and Senator CAMPBELL have provided invaluable leadership on this issue and I hope that the bills I am introducing today will serve as a modest, but useful contribution that will help move us toward a more speedy and more fair recognition process.

Currently there are more than 150 Indian groups that have petitions for recognition as sovereign tribes pending before the Bureau of Indian Affairs, BIA. No fewer than nine of those petitions are from groups based in Connecticut.

Several recent actions by the BIA have generated considerable debate about the timeliness, accuracy, and fairness of the BIA’s actions. I believe that careful reform of the recognition process can help prevent future doubts before they emerge.

As we consider how best to reform the process for tribal recognition, we ought to be guided by several firm principles: fairness, openness, respect, and a common interest in bettering the quality of life for all Americans. The two bills that I am introducing today are based on these principles and I believe will bring us closer to our shared objectives.

Problems with the current recognition process have been well documented. It is widely recognized that the process is taking too long to resolve all the claims of many Indian groups. It is also known that towns and other interested parties often believe that their input is ignored.

Last year, the then-Assistant Secretary for Indian Affairs testified before the Senate Indian Affairs Committee on the BIA’s tribal recognition process. In a remarkable statement, he called for an overhaul of that process. I do not disagree. In fact, I believe that we have an obligation to restore public confidence in the recognition process.

I have proposed a three-part legislative initiative to make the process more accurate, more fair, and more timely. Those parts are: one, provide more money to the Bureau of Indian Affairs. I have previously called for increases in the budget for the BIA so it can expedite its recognition process. For several years, I have sought and supported additional funding for the BIA’s branch of acknowledgment and
research. The legislation that I am introducing today would dramatically increase the BIA's budget for this office. Right now, the BIA has about 150 recognition petitions pending. At the current pace, it takes an average of eight to ten years for a tribe's petition to be decided upon. It seems to me that is an unacceptably long amount of time. Indeed, I can think of no other area of law where Americans must wait as long to have their rights adjudicated and vindicated. Under any scenario for reform that the BIA should have more resources to get the job done efficiently, thoroughly, and most importantly, accurately. The tribal recognition and Indian Bureau Enhancement Act, which I am introducing would authorize $10 million to help BIA quickly address its backlog. This funding increase is critical to help remedy deficiencies in the process by which Indian groups are evaluated and recommended for acknowledgment as sovereign legal entities.

Two, this legislation will provide assistance grants to local governments and tribes so that they can fully participate in the recognition process and other BIA proceedings. Any government or tribe would have to demonstrate financial need as a condition of receiving these funds. And they would have to demonstrate that a grant would promote the interests of just administration at the BIA. My intention here is to help improve the fact-finding process and ensure that the Bureau's recognition decisions are based on the best available information.

Three, I propose that we make the recognition process more transparent. It bears noting that there has never been an unambiguous grant of authority from Congress to the Bureau of Indian Affairs to administer a program for the recognition of Indian Tribes. I believe that it is time for Congress to make such a clear grant of authority. The legislation I am proposing would essentially codify many of the regulations that the BIA has been operating under for years. I believe that it is in the interest of the general public and American sovereignty to ensure that those parts of the BIA regulations that are working well will have the full force of statutory law. Relying on statutory authority, rather than regulations, will afford the public and tribes with a measure of certainty and permanency that has heretofore been lacking. Anchoring the BIA's authority in legislation will also restore Congress to an appropriate position where it can more effectively monitor and oversee execution of its laws.

Let me stress something about these proposed reforms: We should seek not to dictate an outcome, but to ensure a process that is fair, open, and respectfull to all. That is the best guarantee of an outcome that is just whatever it may be.

In concluding, I appreciate that the steps I announced today may appear modest to some, excessive to others. I know they will not please everyone. But they do, I believe, outline a series of actions that can bring greater fairness, openness, and respect to this area of Federal policy. That is my sincere hope, in any event.

I look forward to discussing these and other ideas with Chairman INOUYE, Senator CAMPBELL, and their colleagues on the Indians Affairs Committee. I submit these bills to them in humble recognition of their wealth of wisdom and understanding about these matters. I also look forward to discussing them with our other colleagues here in the Senate and with members of the communities that may be impacted by these proposals.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1390

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tribal Recognition and Indian Bureau Enhancement Act of 2001".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Effect of acknowledgment of tribal existence.
Sec. 6. Scope.
Sec. 7. Letter of intent.
Sec. 8. Duties of the Department.
Sec. 9. Requirements for the documented petition.
Sec. 10. Mandatory criteria for Federal acknowledgment.
Sec. 11. Previous Federal acknowledgment.
Sec. 12. Notice of receipt of a letter of intent or documented petition.
Sec. 13. Processing of the documented petition.
Sec. 14. Testimony and the opportunity to be heard.
Sec. 15. Written submissions by interested parties.
Sec. 16. Publication of final determination.
Sec. 17. Independent review, reconsideration, and appeal.
Sec. 18. Implementation of decision acknowledging status as an Indian tribe.
Sec. 19. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has an obligation to recognize and respect the sovereignty of Native American peoples who have maintained their social, cultural, and political identity.

(2) All Native American tribal governments that represent tribes that have maintained their forward cultural and political identity, to the extent possible within the context of history, are entitled to establish government-to-government relations with the United States, are entitled to the rights appertaining to sovereign governments.

(3) The Bureau of Indian Affairs of the Department is responsible for determining whether Native American groups constitute "Federal Tribes" and are therefore entitled to be recognized by the United States as sovereign nations.

(4) In recent years, the decisionmaking process used by the Bureau of Indian Affairs to resolve claims of tribal sovereignty has been widely criticized.

(5) In order to ensure continued public confidence in the Federal Government's decisionmaking and accountability, it is necessary to reform the recognition process.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To establish administrative procedures to extend Federal recognition to certain Indian groups.

(2) To extend to Indian groups that are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility with respect to Indian tribes.

(3) To extend to Indian groups that are determined to be Indian tribes the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States.

(4) To ensure that when the Federal Government extends acknowledgment to an Indian group, the Federal Government does so based upon clear, factual evidence derived from an open and objective administrative process.

(5) To provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment.

(6) To clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions.

SEC. 4. DEFINITIONS.

In this Act:

(1) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) DEPARTMENT.—The term "Department" means the Department of the Interior.

(3) DOCUMENTED PETITION.—The term "documented petition" means the detailed arguments made by a petitioner to substantiate the petitioner's claim to continuous existence as an Indian tribe. It includes the factual exposition and all documentary evidence necessary to demonstrate that the arguments address the mandatory criteria set forth in section 10.

(4) HISTORICALLY, HISTORICAL, OR HISTORY.—The term "historically", "historical", or "history" means dating from the first sustained contact with non-Indians.

(5) INDIAN GROUP OR GROUP.—The term "Indian group" or "group" means any Indian or Alaska Native aggregation within the continental United States that the Secretary does not acknowledge to be an Indian tribe.

(6) INDIAN TRIBE; TRIBE.—The terms "Indian tribe" and "tribe" mean any group that the Secretary determines to have met the mandatory criteria set forth in section 10.

(7) PETITIONER.—The term "petitioner" means any entity that has submitted a letter of intent to the Secretary requesting acknowledgment that the entity is an Indian tribe.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. EFFECT OF ACKNOWLEDGMENT OF TRIBAL EXISTENCE.

Acknowledge of an Indian tribe under this Act—

(1) confers the protection, services, and benefits of the Federal Government available to Indian tribes by virtue of their status as tribes;

(2) means that the tribe is entitled to the immunities and privileges available to other
federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States;

(3) means that the United States recognizes the existence or authority of a group that has been regarded as an Indian tribe for a substantial period of time;

(4) subjects the Indian tribe to the same authorizations and restraints of the United States that apply to other tribes recognized by the United States.

SEC. 6. SCOPE.

(a) GENERAL.—This Act applies only to those Native American Indian groups indigenous to the continental United States which are not currently acknowledged as Indian tribes or tribal entities. It is intended to apply only to groups that can present evidence of a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the date of the submission of the documented petition.

(b) EXCLUSIONS.—The procedures established under this Act shall not apply to any of the following:

(1) Any Indian tribe, organized band, pueblo, or community that as of the date of enactment of this Act, has been acknowledged as such and is receiving services from the Bureau.

(2) An association, organization, corporation, or group of any character that has been formed after December 31, 2002.

(3) Splinter groups, political factions, communities, or groups of any character that separate from the main body of a currently acknowledged tribe, except that any such group that can establish clearly that the group has functioned throughout history until the date of the submission of the documented petition as an autonomous tribal entity may be acknowledged under this Act, even if the group only has been recognized as some as part of or has been associated in some manner with an acknowledged North American Indian tribe.

(4) Any group which is, or the members of which are, subject to congressional legislation terminating or forbidding the Federal relationship.

(5) Any group that previously petitioned and was denied Federal acknowledgment under part 83 of title 25 of the Code of Federal Regulations prior to the date of enactment of this Act or under the provisions of this Act.

SEC. 7. LETTER OF INTENT.

(a) IN GENERAL.—Any Indian group in the continental United States that desires to be acknowledged as an Indian tribe shall submit a letter of intent to the Department. It is intended to be the beginning of a sequential process that will provide the Federal Government with all of the information necessary to make a determination of Indian identity and to establish the group as an Indian tribe under this Act.

(b) APPROVAL OF GOVERNING BODY.—A letter of intent approved by the group's governing body, stating that it is the group's Indian identity may consist of a group's documented petition as an autonomous tribal entity has from time to time been demonstrated. The documented petition must include a certification or particular criteria.

(c) S ATISFACTION OF MANDATORY CRITERIA.

SEC. 8. DUTIES OF THE DEPARTMENT.

(a) PUBLICATION OF LIST OF INDIAN TRIBES.—The Department shall publish in the Federal Register, no less frequently than once per year, a list of Indian tribes eligible to receive services from the Bureau by virtue of their status as Indian tribes. The list may be published more frequently, if the Secretary deems it necessary.

(b) GUIDELINES FOR PREPARATION OF DOCUMENTED PETITIONS.

SEC. 9. REQUIREMENTS FOR THE DOCUMENTED PETITION.

(a) IN GENERAL.—A predominant portion of the group comprising the group's governing body, stating that it is the group's Indian identity may consist of a group's documented petition as an autonomous tribal entity has from time to time been demonstrated.

(b) APPROVAL OF GOVERNING BODY.—Any group that has submitted a letter of intent to the Department as of the date of enactment of this Act shall be notified that any documented petition submitted by the group shall be considered under the provisions of this Act.

(c) S ATISFACTION OF MANDATORY CRITERIA.

(1) IDENTIFICATION ON A SUBSTANTIALLY CONTINUOUS BASIS.—The petition must include a certification or particular criteria.

(2) REASONABLE LIKELIHOOD OF VALIDITY.

(3) CONCLUSIVE PROOF NOT REQUIRED.

(4) MINIMUM SUBSTANTIAL CONTINUOUS PERIOD OF TIME.

(5) Any group that previously petitioned and was denied Federal acknowledgment under part 83 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall not be responsible for any actual research necessary to prepare such petition.

(e) CONSIDERATION OF HISTORICAL SITUATIONS.

SEC. 10. MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT.

The mandatory criteria for Federal acknowledgment are the following:

(1) IDENTIFICATION ON A SUBSTANTIALLY CONTINUOUS BASIS.—The petition must include a certification or particular criteria.

(2) REASONABLE LIKELIHOOD OF VALIDITY.

(3) CONCLUSIVE PROOF NOT REQUIRED.

(4) MINIMUM SUBSTANTIAL CONTINUOUS PERIOD OF TIME.

(5) Any group that previously petitioned and was denied Federal acknowledgment under part 83 of title 25 of the Code of Federal Regulations as in effect on the date of enactment of this Act, shall not be responsible for any actual research necessary to prepare such petition.

(e) CONSIDERATION OF HISTORICAL SITUATIONS.

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably insufficient and unobtainable. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but such demonstration does not require meeting these criteria at every point in time. Fluctuations in tribal activity during various years shall not in themselves be a cause for denial of acknowledgment under these criteria.

SEC. 11. SUPPLEMENTATION AND REVISION.

The Secretary may supplement or update the guidelines as necessary.

SEC. 12. NOTICE REGARDING CURRENT PETITIONS.

The Secretary shall notify the group when the petition is under active consideration by the Federal Government.

SEC. 13. NOTIFICATION TO GROUPS WITH A LETTER OF INTENT.

Any group that has submitted a letter of intent to the Department as of the date of enactment of this Act shall be notified that any documented petition submitted by the group shall be considered under the provisions of this Act.
(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence under the criterion in paragraph (3) shall be evidence for demonstrating historical community.

(B) SUFFICIENT EVIDENCE.—A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided to demonstrate the following:

(i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group and the balance of the group maintains consistent interaction with some members of the community.

(ii) At least 50 percent of the marriages in the group are between members of the group.

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as language, kinship organization, or religious beliefs and practices.

(iv) There are distinct community social institutions encompassing most of the members, such as kinship organizations, formal or informal economic cooperation, or religious institutions.

(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (b)(3)(A).

(vi) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(vii) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(viii) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(ix) The group has met the criterion in paragraph (2) at more than a minimal level.

(v) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(B) SUFFICIENT EVIDENCE.—

(i) In general.—The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the date of the submission of the documented petition. This criterion may be demonstrated by some combination of the following evidence or by other evidence:

(a) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(b) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(c) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(d) The group has met the criterion in paragraph (2) at more than a minimal level.

(e) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(f) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(g) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(h) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(i) The group has met the criterion in paragraph (2) at more than a minimal level.

(j) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(k) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(l) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(m) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(n) The group has met the criterion in paragraph (2) at more than a minimal level.

(o) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(p) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(q) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(r) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(s) The group has met the criterion in paragraph (2) at more than a minimal level.

(t) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(u) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(v) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(w) There is widespread knowledge, communication, and involvement in political processes by most of the group’s members.

(x) The group has met the criterion in paragraph (2) at more than a minimal level.

(y) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(z) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(A) IN GENERAL.—The petitioner must provide a state-
SEC. 15. WRITTEN SUBMISSIONS BY INTERESTED PARTIES.

The Secretary shall consider any written materials submitted to the Bureau from any interested parties, including neighboring municipalities, that possess information bearing on whether to recognize an Indian group.

SEC. 16. PUBLICATION OF FINAL DETERMINATION.

The Secretary shall publish in the Federal Register a complete and detailed explanation of the Secretary's final decision regarding a documented petition under this Act, including express finding of facts and of law with regard to each of the criteria listed in section 10.

SEC. 17. INDEPENDENT REVIEW, RECONSIDERATION, AND FINAL ACTION.

The provisions of section 83.11 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to the independent review, reconsideration, and final action of the Secretary on a documented petition under this Act.

SEC. 18. IMPLEMENTATION OF DECISION ACKNOWLEDGING STATUS AS AN INDIAN TRIBE.

The provisions of section 83.12 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to the implementation of a decision under this Act acknowledging a petitioner as an Indian tribe.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, $10,000,000 for fiscal year 2002 and each fiscal year thereafter.

S. 393

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

SECTION 1. GRANT PROGRAM.

(a) FUNDING LEVELS.—To the extent that amounts are appropriated and acceptable requests are submitted, the Secretary shall award grants to eligible local governments and eligible Indian groups to promote the participation of such governments and groups in the decisionmaking process related to the actions described in subsection (b), if the Secretary determines that the assistance provided under such a grant is necessary to protect the interests of the government or group and would otherwise promote the interest of full participation in a pending action described in subsection (b) and (c).

(b) ACTIONS FOR WHICH GRANTS MAY BE AVAILABLE.—The Secretary may award grants for assistance related to the following actions:

(1) ACKNOWLEDGMENT.—An Indian group is seeking Federal acknowledgment or recognition, or a terminated Indian tribe is seeking to be restored to Federally-recognized status.

(2) TRUST STATUS.—A Federally-recognized Indian tribe has asserted trust status with respect to land within the boundaries of an area over which a local government currently exercises jurisdiction.

(3) LAND CLAIMS.—An Indian group or a Federally-recognized Indian tribe is asserting a claim to land, based upon a treaty or a law specifically applicable to transfers of land or natural resources from, by, or on behalf of any Indian, Indian tribe, or group, or band of Indians (including the Acts commonly known as the Trade and Intercourse Acts (1 Stat. 137; 2 Stat. 139; and 4 Stat. 729).

(4) OTHER ACTIONS.—Any other action or proposed action relating to an Indian group or Federally-recognized Indian tribe if the Secretary determines that the action or proposed action is likely to significantly affect the citizens represented by a local government.

(5) AMOUNT OF GRANTS.—Grants awarded under this section to a local government or eligible Indian group for any one action may not exceed $500,000 in any fiscal year.

(d) DEFINITIONS.—In this section:

(1) ACKNOWLEDGED INDIAN TRIBE.—The term "acknowledged Indian tribe" means any Indian tribe, band, nation, pueblo, or other organization or group which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) ELIGIBLE INDIAN GROUP.—The term "eligible Indian group" means a group that—

(A) is determined by the Secretary to be in need of financial assistance to facilitate fair participation in a pending action described in subsection (b); and

(B) petitions the Secretary for a grant under subsection (a).

(3) ELIGIBLE LOCAL GOVERNMENT.—The term "eligible local government" means a municipality or county that—

(A) is determined by the Secretary to be in need of financial assistance to facilitate fair participation in a pending action described in subsection (b); and

(B) petitions the Secretary for a grant under subsection (a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(e) EFFECTIVE DATE.—Grants awarded under this section may only be applied to expenses incurred after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year that begins after the date of enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 150—DESIGENATING THE WEEK OF SEPTEMBER 23 THROUGH SEPTEMBER 29, 2001, AS "NATIONAL PARENTS WEEK"

Mr. VOINOVICH (for himself and Mr. DeWINE) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. Res. 150

Whereas children play an indispensable role in the rearing of their children;

Whereas parents are good-parenting in a time-consuming, emotive, but vital task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or distracted, to embrace their parental responsibilities and to constantly watch over, and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where the encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where adult and child alike can help one another achieve the joy and fulfillment on a variety of levels; and

Whereas such a domestic climate contributes significantly to the development of healthy, well-adjusted, and happy adults, it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole; Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23 through September 29, 2001, as "National Parents Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. DeWINE, Mr. President, I rise today to join my friend and colleague from Ohio, Senator VOINOVICH, to offer a resolution designating September 23 through September 29, 2001, as "National Parents Week." During this week, advocates would wear purple ribbons and communities all over would take time to reflect on how important parents are in our children's lives.

As proud parents of eight children and now six grandchildren, my wife, Fran, and I know that our future is in the hands of our children. They are the next doctors, firefighters, teachers, and parents, themselves. To quote Abraham Lincoln, "a child is a person who is going to carry-on what you have started out humanly in his hands." President Lincoln's words hold as true today as they did well over one hundred years ago.

To safeguard this future, parents must fulfill many demanding responsibilities. They must guide their children, teach them right from wrong, share in their joy and comfort, and support them in times of need. As any parent knows, this is not always easy. It takes a parent's constant dedication, constant attentiveness, and constant love. This resolution will serve as a giant "thank you" to all the parents who work so hard every day to provide for our children.

With this resolution, we congratulate and adulate parents in order to assure them that we are behind them—100 percent. They must know how important it is to stay the course and continue to provide the values and lessons that will secure a bright and promising future for our children.

Mr. VOINOVICH. Mr. President, I rise today to join my friend and colleague, Senator MIKE DEWINE, to introduce legislation that will highlight the importance of our children.

Positive parenting is a task that is crucial to the future of our Nation, yet the responsibilities and burdens that fall upon parents are too often under-valued. I believe it is essential that we highlight the importance of parents in developing healthy and productive children in our society.

Children thrive in homes where parents take an active role in providing
stability, safety and discipline. This, combined with unconditional affection and encouragement, provide children with the solid foundation to move ahead in life.

I was fortunate to have grown up in a household with such loving and dedicated parents. My mother and father strongly believed in the duty and responsibility they had to their six children, and worked tirelessly to ensure that my brothers and sisters and I would become healthy, productive adults.

As a matter of fact, it is from my parents that I learned the importance of using my God-given talents to serve others. My life in public service has been a reflection of what they not only preached, but on how they lived their lives. My siblings and I were taught early on that part of earning and serving our citizenship was giving back. We were taught to recognize and cherish the blessings of others. It is my hope that—through the establishment of "National Parents Week"—people would use this time in the library of a Cleveland city school. I would ask her, "Mom—why are you still doing this? You've done enough! Why don't you just rest and take it easy?"

Her answer was always the same: "Because I'm needed."

I was truly blessed to have two wonderful parents who were such loving and supportive role models. Too often, today's youth in public service hear only time in a specific region, country, or present-day situation and country around the world, efforts to eradicate and combat these attitudes and behaviors persist in various parts of the world despite continuing efforts by the international community to address these problems:

- In recent years the world has witnessed campaigns of ethnic cleansing; whereas racial minorities, migrants, asylum seekers, and indigenous peoples are persistent targets of intolerance and violence;
- Whereas the United Nations, in its resolution referred to as "WCAR" (in this resolution referred to as "WCAR"), to be held in Durban, South Africa, from August 31 through September 7, 2001, aims to create a new world vision for the fight against racism and other forms of intolerance in the twenty-first century, urge participants to adopt anti-discrimination policies and practices, and establish a mechanism for monitoring future progress toward a discrimination-free world;
- Whereas the WCAR will review progress made in the fight against racism and consider ways to better ensure the application of existing standards to combat racism;
- Whereas participants of the WCAR currently utilize various strategies and other mechanisms to provide recourse at national, regional, and international levels for victims of racism, xenophobia, sexism, religious intolerance, slavery, and other forms of discrimination;
- Whereas the WCAR is charged with reviewing the political, historical, economic, social, cultural, and other factors leading to racism and racial discrimination and formulating concrete recommendations to further action-oriented national, regional, and international measures to combat racism;
- Whereas some preparatory materials for the WCAR take positions on current crises which, if adopted in the final WCAR Declaration and Program of Action, could exacerbate existing tensions, such as language which takes sides in the current crisis between Israelis and Palestinians;
- Whereas the attempt by some to use the WCAR as a platform to resuscitate the divisive and discredited notion equating Zionism with racism, which was overwhelmingly rejected in 1991 by a subsequent United Nations Resolution, would undermine the goals and objectives of the WCAR;
- Whereas the WCAR is expected to propose concrete recommendations to ensure that the United Nations has the resources to actively combat racism and racial discrimination;
- Whereas the United States encourages respect for an individual's human rights and fundamental freedoms without distinction of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status;

Resolved, That the Senate—

(1) encourages all participants in the WCAR to seize this singular opportunity to tackle the scourges of racism, xenophobia, sexism, religious intolerance, slavery, and other forms of discrimination which have divided people and wreaked immeasurable suffering;
(2) recognizes that, since racism, racial discrimination, and related intolerance exist to some extent in every region and country around the world, efforts to address these prejudices should occur within a global framework and address regions, specific regions, countries, or present-day conflicts;
Secretary’s mandate to provide outreach to veterans, dependents, and survivors; and
(2) such assistance should include—
(A) using the December 2002 Social Security Administration’s call for a comprehensive
means of publicizing the VA Health Benefits Hotline and the fact that the Department of Veterans Affairs (VA) provides
comprehensive health care, including low-cost prescription medications, to veterans;
(B) using Social Security award notices for retirement insurance and disability insurance
inform beneficiaries of the VA Health Benefits Hotline and the fact that the VA provides comprehensive health care, including
prescription medications, to veterans;
(C) publishing that describes the cash, health, and other benefits available through the VA to all Social Security
Administration field offices so that these publications may be provided to members of the public who visit such offices; and
(D) broadcasting information to all employees of the Social Security Administration who have contact with the public regarding
the health care benefits (including the availability of prescription medications as part of treatment) available through the VA, our veterans’ health care system, and other benefits available through the VA so that employees at the Social Security Administration can inform veterans about VA programs.

Mrs. LINCOLN, Mr. President, I rise today to submit a Senate resolution calling on the Secretary of Veterans Affairs to work with the Commissioner of the Social Security Administration to better inform the Nation’s veterans and their dependents. The President recently signed into law the Veterans’) Disability Benefits Improvement Act. This Act, for the first time, provides the VA with a legislative mandate to provide outreach and assistance to dependents of veterans. In addition to this legislation, several of my distinguished colleagues in the Senate have introduced the Veterans’ Right to Know Act. This Act would require the VA, once it received an application for any benefit, to inform a veteran or a dependent about ALL VA benefits. The Veterans’ Right to Know Act would also require the VA to develop an annual outreach plan by working with service organizations representing veterans.

However, I know that the VA is concerned that some of these initiatives are bureaucratic requirements that would divert resources from programs that directly serve the veteran population. I understand the concerns of the VA and let me make it clear that I am not here today to criticize the Secretary of Veterans Affairs or the employees of the VA. I consider the Secretary and his employees to be some of the most dedicated public servants in the Nation.

Instead, I am here today to ask for the Secretary’s help and to ask him to consider our perspective as legislators. We have passed legislation to provide health care and economic security to our Nation’s veterans and yet we often hear from constituents who are not aware of the benefits and services the VA provides.

One of the most important benefits the VA provides is comprehensive health care, including low-cost prescription medications. Unfortunately, many veterans believe they have to be disabled or poor to enroll in the VA health care system. The reality is that any honorably discharged veteran can enroll in VA health care.

Let me tell you about a message recently posted on the Web site of Seniors USA. The message is from Art Mazer, who is the Coordinator for the Gray Panthers of Greater Boston. Mr. Mazer writes that he has just enrolled in the VA health care system and will now receive his medications for just $2 per month from the VA pharmacy. Mr. Mazer, who happened to find out about these pharmacy benefits through an email newsletter of the Social Security Administration, refers to the prescription drug benefits provided by the VA as “one of the best kept secrets” in the health care system. Mr. Mazer applied to the Social Security Administration for its informative newsletter and I am glad Mr. Mazer is sharing the information with other seniors. I am concerned that VA health care is being described on an Internet site as one of the best kept secrets of the government.

In some ways, it is appropriate that Mr. Mazer found out about VA benefits from the Social Security Administration. Remarkably, two out of every five veterans are on the Social Security rolls. Over the next several years, we will see millions of Vietnam Era veterans being brought into Social Security’s disability and retirement programs.

The Social Security Administration has one of the most extensive systems of public communication in our government. Each year, this Agency sends out tens of millions of notices to its beneficiaries. These notices inform the public about Social Security, Medicare, and other vital government programs. Every workday, 100,000 citizens visit the Social Security Administration’s 1,300 field offices around the country. The primary role of field office employees is to administer the Social Security programs, but we know from our disabled and elderly constituents that it is often a Social Security employee who tells them about a program to help pay their Medicare bills or a program to help them meet their food expenses. Simply put, the Social Security Administration is on the front lines in our battle to alleviate poverty among our disabled and elderly.

The Resolution I am submitting today calls on the Secretary of Veterans Affairs to request assistance from the Commissioner of Social Security in fulfilling the Secretary’s mandate to provide information to veterans and their dependents. The Resolution outlines four initiatives, but let me talk briefly about just one.

Each year the Social Security Administration mails 54 million cost-of-living adjustment notices to its beneficiaries. The primary purpose of these COLA notices is to tell beneficiaries how much their benefits will increase. However, the Social Security Administration has used these notices in the past to provide information on government health care programs, such as Medicare. It is my hope that the Secretary of Veterans Affairs will request that a portion of these COLA notices include information on the VA health care system, including its provision of low-cost prescription drugs. The VA, to its credit, has developed a Health Benefits Hotline, 1-877-222-VETS, so that veterans can find out about and enroll in VA health care. The COLA notices are an effective way to publicize this Hotline. We know that it requires time to prepare for these outreach initiatives, but I am hopeful that this initiative could be implemented for the December 2002 COLA notices. This gives the VA over a year to work with the Social Security Administration to implement the initiative.

The initiatives outlined in this Resolution are not costly or intrusive because they build on the already-existing capabilities of the Federal Government. And yet, these initiatives will inform millions of veterans and their dependents about benefits available through the VA.

The current Secretary of Veterans Affairs, Anthony J. Principi, is a combat-decorated veteran. I know he is deeply committed to serving veterans and their families. So, today, through this Resolution, I am asking him to take some practical steps to ensure that our veterans and their families are fully informed about benefits and services provided by the VA. I feel sure that the Social Security Administration, an Agency with a well-earned reputation for serving the disabled and elderly, will respond favorably to a request for assistance by Secretary Principi.


Mrs. CLINTON (for herself, Mr. DOTY, Mr. DONN, Mr. LEVIN, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 133

Whereas Shirley Anita Chisholm has devoted her life to public service;
Whereas Shirley Anita Chisholm served in the New York State Assembly from 1946 to 1964;
Whereas Shirley Anita Chisholm served in the New York State Assembly from 1946 to 1964;
Whereas Shirley Anita Chisholm became the first African-American woman to be elected to Congress in 1968;
Whereas Congresswoman Chisholm was a fierce critic of the seniority system in Congress, protested her assignment in 1969 to the Committee on Agriculture of the House of
Representatives, and won reassignment to a committee of the House of Representatives on which she could better serve her inner-city district in Brooklyn, New York;

Whereas Congresswoman Chisholm served as a Member of Congress from 1968 until 1983;

Whereas Congresswoman Chisholm proposed legislation to increase funding for child care facilities in order to allow families to extend their hours of operation and provide services to both middle-class and low-income families;

Whereas in 1972 Congresswoman Chisholm became the first African-American and the first woman to be a candidate for the nomination of the Democratic Party for the office of President;

Whereas Congresswoman Chisholm campaigned in the primaries of 12 States, won 28 delegates, and received 152 first ballot votes at the national convention for the nomination of the Democratic Party for the office of President;

Whereas Congresswoman Chisholm has fought throughout her life for fundamental rights for women, children, seniors, African-Americans, Hispanics, and other minority groups;

Whereas Congresswoman Chisholm has been a committed advocate for many progressive causes, including improving education, ending discrimination in hiring practices, increasing the availability of child care, and expanding the coverage of the Federal minimum wage laws to include domestic employment;

Whereas in addition to the service of Congresswoman Chisholm as a legislator, Congresswoman Chisholm has worked to improve society as a nursery school teacher, di-rector of child care facility, consultant for the New York Department of Social Services, and educator; and

Whereas it is appropriate that the dedicated and outstanding accomplishments of Congresswoman Chisholm be recognized during the month of March, which is National Women’s History Month; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm; and

(2) appreciates the dedicated work of Shirley Anita Chisholm to improve the lives and status of women in the United States.

SENATE RESOLUTION 154—COMMEMDING ELIZABETH B. LETCHWORTH FOR HER SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. Res. 154

Whereas Elizabeth B. Letchworth has dutifully served the United States Senate for over 25 years;

Whereas Elizabeth’s service to the Senate began with her appointment as a United States Senate page in 1975;

Whereas Elizabeth continued her work as a Special Legislative assistant, a Republican Cloakroom assistant, and as a Republican Floor Assistant;

Whereas in 1965 Elizabeth was appointed by the Majority Leader and elected by the Senate to be Secretary for the Majority;

Whereas Elizabeth was the first woman to be elected a Republican Secretary;

Whereas Elizabeth was the youngest person to be elected the Secretary for the Majority at the age of 34. Now, therefore, be it

Resolved, That the United States Senate commends Elizabeth Letchworth for her many years of service to the United States Senate, and wishes to express its deep appreciation and gratitude for her contributions to the institution. In addition, the Senate commends Elizabeth and her husband Ron all the best in their future endeavors.

SENATE RESOLUTION 155—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY OF THE MINORITY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. Res. 155

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary of the Minority of the Senate effective August 29, 2001.

SENATE RESOLUTION 156—EXPRESSION OF THESENATE THAT THE REGIONAL HUMANITIES INITIATIVE OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES BE NAMED FOR EUDORA WELTY

Mr. COCHRAN (for himself and Mr. LOT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 156

Whereas Eudora Welty was the last of the 4 literary giants (William Faulkner, Tennessee Williams, and Richard Wright) who formed the Southern Literary Renaissance and American literature in the 20th century;

Whereas this grand lady of American literature both embraced and transcended the South;

Whereas in the words of critic Maureen Howard, “It is not the South we find in her stories, it is Eudora Welty’s south, a region that feeds her imagination and a place we come to trust”;

Whereas critic Maureen Howard noted that Eudora Welty was “...a Southerner as Chekov was a Russian, because place provides them with a reality, a reality as difficult, mysterious, and important as life”;

Whereas Eudora Welty’s literary legacy includes more than a dozen novels, collections of short stories, essays, and books of photography;

Whereas for this impressive literary canon Eudora Welty was awarded the Pulitzer Prize in 1973, the French Legion of Honor in 1996, the PEN/Paul Engle award, the Presidential Medal of Freedom, the National Endowment for the Humanities Frankel Medal, the National Book Critics Award, and the Gold Medal of the National Institute of Arts and Letters;

Whereas Eudora Welty was the first living writer to be included in the prestigious Library of America series that features American literary giants such as Mark Twain, Walt Whitman, Henry James, Willa Cather, Edith Wharton, Edgar Allen Poe, and William Faulkner;

Whereas of Eudora Welty’s books, The Robber Bridegroom and The Ponder Heart, were adapted for the stage in New York;

Whereas the place in which Eudora Welty lived, Jackson, Mississippi, was central to her work as a writer;

Whereas Jackson, Mississippi, was, in Eudora Welty’s words, “like a fire that never goes out”;

Whereas for Eudora Welty, place was the stuff of her stories, as close to the earth as the earth we can pick up and rub between our fingers, something we can feel and smell... We know what the place has made of those who walk through generations. We have a sense of continuity and that, I think, comes from place.”;

Whereas no writer was ever more beloved, or more adored by her readers who avidly followed her life and work;

Whereas Eudora Welty deeply loved family stories and recalled how “Long before I wrote stories, I listened, when their elders sit and begin, children are just waiting and hoping for one to come out, like a mouse from a hole.”;

Whereas Eudora Welty’s work focused on family life, including weddings, reunions, and funerals;

Whereas Eudora Welty’s career began with the study of region and place when she worked as a writer and photographer for the Works Progress Administration, work that later inspired her fiction and literary essays;

Whereas these writings help us better understand the humanities and their ties to region and place;

Whereas Eudora Welty’s work inspired the National Endowment for the Humanities to launch its Regional Humanities Initiative through 20 planning grants that have been awarded to institutions in the States of Arizona, California, Illinois, Michigan, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Wisconsin;

Whereas like the gentle rain that fell across Mississippi on the day of Eudora Welty’s funeral, the Regional Humanities Initiative nourishes the soil of American culture and its roots in our regions;

Whereas the Regional Humanities Initiative honors the places from which we each come and preserves our history and culture for future generations; and

Whereas Eudora Welty believed deeply in the noble work of the Regional Humanities Initiative and her name will inspire future generations to understand and celebrate the places that shape our Nation. Now, therefore, be it

Resolved, That it is the sense of the Senate that the Regional Humanities Initiative be named for Eudora Welty.

Mr. COCHRAN, Mr. President, today I am introducing a Sense of the Senate Resolution honoring the memory of Eudora Welty, the famed Mississippi author who died last week. Senator LOT has joined me in sponsoring this resolution renaming the Regional Humanities Initiative of the National Endowment for the Humanities, the Eudora Welty Regional Humanities Initiative.

One of the great themes of Miss Welty’s writings is a sense of place. It is fitting then that the Regional Humanities Initiative that honors the places from which we come and will preserve our history and culture for future generations be named for her. In fact, a quote from Miss Welty’s work is used in the NEH guidelines for this initiative and I would like to share those words with you: “When you know where you stand and where you stand, you grow able to judge where you are. Place absorbs our earliest notice and attention. It
SENATE CONCURRENT RESOLUTION 64—DIRECTING THE ARCHITECT OF THE CAPITOL TO ENTER INTO A CONTRACT FOR THE DESIGN AND CONSTRUCTION OF A MONUMENT TO COMMEMORATE CONTRIBUTIONS OF MINORITY WOMEN TO WOMEN'S SUFFRAGE AND TO THE PARTICIPATION OF MINORITY WOMEN IN PUBLIC LIFE, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself, Mrs. BOXER, Ms. CANTWELL, Mrs. CARNAN, Mr. LEVIN, Mr. LEVIN, Mrs. MUKILSKI, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

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

SECTION 1. DESIGN AND CONSTRUCTION OF MONUMENT COMMEMORATING CONTRIBUTIONS OF MINORITY WOMEN TO WOMEN'S SUFFRAGE.

(a) In General.—Not later than 1 year after the adoption of this Resolution, the Architect of the Capitol shall enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of minority women in public life in the United States (referred to in this Resolution as the "Monument").

(b) Women Depicted on Monument.—The Monument shall depict an appropriate representative, as determined by the Advisory Committee established under section 2, of each of the following:
   (1) African American women.
   (2) Hispanic American women.
   (3) Asian Pacific American women.
   (4) Jewish American women.
   (5) Native American women.

(c) Deadline for Completion.—The contract described in subsection (a) shall include a requirement that the Monument be completed and delivered to the Architect of the Capitol not later than 18 months after the date on which the Architect enters into the contract.

(d) Location.—The Architect of the Capitol shall arrange for the Monument to be placed in a prominent location of the Capitol.

SEC. 2. ADVISORY COMMITTEE.

(a) In General.—An Advisory Committee shall be established to—
   (1) solicit from the general public nominees for depiction on the Monument; and
   (2) recommend to the Architect of the Capitol, for depiction on the Monument, individuals that are representative of the women specified in section 2(b).

(b) Composition.—The Advisory Committee shall be composed of 5 members, of whom—
   (1) 4 shall be appointed by the Speaker of the House of Representatives;
   (2) 1 member shall be appointed by the majority leader of the House of Representatives;
   (3) 1 member shall be appointed by the majority leader of the Senate;
   (4) 1 member shall be appointed by the minority leader of the Senate; and
   (5) 1 member shall be appointed by the President Pro Tempore of the Senate.

(c) Appointment of individuals.—Not later than 30 days after the adoption of this Resolution, members of the Advisory Committee shall be appointed in accordance with subsection (b).

(d) Compensation.—A member of the Advisory Committee shall serve without pay.

(e) Deadline for submission.—Not later than 90 days after the date of the adoption of this Resolution, the Advisory Committee shall submit to the Architect of the Capitol the names of the individuals to be depicted on the Monument.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Resolution (including sums as are necessary for the Advisory Committee to carry out the duties described in section 2), to remain available until expended.

Mr. CLINTON. Mr. President, it is an honor to be here today to submit a resolution to recognize the contributions of minority women to women's suffrage and to the history of our country. This resolution establishes an Advisory Committee and directs the Architect of the Capitol to enter into a contract for the design and construction of a monument commemorating the contributions of minority women.

I was so pleased when Congressman DAVIS introduced this resolution. His decision was inspired by the observations of a young woman working in his office who noticed, as she toured the Capitol, that there were few women, and even fewer minority women, represented in these hallowed halls.

The under-representation of women and minorities does a disservice to the thousands of school children who tour the Capitol every year. I believe the time has come, and is in fact long overdue, to create a statute honoring the contributions of minority women who were instrumental in building our country and leaders in extending equal rights to all people.

I can cite many examples of minority women who I would like to see considered for recognition. Women with New York roots such as Harriet Tubman, Sojourner Truth and Maud Nathan have made considerable contributions to our nation's history.

Harriet Tubman, whose home was in Auburn, NY, escaped slavery and then risked her life again and again to return and lead so many others to freedom. Harriet Tubman's motto was, "keep going." She would encourage escaped slaves in their journey by saying, "Children if you are tired, keep going; if you are scared, keep going; if you are hungry, keep going; if you want to taste freedom, keep going." Harriet Tubman went on to be an active leader in the women's movement, to work for schools for freed slaves and to establish services for the elderly and destitute. Her actions were selfless and her courage is her own inspiration.

Sojourner Truth was born enslaved in Upstate New York. After her release from slavery, she went on to work as an abolitionist and then as a leader in the women's movement. She was a highly effective speaker, and used her voice to see that equal rights would be extended to all people regardless of the color of one's skin or one's gender. Maud Nathan is another example of a New Yorker who was influential in the women's suffrage movement and served as an early and innovative consumer advocate, organizing for better conditions for working women.

I often think of the courage and vision of these women and so many others who put their lives on the line in the abolitionist, suffrage, civil rights and women's movements, and it is a great sense of pride to me that so many women leaders were from New York.

It is our responsibility to make sure that the contributions of minority women with stories similar to Truth, Tubman, Nathan, and so many others, are told in our schoolrooms, at our dinner tables and yes, celebrated in the halls of Congress.

In 1997, after more than 75 years of storage in the crypt, a monument recognizing suffragists Susan B. Anthony, Elizabeth Cady Stanton and Susan B. Mott was moved to a visible location in the Rotunda. This was the right decision then, and no doubt has aroused the interest of so many people who have had the opportunity to view it since then.

Now we have an opportunity to make significant strides toward telling a far more accurate story of our Nation's collective history by celebrating the minority women who were behind so many of our nation's social movements. Their commitment, resilience and courage can be a great source of strength to the next generation of women who will assume the struggles shaping our time.

SENATE CONCURRENT RESOLUTION 65—EXPRESSING THE SENSE OF CONGRESS THAT ALL AMERICANS SHOULD BE MORE INFORMED OF DYSPRAXIA

Ms. LANDRIEU (for herself and Mr. BREAU) submitted the following concurrent resolution; which was referred to the Committee on health, Education, Labor, and Pensions:

S. CON. RES. 65

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chances of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as "slow" or "clumsy" and are therefore not properly diagnosed;
Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to detection and treatment;

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—
1. All Americans should be more informed of dyspraxia, its easily recognizable symptoms, and proper treatment;
2. The Associate Secretary of Education should establish and promote a campaign in elementary and secondary schools across the Nation to encourage the social acceptance of these children; and
3. The Federal Government has a responsibility to—
   A. endeavor to raise awareness about dyspraxia;
   B. consider ways to increase the knowl-
      edge of possible therapy and access to health care services for people with dyspraxia; and
   C. recognize dyspraxic symptoms and to appro-
      priately handle this disorder.

Ms. LANDRIEU. Mr. President, I rise today to say just a few words on the resolution submitted concerning Dyspraxia, a developmental disorder that affects five percent of American children each year. My intent is to in-
crease the public’s awareness of this disability and to encourage each of my colleagues to do the same.

Let me share with you a few facts. Dyspraxia is caused from the mal-
formation of the neurons of the brain, thus resulting in messages not being properly transmitted to the body. Areas such as movement, language, perception, and thought are affected. Dyspraxia children fail to achieve the expected levels of development. Due to difficulties, these kids are often shunned from their peer groups because they do not fit in. One in twenty chil-
dren suffers from Dyspraxia. Seventy percent of those affected are male, and in children suffering from extreme emotional and behavioral difficulties the incidence is likely to be more than fifty percent. There is no cure for Dyspraxia, but the earlier a child is di-
agnosed the greater the chance of de-
velopmental maturation. However, many times these children are dis-
missed as “clumsy” and “slow” and are never given a chance to improve, find-
ing it hard to succeed under such harsh speculations. More than fifty percent of our educators are unaware that this disability even exists. With such alarming statistics, the number of chil-
dren recognized cannot be expected to increase.

One of my interns has a younger brother that suffers from this disorder. Borden Wilson is actually a success story. At age 4, Borden’s parents noted that he was not able to perform tasks appropri-
ate for his age. He was not speaking much and he exhibited a lot of encourage-
ment. After going through a battery of tests performed by various specialists, the problem was identified as Dyspraxia. Upon suggestion, Borden began speech therapy, occupational therapy, and many activities, such as a more structured kindergarten, T-ball, swim team, and karate. Borden’s story is now improving with every day, but one would notice that it is “balked.” He has to concentrate on all that he says. School was definitely a battle to be fought. Borden needs a lot of repetition to learn, and learning is easier when all five senses are stimu-
lated. Spelling lists are practiced the entire week. As one can imagine, Borden needs constant en-
couragement. It is very discouraging to work twice as hard as everyone else and still not possibly be on a level to compete. Borden is 14 years old now. Although the hard work of teachers, therapists, and family, he has over-
come many of his problems and is suc-
cessful in both school and extra-
curricular activities. I am pleased to announce that Borden now maintains a 4.0 grade point average and placed in the ninety-ninth percentile on his Cali-
ifornia Achievement Test.

This is why it is so vital that we make people aware of Dyspraxia. With proper diagnosis and treatment, all of these children can experience the same level of success that Borden has been able to achieve. I hope that my col-
leagues will come together in support of this important legislation to raise consciousness of this disability.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1471. Mr. STEVENS submitted an amend-
ment intended to be proposed by him to the bill S. 1246, to respond to the con-

SA 1472. Mr. DAYTON submitted an amend-
ment intended to be proposed to amend SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1473. Mr. DAYTON submitted an amend-
ment intended to be proposed to amend SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1474. Mr. DAYTON submitted an amend-
ment intended to be proposed to amend SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1475. Ms. STABENOW submitted an amend-
ment intended to be proposed by her to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1476. Ms. STABENOW submitted an amend-
ment intended to be proposed by her to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1477. Mr. WARNER submitted an amend-
ment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1478. Mr. WARNER submitted an amend-
ment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1479. Mr. REID (for Mr. HELMS) pro-
posed an amendment to the concurrent reso-

SA 1480. Mr. REID (for Mr. HUTCHINSON) pro-
posed an amendment to the concurrent reso-

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ment intended to be proposed by her to the bill S. 1246 supra; which was ordered to lie on the table.

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ment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1478. Mr. WARNER submitted an amend-
ment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1479. Mr. REID (for Mr. HELMS) pro-
posed an amendment to the concurrent reso-
(3) the amount of a quality loss, regardless of whether the sugar beets are processed, shall be equal to the difference between—

(A) the per unit payment that the producer would have received for the crop from the cooperative if the crop had not suffered a quality loss; and

(B) the average per unit payment that the producer would receive from the cooperative for the affected sugar beets.

SA 1473. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. LUGAR and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers, which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. 12. COMMODITY PURCHASES.

(a) IN GENERAL.—The Secretary shall use $270,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2000 or 2001 crop years, such as apples, apricots, asparagus, bell peppers, bison meat, blackberries, black-eyed peas, blueberries (wild and cultivated), cabbage, cantaloupe, cauliflower, chirpbeans, cranberries, cucumbers, dried plums, dried peas, eggplants, lemons, lentils, melons, onions, oranges, pears, potatoes (summer and fall), pumpkins, raisins, raspberries, red tart cherries, snap beans, spinach, strawberries, sweet corn, tomatoes, watermelons, cherries, snap beans, spinach, strawberries, sweet corn, tomatoes, watermelons.

(b) GEOGRAPHIC DIVERSITY.—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) OTHER PURCHASES.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

SEC. 12. OBLIGATION PERIOD.

(a) FISCAL YEAR 2001.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and expend funds only during fiscal year 2001 to carry out section 1.

(b) FISCAL YEAR 2002.—In general.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and expend funds during fiscal year 2002 to carry out this Act (other than section 1).

(2) AVAILABILITY.—Funds described in paragraph (1) shall remain available until expended.

SA 1477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. 13. TOBACCO PAYMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Agriculture shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment in accordance with the temporary price support provisions of section 11 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1212 note; Public Law 106–224) to eligible persons (as defined in that section) that receive a payment under that section.

(b) PAYMENT FORMULA.—The Secretary shall use the payment formula used by the
Secretary to make payments under section 803(c) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1501 et seq.; Public Law 106–78) to make supplemental payments to eligible persons under this section.

SA 1478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adverse to American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 73.

(a) TOBACCO PAYMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PERSON.—The term "eligible person" means a person that—

(i) owns a farm for which, regardless of temporary transfers or undertakings, a basic quota or allotment for eligible tobacco is established for the 2001 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(ii) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(iii) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2001 crop year, taking into account temporary transfers.

(B) ELIGIBLE TOBACCO.—The term "eligible tobacco" means each of the following kinds of tobacco:

(i) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(ii) Fire-cured tobacco, comprising types 21, 22, and 23.

(iii) Dark air-cured tobacco, comprising types 35 and 36.

(iv) Virginia sun-cured tobacco, comprising type 37.

(v) Burley tobacco, comprising type 31.

(vi) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) MANDATORY GRADING.—If the Secretary conducts a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary, the Secretary shall ensure that all kinds of the tobacco described in paragraph (1) is graded by the Secretary under this subsection.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(c) OBLIGATION PERIOD.—The Secretary and the Commodity Credit Corporation shall obligate and, to the maximum extent practicable, expend funds during fiscal year 2002 to carry out this section.

SA 1479. Mr. REID (for Mr. HELMS) proposed an amendment to the concurrent resolution S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and support full integration into the Euro-Atlantic community of democracies; as follows:

In paragraph (6) of section 1 of the concurrent resolution, strike "Oleksandrov" and insert "Oleksandriv".

SA 1480. Mr. REID (for Mr. HUTCHINSON) proposed an amendment to the concurrent resolution S. Con. Res. 59, expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by the community, migrant, public housing, and homeless health centers; as follows:

On page 3, line 4, insert "Week", the following: "for the week beginning August 19, 2001."

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a field hearing in Las Cruces, New Mexico, to identify issues related to the water supply challenges facing the southern New Mexico border region.

The hearing will take place on Tuesday, August 14, at 9:30 a.m. at New Mexico State University, in Las Cruces, NM.

Those wishing to submit written statements on the subject matter of the hearing should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510.

For further information, please call Mike Connor at 202–224–5479.

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 Subcommittee on Water and Power has scheduled a field hearing in Seattle, Washington to identify the role of the BPA in promoting energy conservation and renewables.

The hearing will take place on the morning of Monday, August 13. The location in Seattle has not yet been determined.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.


August 3, 2001

CONGRESSIONAL RECORD—SENATE S8797
DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

On August 2, 2001, the Senate amended and passed H.R. 2720, as follows:

Resolved, That the bill from the House of Representatives entitled “An act 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, 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 Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 15, 31, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 31, 53, 55, and 61; 92 Stat. 2908); and burial benefits, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of law, treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment to beneficiaries of the Department of Veterans Affairs, to or on behalf of veterans as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, and the operations and maintenance of the veterans hospital system, $17,940,000,000, to remain available until expended:

Provided: That not to exceed $7,940,000,000 of the amount appropriated shall be reimbursable to “General operating expenses” and “Medical care” for necessary expenses in implementing those provisions authorized in the Omnibus Reconciliation Act of 1990, and in the Veterans’ Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the “Compensation and pensions” appropriation:

Provided further: That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

REIMBURSEMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 56, $2,135,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(f) of title 38, United States Code, other than under subsection (a)(1), (2), (3) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from legal action arising out of military service is rehabilitation program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military service insurance; national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; Stat. 887; 72 Stat. 887, $26,200,000, to remain available until expended.

EACH EFFORTS OF VETERANS AFFAIRS

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended. Provided: That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,987,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, as amended, $544,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, as amended, $274,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for “General operating expenses” and “Medical care” may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, as amended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the Veterans Health Administration, including construction of medical centers, domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, and for research, training and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities,
supplies, and equipment; funeral, burial, and other expenses incidental thereto for benefticiaries receiving care in the department; administrative expenses in support of planning, design, construction, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering, and architectural activities to ensure adherence to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, by the hire of temporary employees and purchase of materials; uniform allowances therefor, as authorized by 5 U.S.C. 5901–5902; and temporary assistance, as authorized by 31 U.S.C. 1714; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., 31,739,742,000, plus reimbursements: Provided, That the funds made available under this heading, $675,000,000 is for the equipment and land and land and structures object classiﬁcations only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: Provided further, That the funds made available under this heading, not to exceed $25,000 for ofﬁce reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Accounting Ofﬁce for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,194,831,000: Provided, That expenses for services and contracts incurred under 31 U.S.C.(a)(1), (2), (5) and (11) that the Secretary determines are necessary to support entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $60,000,000 shall be available until September 30, 2003: Provided further, That of the funds made available under this heading, the Secretary of Veterans Affairs may purchase Beneﬁts for the Disabled, to provide up to four passenger motor vehicles for use in their Manila, Philippines operation: Provided further, That travel expenses for this account shall not exceed $15,665,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Ofﬁce of Inspector General in carrying out the Inspector General Act of 1978, as amended, $43,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period costs associated with equipment guarantees provided under the project, services of claims analysts, ofﬁce utility and storm drainage system construction costs, and site acquisition, or for any projects set forth in 31 U.S.C. 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8112 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $178,901,000.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 2408, 8109, 8110, and 8112, and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ‘‘Medical care’’.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 2061–2063, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in expanding, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Sect. 101. Any appropriation for ﬁscal year 2002 for ‘‘Compensation and pensions’’, ‘‘Readjustment beneﬁts’’, and ‘‘Veterans insurance and indemnities’’ may be transferred to any of the mentioned appropriations.

Sect. 102. Appropriations available to the Department of Veterans Affairs for ﬁscal year 2002
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for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropria-
tions for construction, maintenance, and operation of veterans' hospitals, medical centers, and regional
health care systems, the medical care expenditures of the Office of Rehabilitation and Reha-
mobilization, and the amount provided under section 2408 of title 38, United States Code) for salaries
and expenses shall be available on October 1, 2002, for construction, maintenance, or operation of any
veterans hospital, medical center, or regional health care system, or for the medical care expendi-
tures of the Office of Rehabilitation and Rehabilitation, or for any other purpose under the laws
establishing such hospitals or centers.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available on
October 1, 2002, for the purchase of any site for or toward the construction or maintenance of any
construction, minor projects, and the "parking revolving fund") shall be available for the purchase of
any site for or toward the construction or maintenance of any facilities for the Department of
Veterans Affairs (except construction, maintenance, and operation of veterans' hospitals, medical
centers, and regional health care systems, the medical care expenditures of the Office of Re-
habilitation and Rehabilitation, and the amount provided under section 2408 of title 38, United States
Code) for salaries and expenses shall be available on October 1, 2002, for construction, maintenance,
or operation of any veterans hospital, medical center, or regional health care system, or for the
medical care expenditures of the Office of Rehabilitation and Rehabilitation, or for any other
purpose under the laws establishing such hospitals or centers.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 shall
be for the purpose of reimbursement to the Office of Resolution Management and to the provi-
sion of any total disability insurance program and to the provision of any total disability insur-
ance program in fiscal year 2002 shall be available to pay prior year accrued obligations required to be re-
corded by law against the corresponding prior year accounts within the last quarter of fiscal
year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year
2002 shall be available to pay prior year accrued obligations of corresponding prior year approiva-
tions accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–
86, expenditures are from trust fund accounts they shall be payable from "Com-
pensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of
Veterans Affairs shall, from the National Serv-
ICE Life Insurance Fund (38 U.S.C. 1920), the Veterans Special Life Insurance Fund (38 U.S.C. 1923), the
expenses" account for the cost of administration of the insurance pro-
grams financed through those accounts: Pro-
vided, That reimbursement shall be made only from the surplus earnings accumulated in an
insurance program in fiscal year 2002, that are available for dividends in that program after any
claims have been paid and actuarially deter-
dined reserves have been set aside: Provided
further, That the cost of administration of an
insurance program includes the amount of surplus earn-
ings accumulated in that program, re-
imbursable reimbursement shall be made only to the extent of such surplus earnings: Provided
further, That the Secretary shall submit to Congress a report on the study carried out under subsection (a).

SEC. 111. (a) ELIGIBILITY OF NORTH DAKOTA VETERANS CEMETERY FOR AID REGARDING VETER-
ANS CEMETERIES.—The Secretary of Veterans Affairs may treat the North Dakota Veterans in
Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in ex-
panding or improving veterans' cemeteries under section 2408 of title 38, United States Code.

(b) APPlicABILITY.—This section shall take ef-
effect on the day of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur
on or after that date.

SEC. 112. Notwithstanding any other provision of this Act, none of the funds appropriated or
otherwise made available in this Act for "Medical care" appropriations of the Department of Veterans Affairs may be obligated for the re-
alignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN
12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other in-
terested parties, including the Office of Health Care Policy and Management; to develop a plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND
(INCLUDING RESERVATIONS AND TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families,
this heading may be increased by up to $2,383,000 for the Office of Employment and Discrimination
Complaint Adjudication for all services provided at rates which will recover actual costs. Payments
may be made in advance for services to be furnished, based on estimated costs. Amounts received shall be credited to the General Oper-
ating Expenses account for use by the office that provided the service. Total resources available to these offices for fiscal year 2002 shall not exceed $28,550,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Ad-
judication.

SEC. 109. Notwithstanding any other provision of law, the Department of Veterans Affairs shall con-
continue the Franchise Fund pilot program au-
thorized by section 721 of title 38, United States

SEC. 110. (a) INCLUSION OF VISCOSUPPLEMENTATION.—The Secretary of Vet-

ers Affairs shall carry out a study of the ben-
fits and costs of using viscosupplementation as a means of treating degenerative knee diseases and delaying, knee replacement. The study shall consider the benefits and costs of the procedure for veter-
ans and the effect of the use of the procedure on the provision of medical care by the Depart-
ment of Veterans Affairs.

(b) REPORT.—Not later than one year after the date of adoption of this Act, the Secretary shall submit to Congress a report on the
study carried out under subsection (a). The report shall set forth the results of the study, and include recommendations regarding the study, including recommendations as a result of the study, as the Secretary considers appro-
priate.

(c) FUNDING.—The Secretary shall carry out the study under subsection (a) using amounts available to the Secretary under this title under the heading "MEDICAL AND PROSTHETIC RE-
SEARCH".

SEC. 111. (a) ELIGIBILITY OF NORTH DAKOTA VETERANS CEMETARY FOR AID REGARDING VETER-
ANS CEMETERIES.—The Secretary of Veterans Affairs may treat the North Dakota Veterans in
Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in ex-
panding or improving veterans' cemeteries under section 2408 of title 38, United States Code.

(b) APPlicABILITY.—This section shall take ef-
effect on the day of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur
on or after that date.

SEC. 112. Notwithstanding any other provision of this Act, none of the funds appropriated or
otherwise made available in this Act for "Medical care" appropriations of the Department of Veterans Affairs may be obligated for the re-
alignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN
12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other in-
terested parties, including the Office of Health Care Policy and Management; to develop a plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND
(INCLUDING RESERVATIONS AND TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families,
this heading may be increased by up to $2,383,000 for the Office of Employment and Discrimination
Complaint Adjudication for all services provided at rates which will recover actual costs. Payments
may be made in advance for services to be furnished, based on estimated costs. Amounts received shall be credited to the General Oper-
ating Expenses account for use by the office that provided the service. Total resources available to these offices for fiscal year 2002 shall not exceed $28,550,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Ad-
judication.
housing for which this amount shall be used to assist the construction of units that serve extremely low-income families, and shall be transferred for use under the ‘‘Housing for Special Populations’’ account of the Department of Housing and Urban Development: Provided further, That the Secretary shall have until September 30, 2002, to meet the relocations in the preceding sentence provided further. The Secretary obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,943,400,000, to remain available until September 30, 2003, of which up to $50,000,000 shall be for carrying out activities under section 9(b) of such Act, up to $500,000 shall be for lease adjustments to section 23 projects and no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(b)(1) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), to remain available until September 30, 2003: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That none of such funds shall be used directly or indirectly by the Secretary, as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA: Provided further, That none of such funds shall be used directly or indirectly by the Secretary, as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA: Provided further, That of the amount made available under this heading, $5,987,000 shall be available for the cost of guaranteed loans under NAHASDA: Provided further, That such costs, including the costs of modifying such loans and other obligations, shall be as defined in section 502 of the Housing and Community Development Act of 1992, as amended: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and management of Indian housing and tenant-based assistance grants to projects or cooperative agreements, including up to $300,000 for related travel; and no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That the amount of the funds provided under this heading, $5,987,000 shall be made available for the cost of guaranteed loans under NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Housing and Community Development Act of 1992, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

NAIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing and Self-Determination Act of 1996 (NAHASDA) (Public Law 104-330), $648,570,000, to remain available until expended, of which $2,200,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Housing and Community Development Act of 1992, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS Program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $277,432,000, to remain available until September 30, 2003: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for the operation and management of public housing, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems; Provided, That none of such funds shall be used directly or indirectly by the Secretary, as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA: Provided further, That none of such funds shall be used directly or indirectly by the Secretary, as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Housing and Community Development Act of 1992, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

COMMUNITY DEVELOPMENT FUND

For grants in connection with a second round of empowerment zones and enterprise communities, $75,000,000, to remain available until expended, for ‘‘Empowerment Zones’,’’ as authorized by section 37 of the Empowerment Zone Act of 1997, section 37 of the Empowerment Zone Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided, That all grants shall be awarded on a competitive basis as specified in section 302 of the EZA, as amended, and no less than $2,000,000 shall be awarded to each empowerment zone.

IMPAIRED HOUSING LOAN GUARANTEE FUND

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3729), $5,987,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 552 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ‘‘Salaries and expenses’’, to be used only for the administrative costs of these guarantees.
out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" hereinafter) (42 U.S.C. 5307). Provided further, That not less than $15,000,000 shall be transferred to the Working Capital Fund for the developmental assistance of information technology systems: Provided further, That no less than $15,000,000 shall be transferred to the Self Help Housing Opportunity Program: Provided further, That not to exceed $25,000,000 shall be made available for any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National Native American Indian Housing Council) for a grant using funds under section 107(b)(3) of the Act shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department.

Of the amount made available under this heading, $25,000,000 shall be made available for capacity building for community development and affordable housing for LISC and the Enterprise Foundation, for capacity building for community development and affordable housing activities administered by Habitat for Humanity International.

Of the amount made available under this heading, $99,780,000, to remain available until expended: Provided, That $83,196,000 shall be made available for the National Affordable Housing Act, as amended, for assistance contracts for up to a one-year term, and of which amount $50,000,000 shall be for service coordination and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $2,000,000 shall be set aside and made available in the amount provided under this paragraph, for economic development and maintenance of information technology systems.

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended, and of which amount $50,000,000 shall be for capital advance contracts, for capital assistance contracts for up to a one-year term, and of which amount $50,000,000 shall be for capital advance contracts for contracts expiring during fiscal years 2002 and 2003, for capital assistance contracts for capital assistance contracts for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $2,000,000 shall be set aside and made available in the amount provided under this paragraph, for economic development and maintenance of information technology systems.

For the Section 8 Moderate Rehabilitation Cap and Floor Assistance Program, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, of which amount up to $3,000,000 shall be available to renew expiring project rental assistance contracts for up to a one-year term, and of which amount $50,000,000 shall be for capital advance contracts for projects expiring during fiscal years 2002 and 2003, for capital assistance contracts for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, as authorized under subtitle B of title IV of such Act, of which up to $1,200,000 shall be available to renew expiring project rental assistance contracts for up to a one-year term; Provided, That these amounts shall be divided evenly between the appropriations for the section 202 and section 811 programs, shall
be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts included under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the temporary assistance in two years in duration: Provided further, That the Secretary may waive any provision of such section 802 and such section 811 (including the provisions of such section 811 and the amount of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs: Provided further, That the Secretary insures the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

**FLEXIBLE SUBSIDY FUND (TRANSFER OF FUNDS)**

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, and shall not exceed $336,700,000, of which not to exceed $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize those portions of rents of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

**MANUFACTURED HOUSING FEES TRUST FUND (INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $17,254,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That the amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to establish the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced by such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0.

**OFFICE OF LEAD HAZARD CONTROL**

**LEAD HAZARD REDUCTION**

For the Lead Hazard Reduction Program, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $24,000,000 shall be to carry out activities under section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

**FAIR HOUSING ACTIVITIES**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $5,000,000, to remain available until September 30, 2003: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

**MANAGEMENT AND SPECIAL RISK PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)**

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,087,257,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from the funds of the Government National Mortgage Association, $1,000,000 shall be provided from the “Community development fund” account, $150,000 shall be provided by transfer from the “Title VI Indian federal guarantees program” account, $200,000 shall be provided by transfer from the “Indian housing loan guarantee fund program” account and $35,000 shall be transferred from the Native Hawaiian Housing Loan Guarantee Fund: Provided, That no funds provided under this heading shall be used to carry out the functions of the Secretary of Housing and Urban Development, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $24,000,000 shall be to carry out activities under section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA) GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)**

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities loan guarantee program, $3,000,000 shall be for program evaluation to be carried out by the Institute for Advanced Technology in Housing.

**FAREWELL HOUSING AND EQUAL OPPORTUNITY**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $24,000,000 shall be to carry out activities under section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

**DISASTER RELIEF**

For emergency disaster relief, temporary housing, and other assistance, as authorized by section 505 of the Housing and Community Development Act of 1987, as amended, $109,758,000, to remain available until September 30, 2003, of which $10,000,000 shall be for the Native American Housing Assistance and Self-Determination Act (P.L. 106-377) by two and one-half percent: Provided further, That the Secretary shall not exceed 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 levels is reduced to the number of GS–14 and GS–15 positions in the Department has been restructured: Provided further, That the Secretary shall fill 7 out of 10 vacant GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced by the number of GS–14 and GS–15 positions in the Department has been reduced by Public Law 106-377 by two and one-half percent: Provided further, That the amount of that heading, $2,250,000 shall be for necessary expenses of the Federal Housing Enterprise Reform Act of 2001, as amended by Public Law 106-74 with the final report due no later than August 30, 2002.
OFFICE OF INSPECTOR GENERAL

(NECESSARY TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $69,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration.

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

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OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

S8986

OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

S8986

OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

S8986

OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

S8986

OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE

OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Oversight Act of 1991, $89,468,000, to remain available until expended, of which not more than $6,340,000 shall be transferred to the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts made available under this Act shall be used for any purpose authorized by the Federal Housing Administration.

SEC. 202. None of the amounts made available under this Act may be used to provide the Secretary with any program or activity related to any political division of the United States.

CONGRESSIONAL RECORD — SENATE

August 3, 2001

S8986

OFFICE OF INSPECTOR GENERAL

NECESSARY TRANSFER OF FUNDS

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $68,896,000, of which not less than $1,790,000 shall be provided from the various funds of the Federal Housing Administration:

Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FED FUND

(RECESSION)

Of the balances remaining available from fees and charges under section 7(i) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.
SEC. 214. Public housing agencies in the State of Alaska shall not be required to comply with section 8 of the National Housing Act of 1937, as amended, during fiscal year 2002. Public Housing Authorities in Iowa that are a part of a city government shall not be required to comply with section 8 of the National Housing Act of 1937, as amended, regarding the requirement that a public housing agency shall contain not less than one member who is directly assisted by the public housing authority during fiscal year 2002.

SEC. 215. Notwithstanding any other provision of law, in fiscal year 2001 and for each fiscal year thereafter, in the allocation and disbursement of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section, the Secretary shall consult with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 216. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1718(i)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$59,872'', and ''$66,700'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1716a(f)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$59,872'', and ''$66,700'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220.—Section 220(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)(B)(ii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$59,872'', and ''$66,700'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221.—Section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)(A)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$59,872'', and ''$66,700'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(e) SECTION 221(d)(4).—Section 221(d)(4) of the National Housing Act (12 U.S.C. 1715l(d)(4)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,356'', ''$52,135'', and ''$59,077'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,739'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(f) SECTION 231.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715e(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$45,629'', ''$57,798'', and ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,739'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(g) SECTION 234.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1716q(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$59,872'', and ''$66,700'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(h) SECTION 236.—Section 236(b) of the National Housing Act (12 U.S.C. 1716o(b)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$45,629'', ''$57,798'', and ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,739'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.
For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including for the acquisition of the interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States, territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,466,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION ACT

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable under 5 U.S.C. 5376, plus $1,000,000, of which $2,000,000 to remain available until September 30, 2003, shall be for administrative expenses authorized under the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board; Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $100,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American communities, and up to $9,650,000 may be used for administrative expenses or for the reduction of the Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $51,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials, $1,000,000, of which not to exceed $500 for official reception and representation expenses, $56,200,000, of which $2,000,000 to remain available until September 30, 2003, shall be for a research project on sensor technologies.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”), in programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), $415,480,000, to remain available until September 30, 2003: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12511(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation’s financial management system, an integrated grants management system that provides comprehensive management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archival system and related technologies, including cooperative agreements, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount made available under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 1213(e) of the Act (42 U.S.C. 12581(a)(4)): Provided further, That not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Activities that are authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund that shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, government instruments and securities but not in real estate investments: Provided further, That notwithstanding any other law, the $2,500,000 of the funds made available by the Corporation shall be subject to Public Law 106–377 as may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 1216 of such Act (42 U.S.C. 12575(b)): Provided further, That to the maximum extent feasible, funds appropriated under this heading shall be matched by and community-based-service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $2,500,000 shall be available for grants to support the Veterans Mission for Youth Program: Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,000,000 of the funds made available under this heading shall be available to Teach For America: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be available to Parents As Teachers National Center, Inc. to support literacy activities.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7286, $13,221,000, of which $695,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and time frames prescribed by law, under this heading in Public Law 102–250.

DEPARTMENT OF DEFENSE—CIVIL

CEMETARY EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery, Section 21, Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $18,437,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of
For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended; section 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9501) provided: Provided, That the funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading $187,000 shall be transferred to the “Office of Inspector General” appropriation to remain available until expended: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and related costs and travel expenses, including uniforms, or allowances thereof, as authorized by 5 U.S.C. 5901–5902: services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5307; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $656,572,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROTECTION AGENCY

For science and technology, including research, development, activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; expenses for any other provision of law, in lieu of performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall be bound by the deadlines in section 104(i)(6)A of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i)(6) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,947,400, to remain available until expended.

For necessary expenses to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $41,980,000, to be derived from the Oil Spill Liability Trust fund, to remain available until expended.

For necessary expenses for the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $41,980,000, to be derived from the Oil Spill Liability Trust fund, to remain available until expended.

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,400, to remain available until expended.

Hazardous Substance Superfund (Including Transfer of Funds)

For necessary expenses to carry out all provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (c)(7) of such Act; for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,274,645,560 to remain available until expended: Provided, That notwithstanding section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and $640,113,360 as a payment from general revenues to the Hazardous Substance Superfund Trust Fund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading $1,274,645,560 shall be transferred to the “Office of Inspector General” appropriation to remain available until September 30, 2003, and $39,890,500 shall be transferred to “Science and technology” appropriation to remain available until September 30, 2003.

Leaking Underground Storage Tank Trust Fund

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,947,400, to remain available until expended.

Oil Spill Response

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until expended.

State and Tribal Assistance Grants

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance parts of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; capitalization grants for the Drinking Water State Revolving Fund under title XIV of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of such Act, $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of such Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title XIV of such Act may be reserved by the Administrator in accordance with section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or other governmental unit which has not established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISION

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of ATSDR is authorized to use the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program: Provided further, That the Administrator, in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but not to exceed $2,190 for official reception and representation expenses, $9,476,200, to remain available until September 30, 2003.

COUNCIL ON ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of August 3, 2001

S9899

CONGRESSIONAL RECORD — SENATE
OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality; Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1969, the Council shall consist of the members appointed by the President by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL


FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $359,399,000, and, notwithstanding 42 U.S.C. 5203, as applicable until expended, of which not to exceed $2,900,000 may be transferred to “Emergency management planning and assistance” for the consolidated emergency management grant program; not to exceed $15,000,000 may be obligated for flood map modernization activities following disaster declarations; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

For an additional amount for “Disaster relief”, $2,900,000,000, to be available immediately upon enactment of this Act, and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement as defined in section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, which 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.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000. In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3199, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under section 274 of that Act; and expenses not to exceed $233,801,000 for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality; Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of the members appointed by the President by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Preemption and Control Act of 1974, as amended (15 U.S.C. 2021 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–401), and Reorganization Plan No. 5 of 1978, $279,623,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5121(b) and (c) and 42 U.S.C. 5169(e) and (i), $25,000,000 may be transferred from the Fund available until expended for emergency assistance; not to exceed $15,000,000 may be obligated for flood map modernization activities following disaster declarations; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

For an additional amount for “Emergency management planning and assistance”, $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–401), and Reorganization Plan No. 5 of 1978, $279,623,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5121(b) and (c) and 42 U.S.C. 5169(e) and (i), $25,000,000 may be transferred from the Fund available until expended for emergency assistance; not to exceed $15,000,000 may be obligated for flood map modernization activities following disaster declarations; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–577, shall not less than the amount anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY ASSISTANCE PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $139,692,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 ("the Act"), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance program activities; not to exceed $20,000,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Insurance Fund; and not to exceed $10,000,000 for expenses on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, not to exceed $2,691,000,000 for flood insurance program activities, $38,560,000 for flood insurance program expenses, $1,260,000,000 for administrative expenses, $20,000,000 for flood insurance program administration, $8,250,000 for flood insurance program administration, and $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.
limits, or enhance the International Space Station design above the content planned for U.S. core, complete, is (1) necessary and of the high-
est priority to enhance the goal of world class research toward the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in cost and schedule estimate, if validated; or (3) affordable within the multi-year funding available to the International Space Station program as defined above or, if exceeds such amounts, these additional resources are not otherwise appropriated by S 5 U.S.C. 5901–
ations activities including operations, production, construction of facilities including re-
rehabilitation, revitalization, and modification of facilities, construction of new facil-
ary and operation of aircraft, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

ADMINISTRATIVE PROVISIONS
Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, when any activities and operations in space aboard the International Space Station have been initiated by the incurrence of obligations for construction of facilities as author-
ized by law, such amount available for such activity shall remain available until expended. This paragraph applies to the funds appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES
For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to amend (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,514,481,000, of which not to exceed $285,000,000 shall remain available until expended for Polar research and operations support; and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to be provided from any balances carried forward, as authorized by S 5902; travel expenses; purchase and hire of passe-
nger motor vehicles; not to exceed $29,000 for official reception and representation expenses; and, in addition, for the purchase, operation and maintenance of aircraft for the National Aeronautics and Technology Research and Development Corporation for flight services, to be provided during the next fiscal year.

NATIONAL SCIENCE FOUNDATION
RESEARCH EQUIPMENT
For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including au-
thorization for reimbursement to other Federal agencies for institutional facilities planning and design; $7,669,700,000, to remain available until September 30, 2003.

NATIONAL SCIENCE FOUNDATION
EDUCATION AND HUMAN RESOURCES
For necessary expenses in carrying out science and engineering education and human resources programs or projects of the National Science Foundation, as authorized (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and reimbursed costs in the District of Columbia, $872,407,000, to remain available until September 30, 2003; Provided, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activ-
ities or their subactivities shall be reduced proportionally; Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT
For necessary expenses of major construction projects pursuant to the National Science Foun-
dation Act of 1950, as amended, including au-
thorization for reimbursement to other Federal agencies for institutional facilities planning and design; $7,669,700,000, to remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for “Office of Ins-
pector General,” the amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until expended and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes other-
wise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

CENTRAL LIQUIDITY FACILITY
(INCLUDING TRANSFER OF FUNDS)
During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1719 et seq, shall not exceed $1,500,000,000; Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000; Provided fur-
ther, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest thereon, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit-
ity unions.

NATIONAL SCIENCE FOUNDATION
PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION
For payment to the Neighborhood Reinvest-
ment Corporation for use in neighborhood rein-
vestment activities, as authorized by the Neigh-
borhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $100,000,000, of which $50,000,000 shall be for the Neighborhood Reinvestment Corporation program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTION SERVICE SYSTEM
SALARIES AND EXPENSES
For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed per-
sonnel assigned to the Selective Service System, $170,040,000: Provided, That during the current fiscal year the salaries and expenses authorized shall remain available, without limitation, until the prize is claimed or the offer is withdrawn.

SELECTIVE SERVICE SYSTEM
SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses, the expenditures for such travel expenses may not exceed the amounts set forth therein in the budget estimates submitted for the appropriations; Provided, That this provi-
sion does not apply to accounts that do not contain an object identification for the Selective Service System, as authorized by § 5902; performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Af-

ts; to travel performed in connection with centers or emergency centers or centers deter-

mired by the President under the provisions of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act; to travel performed by the Office of Inspector General for official representation expenses, for legal services on a contract or fee basis, or to payments to interagency motor pools where separately set forth in the budget schedules; Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in the budget estimates herein, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

For salaries and expenses necessary in car-
rying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services as authorized by 5 U.S.C. 1409; hire of pas-
enger motor vehicles; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000; Provided, That con-
tracts may be entered into under “Salaries and Expenses” for the purchase, operation, maintenance of, and for other services, to be provided during the next fiscal year.
Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1813c).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly authorized by law.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the purchase of the article or service for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their place of official business and their domicile and their place of employment, unless such transportation is specifically authorized by law; with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 1371.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of research resulting from proposals not specifically solicited by the Government; Provided, That the extent of cost sharing by the recipient shall reflect the mutual interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties interacting in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, no executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service to contracts and report not: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into under this Act more than 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract or services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; (2) is provided a report prepared consistent with such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially independent of such report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 401, no funds appropriated by this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of an executive agency, as referred to in the Office of Federal Procurement Policy Act. Any such expenditures shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 23,422, and any similar expenditure, if any, by the Environmental Protection Agency may proceed with the development of such a rule.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles unless the head of such department or agency certifies, and without such a voucher or abstract, is specifically authorized by law; and

(b) in providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of such department or agency, subject to the availability of funds, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 425. None of the funds provided in Title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of such proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit such report to the Committees by January 8, 2002 for 30 days of review.

SEC. 426. Section 7013(f) of title 49, United States Code, is amended by striking “December 31, 2001”, and inserting “December 31, 2002”. SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, has determined to put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of medical conditions;

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulations, for arsenic, as proposed at 64 Fed. Reg. 153,552, February 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

SEC. 429. ARSENIC IN PLAYGROUND EQUIPMENT.

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

(1) The Department of Health and Human Services has determined that arsenic is a known carcinogen, and the Environmental Protection Agency has classified chromated copper arsenate (CCA), which is 22 percent arsenic, as a “restricted use chemical”.

(2) CCA is often used as a preservative in pressure-treated wood, and CCA-treated wood is widely used in constructing playground equipment funded by this Act. Federal, state, and local child care facilities in Florida and elsewhere have temporarily or permanently closed playgrounds in response to elevated levels of arsenic in playground equipment.
of arsenic in soil surrounding CCA-treated wood playground equipment.

(4) The State of Florida recently announced that its own wood-treatment plant would cease using CCA as a preservative.

(5) PlayNation Play Systems, which manufactures playground equipment, announced in June 2001 that it would no longer use CCA as a preservative in its products.

(6) In May 2001, the Environmental Protection Agency announced that it would expedite its ongoing review of the health risks facing children playing near CCA-treated wood playground equipment, and produce its findings in June 2001. The EPA later postponed the release of its assessment until the end of the summer of 2001, and announced that its risk assessment would be reviewed by a Scientific Advisory Panel in October 2001.

(7) The EPA also plans to expedite its risk assessment regarding the re-registering of arsenic as a pesticide by accelerating its release from 2003 to 2002.

(8) The Consumer Product Safety Commission, which has the authority to ban hazardous and dangerous products, announced in June 2001 that it would consider a petition seeking the banning of CCA-treated wood from all playground equipment.

(9) Many viable alternatives to CCA-treated wood exist, including cedar, plastic products, aluminum, and treated wood without CCA. These products, alone or in combination, can fully replace CCA-treated wood in playground equipment.

(10) The sense of the Senate is that the potential health and safety risks to children playing on and around CCA-treated wood playground equipment is a matter of the highest priority, which demands immediate attention from the Congress, the Executive Branch, State and local governments, affected industry, and the public.

(11) The sense of the Senate is that the Committee on Environment and Public Works of the Senate should be prepared to enact authorizing legislation (including, if necessary, a cooperative, needs-based formula) for the State water pollution control revolving fund as soon as practicable after the Senate returns from recess in September.

(12) The sense of the Senate is that it would consider a petition seeking the replacement of CCA-treated wood in playground equipment with wood that includes $25,000,000 in co-funding.

(13) The sense of the Senate is that the Committee on Environment and Public Works of the Senate has proven unwilling to address the necessity of addressing new allocation formulas only in authorization bills.

(14) The sense of the Senate is that the Senate that the Committee on Environment and Public Works of the Senate must be consulted in establishing the State Water Pollution Control Revolving Fund formula.

(15) The sense of the Senate is that the Senate must be consulted in establishing the State Water Pollution Control Revolving Fund formula.

(16) The sense of the Senate is that the Senate must be consulted in establishing the State Water Pollution Control Revolving Fund formula.

NOMINATIONS

Mr. REID. Mr. President, in the presence of the distinguished Republican leader, I want to announce that since July 9 the Senate will have been able to confirm 168 civilian nominations. Today alone, we have been able to do 58. This week we did 88. This does not take into consideration the scores and scores of military nominations that have been confirmed by the Senate.

I think this speaks well of some of the progress we are making. We appreciate the cooperation of the Republican leader in allowing us to move through some of this legislation. It has been very difficult the last few days, but with his help we have been able to accomplish a great deal. I am glad it is Friday afternoon at 3:30 and we are getting ready to close the Senate rather than trying to figure out who we can get to preside all night.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, let me say again that I appreciate the number of nominees that have been confirmed. I think that will help our overall relationship. A lot of these civilian nominees to head agencies and Assistant Secretary positions clearly need to be moved through. So I am glad to see that it is happening. I hope we can continue this pattern when we return in September. And I hope we will then begin to make steady progress on the confirmation of judicial nominees both for the circuit courts as well as the district courts, and also, as soon as they are received, begin to move U.S. attorneys and U.S. marshals in districts throughout the country.

MEASURE READ THE FIRST TIME—H.R. 4

Mr. LOTT. Mr. President, I understand H.R. 4 is at the desk and I ask for its first reading.
integrated in the Euro-Atlantic community of democracies;

Whereas, during the fifth anniversary commemorating Ukraine’s independence, the United States thanked its strategic partnership with Ukraine to promote the national security interests of the United States in a free, sovereign, and independent Ukrainian state;

Whereas Ukraine is an important European nation, having the second largest territory and sixth largest population in Europe;

Whereas Ukraine is a member of international organizations such as the Council of Europe and the Organization on Security and Co-operation in Europe (OSCE), as well as international financial institutions such as the International Monetary Fund (IMF), the World Bank, and the European Bank for Reconstruction and Development (EBRD);

Whereas in July 1994, Ukraine’s presidential elections marked the first peaceful and democratic transfer of executive power among the independent states of the former Soviet Union;

Whereas five years ago, on June 28, 1996, Ukraine’s parliament voted to adopt a constitution which upholds the values of freedom and democracy, ensures a citizen’s right to own private property, and outlines the basis for the rule of law in Ukraine without regard for race, religion, creed, or ethnicity;

Whereas Ukraine has been a paragon of inter-ethnic cooperation and harmony evidenced by the OSCE’s and the United States State Department’s annual human rights reports and the international community’s commendation for Ukraine’s peaceful handling of the Crimean secession disputes in 1994;

Whereas Ukraine, through the efforts of its government, has reversed the downward trend in its economy, experiencing the first real economic growth since its independence in fiscal year 2000 and the first quarter of 2001;

Whereas Ukraine furthered the privatization of its economy through the privatization of agricultural land in 2001, when the former collective farms were turned over to corporations, private individuals, or cooperatives, thus creating an environment that leads to greater economic independence and prosperity;

Whereas Ukraine has taken major steps to stem world nuclear proliferation by ratifying the Additional Protocol to the Comprehensive Nuclear Test Ban Treaty and the Non-Proliferation of Nuclear Weapons, subsequently has turned over the last of its Soviet-era nuclear warheads, and in 1998 agreed not to assist Iran with the completion of a nuclear power plant in Bushehr thought to be used for the possible production of weapons of mass destruction;

Whereas Ukraine has found many methods to implement military cooperation with its European neighbors, as well as peacekeeping initiatives as exhibited by Ukraine’s participation in the KFOR and IFOR missions in the former Yugoslavia, and offering up its own forces to be part of the greater United Nations border patrol missions in the Middle East and the African continent;

Whereas Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Alliance (NATO), signed a NATO-Ukraine Charter at the Madrid Summit in July 1997, and has been a participant in the Partnership for Peace (PfP) program since 1994 with regular training maneuvers at the Yavoriv military base in Ukraine and on Ukraine’s southern-most shores;

Whereas on June 7, 2001, Ukraine signed a charter for the GUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) alliance, in hopes of promoting regional interests, increasing cooperation, and building economic stability; and

Whereas in 1998, the Soviet-induced nuclear tragedy of Chernobyl gripped Ukrainian lands with insurmountable curies of radiation which will affect generations of Ukrainians for decades to come. Ukraine promotes safety for its citizens and their neighboring countries, as well as concern for the preservation of the environment by closing the Chernobyl nuclear reactor on December 15, 2000; Now, therefore, be it

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

SECTION 1. SENSE OF CONGRESS. It is the sense of Congress that—

(1) as a leader of the democratic nations of the world, the United States congratulates the people of Ukraine on their tenth anniversary of independence and supports peace, prosperity, and democracy in Ukraine;

(2) Ukraine has made significant progress in its political reforms during the first ten years of its independence, as is evident by the adoption of its Constitution five years ago;

(3) the territorial integrity, sovereignty, and independence of Ukraine within its existing borders is an important factor of peace and stability in Europe;

(4) the President, Prime Minister, and Parliament of Ukraine should continue to enact political reforms necessary to ensure that the executive, legislative, and judicial branches of the Government of Ukraine transparently represent the interests of the Ukrainian people;

(5) the Government and President of Ukraine should continue to promote fundamental democratic principles of freedom of speech, assembly, and a free press;

(6) the Government and President of Ukraine should promote and ensure an open and transparent fashion investigations into violence committed against journalists, including the murders of Heorhiy Gongadze and Ihor Oleksandrov;

(7) the Government of Ukraine (including the President and Parliament of Ukraine) should uphold international standards and procedures of free and fair elections in preparation for its upcoming parliamentary elections in March 2002;

(8) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(9) the United States supports all efforts to promote a civil society in Ukraine that features a vibrant community of nongovernmental organizations (NGOs) and an active, independent, and free press;

(10) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(11) the President of the United States should continue to consider the interests and security of Ukraine in reviewing or revising any European military and security arrangements, understandings, or treaties; and

(12) the President of the United States should continue to support and encourage Ukraine’s role in NATO’s Partnership for Peace program and the deepening of Ukraine’s partnership with NATO.

SEC. 2. TRANSMITTAL OF THE RESOLUTION. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States. The President is further requested that the President transmit such copy to the Government of Ukraine.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 110, S. 584.

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

The legislative clerk read as follows:

A bill (S. 584) to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ‘‘Thurgood Marshall United States Courthouse’’.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 584) was read the third time and passed, as follows:

S. 584

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

SECTION 1. DESIGNATION OF THURGOOD MARSHALL UNITED STATES COURTHOUSE.

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the ‘‘Thurgood Marshall United States Courthouse’’.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Thurgood Marshall United States Courthouse.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from the consideration of H.R. 558 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 558) to designate the Federal building and United States courthouse located at 594 West Hamilton Street in Allentown, Pennsylvania, as the ‘‘Edward N. Cahn Federal Building and United States Courthouse.’’

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 558) was read the third time and passed.

The PRESIDENT pro tempore. The Senator from Nevada.
CONGRESSIONAL RECORD — SENATE

S8995

August 3, 2001

 THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 988 just received from the House.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 988) to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill (H.R. 988) was read the third time and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of the following calendar items: Calendar No. 57, S. 238; Calendar No. 59, S. 329; Calendar No. 60, S. 491; Calendar No. 61, S. 498; Calendar No. 62, S. 506; Calendar No. 64, S. 509; Calendar No. 99, H.R. 427; and Calendar No. 100, H.R. 271.

There being no objection, the Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, the bills, as amended, where applicable, be read three times, passed, and the motions to reconsider be laid upon the table. It is so ordered.

The PRESIDENT pro tempore. Is there objection to the several requests?

Hearing no objection, the requests are granted.

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2001

The bill (S. 329) to authorize the Secretary of the Interior to conduct feasibility studies on water optimization for the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 329

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peopling of America Theme Study Act".

SEC. 2. STUDY.

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PEOPLING OF AMERICA THEME STUDY ACT

The bill (S. 329) to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 329

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peopling of America Theme Study Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the external and internal boundaries of the United States was populated; and

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; title XII of Public Law 101–628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and other values not otherwise studied in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 4.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) may best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) may provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list, in order of importance or merit, of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.

(1) LINKAGES.

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(II) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(ii) groups of people; and

(II) between—

(II) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(ii) groups of people; and
and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (160 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

Amend the title so as to read: “A bill to authorize, in cooperation with the competent tailwide volunteer-based organization, the designation of a discovery trail not to affect the protections or authorities provided for the other tail or trails, nor shall the designation of a discovery trail affect the values and significance for which those trails were established.”:

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL—As a National Discovery Trail.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by redesignating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by redesignating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:

(21) (A) The trail must be supported by at least one competent, tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments.

(22) by adding at the end the following:

(21) (B) The trail must be supported by at least one competent tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments.

(23) the American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the existing boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.”:

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

“(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The appropriate Secretary shall ensure that the comprehensive plan for the entire trail does not conflict

NATIONAL DISCOVERY TRAILS

ACT OF 2001

The Senate proceeded to consider the bill (S. 498) entitled “National Discovery Trails of 2001” which had been reported from the Committee on Energy and Natural Resources.

SEC. 1. SHORT TITLE

This Act may be cited as the “National Discovery Trails Act of 2001”.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS

(a) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

“(g) The trail must be supported by at least one competent tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments.

(2) by adding at the end the following:

(21) (B) The trail must be supported by at least one competent tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments.

(23) the American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent tailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the existing boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.”:

The Senate proceeded to consider the bill (S. 491) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

DENVER WATER REUSE PROJECT

The Senate proceeded to consider the bill (S. 491) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Denver Water Reuse project, which had been reported from the Committee on Energy and Natural Resources with the following report:

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary shall enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.
and inserting “national scenic, historic, or discovery trail”; (12) in section 7(b)(1) (16 U.S.C. 1246(b)(1)), by striking “or national historic” and inserting “national historic, or national discovery”; and (13) in section 7(i) (16 U.S.C. 1246(i)), by striking “or national historic” and inserting “national historic, or national discovery”.

Amend the title so as to read: “A bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes.”.

The committee amendments were agreed to. The title amendment was agreed to. The bill (S. 498), as amended, was read the third time and passed, as follows:

S. 498

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “National Discovery Trails Act of 2001”.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.
(a)(1) Section 2(b) (16 U.S.C. 1242(a)) is amended—

(b) Designation of the American Discovery Trail as a National Discovery Trail.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) (relating to the Aia Kahakai National Historic Trail) as paragraph (22); and

(2) by adding at the end the following: ‘‘(22) The American Discovery Trail is a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado.

After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the Interior of the American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one comprehensive trail-wide volunteer organization and other affected federal land-managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(f), and 7(g) shall not apply to the American Discovery Trail.’’.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

‘‘(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail, to the House of Representatives of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, if appropriate, and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

(i) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources and the values and significance for which those trails were established.”.

SEC. 3. CONFORMING AMENDMENTS.
(a) In section 2(b) (16 U.S.C. 1242(b)), by striking “scenic and historic” and inserting “scenic, historic, and discovery”;

(b) by striking “and Historic” and inserting “historic, and national discovery”;

(c) in the matter preceding paragraph (1)—

(1) by striking “and national historic” and inserting “historic, and national discovery”;

(2) by striking “and Historic” and inserting “historic, and national discovery”;

(d) in section 2(b) (16 U.S.C. 1242(b)), by striking “national historic” and inserting “national historic, or national discovery”;

(e) in section 2(c) (16 U.S.C. 1242(c)), by striking “national historic” and inserting “national historic, or national discovery”;

(f) in section 2(d) (16 U.S.C. 1242(d)), by striking “national historic” and inserting “national historic, or national discovery”;

(g) in section 2(e) (16 U.S.C. 1242(e)), by striking “national historic” and inserting “national historic, or national discovery”;

(h) in section 2(f) (16 U.S.C. 1242(f)), by striking “national historic” and inserting “national historic, or national discovery”;

(i) in section 2(g) (16 U.S.C. 1242(g)), by striking “national historic” and inserting “national historic, or national discovery”;

(2) F EASIBILITY REQUIREMENTS; C OOPERA TIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended—

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

“(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 103(b) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

(B) Trail segments must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, local and other affected State and local governments.

(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

(D) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail alter the values and significance for which those trails were established.”.

SEC. 4. TRAIL PLAN.—Section 5(a) (16 U.S.C. 1244(a)) is amended by adding after paragraph (4) the following:

“(5) National discovery trails, established as part of this Act which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America’s trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic values and significance for which those trails were established.”.

SEC. 5. M AINTENANCE OF TRAILS CONTRACT.—Section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking “national historic” and inserting “national historic, or national discovery”;

(2) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking “and national historic” and inserting “, national historic, or national discovery”;

(3) in section 7(b) (16 U.S.C. 1246(b)), by striking “or national historic” each place such term appears and inserting “, national historic, or national discovery”;

(4) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking “scenic or national historic” and inserting “scenic, national historic, or national discovery”;

(B) in the second proviso, by striking “scenic, or national historic” and inserting “scenic, national historic, or national discovery”;

(C) by striking “and national historic” and inserting “national historic, or national discovery”;

(5) in section 7(a)(3) (16 U.S.C. 1246(b)(3)), by striking “or national historic” and inserting “national historic, or national discovery”;

(6) in section 7(b)(1) (16 U.S.C. 1246(b)(1)), by striking “or national historic” each place such term appears and inserting “national historic, or national discovery”;

(7) in section 7(c)(2) (16 U.S.C. 1246(c)(2)), by striking “National Scenic or Historic” and inserting “scenic, national historic, or national discovery”.

(8) in section 7(c)(2) (16 U.S.C. 1246(c)(2)), by striking “National Scenic Historic or Discovery” and inserting “scenic, national historic, or national discovery”.

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking “or national historic” and inserting “national historic, or national discovery”;

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking “or national historic” each place such term appears and inserting “national historic, or national discovery”;

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking “National Scenic or Historic” and inserting “national historic, or national discovery”. with existing agency direction and shall con-
a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.”.

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The bill (S. 506) to amend the Alaska Native Claims Settlement Act (Public Law 96-419, December 22, 1980, 94 Stat. 4307) to correct a typographical error, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment in a corrected form, as amended, is further amended by adding a new section to read:

"SEC. 1. SHORT TITLE. This Act may be cited as the “Huna Totem Corporation Land Exchange Act”.

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 96-419, December 22, 1980, 94 Stat. 4307, et seq.), as amended, is further amended by adding a new section to read:

"SEC. 3. CONFORMING AMENDMENTS.

(1) in section 2(b) (16 U.S. C. 1241(b)), by striking “scenic and historic” and inserting “scenic, historic, and national discovery”;

(2) in the heading to section 5 (16 U.S. C. 1244), by striking “AND NATIONAL HISTORIC, AND NATIONAL DISCOVERY”;

(3) in section 5(a) (16 U.S. C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking “and national historic” and inserting “national historic, or national discovery”;

(B) by striking “and National Historic” and inserting “National Historic, and National, and National Discovery”;

(4) in section 5(b) (16 U.S. C. 1244(b)), in the matter preceding paragraph (1), by striking “or national historic” and inserting “national historic, or national discovery”;

(5) in section 5(b)(3) (16 U.S. C. 1244(b)(3)), by striking “or national historic” and inserting “national historic, or national discovery”;

(6) in section 7(a)(2) (16 U.S. C. 1246(a)(2)), by striking “and national historic” and inserting “national historic, national, and national discovery”;

(7) in section 7(b) (16 U.S. C. 1246(b)), by striking “or national historic” each place such term appears and inserting “national historic, or national discovery”;

(8) in section 7(c) (16 U.S. C. 1246(c))—

(A) by striking “scenic or national historic” each place it appears and inserting “scenic, historic, or national discovery”;

(B) in the second proviso, by striking “scenic, or national historic” and inserting “scenic, national historic, or national discovery”;

(C) by striking “national historic, or national discovery” and inserting “national historic, or national discovery”;

(9) in section 7(d) (16 U.S. C. 1246(d)), by striking “or national historic” and inserting “national historic, or national discovery”;

(10) in section 7(e) (16 U.S. C. 1246(e)), by striking “or national historic” each place such term appears and inserting “national historic, or national discovery”;

(11) in section 7(f)(2) (16 U.S. C. 1246(f)(2)), by striking “National Scenic or Historic” and inserting “national scenic, historic, or discovery”;

(12) in section 7(h)(1) (16 U.S. C. 1246(h)(1)), by striking “or national historic” and inserting “national historic, or national discovery”;

(13) in section 7(i) (16 U.S. C. 1246(i)), by striking “or national historic” and inserting “national historic, or national discovery”.

HUNA TOTEM CORPORATION LAND EXCHANGE ACT

The bill (S. 506) to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,...
In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Corridor.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to prohibit or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR RETENTION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $530,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity entering into a cooperative agreement as authorized in section 5(a).

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000 in the aggregate, may be appropriated for the Heritage Corridor.

(c) MATCHING FUNDS.—Federal funding provided for this Act shall be reduced by 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

 Amend the title so as to read: “To establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and for other purposes.”

The Committee amendment, in the nature of a substitute, was agreed to. The Little amendment, in the nature of a substitute, was agreed to.

The bill (S. 509), as amended, was read the third time and passed.

FURTHER PROTECTIONS FOR THE WATERSHED OF THE LITTLE SANDY RIVER AS PART OF THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON

The bill (H.R. 427) to provide further protections for the watershed of the Little Sandy River as Part of the Bull Run Watershed Management Unit, Oregon, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO CARSON CITY, NEVADA, FOR USE AS A SENIOR CENTER

The bill (H.R. 271) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center, was considered, ordered to a third reading, read the third time, and passed.

Mr. Reid. Mr. President, I ask unanimous consent that Calendar Nos. 56 and 58 be indefinitely postponed.

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

NORTHERN MARIANAS COVENANTS IMPLEMENTATION ACT

Mr. Reid. Mr. President, for the information of all Senators, Calendar Order No. 63, S. 505 is something Senator Akaka has been working on for a long time. It is the Northern Marianas Covenants Implementation Act. The majority leader has asked me to inform the Senate that he is going to move forward on this legislation sometime in the fall. This has been around a long time. We can’t get consent to move forward, so we are going to move forward in the normal course.
NATIONAL COMMUNITY HEALTH CENTER WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 59 and the Senate then proceed to its consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 59) 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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 1480

Mr. REID. Mr. President, I understand Senator HUTCHINSON has an amendment at the desk, and I ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Reid), for Mr. Hutchinson, proposes an amendment numbered 1480.

The amendment is as follows:

(Purpose: 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)

On page 3, line 4, insert after ``Week'', the following: ``for the week beginning August 19, 2001.''

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1480) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, the above occurring with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 59), as amended, was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 59

Whereas community, migrant, public housing, and homeless health centers are nonprofit and community owned and operated health providers that are vital to the Nation's communities;

Whereas there are more than 1,029 of these health centers serving nearly 12,000,000 people at 3,200 health delivery sites, spanning urban and rural communities in the 50 States, the District of Columbia, Puerto Rico, and Virgin Islands;

Whereas these health centers have provided cost-effective, quality health care to the Nation's poor and medically underserved, including the working poor, the uninsured, and many high-risk and vulnerable populations;

Whereas these health centers act as a vital safety net in the Nation's health delivery system, meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 9 uninsured Americans, 1 of every 8 low-income Americans, and 1 of every 10 rural Americans, who would otherwise lack access to health care;

Whereas these health centers, and other innovative programs in primary and preventive care, reach out to 600,000 homeless persons and more than 660,000 farm workers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and health professionals;

Whereas Federal grants, on average, contribute 28 percent of these health centers' budgets, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patients' fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 50,000 community residents;

Whereas the establishment of a National Community Health Center Week for the week beginning August 19, 2001, would raise awareness of the health services provided by these health centers; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) there should be established a National Community Health Center Week for the week beginning August 19, 2001, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendared items relating to postal designations: Calendar No. 125, S. 737; Calendar No. 126, S. 970; Calendar No. 128, S. 1026; Calendar No. 133, H.R. 364; Calendar No. 134, H.R. 821; Calendar No. 135, H.R. 1183; Calendar No. 136, H.R. 1753; and Calendar No. 131, H.R. 2943.

Mr. President, I ask unanimous consent that the bills be read a third time, passed, the motions to reconsider be laid on the table en bloc, that the consideration of these items appear separately in the RECORD, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

JOSEPH E. DINI, JR. POST OFFICE

The bill (S. 737) to designate the facility of the U.S. Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office” was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 737

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

SECTION 1. JOSEPH E. DINI, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, shall be known and designated as the “Joseph E. Dini, Jr. Post Office”.

(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 be a reference to the Joseph E. Dini, Jr. Post Office.

HORATIO KING POST OFFICE BUILDING

The bill (S. 970) to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the “Horatio King Post Office Building” was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 970

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

SECTION 1. HORATIO KING POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, shall be known as the “Horatio King 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 be a reference to the Horatio King Post Office Building.

PAT KING POST OFFICE BUILDING

The bill (S. 1026) to designate the U.S. Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building” was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:
The legislative clerk read as follows:

A bill (S. 1144) to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as follows:

The bill (S. 1144) was read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (S. 1144) was read the third time and passed, as follows:

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Postal Office referred to in section 1 shall be deemed to be a reference to the Pat King Post Office Building.

FRANCHISE FUND PILOT PROGRAMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 132, H.R. 93.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 93) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 93) was read the third time and passed.

Mrs. FEINSTEIN. Mr. President, today, I applaud my colleagues for passing the Federal Firefighters Retirement Age Fairness Act. This legislation raises the mandatory retirement age for Federal firefighters from 55 to 57.

Federal firefighters are first on the scene to many types of disasters in addition to fires. They respond to hazardous materials threats and terrorist incidents such as the bombing of the World Trade Center in 1993.

Due to an oversight, however, Federal firefighters are currently the only Federal law enforcement employees required to retire at 55 years.

Because many Federal firefighters wish to continue providing their services to the American people after the age of 55, they are often unfairly hired back by the Federal Government as ‘‘consultants.’’ Private consultants charge a higher fee than Federal firefighters’ salaries. As a result, the Federal Government pays more money for the same individuals’ services, simply because they are over the age of 55.

This bill does not change the minimum age to retire with full benefits. If an individual wishes to retire at 55, he or she may do so without penalty. The legislation gives firefighters the option of working until the age of 57 if they wish.

The bill enjoys broad bipartisan support and the endorsement of key labor
organizations such as the American Federation of Government Employees, the National Association of Government Employees, and the International Association of Fire Chiefs.

According to the Congressional Budget Office, legislation will save taxpayers more than $4 million over the next four years. Federal firefighting capabilities are being sorely tested; we need to make it possible for agencies to retain experienced, qualified firefighters.

“The Federal Firefighters Retirement Age Fairness Act” was the first bill the House of Representatives passed unanimously this year. I am pleased my colleagues here in the Senate chose to support this important legislation, as well.

COMMISSION ON THE BICENTENNIAL OF THE LOUISIANA PURCHASE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 356.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 356) to establish a National Commission on the Bicentennial of the Louisiana Purchase.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Louisiana Purchase Bicentennial Commission Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bicentennial of the Louisiana Purchase occurs in 2003, 200 years after the United States, under the leadership of President Thomas Jefferson and after due consideration and approval by Congress, paid $15,000,000 to France in order to acquire the vast area in the western half of the Mississippi River Basin;

(2) the Louisiana Purchase was the largest peaceful land transaction in history, virtually doubling the size of the United States;

(3) the Louisiana Purchase opened the heartland of the North American continent for exploitation, settlement, and achievement to the people of the United States;

(4) in the wake of the Louisiana Purchase, the new frontier attracted immigrants from around the world and became synonymous with the search for spiritual, economic, and political freedom;

(5) today the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming make up what was the Louisiana Territory; and

(6) commemoration of the Louisiana Purchase and the opening of the West would—

(A) enhance public understanding of the impact of westward expansion on the society of the United States; and

(B) provide lessons for continued democratic governance in the United States.

SEC. 3. DEFINITIONS.

In this Act—

(1) BICENTENNIAL—The term “Bicentennial” means the 200th anniversary of the Louisiana Purchase.

(2) COMMISSION.—The term “Commission” means the National Commission on the Bicentennial of the Louisiana Purchase established under section 4(a).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “National Commission on the Bicentennial of the Louisiana Purchase”;

(b) DUTIES.—The Commission shall plan, encourage, coordinate, and conduct the commemoration of the Bicentennial.

(c) MEMBERSHIP.

(1) NUMBERS AND APPOINTMENT.—The Commission shall be composed of 20 members, including—

(A) 14 members consisting of the governor, or their designee, of each State that made up the Louisiana Territory;

(B) the Director of the National Museum of American History of the Smithsonian Institution or his designee;

(C) the Librarian of Congress or his designee;

(D) as chosen by the Commission, the president or head of 2 United States historical societies, foundations, or organizations of National stature or prominence;

(E) the Secretary of Education or his designee; and

(F) 2 members from the largest Federally recognized Native American tribes within the territory.

(2) INTERNATIONAL PARTICIPATION.—The President may invite the Governments of France and Spain to appoint 1 individual each to serve as a nonvoting member of the Commission.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission described in paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCY.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(e) ORGANIZATION AND INITIAL MEETING.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision-making purposes shall be 11 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (c)(1). The Chairperson may be removed by a vote of a majority of the Commission’s members.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop activities appropriate to commemorate the Bicentennial including a limited number of proposed projects to be undertaken by the appropriate Federal departments and agencies that commemorate the Bicentennial by seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) consult with and encourage Indian tribes, appropriate Federal departments and agencies, State and local governments, and foreign governments and private organizations to organize and participate in Bicentennial activities commemorating or examining—

(A) the history of the Louisiana Territory;

(B) the negotiations of the Louisiana Purchase;

(C) voyages of discovery;

(D) frontier movements; and

(E) the westward expansion of the United States;

(3) coordinate activities throughout the United States and internationally that relate to the history and influence of the Louisiana Purchase; and

(4) encourage the publication of popular and scholarly works related to the Louisiana purchase.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year before the Bicentennial date, the Commission shall submit to the President and Congress a comprehensive report that includes specific recommendations for—

(A) the allocation of financial and administrative responsibility among participating entities and persons with respect to commemoration of the Bicentennial; and

(B) the commemoration of the Bicentennial and related events through programs and activities, such as—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history and impact of the Louisiana Purchase on the United States and the world;

(ii) bibliographical and documentary projects, publications, and electronic resources;

(iii) conferences, convocations, lectures, seminars, and other programs;

(iv) the development of programs by and for libraries, museums, parks and historic sites, institutions, and international and national traveling exhibitions;

(v) ceremonies and celebrations commemorating specific events;

(vi) the production, distribution, and performance of artistic works, and of programs and activities, focusing on the international and national significance of the Louisiana Purchase and the westward movement opening the frontier for present and future generations; and

(vii) the issuance of commemorative coins, medals, certificates of recognition, and stamps.

(2) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(A) recommendations regarding appropriate activities to commemorate the centennial of the Louisiana Purchase, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the Louisiana Purchase;

(vi) programs focusing on the history of the Louisiana Purchase and the impact of Bicentennial gifts to the United States and humankind;

(vii) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of the Louisiana Purchase;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of the Louisiana Purchase;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of the Louisiana Purchase;

(D) an accounting of funds received and expended by the Commission in the fiscal year.
that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and
(E) a full accounting of any cooperative agreements and contract agreements entered into by the Commission.
(3) FINAL REPORT.—Not later than 1 year after the bicentennial date, the Commission shall submit to the President and Congress a final report. The final report shall contain—
(A) a summary of the activities of the Commission;
(B) a final accounting of funds received and expended by the Commission;
(C) any findings and conclusions of the Commission; and
(D) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission.
(c) ASSISTANCE.—In carrying out this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies.

SEC. 6. POWERS OF THE COMMISSION.
(a) IN GENERAL.—The Commission may provide for—
(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects that will contribute to public awareness of, and interest in, the Bicentennial, except that any commemorative coin, medal, or postage stamp recommended to be issued by the United States shall be issued only by a Federal department or agency;
(2) competitions and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the Bicentennial;
(3) a Bicentennial calendar or register of programs and projects, and in other ways provide a center for information and coordination regarding dates, events, places, documents, artifacts, and personalities of Bicentennial historical and commemorative significance; and
(4) the design and designation of logos, symbols, or marks for use in connection with the commemoration of the Bicentennial shall establish procedures regarding their use.
(b) FEDERAL COOPERATION.—To ensure the overall success of the Commission’s efforts, the Commission shall consult upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.
(c) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force of the Commission shall not receive pay, but may receive travel expenses pursuant to policies adopted by the Commission. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.
(d) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.
(e) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—
(1) IN GENERAL.—Notwithstanding any other provision in this Act, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this Act.
(2) EXCEPTIONS.
(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.
(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.
(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission or the General Services Administration at the date of termination of the Commission shall become the property of the General Services Administration upon the date of termination.
(f) ADVISORY COMMITTEE.—The Commission may appoint such advisory committees as the Commission determines necessary to carry out the purposes of this Act.

SEC. 5. ADMINISTRATION.
(a) LOCATION OF OFFICE.—
(1) CENTRAL OFFICE.—The central office of the Commission shall be in Washington, D.C.
(2) ADDITIONAL OFFICES.—The Commission shall establish 2 additional offices in New Orleans, Louisiana, and St. Louis, Missouri.
(b) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among details from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.
(c) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.
(d) INAPPLICABILITY OF CERTAIN CIVIL SERVICES LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b) of this section.
(e) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2801 of title 5, United States Code.
(f) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may take action that it determines is appropriate to furnish the information or assistance requested by the Commission, unless prohibited by law.
(g) ADMINISTRATIVE SUPPORT SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission a reimbursable basis for office space and support services that are necessary to enable the Commission to carry out this Act.
(h) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with other Federal agencies, State and local government, and nonprofit organizations that will contribute to public awareness of and interest in the celebration of the bicentennial and toward furthering the goals and purposes of this Act.
(i) PROGRAM SUPPORT.—The Commission may receive program support from the nonprofit sector.
(j) MEMBERS’ COMPENSATION.—
(1) IN GENERAL.—A member of the Commission shall serve without pay, and shall not receive compensation, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5707 of title 5, United States Code.

SEC. 7. EXPENSES.—Members of an advisory committee or task force of the Commission shall not receive travel expenses if otherwise reimbursed by the Federal Government.

SEC. 8. CONTRIBUTIONS, REVENUES, AND EXPENDITURES.—
(a) DONATIONS.—The Commission may solicit, accept, and use contributions of money, property, or personal services and historic materials relating to the implementation of its responsibilities under the provisions of this Act. The Commission shall not accept donations the value of which exceeds—
(1) $50,000 annually with respect to an individual; and
(2) $250,000 annually with respect to any person other than an individual.
(b) VOLUNTEER SERVICES.—Notwithstanding section 1542 of title 31, United States Code, the Commission may accept, administer, and uncompensated services as the Commission determines necessary.
(c) REMAINING FUNDS.—Any funds (including funds received from licensing agreements relating to the Commission on the date of the termination of the Commission) may be used to ensure proper disposition, as specified in the final report required under section 10(e), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.
(d) ACQUIRED ITEMS.—Any book, manuscript, newspaper, printed matter, memorabilia, relic, and other material or property relating to the time period of the Louisiana Purchase acquired by the Commission may be deposited for preservation in national, State, or local libraries, museums, archives, or other archives with the consent of the depository institution.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS.
(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties under this Act.
(b) EFFECT ON OTHER RIGHTS.—No provision of this section shall be construed to conflict with or impair any existing or future valid legal rights, unless otherwise specified, nor to authorize the Commission to allow or refuse the use of, the name “National Commission on the Bicentennial of the Louisiana Purchase” on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.
(c) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict with or impair any existing or future valid legal rights.
(d) USE OF FUNDS.—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.
(e) LICENSING RIGHTS.—All exclusive licensing rights, unless otherwise specified, shall revert to the National Museum of American History upon termination of the Commission.

SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.
(a) IN GENERAL.—
(1) AUDIT.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.
(2) ACCESS.—In conducting an audit under this section, the Comptroller General,—
officials, as well as members of Native American Tribes originating on the lands included in the Purchase. These officials will work together to recommend, organize, and oversee the 200th anniversary of the Louisiana Purchase. Commission tasks include planning, preparing, and issuing commemorative materials focusing on the history and the impact of the Louisiana Purchase. This is certainly not an exhaustive list, the commission will be tasked with many efforts, but it is an insight into the important role that the commission will fulfill. I thank the Judiciary Committee in their preparation and passage of this bill. Together, the chairman and the ranking member of the Judiciary Committee were incredibly supportive. This was truly a bipartisan effort. I thank my colleagues for recognizing the great value of honoring this momentous occasion, and together, as Americans, we can celebrate the breadth and distance of our Nation's vision.

Ms. LANDRIEU. Mr. President, today I rise to urge passage of the Louisiana Purchase Bicentennial Commission Act. This legislation creates a commission to celebrate the 200th anniversary of the Louisiana Purchase. I am honored to have sponsored this legislation with Senators BREAUX, LINCOLN, HUTCHINSON, DOMENICI, BAUCUS, and HATCH. The passage of this legislation voices appropriate celebration on the value of the United States' peaceful expansion westward.

The Louisiana Purchase cost the United States $15 million but it doubled the size of the country overnight and brought vast natural resources that had been as yet untapped. To quote Tallyrand, “You have made a noble bargain for yourselves and I suppose you will make the most of it.” For the United States, it was only the beginning of an expansion that would stretch from the Atlantic Ocean to the Pacific Ocean.

All or part of 15 States were created from the land acquired in this purchase. It made possible the travels of Lewis and Clark, whose invaluable insights into the peoples and land beyond the Mississippi River emboldened many Americans to search for a new life out West. Around the world, the American Frontier became synonymous with the search for spiritual, economic, and political freedom. The Louisiana Purchase, the American acquisition of territory. Commemoration of the Louisiana Purchase and the related opening of the West can enhance public understanding of the impact of the democratic westward expansion on American society.

This bill creates a Commission that will edify, publish, and display the importance of the Louisiana Purchase to all Americans. This bipartisan commission is partially modeled after the celebration of the American Bicentennial—striving to be inclusive of Americans. The commission will include important officials from each state created from the Purchase, museum and education funds or securities held for the Commission by the Comptroller General of the United States shall submit to the President a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

Not later than 60 days after the submission of the final report, the Commission shall terminate.

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education’s Teach for America; and

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas referred to in this Act as the “Brown Foundation,” and such other public or private entities as the Commission considers appropriate, encourage and develop, and continue observances of the anniversary of the Brown decision.

SEC. 4. MEMBERSHIP.

(a) In General.—Subject to subsections (b) and (c), there are authorized to be appropriated under this section for any fiscal year $250,000 for any audit of the financial transactions of the Commission, including access to any financial records or securities held for the Commission by the Comptroller General of the United States.

(b) Final Report.—Not later than 120 days after the date on which the Commission submits its final report, the Comptroller General of the United States shall submit to the President a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

Not later than 60 days after the submission of the final report, the Commission shall terminate.

SEC. 1. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Subject to subsections (b) and (c), there are authorized to be appropriated under this section for any fiscal year $250,000 for any audit of the financial transactions of the Commission, including access to any financial records or securities held for the Commission by the Comptroller General of the United States.

Not later than 60 days after the submission of the final report, the Commission shall terminate.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the “Brown v. Board of Education 50th Anniversary Commission” (referred to in this Act as the “Commission”).

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recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(ii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

(3)(d) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

(4)(i) Two representatives of the Brown Foundation.

(i) The National Historic Site.


(iii) The National Education Association Research Library at the University of Kansas.


(v) The National Association for the Advancement of Colored People.

(vi) The NAACP Legal Defense and Education Fund.

(vii) The Supreme Court.

(viii) The American Historical Association.


(x) The American Legal Defense and Education Fund.


(xii) The American Historical Association.


(xiv) The American Historical Association.


(xvi) The American Historical Association.


(xviii) The American Historical Association.


(xxi) The American Bar Association.


(xxiv) The American Historical Association.


(xxvi) The American Historical Association.


(3)(e) The Commission shall be composed of a majority of members of the Commission who shall be individuals from the State in which the lawsuits decided by the Supreme Court decision in Brown v. Board of Education were filed, Delaware, Kansas, South Carolina, Virginia, and the State from the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

(3)(f) Members of the House of Representatives from each of the States described in clause (i) may file joint recommendations to the President one individual from each of the States described in clause (i) and (ii) or a majority of their members.

(3)(g) One representative of the Brown v. Board of Education Research in Topeka, Kansas, (referred to in this Act as the “Brown Foundation”)

(4)(i) The number of Presidential appointees shall be determined, but not later than February 1, 2005. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 5. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2006.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 6. REPORTS.

(a) Number and Appointment.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as Chair one of two Co-chairpersons of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

(b) Eleven individuals appointed by the President, after receiving recommendations as follows:

(A) Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

(B) Members of the House of Representatives from each of the States referred to in subparagraph (A) shall jointly recommend to the President one individual from their respective States.

(c) Members of the Senate from each State described in clause (ii) shall each submit the name of one individual from the State to the majority leader and minority leader of the Senate.

(d) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (ii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and the State of the first legal challenge involved (Massachusetts).

(ii) The Members of the House of Representatives from each State described in subparagraph (A) shall jointly recommend to the President one individual from their respective States.

(3) The number of Presidential appointees shall be determined, but not later than February 1, 2005. Such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) The Commission shall transmit a final report to the President and the Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2006.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $250,000 for the period encompassing fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed.

ESTABLISHING A COMMISSION FOR COMMEMORATION OF 50TH ANNIVERSARY OF SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 119, S. 1046.

The PRESIDENT pro tempore. Without objection, the several requests are agreed to.

The committee amendments were agreed to.

The bill (H.R. 2138), as amended, was read the third time and passed.

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

SECTION 1. FINDINGS.

Congress finds that as of the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the “Brown v. Board of Education 50th Anniversary Commission” (referred to in this Act as the “Commission”).

SEC. 3. DUTIES.

(a) Number and Appointment.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as Chair one of two Co-chairpersons of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

(b) Eleven individuals appointed by the President, after receiving recommendations as follows:

(A) Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

(B) Members of the House of Representatives from each of the States described in subparagraph (A) shall jointly recommend to the President one individual from their respective States.

(c) Members of the Senate from each State described in clause (i) shall each submit the name of one individual from the State to the majority leader and minority leader of the Senate.

(d) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (ii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and the State of the first legal challenge involved (Massachusetts).

(ii) The Members of the House of Representatives from each State described in subparagraph (A) shall jointly recommend to the President one individual from their respective States.

(3) The number of Presidential appointees shall be determined, but not later than February 1, 2005. Such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) The Commission shall transmit a final report to the President and the Congress not later than December 31,
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SEC. 5. POWERS.

(a) Powers of Members and Agents.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act. (b) FEES AND ALLOWANCES.—

(1) Authority to Accept.—The Commission may accept and use gifts or donations of moneys, personal services, or professional services.

(2) Disposition of Property.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas, Lawrence, Kansas, or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) Meetings.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) Interim Reports.—The Commission shall transmit interim reports to the President and Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) Final Report.—The Commission shall transmit to the President and Congress not later than December 31, 2004, a final report which presents the findings and recommendations of the Commission.

SEC. 7. TERMINATION.

(a) Date.—The Commission shall terminate not later than the date the Commission terminates shall be deposited in the general fund of the Treasury.

(b) Disposition of Funds.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated at total of $300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. ROBERTS. Mr. President, today I rise in support of S. 1046, the Brown v. Board of Education 50th Anniversary Commission bill, which Senator Brownback and I introduced. 2004 marks the 50th anniversary of this landmark Supreme Court decision which found the doctrine of “separate but equal” to be patently unconstitutio

al. In 2004, it will have been half a century since Oliver Brown of Topeka, Kansas, on behalf of his daughter, Linda, fought the menace of racism and won. This watershed case is an important victory in the civil rights movement, and this Congressional Commission will allow us to fully celebrate and reflect on what this decision has meant to our nation. On May 17, 1954, in the Brown v. Board of Education decision, the high court issued a definitive interpretation of the 14th Amendment to the United States Constitution. The Court stated that the discriminatory nature of racial segregation violates the 14th Amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.” This case brought relief not only to the families from four states and the District of Columbia who were combined under the Brown case, but to individuals throughout our country as it marked a turning point in our Nation’s history.

This bill, S. 1046, allows for the establishment of a Congressional Commission to celebrate this historical occasion, by developing public education initiatives and coordinating observances in conjunction with the Brown Foundation for Educational Equity, Excellence and Research in Topeka. The Brown Foundation is concurrently working with the National Park Service in order to convert Linda Brown’s former all-black elementary school into a historic site in time for the 50th anniversary.

I’d like to thank Chairman Leahy and Ranking Member Hatch for their expeditious consideration of this important legislation. I’d also like to thank the Kansas Congressional Delegation for all their work on this issue as well. Finally, I’d like to thank Linda Brown, Linda’s sister, who is the Executive Director of the Brown Foundation. Her untiring work has furthered the legacy of the Brown decision and allowed the vision of a Congressional Commission to become closer.

Mr. BROWNBACK. Mr. President, I rise today to express my thanks to my Senate colleagues for passing S. 1046, a bill that creates a commission to commemorate the 40th anniversary of Brown v. Board. I would especially like to thank Senator Pat Roberts of Kansas who introduced this bill into the Senate and Senator Patrick Leahy of Vermont for his leadership in helping me to move this legislation through his committee.

I thank Cheryl Brown Henderson of the Brown Foundation, whose father, Oliver Brown brought the suit against the Topeka Board of Education on behalf of his daughter, Linda Brown. Cheryl has been a steadfast leader in ensuring that the Brown decision and legacy continues not only in the State of Kansas but throughout the nation, and she has been very instrumental in creating this legislation that was passed in the Senate today.

I stand before the Senate today proud that Kansas has played an intricate role in shaping our Nation. From “Bleeding Kansas” to the “Exodus to Kansas” to Brown v. Board, Kansas has been one State in this nation that has led our country in addressing race relations in this country. And I am very proud of that history and legacy.

As you know, the history of desegregating our public school system started before Brown v. Board with cases as Murray v. Asberry and Sweatt v. Painter. But it was Brown v. Board that set the fire of the public outrage and changed the course of America’s history and the way in which we view equality in the eyes of the law.

Before Brown, many States in the United States enforced racially segregated laws—this was an atrocious practice. Many individuals claimed that as a direct result of the 1896 Plessy v. Ferguson case, which sanctioned the separate but equal doctrine, school segregation was, in fact, legal and culturally acceptable. Oliver Brown, a citizen of Topeka, Kansas, joined with other individuals and filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda.

Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus to take her to the “segregated” schools outside the city where she lived—even though a school for white children was located only a few blocks from her home. This was the basis for the landmark case. There were many notable African Americans who helped to bring this case to the Supreme Court of the United States, however, none so famous as Supreme Court Justice Thurgood Marshall who valiantly defended the rights of not only Linda Brown but of an entire race of individuals who were treated as second-class citizens.

On May 17, 1954, the Supreme Court rendered its decision that ruled racial segregation in schools in unconstitutional, violating the 14th Amendment of the United States Constitution, which states among other things that “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”
When the Court ruled in 1954 that school segregation laws were unconstitutional, the Supreme Court dismantled the legal foundation on which racial segregation stood. The Court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring call to action for the Civil Rights movement.

The Commission will work with the Brown Foundation for Educational Equity, Excellence and Research (located in Topeka, Kansas) to plan, develop and coordinate observances of the anniversary of the Brown decision. And finally, the Commission will submit recommendations to the joint session of Congress to commemorate the 50th anniversary of the Brown v. Board of Education decision.

I am proud that we were able to pass this legislation today that will honor this historic case—one that set the pace for racial equality in the 20th century, and caused a nation to rethink the meaning of racial equality and tolerance for the betterment of our country.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, with the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered. The several requests are agreed to en bloc.

The committee amendments were agreed to.

The bill (S. 1046), as amended, was read the third time and passed, as follows:

SEC. 3. DUTIES.
In order to commemorate the 50th anniversary of the Brown decision, the Commission shall:

1. In conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public education exhibits, and public awareness campaigns, through the Department of Education's ten regional offices;

2. In cooperation with the Brown Foundation for Educational Equity, Excellence and Research in Topeka, Kansas, referred to in this Act as the "Brown Foundation") and such other public or private entities as the Commission considers appropriate, to encourage, age, plan, develop, and coordinate observances of the anniversary of the Brown decision;

3. Submit recommendations to the Congress relating to a joint session of Congress for the purpose of commemorating the anniversary.

SEC. 4. MEMBERSHIP.
(a) Number and Appointment. —The Commission shall be composed as follows:

1. Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as one of two Co-chairpersons of the Commission.

2. Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

3. Eleven individuals appointed by the President after receiving recommendations as follows:

(A)(1) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(B) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (i).

(C) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the States of the first legal challenge involved (Massachusetts).

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (i).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originated (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(b) Terms.—Members of the Commission shall serve without pay.

(c) Number and Appointment. —The Commission shall be composed as follows:

1. Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as one of two Co-chairpersons of the Commission.

2. Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

3. Eleven individuals appointed by the President after receiving recommendations as follows:

(A)(1) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(B) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (i).

(C) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(i) After review of the submissions made under clause (i), the Chairman of the Committee on Oversight and Government Reform shall recommend to the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(D) The Speaker of the House of Representatives shall inform the Committee on Oversight and Government Reform of the names of the Co-chairpersons of the Commission.

(E) The Speaker of the House of Representatives, in consultation with the Librarian of Congress, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(F) The President shall appoint, or reappoint, the Chairperson and Co-chairpersons of the Commission.

(g) Terms.—Members of the Commission shall serve without pay.

(h) Compensation.—(1) In general. —Members of the Commission shall serve without pay.

(2) Travel Expenses. — Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(i) Quorum. —A majority of the members of the Commission shall constitute a quorum.

(j) Meetings.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of a Co-chairperson or a majority of its members.

(k) Executive Director and Staff.—The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.
(a) Powers of Members and Agents.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) Gifts and Donations.—(1) Authority to Accept.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) Preservation of Historical Items.—The Commission may preserve and make available for public use such historical items as the Commission considers appropriate.

(c) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) Internal Reports.—The Commission shall transmit interim reports to the President and Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislative or administrative action which the Commission considers appropriate.

(e) Final Report.—The Commission shall transmit a final report to the President and Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 6. REPORTS.
(a) Annual Reports.—The Commission shall transmit an annual report to the President and Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislative or administrative action which the Commission considers appropriate.

(b) Disposition of Funds.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 7. TERMINATION.
(a) Date.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2006.

(b) Disposition of Funds.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated at total of $300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

NATIONAL VETERANS AWARENESS WEEK
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed...
to the immediate consideration of Cal-
endar No. 118, S. Res. 143. The PRESIDENT pro tempore. The clerk will read the title of the resolu-
tion. The legislative clerk read as follows: A resolution (S. Res. 143) expressing the sense of Senate regarding the development of educational programs on veterans’ contribu-
tions to the country, and the designation of the week of November 11 through November 17, 2001, as “National Veterans Awareness Week.” There being no objection, the Senate proceeded to consider the resolution. Mr. REID. Mr. President, I ask unan-
imous consent that the resolution and preamble be agreed to, that the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the Record, with no intervening action or debate. The PRESIDENT pro tempore. Without objection, it is so ordered. The resolution (S. Res. 143) was agreed to. The preamble was agreed to. The resolution, will appear in a future edition of the Record. THE CALENDAR Mr. REID. Mr. President, I ask unan-
imous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 121, S. Res. 138, Calendar No. 122, S. Res. 145, Calendar No. 123, S. Res. 146; that the resolutions be agreed to en bloc, the preamble be agreed to, the amendment, where appropriate, be agreed to, the motion to reconsider be laid upon the table, the consideration of these items appear separately in the Record, and that any statements relating to the resolutions be printed in the Record, without any intervening action or debate. The PRESIDENT pro tempore. Without objection, it is so ordered. NATIONAL PROSTATE CANCER AWARENESS MONTH The Senate proceeded to consider the resolution (S. Res. 138) designating the month of September as “National Prostate Cancer Awareness Month,” which was reported from the Committee on the Judiciary with an amendment, as follows: [Insert the part printed in italic.] S. Res. 138 Whereas over 1,000,000 American families live with prostate cancer; Whereas 1 American man in 6 will be diag-
nosed with prostate cancer in his lifetime; Whereas prostate cancer is the most com-
monly diagnosed nonskin cancer and the sec-
ond most common cancer killer of American men; Whereas 198,100 American men will be diag-
nosed with prostate cancer and 31,500 Amer-
ican men will die of prostate cancer in 2001, according to American Cancer Society esti-
mates; Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years; Whereas African Americans have the high-
est incidence and mortality rates of prostate cancer in the world; Whereas screening by both digital rectal ex-
amination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality; Whereas the research pipeline promises further improvements in prostate cancer pre-
vention, early detection, and treatments; and Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men’s lives and preserving and pro-
tecting our families: Now, therefore, be it Resolved, That the Senate— (1) designates the month of September 2001 as “National Prostate Cancer Awareness Month”; (2) declares that the Federal Government has a responsibility— (A) to raise awareness about the impor-
tance of screening methods and treatment of prostate cancer; (B) to increase research funding that is com-
mensurate with the burden of the disease so that the causes of, and improved screen-
ing, treatments, and a cure for, prostate can-
cer may be discovered; and (C) to continue to consider ways for im-
proving access to, and the quality of, health care services for detecting and treating pros-
tate cancer; and (3) requests the President to issue a procla-
mation calling upon the people of the United States, interested groups, and affected per-
s ons to promote awareness of prostate can-
cer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September 2001 with appropriate ceremonies and activities. Amend the title so as to read: “Resolution designating the month of September 2001 as ‘National Prostate Cancer Awareness Month’.” The committee amendment was agreed to. The resolution (S. Res. 138), as amended, was agreed to. The preamble was agreed to. The title amendment was agreed to. The resolution, as amended, with its preamble, reads as follows: S. Res. 138 Whereas over 1,000,000 American families live with prostate cancer; Whereas 1 American man in 6 will be diag-
nosed with prostate cancer in his lifetime; Whereas prostate cancer is the most com-
monly diagnosed nonskin cancer and the sec-
ond most common cancer killer of American men; Whereas 198,100 American men will be diag-
nosed with prostate cancer and 31,500 Amer-
ican men will die of prostate cancer in 2001, according to American Cancer Society esti-
mates; Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years; Whereas African Americans have the high-
est incidence and mortality rates of prostate cancer in the world; Whereas ¼ of new cases of prostate cancer occur in men during their prime working years; Whereas African Americans have the high-
est incidence and mortality rates of prostate cancer in the world; Whereas African Americans have the high-
est incidence and mortality rates of prostate cancer in the world; Whereas screening by both digital rectal ex-
amination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality; Whereas the research pipeline promises further improvements in prostate cancer pre-
vention, early detection, and treatments; and Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men’s lives and preserving and pro-
tecting our families: Now, therefore, be it Resolved, That the Senate— (1) designates the month of September 2001 as “National Prostate Cancer Awareness Month”; (2) declares that the Federal Government has a responsibility— (A) to raise awareness about the impor-
tance of screening methods and treatment of prostate cancer; (B) to increase research funding that is com-
mensurate with the burden of the disease so that the causes of, and improved screen-
ing, treatments, and a cure for, prostate can-
cer may be discovered; and (C) to continue to consider ways for im-
proving access to, and the quality of, health care services for detecting and treating pros-
tate cancer; and (3) requests the President to issue a procla-
mation calling upon the people of the United States, interested groups, and affected per-
s ons to promote awareness of prostate can-
cer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September 2001 with appropriate ceremonies and activities. Amend the title so as to read: “Resolution designating the month of September 2001 as ‘National Prostate Cancer Awareness Month’.” RECOGNIZING IMMIGRANTS HELPED BY HEBREW IMMIGRANT AID SOCIETY The resolution (S. Res. 145) recog-
nizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society over the past 120 years, considered and agreed to, and the preamble was agreed to, as follows: S. Res. 145 Whereas the United States has always been a country of immigrants and was built on the hard work and dedication of generations of those immigrants who have gathered on our shores: Whereas, over the past 120 years, more than 4,500,000 immigrants from 50 countries have immi-
grated to the United States, Israel, and other safe havens around the world through the aid of the Hebrew Immigrant Aid Society (referred to in this resolution as “HIAS”), the oldest international migration and refugee resettlement agency in the United States; Whereas, since the 1970s, more than 400,000 refugees from more than 50 countries who have fled areas of conflict and instability, danger and persecution, have resettled in the United States with the high quality assist-
ance of HIAS; Whereas outstanding individuals such as former Secretary of State Henry Kissinger, artist Marc Chagall, Olympic gold-medalist Lanny Krazberg, poet and Nobel Laureate Joseph Brodsky, and author and restau-
tateur George Lang have been assisted by HIAS; Whereas these immigrants and refugees have been provided with information, coun-
seling, legal assistance, and other services, including outreach programs for the Rus-
sian-speaking immigrants of the community, with the assistance of HIAS; and Whereas on September 9, 2001, HIAS will cel-
bcrate the 120th anniversary of its found-
ing. Now, therefore, be it Resolved, That the Senate— (1) recognizes the contributions of the 4,500,000 immigrants and refugees served by HIAS in the United States and democracies throughout the world in the arts, sciences, government, and in other areas; and
(2) requests that the President issue a proclamation—
(A) recognizing September 9, 2001, as the 120th anniversary of the founding of the Hebrew American Society; and
(B) calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate appreciation for the contributions made by the millions of immigrants and refugees served by HIAS.

LOUIS ARMSTRONG DAY

The resolution (S. Res. 146) designating August 4, 2001, as “Louis Armstrong Day” was considered and agreed to and the preamble was agreed to, as follows:

S. Res. 146

Whereas Louis Armstrong’s artistic contribution as an instrumentalist, vocalist, arranger, and bandleader is one of the most significant contributions in 20th century American music;
Whereas Louis Armstrong’s thousands of performances and hundreds of recordings created a permanent body of musical work defining American music in the 20th century, from which musicians continue to draw inspiration;
Whereas Louis Armstrong and his bandmates served as international ambassadors of goodwill for the United States, entertaining and uplifting millions of people of all races around the world;
Whereas Louis Armstrong is one of the most well-known, respected, and beloved African-Americans of the 20th century;
Whereas Louis Armstrong was born to a poor family in New Orleans on August 4, 1901 and died in New York City on July 6, 1971 having been feted by kings and presidents throughout the world as one of our Nation’s greatest musicians; and
Whereas August 4, 2001 is the centennial of Louis Armstrong’s birth: Now, therefore, be it

Resolved, That the Senate—
(1) designates August 4, 2001, as “Louis Armstrong Day”; and
(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 4:30 p.m. today for insertion of statements and the introduction of bills.

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

ORDERS FOR TUESDAY, SEPTEMBER 4, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn under the hour of 10 a.m., Tuesday, September 4. 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 lost, and the time for the leaders be reserved for their use later in the day, and the Senate conduct a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

Senator Thomas or his designee from 10 a.m. to 10:30; Senator DURBIN or his designee from 10:30 until 11 a.m.
Further, that at 11 a.m. the Senate begin consideration of S. 149, the Export Administration Act, and that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

Mr. REID. I request the President designate that the Presiding Officer has a productive and uneventful break and returns with his usual vim and vigor, leading the Senate with the wise knowledge accumulated all these years.

PROGRAM

Mr. REID. On Tuesday, September 4, the Senate will convene at 10 a.m. with morning business until 11 a.m. At 11 a.m. the Senate will begin consideration of the Export Administration Act. We will have our usual Tuesday conference.

ADJOURNMENT UNTIL 10 A.M., TUESDAY, SEPTEMBER 4, 2001

Mr. REID. Therefore, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 208.

There being no objection, it is so ordered.

NOMINATIONS

Executive nominations received by the Senate August 3, 2001:

FEDERAL RESERVE SYSTEM

MARK W. OLSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1966, VICE ALICE M. RIVLIN, RESIGNED.

DEPARTMENT OF STATE

JACKSON MCGONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

JOHN MALCOLM ORDAWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

SPECIAL PANEL ON APPEALS

JOHN L. HOWARD, OF ILLINOIS, TO BE CHAIRMAN OF THE SPECIAL PANEL, ON APPEALS FOR A TERM OF SIX YEARS, VICE JAMES G. GALLAGHER, RESIGNED.

DEPARTMENT OF JUSTICE

MARGARET M. CHIARA, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE MI- CHAIL HAYES DETTMER, RESIGNED.

ROBERT J. KORB, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES L. COCHRANE, RESIGNED.

JAMES MING GRINNELL, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES L. COCHRANE, RESIGNED.

JONATHAN S. BERNSTEIN, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES L. COCHRANE, RESIGNED.

STEVEN A. GORZELANSKI, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES L. COCHRANE, RESIGNED.

DEPARTMENT OF COMMERCE

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PETER J. PEREIRA, RESIGNED.

DEPARTMENT OF THE TREASURY

SUSAN SCHMIDT BIRDS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1966, VICE SUSAN MERRITT PHIL- LIPS, RESIGNED.

CONCLUSIONS

Executive nominations confirmed by the Senate August 3, 2001:

DEPARTMENT OF THE TREASURY

KENNETH W. DAM, OF ILLINOIS, TO BE DIPLOMATIC SEC- RETARY OF THE TREASURY, VICE MICHAEL A. DAVIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

JAMES GUBELI, OF MICHIGAN, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

PETER B. FISHER, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

HENRIETTA HOLSMAN FEE, OF ILLINOIS, TO BE DIRECTOR OF THE EXECUTIVE OFFICE OF THE TREASURY, VICE JAMES R. CLAIBORNE, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL MINORU FAYN LUI, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

MELODY H. FENNEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOP-
Randal Quailes, of Utah, to be United States Executive Director of the International Monetary Fund for the Overseas Private Investment Corporation.

Ross J. Connolly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation.

Agency for International Development

Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Environmental Protection Agency

Robert E. Fabricant, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency.

General Services Administration

Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration.

Theresa Alvillar-Spraker, of California, to be Director of the Office of Minority Economic Impact.

Department of Transportation

Jeffrey William Bunge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration.

National Transportation Safety Board

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2002.

Department of Commerce

Otto Wolff, of Virginia, to be an Assistant Secretary of Commerce for International Trade.

Otto Wolff, of Virginia, to be Chief Financial Officer, Department of Commerce.

Nancy Victory, of Virginia, to be Assistant Secretary for Commerce for Communications and Information.

Department of Defense

H. T. Johnson, of Virginia, to be an Assistant Secretary of Defense.

John F. Stennis, of Virginia, to be an Assistant Secretary of the Navy.

Department of Veterans Affairs

Claude M. Kinnamon, of Georgia, to be an Associate Judge of the United States Court of Appeals for Veterans Claims.

Claude M. Kinnamon, of Georgia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

John A. Gauss, of Virginia, to be an Assistant Secretary for Veterans Affairs (Information and Technology).

The above nominations were approved subject to the nominees' commitment to respond to requests for appointment and testify before any duly constituted committee of the Senate.

Department of Health and Human Services

Janet Ecker, of Virginia, to be Inspector General, Department of Health and Human Services.

Alex Zair II, of Maryland, to be General Counsel, of the Department of Health and Human Services.

Department of Labor

John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor.

Emilio Stover DeRoeck, of Pennsylvania, to be an Assistant Secretary of Labor.

Department of State

Martin J. Silverstein, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

The following nominations were received by the Senate and appeared in the Congressional Record on July 24, 2001:

Marine Corps nominations beginning Michael K. Toellner and ending Elizabeth S. Youngberg, whose nominations were received by the Senate and appeared in the Congressional Record on July 12, 2001.
EXTENSIONS OF REMARKS

IN HONOR OF JUKE VAN OSS

HON. PETER HOEKSTRA
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor my constituent Juke Van Oss. Juke has been involved in West Michigan radio for 50 years, but August 12 does not just mark the anniversary of his involvement in radio—it also serves as a reminder of over 50 years of community involvement in areas that extend far beyond the airwaves. Juke’s service has ranged from the Saugatuck School Board and Village Council, including three years as Mayor, to a position as President of the Chamber of Commerce and a seat on the Region 8 Criminal Justice Planning Council.

Juke got his start in radio during World War II. Shortly after being transferred out of Air Force radio school to the infantry, he was sent to Luzon where he was given 50 pounds of radio equipment to carry around the Pacific theater. After discharge, Juke remained involved in radio, earning his Ham license and applying to be an engineer at WHTC 1450 AM. On August 10, 1951 he got his First Class license in Chicago, and his career began two days later.

Juke’s big break came one morning when the host didn’t arrive on time. He spent an hour on the air, the people loved him, and when the morning slot opened up he had a new job. Juke tried a number of different shows and formats, and it was 40 years ago that he settled into something that suited his amiable nature: He began hosting “Talk of the Town,” the mid-morning show that made him famous.

Over 50 year Juke has entertained more listeners than can numbered, and he has seen many people come and go. He has worked with folks who went on to their own successful careers in radio and television, and he has worked through changes in listeners, changes in topics, changes in partners, changes in formats, and changes in technology. Through it all Juke Van Oss has remained the constant.

HONORING DR. TIMOTHY M. STEARNS

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Timothy M. Stearns for his innovative work in the field of education. He has been active in various areas of education, including teaching, researching, launching new programs, and journal editing.

Dr. Stearns received his Bachelor's degree in Sociology from San Jose State University. He went on to obtain his Master's in Business Administration and his Doctorate in Management and Sociology, both from Indiana University. Dr. Stearns has been a member of the Management faculty at the University of Wisconsin, Madison and Marquette University.

Dr. Stearns serves on the editorial board of three academic journals, and is the author of more than 50 research articles and presentations. Dr. Stearns has lectured on entrepreneurship, strategic planning, and corporate re-engineering to executives in various countries, including Poland, Japan, and the People's Republic of China. In 1996, Professor Stearns founded the Institute for Developing Entrepreneurial Action (IDEA). IDEA works with students and local entrepreneurs to help move their dreams toward reality.

Dr. Stearns is currently the Coleman Foundation Endowed Chair in Entrepreneurial Studies at the Craig School of Business at California State University, Fresno. In addition, Dr. Stearns is directing the development of the Center for Innovation and Entrepreneurship on the CSUF campus. The Center will house a creativity lab, a technology transfer center, a venture capital fund, and curriculum for undergraduate and graduate students.

Mr. Speaker, I rise today to honor Dr. Timothy M. Stearns for his dedication to education. I urge my colleagues to join me in wishing Dr. Stearns many more years of continued success.

A TRIBUTE TO GERTIE COLE

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. FARR of California. Mr. Speaker, I rise today to celebrate and remember Ms. Gertie Cole of Watsonville, California. Ms. Cole is my constituent, and last month she was awarded one of five national Jacqueline Kennedy Onassis Awards for volunteer service to the community. As many of my colleagues, friends, and constituents know, community service is something that I strongly believe in, and it is with pride that I honor Ms. Cole here in the United States Congress.

Ms. Cole received the Regional Jefferson Award earlier this year from the American Institute of Public Service. She finds the other recipients of this award came from all over the United States to the International Trade Center in Washington, D.C. to attend the 2001 National Jefferson Awards Gala Dinner, held on June 12, 2001. Of the many regional honorees, only five were chosen to receive the Onassis Award, and I am thrilled that Ms. Cole was among them. This award is designed to...
recognize a few of the countless individuals across the country who are performing extraordinary public services in their local communities. Some are paid; others are volunteers; most are unrecognized.

Mr. Speaker, I join with Ms. Cole’s family and friends in congratulating her on this occasion. She is an example to those in her community and across the nation, and I am proud to be able to pay tribute to her here.

HONORING A GREAT AMERICAN—SHERIFF CORDELL WAINWRIGHT

HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. KINGSTON. Mr. Speaker, I rise today with great pleasure to honor a great American. Sheriff Cordell Wainwright, after 20 years of service to the state of Georgia and, more specifically, Brantley County, has decided to retire. When Sheriff Wainwright was first elected in 1971, he was the youngest ever elected to that position in Georgia history. His hard work and dedication to law enforcement have gone unmatched since that day. Throughout the next 30 years, Sheriff Wainwright brought in more drug arrests than anyone in Brantley County history, including the county’s largest single drug bust. In fact, it was his information and assistance that led to neighboring Glynn County’s largest single drug bust as well.

As extensive as his law enforcement record is, Sheriff Wainwright’s greatest achievements may not have come about in the field. Many believe his greatest legacy came through his work in the classrooms and churches of our communities. He started a Junior Deputy Program in the schools that taught students the dangers of drug use. This program continues to work in the classrooms and churches of our communities.

Mr. Speaker, I join the Association for Women in Communications in honoring Sheriff Wainwright and his family in this House.

Mr. Speaker, I join the Association for Women in Communications in honoring Sheriff Wainwright and his family in this House.

HONORING TRACEE EVANS

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Sam Toledo for his contributions to the local restaurant industry and his success as a restaurateur. Sam has three Mexican restaurants that are operated in Fresno, California.

At the age of fourteen, Sam came from Guanajuato, Mexico hoping to find work so he could help his parents financially. He began working as a farm laborer, then was hired as a dishwasher at a local restaurant. This was Sam’s first job in the restaurant industry. Within two years he worked his way from dishwasher to bussing tables to assistant cook.

Sam married at the age of 18 and continued working in the restaurant industry. He worked at various restaurants as a cook, server, bartender, and head chef. A few years later Sam helped a friend open a Mexican restaurant. He put his industry knowledge to work by helping his friend open the restaurant and serving as general manager of the new establishment. That restaurant chain now has three restaurants in Fresno and one in Oakhurst, California.

After working as general manager of all four restaurants over ten years, Sam was ready to open his own business. Mr. Toledo started with an empty building, prepared the restaurant by himself and billed all expenses to his line of credit. After eight months of hard work, Sam opened the first Toledo’s Mexican Restaurant on September 5, 1991. In February of 1995, Sam opened a second Toledo’s Mexican Restaurant and three months later opened the third. Mr. Toledo used his experience in the restaurant industry to help the local community.

HONORING SAM TOLEDO
three of his nephews open their own businesses. Toledo’s Mexican Restaurants remain successful in the Fresno community.

Mr. Speaker, I want to congratulate Sam Toledo for his contributions to the local business community. I urge my colleagues to join me in wishing Mr. Toledo many more years of continued success.

A TRIBUTE TO HENRY J. MELLO

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Mr. Henry J. Mello, a native of Watsonville, California. Mr. Mello has worked for many years as a public servant and he has made significant contributions to the Central Coast of California.

Mr. Mello was born on March 24, 1923, and studied at Harvard College in Salinas. Working with his father, Mr. Mello established a farming business in 1940. He founded the Mello Packaging Company and later, the Central Industrial Sales Company.

In the mid-1950’s, Mr. Mello became active in many local charitable and nonprofit organizations. He became more deeply involved in public service in 1966 when he was elected to the Santa Cruz County Board of Supervisors, on which he served until 1974. Two years later, Mr. Mello was elected to the California State Assembly. During his tenure lasting two terms, Mr. Mello was Chairman of the Committee on Aging and also an influential member of the Ways and Means Committee. In 1980, Mr. Mello was elected to the State Senate, where he served on the Senate Rules Committee and was elected Majority Whip. He retired from the California State Senate in December 1996.

Some of Mr. Mello’s greatest contributions have been to the environment and educational community of the Central Coast. He played an integral role in the creation of the Monterey Bay National Marine Sanctuary. He worked to preserve open spaces and develop the agriculture industry on the Central Coast. Mr. Mello was also instrumental in the founding of the University of California, Santa Cruz. He recently donated his extensive personal papers to the Regional History Project of the university’s library, which will allow others the opportunity to learn from his work.

Mr. Mello’s public service has improved the quality of life on the Central Coast and in the state of California. He has made great contributions to his family, friends, and neighbors, and his devotion to public service is commendable. It is a pleasure to express my appreciation of his effort and accomplishments.

HONORING THE SAVANNAH DIAMOND DAWGS

HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. KINGSTON. Mr. Speaker, it is my distinct honor and pleasure to rise today on behalf of a competitive and outstanding baseball team of exceptional young men. On Saturday July 21, 2001 at Al Rolls Park in Dalton Georgia, the Savannah Diamond Dawgs 10 and under baseball team closed out the post season and took home the machine pitch baseball state championship. I would like to join in and be a part in celebrating their victory.

The Diamond Dawgs under the leadership of coaches David Elliott, Bruce Powell and Kirk Miles, over a three-day stretch defeated Whitefield Co. 14–1, North Hall Co. 10–7, St. Simmons Island Co. 6–2.

Congratulations on a job well done to the players of the Diamond Dawgs Andrew Drough, Thomas Carter, Travis Jaudon, Jamel Miles, David Elliott, Corey Jaudon, Matt Kuhn, Matthew Lee, Jimmy Blakewood, John Coker, Evan Powell, and Ryan Weston.

This team is firm in the principles of teamwork, commitment, and excellence. We all could learn from their example and the best of luck to the defending champions throughout the course of next season.

HONORING THE GRAND OPENING OF THE EMERY/WEINER SCHOOL

HON. KEN BENSTEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BENSTEN. Mr. Speaker, I rise in recognition of the new Emery/Weiner School in southwest Houston. This $14 million educational facility combines the 23 year old I. Emery-Weiner School. This expansion combines the new Emery High School to form the Emery-Weiner School. This expansion combines the 23 year old I. Emery High School and the brand new Emery-Weiner School with the cutting edge facility of the new campus.

This fall as homerooms fill for the first time at the Emery-Weiner School students will benefit from the formation of these two institutions. The state-of-the-art facilities at the new campus will include art and music rooms, as well as a theater, emphasizing the important role the arts play in education. The campus also houses a multi-court gymnasium, cultural arts facility, computer and science labs. The twelve acres in southwest Houston on which the campus sits is surrounded by several more acres of accessible playing fields. The campus will provide tremendous opportunities to students.

On Thursday, September 20, 2001, the Emery-Weiner School will celebrate the opening of this new campus with a special event honoring two of its many benefactors, Mr. Joe Kaplan and Mr. Joe Komfeld. The proceeds from this celebration will benefit the “Joe Fund;” a fund appropriately named for these two founding fathers. Mr. Kaplan and Mr. Komfeld contributed to the looking to make this project come to fruition. Their selfless offerings make them role models for the students who will benefit from their efforts.

The “Joe Fund;” was created to bolster teacher enhancement programs and projects. It will be used to purchase materials to provide teachers the necessary means to incorporate creativity and ingenuity into their everyday classroom. I applaud the leadership of the countless teachers and volunteers who contributed to the erection of this new campus and recognize the commitment of these individuals to providing opportunities through education to our young people.

Mr. Speaker, I congratulate the many people who contributed to the construction of the Emery-Weiner School, and I look forward to the many ways in which the innovative voice of this institution will help to educate and shape the minds of Houstonians. There is no doubt, this school will soon serve as a model for other schools across the nation.

GUAM NATIONAL GUARD

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. UNDERWOOD. Mr. Speaker, on July 21, 1981, thirty-two residents of Guam were sworn in as members of the Guam National Guard giving birth to the nation’s newest and westernmost National Guard unit. As the Guam National Guard celebrates its 20th anniversary, we celebrate its accomplishments and recognize its roots and traditions as part of the oldest component of the Armed Forces and one of the longest enduring American institutions.

The National Guard has a distinct and honored place in American history. Tracing its roots to the formation of the Militia of the Massachusetts Bay Colony in October 7, 1636, its men and women have served in every conflict involving the United States. On Guam, citizen soldiers date back to the first military organization on island first organized in 1771 by the Spanish colonial governor. Within the next two hundred years a number of succeeding militias were organized and later disbanded.

However, it is of note that, prior to the Japanese occupation of Guam during World War II, the defense of the island fell upon the shoulders of a handful of Marines, several sailors, the Guam ancillary guard and Guam militia which consisted of civilian reserve forces. The insular force, a locally-manned militia, were the ones who faced the Japanese invasion force. Although easily overwhelmed, it is ironic that the only ones who put up a defense against the invaders were citizen soldiers—members of the Guam insular guard who had set up some machine gun nests in defense of the Plaza de Espana and at the Governor’s offices.

On December 4, 1980, President Jimmy Carter signed into law P.L. 96-600, officially authorizing the establishment of the Guam National Guard. Deriving honor and traditions from the citizen soldiers who came before them, the thirty-two charter members of the Guam National Guard together have made possible the development of the world-class organization for which we now take pride.

Under the leadership of Generals Robert Neitz, Frank Torres, Simon Krevitzky, Edward Perez, Edward Duenas, Colonels Ramon Sudo and Robert Cockey and the current adjutant general, Benny Paulino, the Guam National Guard has been able to develop as a world-class organization. Comprised of the Guam Army National Guard and the Guam Air National Guard, this institution has now grown to over 1,000 members performing missions for the federal and territorial governments. In
addition to periodic deployments in support of military activities all over the world, the Guam National Guard has been instrumental in recovery efforts on island in the aftermath of emergencies and natural disasters. They have also made tremendous contributions towards mentoring and the development of the island’s youth and they have also assisted the local community in its campaign against illegal drugs.

On this, their 20th anniversary, I would like to commend the men and women of the Guam National Guard for their contributions towards the security of our nation and the well being of our island. I would also like to submit for the RECORD the names of the Guam National Guard’s 32 charter members who, twenty years ago continued the traditions of their forebears and paved the way for today’s men and women on the Guam National Guard.

GUAM NATIONAL GUARD CHARTER MEMBERS
AIR NATIONAL GUARD
Brig. Gen. Robert H. Neitz; TSgt George R. Quichocho; SSgt Raymond L. Taimanglo; SrA Juan G. San Nicolas; SrA Alfred Flores; SrA George C. Pablo; SrA Carlos E. Umayam; A1C Renudico P. Mono
ARMY NATIONAL GUARD
CPT Arthur W. Melicke; 2LT Molly A. Benavente; 2LT Michael G. Martinez; CW2 Charles Guantlett; WO1 Charles W. Walters; SSG Roland M. Chargaafak; SSG Benjamin B. Garrido; SSG Ladislaio C. Quintanilla; SSG Carlos R. Untalan; SGT Edward R. Blas; SGT Charles F. Moore; SGT Joseph J. Sablan; SGT Thomas R. Wolford; SP4 Dedia T. Kellum; SP4 Raymond C. Benavente; SP4 Ricardo Camacho; SP4 Lorenzo M. Manibusan; SP4 Gerardo Ching; PFC Raymond J. Cruz; PFC David G. Rodriguez; PFC Jesse R. Camacho; PV1 Marceline I. Castro; PV1 Marcie T. Paulino; PV1 Jeffrey I. Santos

CONTRIBUTION OF HMONG/ LAO VETERANS
HON. TIM HOLDEN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001
Mr. HOLDEN. Mr. Speaker, I rise to salute and honor the important work of Hmong and Lao-Americans in my district in Pennsylvania for their efforts on behalf of their community in Reading and their former homeland of Laos. Many of them are veterans, or the family members of veterans, who served with the United States military and clandestine forces during the Vietnam War, and who have now become proud U.S. citizens.

As new Americans, the Hmong and Lao people from Reading, and other parts of Pennsylvania, are still very concerned about their suffering families and friends still being oppressed by the one-party Communist regime in Laos. Many of my constituents recently traveled from Pennsylvania to Capitol Hill to participate in the U.S. Congressional forum on Laos. At the forum, they offered testimony and evidence regarding human rights abuses in Laos, including: religious persecution against Christians and Buddhists; the oppression of ethnic minorities; and the crackdown against peaceful student demonstrators. The Lao Veterans of America helped to make this effort a success by raising awareness in Congress about the ongoing problems in Laos. Important community leaders that have participated include Mr. Tong Yue, Mr. Nha Pao, Rev. Reverend Song Chai Hang, Long Yang, and others. I am also very grateful to Mr. Philip Smith for his work in Washington, D.C. and the U.S. Congress with regard to Laos and Southeast Asia, and with the Asian American community in my district.

Mr. Speaker, I am very proud to represent the Hmong and Lao-American citizens in my Congressional district, including the veterans and their refugee families, who were staunch allies of the United States during the Vietnam War. It is important for us to recognize and commend them. It is also important not to forget their relatives and friends who continue to suffer terrible human rights abuses in Laos as a result of their devotion to the cause of freedom and democracy.

To the Hmong and Lao-American community, and the Laos Veterans of America, I salute you and thank you for your commitment to the principles of freedom, democracy, and human rights. I appreciate the productive role that you are playing in our community as patriotic new Americans and good citizens.

RADNOR TOWNSHIP CELEBRATES CENTENNIAL YEAR
HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001
Mr. WELDON of Pennsylvania. Mr. Speaker, I am proud to offer congratulations to Radnor Township in Delaware County, Pennsylvania, which is celebrating its centennial this year. Founded in 1868 by 40 Quakers from one British pound per 50-acre lot. Prior to March 12, 1901, they elected to adopt the status of a First Class Township. This new form of government provided representation to both the suburban villages of Wayne, Rosemont, and Bryn Mawr, as well as the more pastoral districts of Villanova, Newtown Square, St. David’s, and Radnor.

Today, Radnor Township is a culturally, ethnically, and economically diverse community. With its status as one of the best places to live in the Philadelphia region and continued high standard of living and education, Radnor Township is a community that residents can be proud to call home.

Mr. Speaker, I urge you and my colleagues to join me in congratulating Radnor Township during its centennial year as the citizens of Radnor begin an exciting new century.

TEGRISING KHAN FURNITURE
HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001
Mr. UNDERWOOD. Mr. Speaker, in 1971, Robert and Anna Kao came to Guam upon Anna’s recruitment to work as the Sales Manager for the furniture store at Andersen Air Force Base. Shortly thereafter, the couple opened their own furniture store, Genghis Khan Furniture.

The business grew steadily and over thirty years become the leading provider of fine furniture to the residents and businesses of the
island. Based on their success on Guam, Genghis Khan Furniture has been able to branch out. They now have stores in San Diego and San Marcos, California, in addition to a location in mainland China.

Robert and Anna credit their success to their hard work and perseverance. However, they admit that they would not have been able to accomplish this feat without the invaluable support of those close to them. Their children, Michael and Heidi, provided them inspiration and drive to succeed while loyal employees such as their interior design consultant, Sylvia Flores, and their sales manager, Hsus Pi Perez, insured the success of the business that they started.

Despite the rigors and stress involved in running a business, Robert and Anna still managed to become actively involved in community affairs. A member of the masonic fraternity, Robert was also a former president of the Chinese Association of Guam. As a charter member of the Federation of Asian Peoples of Guam, he served as the association’s first president, as well as serving as president of the Confucian Society of Guam in 1997. Robert was instrumental in lobbying the Guam Legislature to designate September 28, Confucius’ birthday, as “Teacher’s Appreciation Day.” In addition, he was also appointed by the Republic of China Overseas Chinese Affairs Commission to serve as the Overseas Chinese Affairs Commissioner on Guam—a position he held for several years. Due to his prominent standing within the community, he was able to coordinate numerous cultural exchanges between Taiwan, China, and Guam.

Anna has also served as a director for several local nonprofit organizations. She currently serves as Vice-President for the Chinese Merchants Association. In addition, she also sits on the Board of Directors for Sanctuary, Incorporated, a local nonprofit organization assisting Guam’s youth.

For the past three decades, Genghis Khan Furniture has been at the forefront of providing top quality furniture on Guam. Its founders, Robert and Anna Kao, have been distinguished and productive members of our community. On behalf of the people of Guam, I offer my congratulations to the Kaos and to the employees of Genghis Khan Furniture on their 30th anniversary.

With George’s expertise the Subcommittee was better able to tackle one of the fastest growing crimes in America—identity theft. With the rise of the internet age, our Subcommittee has had to deal with a threat to the integrity of the Social Security number as we have never seen before. Supported by George’s skill and leadership, the Subcommittee has held numerous hearings on Social Security number privacy and identity theft. Last year, his efforts culminated in the Ways and Means markup of the “Social Security Number Privacy and Identity Theft Prevention Act of 2000,” along with a number of my Ways and Means colleagues, have held another hearing and have introduced similar legislation this year. George’s commitment to excellence, masterful negotiating skills, and steadfast adherence to our key principles for this legislation, have helped to ensure a fair and comprehensive approach to protecting the privacy of Social Security numbers and preventing identity theft.

In addition, George has worked on a number of hearings and resulting legislation aimed at improving the integrity of Social Security numbers. George’s vast knowledge of the law, superior analytical skills, and attention to detail have helped focus the Subcommittee’s oversight efforts on those Social Security Administration’s stewardship efforts most needing improvement.

Agency details sometimes find the politically charged atmosphere of Capitol Hill overwhelming. But George jumped right into the fray and proved to have an excellent political mind. In addition, using his train commute to good end, George graciously presented the Subcommittee with Genghis Khan’s top associates on a regular basis. Needless to say, he will be a hard act to follow in many regards.

Americans owe a debt of gratitude to George Penn. His professionalism, integrity, and commitment to improving government’s service to the citizens of this country have greatly assisted the Subcommittee and the full Committee on Ways and Means. My heartfelt thanks and best wishes to George Penn.

DIRECTING FERC TO ORDER REFUNDS FOR ELECTRICITY OVERCHARGES

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. HARMAN. Mr. Speaker, today, I am joined by many of my California colleagues in introducing this legislation aimed at ordering refunds to consumers in the Western States of California, Oregon and Washington who have been charged excessive electric energy rates.

This bill is necessary because we were blocked yesterday from offering it as an amendment to H.R. 4, the energy bill. As our colleagues know, on several occasions, the Federal Energy Regulatory Commission has found electricity rates charged in the Western States to be “unjust and unreasonable.” Under the Federal Power Act, such a finding should result in refunds to consumers but, as of today, not a penny has been paid.

To be sure, there is a difference of view on how much should be refunded. While the State claims $8.9 billion, even the Administrative Law Judge tasked by FERC several weeks ago to investigate concluded that upwards of a billion dollars was owed.

Now is the time to finally resolve this issue. The bill my colleagues and I are sponsoring will require FERC to accelerate the process of refunding electricity overcharges.

It is consistent with the Federal Power Act, although many of us would have liked the bill to do more. In particular, if FERC had acted promptly when the first evidence of gouging surfaced, FERC could have ordered refunds for the period May to October 2000, when electricity rates rose dramatically and evidence of overcharges first surfaced. The Federal Power Act and concern about “takings” prevents FERC and us from including that period, although we hope there may be an equitable way to do so.

Many of us also believe that all sellers of electricity engaged in price gouging should be ordered to make refunds. Last week, for example, FERC exerted jurisdiction over municipal power entities, although many legal experts are dubious about the authority to do so. Again, without amending the Federal Power Act, we are unable to include them, though if we could, there would be an ex post facto concern about recouping for a past period.

Lastly, the process FERC announced last week will still not result in refunds for many months. FERC is again engaged in a process of investigate-and-delay. Consumers need relief now.

We strongly believe FERC should act promptly, using one of two methodologies in the bill that are fair and likely to result in a quick determination. In fact, one of the methodologies was advocated by Republicans on the Commerce Committee.

Consumers in California, Washington and Oregon deserve a prompt resolution of this issue. Billions of dollars have been siphoned from home and business budgets. Those dollars should be returned and returned promptly. This bill does that and we urge our colleagues in supporting its passage.

BILL TO FIX ISO/AMT PROBLEM INTRODUCED

HON. RICHARD E. NEAL
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing with Mr. DAVIS of Virginia, Ms. LOFOREN, Mr. WELLER and several of our colleagues, legislation to alleviate the problem of the unfair tax imposed by the alternative minimum tax on many of our constituents who exercised incentive stock options last year. The bill represents a temporary patch for the tax year 2000.

I have advocated reduction of the alternative minimum tax (AMT) for some years now. It no longer serves the function for which it was designed. The AMT was intended to make very high income individuals who heavily invested in tax shelters, pay some minimum amount of tax each year. However, the 1986 Tax Reform Act repealed most of these tax shelters, leaving the AMT with little impact on taxpayers until recently. Since the AMT is not adjusted for inflation while the regular tax base is, the
AMT now increasingly hits families with large numbers of children, taxpayers in higher tax states, users of the education tax credits, and, in the case of incentive stock options, the unwary.

Incentive stock options are a preferred item for purposes of the alternative minimum tax. That means that you include for purposes of calculating the AMT the difference between the price you pay for a share of stock, and the value of the stock at time of exercise. For example, if you exercised an incentive stock option for $10 a share, and the stock was valued at $100 a share, you must include the difference—$90 a share—for purposes of calculating the AMT in the year you bought the stock. Unfortunately, most people have never heard of the AMT, or believe it applies only to high income individuals, and never took this into account in their decision making. If the stock increases in value, then you can pay the taxes you owe. But if your stock crashes in value, you still owe the same amount of tax. Last year, April 15, 2000, we used the example above, that they could sell all their stock and still not raise the amount they need to pay the tax they owe. People have complained about taking out a second mortgage on their home, emptying out their pension plans or education funds for their children, and selling all other assets, just to pay the tax they owe on stock that has lost much of its value.

What makes this situation our responsibility is that Congress told these people to hold onto their shares of stock. Congress provides in the regular tax base an incentive to hold their stock—a lower capital gains tax rate if they hold their shares for at least a year. So, on the one hand, Congress tells them to keep their stock, and gives them a backhanded slap by making it a little harder to sell it when they listen to us.

The bill we are introducing fixes this problem for last year. The bill states that, in effect, that you can recalculate your AMT tax preference using the difference between the amount you pay for a share of stock, and its value on April 15, 2001, as did the Bush tax cut signed into law June 7, 2001. Others may argue that these individuals simply made a bad investment decision. A bad investment decision does not rest on a tax trap set by Congress, and masked by an outdated and hopelessly complex “second” tax system. Without the AMT, these individuals would simply have lost the value of their stock when it declined, as would any other investor. No one is restoring any value to that stock, “bailing” these people out. Individuals who exercised incentive stock options are actually much worse off than those who simply made a bad investment decision, because these individuals lose the value of their stock and get to pay the AMT tax on that lost value as well.

This bill costs $1.3 billion over five years according to the Joint Tax Committee. It is bipartisan, and has Members from across the nation as original cosponsors. Senator Lieberman is introducing a companion bill in the Senate. Mr. Speaker, this tax bill needs to be enacted this year, so that affected taxpayers can file for relief this year. We are working to attach this legislation to any tax bill that moves forward this fall.

POSTAGE STAMP SERIES ENTITLED “E PLURIBUS UNUM”

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. UNDERWOOD. Mr. Speaker, I have the distinct privilege of introducing a resolution that honors the United States of America and all the jurisdictions which comprise it through the issuance of a postage stamp series entitled “E Pluribus Unum.”

“E Pluribus Unum” is a Latin phrase that may sound familiar to many of us. In English, it means “out of many, one,” and it was selected to appear on our coins and dollar bills because it references the unification of the original thirteen colonies into one nation. Today, the United States of America encompasses 50 states, the District of Columbia, and the territories of Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands. As the first year of the millennium draws to a close, it is timely and appropriate that we celebrate these distinct states and territories that unite to form our country, the land of the free.

While we go about our daily routines, it is easy to forget that our great country extends past mountains, rivers, valleys, and even oceans. While our children might recognize the stars and stripes of our national banner and their state or territory flag, it is highly unlikely that they are familiar with the varying flags and emblems of the individual states and territories. Stamps depicting state and territorial flags, or other suitable emblems, are creative and highly enjoyable mediums through which we may impart knowledge to our children regarding the diversity of our great nation.

Stamps are issued every year by the United States Postal Service, with the help of the Citizens’ Stamp Advisory Committee. The Advisory Committee has 15 members whose backgrounds cover an extensive range of educational, artistic, historical and professional expertise. The Committee receives a myriad of letters, postcards and resolutions each year proposing ideas for stamps. The Advisory Committee studies the merits of these ideas and makes recommendations to the United States Postal Service, who has the final authority to issue stamps.

Although this resolution cannot require the United States Postal Service to issue the stamp series, it is important for the U.S. Congress to express support for this legislation and consider its possibilities. Not only will this series serve to showcase our flags, seals, or emblems, which each represent pride and art, but we can expect the series to generate profits for the United States Postal Service, just as the 50 States Commemorative Coin Program Act has done for the Treasury Department. Barring an increase in the cost of stamps, all Americans, particularly our youth, will be introduced to the diversity of our nation at minimal expense by purchasing the whole set of these 56 colorful stamps, for usage or for keepsakes, for under $20. Because each flag or emblem has a distinct coloration, these stamps can ignite interest in and awareness of our country’s rich diversity and our united commitment to national ideals of freedom, justice, and democracy.

For these reasons and more, I urge support for this resolution, which encourages the Citizens Stamp Advisory Committee to recommend to the Postmaster General the issuance of a postage stamp series that honors the United States of America.

TRIBUTE TO THE LATE GOVERNOR JOAN FINNEY OF KANSAS

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to former Governor Joan Finney of Kansas, who passed away on July 28th in her hometown of Topeka.

Governor Finney was an extraordinary woman, a pioneer, a populist, and my friend. Governor Finney served the people of Kansas for sixteen years as our elected State Treasurer and then was elected as the first woman Governor of Kansas, defeating her two predecessors in that office on her way to achieving that goal.

Joan Marie McEnroy Finney was born on February 12, 1925. Her father abandoned her pregnant mother and two older sisters in 1924, and her mother raised the three girls by teaching piano, voice and harp. Governor Finney herself was an accomplished musician and often played her harp at political and social events. She graduated from Manhattan High School in 1942 and earned a bachelor’s degree in economic history from Washburn University in Topeka in 1978. Her political career began in 1953 when U.S. Senator Frank Carlson of Kansas hired her as a secretary in his Washington, D.C. office. She returned to Topeka where she worked for Carlson until he retired in 1969; in the following year Finney was appointed Shawnee County Election Commissioner, where she served until 1972.

In 1972, Finney sought the Republican nomination for U.S. Congress in the Second District of Kansas. Two years later, she switched parties and was elected State Treasurer as a Democrat, winning re-election three times. I first got to know her when we were both state-wide candidates on the Kansas ballot in 1966; I lost and she won. I know from firsthand experience on the campaign trail with her that she possessed an amazing ability to remember names and personal details about virtually every Kansan she encountered.

A recent interview with the Topeka Capital-Journal, former Kansas Democratic Party Chairman Jim Parrish noted that Finney had switched parties because of the way the Republican Party in Kansas had treated her:

She was told generally by the party that, "...you are not ready for the prime time." I remember her telling me she counseled with Frank Carlson before she did it, and then
proceeded to make the change. I go all the way back to the 1974 treasurer’s campaign with Joan Finney, and there’s not a stronger, more determined woman in all of Kansas political history. And among women. I would say she stands tall in terms of being able to set her sights on an objective and go for it in a world where, when she started, it wasn’t particularly easy for women.

The Kansas City Star had it right recently, when they wrote:

People credited Finney’s success to her campaign style, kidding that she had crossed every creek in Kansas. And she was the master of the pitch, grabbing a voter’s hand in both of hers. She saw herself as a populist who listened to everybody.

The Associated Press quoted Republican State Senator David Adkins of Leawood, Kansas, as saying, “You had to see Joan Finney work a bean fund to understand her appeal. She would walk in and she already knew half the people there, and the other half, before she left they would think she was their best friend.

Her good friend, Kansas Senate Democratic Leader Anthony Hensley hit the nail on the head when he said, “She literally went door-to-door all of her political career. She’d walk in the parades, speak at the rallies, campaign by selling alimony and grocery stores, just picking up bits and pieces from the people.

In 1991, the Kickapoo Tribe of Kansas gave her the name White Morning Star Woman after she became the first governor to issue an official proclamation to recognize the sovereignty of American Indian tribes. The state’s four tribes and Indian leaders nationwide admired Governor Finney for supporting tribal efforts to open casinos on reservations as an income source for them and for being sympathetic to their efforts to assert their sovereignty.

As Governor, she appointed women to an unprecedented number of top jobs in state government. On average, at least half of her cabinet members were women, and her staff of advisors was exclusively exclusively female. As Kansas Insurance Commissioner Kathleen Sebelius recently commented, “I don’t think there’s any question that Joan Finney was one of the most remarkable politicians I’ve ever known. She changed the face of estate and made it possible for women like me to be seriously considered for statewide office. She pushed women along every step of the way...She has an impressive place in American history and an incredible place in Kansas history.

During her four years as Governor, the state rewrote its law for distributing money to public schools, revised its abortion law, overhauled its workers’ compensation system, enacted a capital gains tax, and signed four compacts that allowed Indian tribes in northeast Kansas to open casinos. Legislators rejected her proposals to amend the state constitution to provide for public initiatives and referendums. Finney also took credit for opening a state-run assisted living facility and for improving the state’s mental health system.

Most importantly, though, Joan Finney will be remembered as a true populist leader in the finest sense of the word. As she said to the Topeka Capital-Journal shortly before her election as Governor, “I believe the people should be supreme in all things. Even if I don’t agree and the majority want a certain issue and believe in a certain issue, I accept that and I will stand by the people.”

Governor Finney was a genuine Kansas pioneer, particularly for women in public life. She truly loved people and the people of Kansas loved and respected her. As Commissioner Sebelius noted, “She had the heart of a true Kansan—someone with strong values, ideals and pride. We should all be so lucky to live like that.

We may never see another leader in our state with her determination, self-confidence and independent spirit, and that truly is our loss.

Governor Joan Finney is survived by her husband, Spencer Finney, and their three children, Sally Finney, Dick Finney, and Mary Holladay. I join with them in mourning the loss of this unique, incredible woman.

HOMELAND VETERANS ASSISTANCE ACT OF 2001

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. SMITH of New Jersey, Mr. Speaker, I am today introducing the “Homeland Veterans Assistance Act of 2001.” I intend to have hearings on this measure in September and to ask the House to consider it shortly thereafter.

This is a great Nation, Mr. Speaker, and Fortune magazine recently declared that America is a uniquely productive and vibrant nation in so many ways. But tragically, a few are left behind, and a large number of America’s veterans are counted among them. Currently, we believe that some 225,000 veterans are homeless on a given night. For these veterans, access to VA benefits, specialized services and effective outreach are vital components to any hope of individual stability and improvement in their prospects.

It is important to create and maintain programs that give veterans the opportunity to become self-sufficient and concentrate on resources on programs that work. We know this is not an immediate process but instead constitutes a long-term challenge and struggle for many, both for those who are homeless and those who are trying to help. Also, I believe that some of our government’s homeless assistance programs ought to stress prevention as an integral part of any strategy to help homeless veterans. This bill I am introducing, the Homeland Veterans Assistance Act, incorporates a number of these goals.

Mr. Speaker, it is difficult to pinpoint any one cause of homelessness among veterans. Many problems and difficulties could be traceable to an individual’s experience in military service, exposure to combat, or return to a seemingly uncaring civilian society. In fact, we know that a majority of homeless veterans today suffer from serious mental illness, including post-traumatic stress disorder, and illegal substance use often complicates their situations. Many have served time in jail. These individual conditions have far-reaching effects on veterans and their families.

A veteran with an impaired mental state may lose their ability to maintain stable employment. Absent employment, it eventually becomes difficult to maintain any type of permanent housing. The vicious cycle only accelerates once employment and housing are lost. The absence of these two important anchors to society is a precursor for increased utilization of medical resources in emergency rooms, VA and other public hospitals and, unfortunately, the resources of America’s courtrooms, correctional systems, and prisons.

A full platter of medical services may be available to veterans through VA medical facilities, but without better coordination within and across Federal programs relief is only temporary, because veterans once released from VA health care frequently are exposed to the same challenges that created these conditions in the first place. This is why prevention and accountability are two important priorities of my bill. We need to find new ways to prevent veterans from spiraling down to homelessness, but to be responsible we should also provide for them and their caregivers a sense of accountability. And we should not expect veterans to complete this arduous journey alone.

This bill will hold accountable the three Federal departments most directly involved in homeless assistance: Veterans’ Affairs, Labor, and Housing and Urban Development. These agencies need to help homeless veterans make a transition to self-reliance; my bill urges them, and in some cases requires them, to cooperate more fully to address the problem of homelessness among veterans.

The bill improves and expands VA’s homeless grant and per diem program. Recipients of these funds are contributing substantially to the fulfillment of this bill’s objective: to reduce homelessness and provide the specifically needed services for homeless veterans. The initiative I am introducing authorizes higher funding for the program. It also provides a new mechanism for setting the per diem payment so that it will be adjusted regularly. Finally, it eliminates some of the intricate accounting procedures associated with the receipt of the payment.

It is important that any investment produced at taxpayers’ expense to help homeless veterans must do the job for which it is intended, or the funds should be transferred to the government and put to better use. The existing law requires grant recipients to submit plans, specifications, and specific timetables for implementation of their programs. If the grant recipients cannot meet these obligations, the United States should be entitled to recover the total of unused amounts provided in the grant. My bill would thus bring greater accountability to VA’s program to help homeless veterans.

Working is the key to helping homeless veterans rejoin American society, but this is a process that begins with quality medical care and other supportive services including counseling and transitional housing. The Department of Labor’s Homeless Veterans Reintegration Program was designed to put homeless veterans back into the labor force. The Secretary of Labor has the authority to determine appropriate job training, counseling, and placement services to aid the transition of homeless veterans back into the labor force.

This bill makes support services available to veterans in need. As homeless veterans begin their transition back into the labor force the respective departments must make available essential services to help these veterans. For example, the bill urges the Secretary of Veterans’ Affairs to increase contracts with
community agencies for representative payee services to help some of these homeless veterans manage their own personal funds and thereby avoid poor choices some of them have made that lead to personal catastrophe. The entity acting as a representative on the veteran’s behalf with care providers of the Veterans Health Administration and other parties to a veteran’s reintegration to ensure that government funds are used appropriately to help the veteran be reestablished in society.

As I indicated, prevention of homelessness among veterans is an important objective of this bill. This should certainly include veterans transitioning from institutional settings who are at risk for homelessness. As I indicated and as we all know, other homeless veterans have been in jail or in prison. I believe we need to consider making provision for the particular services incarcerated veterans need, and begin providing them before they are released from these institutions into society. The bill includes a demonstration program to test the prediction hypothesis within the institutionalized veteran population, at 6 demonstration sites, one of which will be a Bureau of Prisons facility. The purpose of this program is to provide incarcerated veterans with information, counseling with respect to job training and placement, housing, health care, and other needs determined necessary to assist the veteran in the transition from institutional living to civil life.

Also, Mr. Speaker, several programs with very high success rates have been growing on their own, basically without government intervention. One such program that comes to mind is the “Oxford House” concept. In this model, a group of recovering alcoholics determined to stay sober together to rent a residential property. Oxford House, Inc., provides earnest money deposits, and the rest is up to the individuals to govern their own lives and run their own homes. This program has been highly effective, and now there are over 800 Oxford Houses nationwide. The bill authorizes a small demonstration project to provide housing assistance to veterans in group houses with similar goals of self-governance. This bill authorizes the Secretary of Veterans’ Affairs to make grants up to $5,000 for the purpose of subsidizing rent for veterans who demonstrate need. Elements of the Department of Veterans’ Affairs recently have helped sponsor 20 such houses. My bill will provide for 50 more in fiscal year 2003 and an additional 50 houses in fiscal year 2004. This is a model worth exploring.

Mr. Speaker, these are the highlights of my bill, the “Homeless Veterans Assistance Act of 2001.” I believe the bill will accomplish very important goals. It will provide needed assistance to homeless veterans, lift them to a sustainable level that will prevent them from returning to a state of homelessness, and help them to become self-sufficient individuals who are accountable for their own actions. This bill will also hold all grant and contract recipients accountable for their performance in providing services in exchange for government investments, and promote a greater opportunity to work across departments to provide the best possible service for our Nation’s homeless veterans. It also sponsors innovative approaches at prevention of homelessness in high-risk groups within the veteran population.

These are good purposes on which I believe we can all agree, Mr. Speaker, so I am very pleased to offer this bill to the House. On behalf of homeless veterans who need these services, I urge my colleagues to support this bill.

A TRIBUTE TO WILLIAM E. LEONARD, SAN BERNARDINO COUNTY TRANSPORTATION LEADER

HON. JERRY LEWIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. LEWIS of California. Mr. Speaker, it is a privilege for me to bring to your attention the great life and great works of William E. Leonard. Bill is an old friend and one of the true community leaders of San Bernardino County. He will culminate a 30-year career guiding California’s transportation system with the opening next month of what is probably the state’s last major freeway: The Foothill Freeway.

The life blood of any community that hopes to succeed and grow are leaders who will step forward and commit their energy, time and personal resources to the goals of that community. Over the years, San Bernardino County has had leaders who have had the vision to see how the entire region might work together, and the courage to push that vision toward success.

Bill Leonard has been right at the point of able responsible leadership for all of San Bernardino County for more than three decades in public life. I have worked with Bill Leonard to improve the economy and quality of life for the residents of the Inland Empire. Although he never sought elected office, Mr. Leonard has been one of the region’s—indeed the entire state’s—most influential leaders on transportation.

After rising to the rank of First Lieutenant in the U.S. Army in 1946, Mr. Leonard joined his father at the Leonard Realty and Building Company in his hometown San Bernardino. He was active in many construction projects throughout the area, and soon began his public service career as a member of the state Athletic Commission in 1956.

San Bernardino County had already established a statewide reputation for powerful highway planners. Local leaders like publisher James Guthrie and grocer Milton Sage, who served on the California Highway Commission, helped set the standard that allowed the state to create one of the best road systems in the nation. William Leonard carried on that tradition as a member of the state highway commission, and on his succession, the California Transportation Commission, from 1985 to 1993. He was chairman of that commission in 1990-91. He is still a member of the High-Speed Rail Authority.

Mr. Speaker, we know that a strong family life is the most important factor in a person’s success in life. Bill and Bobbi Leonard created a family environment that emphasized a commitment to personal integrity and public service, and this is evident in the lives of their children. Daughter Christene is an elementary school teacher in San Bernardino; son Fred is a family physician in the Inland Empire; son William is the Director of Flight Operations for the U.S. Air Force. And William Leonard Jr. has been a highly-respected member of the California Assembly and State Senate for the past 23 years, serving as minority leader in both chambers and providing another generation of strong community leadership for the Inland Empire.

Bill Leonard has shown his commitment to action in many ways: He is a board member of the National Orange Show and many hospitals, university and community groups. He has received a number of prestigious awards. But he will soon be recognized for his greatest contribution—to ensure the area’s roads meet the needs of our citizens. The Legislature has voted to name the interchange of Interstate 15 and the new Foothill Freeway as the William E. Leonard Interchange, avoiding a lifetime memorial to a man who spent his life working for the citizens of the Inland Empire and California, and I ask my colleagues to join me in congratulating him on a career of outstanding public service.

IN HONOR OF LIFE RESOURCES NETWORK

HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. ISSA of California. Mr. Speaker, I would like to commend Life Resources Network for its excellent accomplishments in social services that provide women with life affirming alternatives to abortion. Over 1,370,000 children, or one quarter of all pregnancies, are aborted each year. While many mothers and fathers want to raise their children, they often feel that abortion is their only viable option.

The mission of Life Resources Network is to solve underlying social issues that lead to unintended pregnancies and the societal pressures that compel both men and women to abort their children. This non-profit organization is operated by more than 100 volunteers that have logged over 1,370 hours. These volunteers focus on distributing the Women’s Resource Guide in order to connect women with services that can enhance their lives and the lives of their children. This guide is a directory of services including housing, adoption services, medical care, employment, birth preparation, and many other valuable resources.

From January 2000 to May 2001, Life Resources Network was able to educate 108,000 people through an active Speaker’s Bureau and Media Outreach. The bureau covered topics including human life development, post-abortion trauma and abortion alternatives and also equipped teenagers with the facts about pregnancy, pregnancy outcomes and pregnancy prevention.

Life Resources Network has shown remarkable progress in uniting individuals, businesses, and organizations of different philosophies and working together to build a community that offers affirming solutions that elevate women and improve the lives of their children. I would like to personally thank the management and all of the many volunteers at Life Resources for their exemplary efforts to foster a community that promotes healthy choices for women and a healthy environment for their children.
POST-ABORTION DEPRESSION RESEARCH AND CARE ACT

HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. PITTS. Mr. Speaker, today, I introduced the Post-Abortion Depression Research and Care Act, a bill to provide hope and healing for the more than 35 million women in this country who have had abortions in the past twenty-eight years.

The Post-Abortion Depression Research and Care Act will direct federal funding for the research of post-abortive depression and the development of successful treatments for emotional distress in post-abortive women. I have been working on this legislation because I believe that it is a travesty that more work has not been done to support women who have chosen to have an abortion. We cannot simply abandon these women. Because of the emotional issues that often surround abortion and the decision to have an abortion, many women are reluctant to even talk about their experiences. Some women don’t come to terms with the emotional impact of their abortion until years later. I believe that increased research on post-abortion depression will lead to a greater awareness of this issue and the development of compassionate outreach and counseling programs to help post-abortive women.

We already know much about the psychological impact of giving birth and of miscarriage, and yet much remains to be discovered about post-abortion depression. Why should women who choose to have an abortion be given any less care and concern than women who give birth or womenmiscarry?

Post-abortive women deserve equal treatment. While there is some disagreement among researchers as to the extent and substance of post-abortion emotional response, everyone agrees that the decision to have an abortion is fraught with emotion. It only makes sense, then, to continue to explore the psychological impact of abortion on women.

I urge my colleagues to support post-abortive women by cosponsoring the Post-Abortion Depression Research and Care Act. Let’s not let politics get in the way of good mental health care for women.

TRIBUTE TO ANDREA RAVINETT MARTIN

HON. ANNA G. ESHTO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Andrea Ravinett Martin, an extraordinary leader, a national treasure and a great friend.

Andrea Martin is the founder, the Executive Director and the living soul of The Breast Cancer Fund, a national public trust nonprofit established to innovate and accelerate our nation’s response to breast cancer.

A native of Memphis, Tennessee, Andrea graduated Phi Beta Kappa from Newcomb College of Tulane University in New Orleans and went on to earn a Masters degree in French before moving to San Francisco, California in 1969. Three years later, she entered law school at the University of California Hastings and began a career in litigation which would last until 1980, at which point, Andrea opened a Memphis-style barbeque restaurant called Hog Heaven. Years later, having sold the property to San Francisco establishment, Andrea participated as a fellow in the Coro Foundation’s City-Focus program, a year-long training program in civic leadership. In May 1988, Andrea, the proud mother of her daughter Mather, married her second husband, Richard, Richmond.

Just eight months after their wedding day—and two weeks after losing her sister-in-law to breast cancer—Andrea discovered a seven centimeter invasive tumor in her right breast. Told she had a 40 percent chance of survival and less than five years to live, Andrea Martin underwent six rounds of chemotherapy, a mastectomy, six weeks of radiation, and a final eight rounds of another chemotherapy protocol. Just one month after the completion of her treatment in 1990, Andrea went back to the University of California Law School to complete her coursework and began her campaign for governor of California. Two months into the campaign, however, the nightmare returned, when Andrea discovered a tiny lump in her remaining breast. Just as quickly as before, she opted for a mastectomy and returned to work two weeks later.

Throughout both her personal and professional life, Andrea Martin has consistently strived to transform her personal adversity into a triumph for humankind. While working for Feinstein, Andrea also began raising money to expand the senator’s breast cancer work, began raising money for Senator Feinstein’s campaign for governor of California. Andrea Martin has an extraordinary history of accomplishments, honors and achievements, and two weeks after losing her sister-in-law to breast cancer, Andrea discovered a seven centimeter invasive tumor in her right breast. Told she had a 40 percent chance of survival and less than five years to live, Andrea Martin underwent six rounds of chemotherapy, a mastectomy, six weeks of radiation, and a final eight rounds of another chemotherapy protocol. Just one month after the completion of her treatment in 1990, Andrea went back to the University of California Law School to complete her coursework and began her campaign for governor of California. Two months into the campaign, however, the nightmare returned, when Andrea discovered a tiny lump in her remaining breast. Just as quickly as before, she opted for a mastectomy and returned to work two weeks later.

In October 1992, Andrea Martin founded the Breast Cancer Fund, a national public trust nonprofit that has grown and become one of the preeminent organizations nationwide dedicated to fighting breast cancer. The Fund operates through a wide variety of activities to raise awareness and new sources of funding for cutting-edge projects in breast cancer research, education, advocacy and patient support.

Andrea works full time directing the Fund and traveling across the country to give talks and to consult with researchers, health care providers and breast cancer organizations. A reliable and expert source on breast cancer prevention and treatment, Andrea Martin is frequently called upon by Members of Congress as well as state and local governments to share her insights and counsel on major public policy endeavors. A member of the External Advisory Board to the Breast Cancer SPORE at the University of California in San Francisco, Andrea also serves on numerous advisory committees to the California Division of the American Cancer Society.

In addition to her Breast Cancer Fund activities, Andrea Martin has an extraordinary history of accomplishments, honors and achievements. She’s a model of courage for the thousands of women who are diagnosed each year with breast cancer. In 1995, Andrea joined 16 fellow breast cancer survivors in climbing 23,000-foot Aconcagua in the Argentinian Andes.

Today Andrea faces another extraordinary challenge in addition to the many she has overcome * * * a malignant brain tumor.

Mr. Speaker, I ask my colleagues to join me today in honoring a woman who has brought hope and courage to millions of women around the world, and as we honor her and her work, we promise our prayers as she fights to overcome this challenge successfully.

CONGRESSMAN SCARBOROUGH ON THE RETIREMENT OF KARIN WALTER

HON. JOE SCARBOROUGH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a person who has made a great difference in the lives of many people. She has brought hope to the hopeless, love to the unloved and light to the lives of children who have known only darkness.

For over a decade now, Karin Walser has been the driving force behind an organization called “Horton’s Kids.” Karin’s amazing energy level and commitment to those less fortunate than her have made Horton’s Kids a shining example of how we all can reach out and greatly impact others’ lives.

Too often, we are brought to our knees in despair over the plight of those living in seemingly hopeless conditions. Too often we convince ourselves that there is nothing that one person can do to change the terrible course of a suffering child’s life. But Karin has never been driven to despair or cried out in helplessness. Instead, her spirit is sparked by such overwhelming challenges.

Bobby Kennedy once told a group of students in South Africa not to believe that an individual was helpless to cure the world’s ills. In a speech he delivered two years to the day before his death, Kennedy said, “Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth some tiny ripples in the great human ring which make their way around all the world. And no matter how many there are, they grow until one day they grow too large for the wrongs they wanted to change, and the people who were waging these battles come tumbling down sooner now that Karin is leaving Capitol Hill to join Horton’s Kids full-time.

The walls of oppression were torn down in South Africa two decades after Kennedy’s death. But they still act as borders in neighborhoods less than five minutes from the Capitol.

Karin Walser’s life has been dedicated to ripping those walls down piece by piece. And with the help of her friends and other Capitol Hill staffers, I truly believe these walls will come tumbling down sooner now that Karin is leaving Capitol Hill to join Horton’s Kids full-time.

While we will miss Karin, just as we all miss Joe Moakley, I am sure she will never be far from us—or our telephones. Sure, she’ll be calling for volunteers, for contributions, or anything else she can think of to help Horton’s Kids, but we will all gladly answer her call because we know that together, Karin and Horton’s Kids will continue to make a great difference in the lives of our area’s most disadvantaged children.

Thank you for all you have done and all you have meant to your hundreds of friends on Capitol Hill. You’re not too bad for a left-wing radical.

August 3, 2001 CONGRESSIONAL RECORD — Extensions of Remarks E1521
Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the August 2, 2001, Lincoln Journal Star. The editorial highlights the need to move beyond the rhetoric and examine the arsenic issue in a rational manner.

Clearly, it is important to get the full story and listen to those who would be most affected by the proposed changes. Many State and local officials as well as water system administrators have expressed concern about the problems which could be caused by the proposed changes. Everyone recognizes the importance of providing safe drinking water for all of our Nation’s citizens. Also, some changes in the arsenic standard may well be justified. However, it makes sense to base these changes on sound science rather than emotion.

[From the Lincoln Journal Star, Aug. 2, 2001]

OF ARSENIC, AND ART OF GOVtERNING

President George Bush is getting a bum rap on the arsenic issue.

New PA chief of staff Whitman was neither wacko nor callous when she withdrew new standards for arsenic in drinking water proposed by the Clinton administration that slashed the previous limit by 80 percent.

Neither was Nebraska’s entire House delegation oblivious to health concerns when it voted shoulder-to-shoulder—unsuccessfully, against a force of the administrati6n to restore the new standards.

The real reason Bush is undergoing such a bludgeoning, however, is because it’s too easy for his political enemies to portray him as a heartless boob. Arsenic is nasty. Who could possibly be against removing this poison from our drinking water?

Real life, however, is often complicated, involving tradeoffs in which the costs and payoffs are matters of speculation. As a New York Times story put it, “...the setting of environmental risks is as much art as science, one that entails innumerable assumptions about risks, costs and benefits."

The Clinton administration proposed to cut the allowed level for arsenic from 50 parts per billion to 10 parts per billion.

Earlier the administration had toyed with the idea of setting the limit at 5 parts per billion, but decided that would be too expensive. So it upped the new limit to 10 parts per billion. That’s still too low for many of Nebraska’s communities. The city of York will have to ante up $12 million to meet the new regulation. The city of Alliance will have to spend $6.5 million, or $650 per person. In all, the new regulations would cost 51 Nebraska communities $97 million.

One may notice that folks in those communities have not been perishing in huge numbers of arsenic-related diseases during the past 50 years. The health benefits of change in arsenic standards involve relatively small numbers in comparison with the nation’s 281 million residents.

The reduction in the arsenic level is estimated to prevent 37 to 56 cases of bladder and lung cancer and 21 to 30 deaths annually throughout the nation, according to The New York Times. If the standard were set at 20 parts per billion, the benefit would diminish to estimated 19 to 20 cases of bladder and lung cancer, and 10 to 11 deaths per year nationally.

Most European countries have set arsenic levels at 20 parts per billion. The World Health Organization recommends 10 parts per billion.

Often unnoticed in the rhetoric over arsenic is that fact that the new regulation was not scheduled to take effect until 2006. Whitman’s withdrawal of the new regulation allowed for what is called on the “art” of setting environmental standards. Her action hardly deserves the contempt it unleashed.

ON THE 53RD ANNIVERSARY OF INDIA’S INDEPENDENCE

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate India on its 53rd anniversary as an independent democratic republic.

Fifty-three years ago India under the leadership of Mahatma Gandhi forged a path towards freedom and democracy by declaring its independence from Britain. With independence India undertook anew a responsibility as a voice of other newly independent nations in the post-colonial world.

India is the world’s largest democracy, and in the next fifty years it will become the world’s most populous nation. As we celebrate India’s independence it is important for us to reflect on the achievements of the previous 53 years while at the same time looking to the future.

India and the United States share much in common. Both countries sought independence to create great nations based on freedom and liberty. Both nations also sought to establish a more prosperous future for its people.

As we enter a new century it is important for the United States to recognize India’s importance as a great democracy and as a force for stability in South Asia. While India faces many challenges it has nonetheless undertaken an important role of working towards greater prosperity and stability in the region.

India is of immense strategic importance to the United States. Being the only democracy and one of three nuclear powers in the region India has the potential to be a force for economic development and political stability.

South Asia is a vast region that faces many challenges, from the civil war in Afghanistan to great poverty that still haunts much of the region. It is therefore vital for the United States to maintain a dialogue with as many nations in the region as possible. India’s cooperation in bringing about stability to the region will be essential.

Over the past ten years the United States and India have taken concrete steps to improve their bilateral relations. Trade, investment, and military cooperation have played a major role in bringing the two nations closer.

Mr. Speaker, as a member of the India Caucus I have come to recognize the importance of India in South Asia. I am also proud to have worked on making additional funds available to India and other nations of South Asia for the creation of regional emergency institution similar to our own FEMA, so that we can save more lives in a future natural disaster.

As you know Mr. Speaker, President Clinton worked very hard to foster U.S.-Indian relations and to bring greater regional stability. I encourage President Bush, to continue America’s leadership in South Asia. I particularly encourage President Bush to call upon Pakistan to return to a democratic government and to work with India for peace in Kashmir.

As the United States Representative of the second largest South Asian community in the United States I would like to congratulate India on this achievement, and seek greater understanding and relations between our two great democracies.

TRIBUTE TO ANDY COMBS

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, I rise today to publicly thank a member of my Washington, D.C. staff for his tireless efforts on behalf of the good people of Oregon’s Second Congressional District. Andy Combs recently departed my staff to pursue a law degree at the University of Oregon. I wish him well in this new endeavor and know that he will excel both in law school and as a lawyer.

Andy comes from Dora, a small town on the southern Oregon coast. He graduated from my alma mater, the University of Oregon, and after serving admirably as a staff member in the Oregon Legislature he embarked to Washington, D.C. to join my staff. He brought those desirable “small town values” to the nation’s capital and to how he treated the people who sought assistance from my office.

And he was more than just “the guy at the front desk.” He helped families get the inside track to the sights and sounds of Washington, D.C. Time and again, he brought history alive as he led tours of the Capitol for people who had come nearly 3,000 miles so that their children could better understand the federal government and our bold history. Andy arranged their tours, took their calls, answered their questions. In short, Mr. Speaker, Andy made their day and we all miss him.

I can’t think of a time during his service in my office that a visitor went away disappointed. He attended faithfully to every detail and literally went the extra mile to make sure families could see the White House, the Capitol and other sights in the area.

Moreover, Andy made Oregonians feel at ease at home when they were in the door. He possesses that warm and helpful attitude that is too often lacking in a big city. I have a significant stack of letters from Oregonians that took the time to write after their trip to Washington, D.C. to thank me for Andy’s treatment of them and his dogged determination to make sure their experience was memorable. Andy was also instrumental in recognizing when something needed to be done, taking the initiative to complete myriad projects and lend others a helping hand.

His ability and intellect will serve him well as a member of the bar. And his likeable attitude will serve him well in the courtroom. In short, Mr. Speaker, Andy’s a difficult person to replace. Andy, thanks for a job well done and good luck in the future.
TRIBUTE TO DR. VERMELLE J. JOHNSON

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Vermelle J. Johnson of South Carolina, who was recently appointed to the Commission on Higher Education. Dr. Johnson's long and illustrious career spans thirty-eight years and includes many incredible accomplishments. I am sure her vast experience will serve her well at the Commission on Higher Education.

Dr. Vernelle J. Johnson is leaving her post as Senior Vice President and Vice President of Academic Affairs at Claflin University in Orangeburg, South Carolina to accept her new appointment. Her stellar career was recognized at an evening of reflection and celebration on July 31, 2001 on the campus of Claflin College.

Dr. Johnson began her career as an educator in the public school system in 1963. In 1969, she became an associate professor of business at South Carolina State University. Dr. Johnson founded Claflin University in 1979, where she established and implemented a Department of Business Administration.

She went back to the South Carolina State University as Professor and Dean of the School of Education in 1982, and in 1985 she became the Executive Vice President and Provost of the University, which at the time was the highest rank held by a female in the South Carolina public college/university system. In this position, Dr. Johnson established several significant new programs, such as a Master of Arts in Teaching and a Department of Nursing. In 1995 Dr. Johnson returned to Claflin to serve as Senior Vice President and Vice President for Academic Affairs. During this six-year tenure, Dr. Johnson conducted a complete overhaul of the academic curriculum, brought onboard five new academic Honor Societies and Fraternities, and increased faculty professional development and scholarly activity by more than 100%.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Dr. Vernelle J. Johnson. The unrelenting service she has provided to the students and citizens of South Carolina I sincerely thank Dr. Johnson for her outstanding contributions and congratulate her on her recent appointment and wish her the best in all of her future endeavors.

THE ‘WILLIE VELASQUEZ’ COMMEMORATIVE STAMP ACT

HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. RODRIGUEZ. Mr. Speaker, throughout the 2000 Presidential election, talk from both sides of the aisle focused on the growing prominence of Latino voters in the American political system. Of the total number of registered voters in the United States, Latinos currently comprise almost 6 percent. And according to the United States Census Bureau, 12.5 percent of the total U.S. population or 35.3 million Americans are Hispanic.

Legislation I introduced today would recognize William C. “Willie” Velasquez for his pioneering work to empower Latinos and other minority groups through voter registration. Coining the famous phrase, “Su voto es su voz,” “Your vote is your voice,” Willie not only translated worker and community influence of the vote, he raised a battle cry for political activism that can still be heard today.

Throughout the American Southwest, Willie was recognized as a selfless advocate of the politically underrepresented. An outstanding leader who inspired others to play an active role in American democracy, Willie dedicated his life to empowering the Hispanic community through voter registration, hard work, and education. His efforts are largely responsible for the unprecedented growth in the number of registered Hispanic, Native American and low-income voters across the country.

Throughout the 1970s and 1980s, Willie helped to lay the foundation of political activism which brought the importance of the Hispanic vote to prominence in the 2000 Presidential elections. In recognition due to the civic rights organizations Willie founded, voter registration grew from 2.4 million registered Latinos in 1974 to nearly 8 million in 2000. In 1974, he founded the Southwest Voter Registration Education Project and the Southwest Voter Resource Institute (now known as the William C. Velasquez Institute). Under Willie's leadership, Southwest Voter registered Hispanics, Native Americans and low-income citizens across the country in unprecedented numbers. The research institute enjoyed similar success, emerging as a prominent institution in the analysis of Hispanic voting trends and demographics.

Sadly, Willie passed away in June 1988 without the opportunity to see the full benefits of much of his groundbreaking advocacy work. Congress adjourned for the day upon learning of his passing, and people across the country lamented the untimely loss of the prominent community organizer and leader. President Clinton later presented the Presidential Medal of Freedom to his widow Janie Velasquez and their children.

A request I submitted to the U.S. Postal Service’s Citizens Stamp Advisory Committee was unfortunately denied, but Willie’s legacy remains an example for all those who believe in civil rights, democracy, and equality. I hope you will agree that his memory is worthy of national recognition and join my efforts to encourage the U.S. Postal Service to issue a commemorative stamp in Willie’s honor.

Now, more than ever before, the Hispanic voice has been heard and courted by both Democrats and Republicans. Today I urge all my colleagues in the House of Representatives to recognize Willie’s life-long work and the importance of the Hispanic vote with a commemorative postage stamp.

PROVIDING FOR CONSIDERATION OF H.R. 4, SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

Mr. PETRI. Mr. Speaker, I am disappointed that this rule does not allow the Rahall-Petri-Kind amendment to be considered by the members of the House. Yesterday we went before the Committee on Rules to ask that our amendment striking Title II of Division F of H.R. 4 be made in order during floor debate.

This title addresses various aspects of oil and gas production from federal lease lands, but the bill as currently written reportedly seeks to provide greater incentives and royalty relief to oil and gas producers to encourage exploration and development in these areas. These incentives raise serious policy questions. Unfortunately, this amendment was not made in order, and the full House was denied the opportunity to address this important issue.

The incentives contained in this section are far too generous. They are not in the public interest. They will not provide for our energy security. Further, none of these provisions was contained in President Bush’s report on Energy Policy. Indeed, this title is an oil and gas producer’s dream, but it is a taxpayer’s nightmare.

First, this section provides a full royalty holiday for certain offshore leases granted over the next 2 years. Royalty payment suspension will be allowed for drill or exploratory wells as shallow as 400 meters. Just a few weeks ago, Interior Secretary Norton testified before the Resources Committee that the Administration does not support granting relief for production in water under 800 meters in depth. And, importantly, the Secretary currently has the authority to waive royalties. We don’t need to mandate it—especially at a time of high prices. The CBO cost estimates for this relief are only the tip of the iceberg—taxpayers will continue to lose hundreds of millions, if not billions, of dollars of revenue during the full lifetime of these leases.

Second, this title proposes to allow the Secretary of the Interior to replace the current royalty system with a “Royalty-in-Kind” program which allows royalties for oil and gas taken from public lands to be paid in actual delivery of oil or natural gas. This would require enlarging the size of the federal presence in these western states so that federal employees can assume private sector responsibilities. This cannot be done efficiently; an audit of a recent royalty-in-kind pilot program in Wyoming found that it had lost $3 million. Clearly, such policies seek to provide a royalty holiday for, and expand the definition of, marginally producing oil and gas wells. Onshore wells producing less than 30 barrels of oil per day would be considered marginal. It is my understanding that approximately 85 percent of all the oil wells on public lands produce less than 30 barrels of oil per day. Clearly, this stretches anyone’s definition of marginal. Moreover, relief for truly marginal wells is already provided in this bill through the expansion of the marginal well tax credit.

Fourth, the legislation contains several provisions which transfer the costs of regulatory compliance to taxpayers. Such fees are normally paid by permit applicants. There is no good reason to grant this type of financial relief, and I can think of no other federal program in which taxpayers bear these costs.

I agree that we need to address our energy future, but I will not agree to a bill that is unreliable and affordable energy. But I fail to see how granting a royalty holiday for oil and gas production on federal leases will accomplish...
by the Lake City Housing Authority for the Board of Commissioners of the Lake City Housing Authority and the Board of Commissioners of the Authority for instigating this creative, community-oriented occasion.

Mr. Speaker, I ask you to join me today in honoring the Fifth Annual Academic Achievement and Recognition Ceremony. It is an event such as this that holds our communities together, strengthens our future, and promotes our values. I sincerely thank Mr. Ronald Poston and the Board of Commissioners of the Lake City Housing Authority for designing and implementing this innovative and important ceremony, and congratulate those students who will receive recognition this year.

RECOGNIZING ANDREW WOODSON
HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize a remarkable young man and his contributions to the seventh district of Virginia. Andrew Woodson has been a servant of the people, tackling any challenge handed him during his service in my Washington, D.C. office.

Andrew cares about the people of the district, and it shows in his dedication and perseverance. Mr. Speaker, Andrew has been a remarkable addition to the office and his service is appreciated.

Andrew will be leaving Capitol Hill to pursue his law degree at the University of Virginia. Mr. Speaker, I hope you will join me in wishing Andrew Woodson luck at UVA and to thank him for his hard work and dedication during his service to the seventh district.

TRIBUTE TO IRENE DICKERSON ROGERS
HON. LINDSEY O. GRAHAM
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. GRAHAM. Mr. Speaker, I rise today in honor of Mrs. Irene Dickerson Rogers of Pelzer, South Carolina. Mrs. Rogers has lead an extraordinary life of service to our state and to our country.

An educator for the past 61 years, Mrs. Rogers has extended her time and talents to students ranging from elementary to high school. Of her 61 years spent teaching, 43 were in the public school system of Anderson County, the rest of the time she lead adult education classes. A mathematics major with a degree from Lander University in Greenwood, South Carolina, Mrs. Rogers has spent the majority of her career as an educator in the field of mathematics. While most of her years teaching mathematics were spent with middle and high school students, Mrs. Rogers has generously given her time teaching classes to help better prepare adults entering into job fields associated with higher mathematical skills.

I am exceptionally proud, Mr. Speaker, to make special note that Mrs. Rogers was recently and deservedly awarded the Order of the Silver Crescent, one of the most prestigious awards from the South Carolina Governor. The order of the Silver Crescent is reserved for those South Carolinians who have demonstrated service to our state well beyond their call of duty. With over 61 years of service in education to the Palmetto State, Mrs. Rogers has not only demonstrated remarkable energy and love of her job, but has set an example for all of us to follow. Her belief that each student should be given the maximum opportunity to succeed has left a mark on the schools for whom she has worked, and more importantly, on the students, parents, and communities to whom she has given so much of her time.

I believe it to be of the utmost importance to recognize that not only did Mrs. Rogers directly impact the education of the students in her classroom, but her dedication to her students has impacted the lives of the families and communities within and around the schools. As a teacher, Mrs. Rogers imparted valuable knowledge to her students; as a South Carolinian she has demonstrated drive and dedication in ensuring a bright future for our state that makes us all proud.

Today Mrs. Rogers is an active member of the Pelzer, South Carolina community. A mother of three and a grandmother of two, Mrs. Rogers continues to pass along her love of teaching to her family and friends. Mr. Speaker, I hope that this body will join me in honoring Mrs. Irene Dickerson Rogers.

INTRODUCTION OF LEGISLATION NAMING THE ‘FRANK R. LAUTENBERG AVIATION SECURITY COMPLEX’

HON. FRANK A. LOBIONDO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. LOBIONDO. Mr. Speaker, today, I am introducing legislation to designate Buildings 315, 318 and 319 located at the Federal Aviation Administration’s William J. Hughes Technical Center in my district as the “Frank R. Lautenberg Aviation Security Complex.” As Chairman of the Senate Transportation Appropriations Subcommittee, Senator Lautenberg worked to secure funding to provide for the creation and building of this complex. Due to his tireless efforts on this and other aviation security matters, and for his distinguished service in the Senate, it is fitting to name the complex after Senator Lautenberg.

Throughout his career, Senator Lautenberg was acutely aware of the need for greater vigilance and development of even more sophisticated and effective technologies and methodologies to counter terrorist threats directed...
at civil aviation. Senator Lautenberg was at the forefront of the effort to provide the resources necessary for the United States to develop the policies, procedures and equipment needed to ensure the safety of the American flying public.

Following the tragic December 1988 bomb- ing of Pan Am Flight 103 over Lockerbie, Scotland that resulted in the loss of over 270 lives, Senator Lautenberg called for and chaired the first Congressional hearings into this tragedy and initiated efforts to assist the families of the victims.

Senator Lautenberg sponsored the Senate Resolution calling for appointment of a special commission to perform "a comprehensive study and appraisal of practices and policy options with respect to preventing terrorist acts involving aviation security" and President Bush responded with the establishment of the "President’s Commission on Aviation Security and Terrorism." Senator Lautenberg was named to serve as one of only four Congressional members of the Commission. Upon completion of the Commission’s work, Senator Lautenberg sponsored the Aviation Security Improvement Act of 1990 (PL 101-604), which provided the basis and authority for much of the FAA’s current aviation security program.

In the wake of concerns over the crash of TWA flight 800 in 1996, Senator Lautenberg supported President Clinton’s establishment of the “White House Commission on Aviation and Security.” This commission went on to develop an action plan to deploy new high technology machines to detect the most sophisticated explosives, and offered recommendations to further enhance aviation security. In direct response to that report, Senator Lautenberg joined with his colleagues in sponsoring the Federal Aviation Reauthorization Act of 1996 and the Omnibus Consolidated Appropriations Act of 1997 which appropriated more than $400 million for acquisition of new explosives detection technology and other aviation security improvements.

I thank my colleagues in the New Jersey delegation—Robert Menendez, Jim Saxton, Rush Holt, Frank Pallone, Donald Payne, Steve Rothman and William Pascrell—for cosponsoring this bill, and urge its passage.

TRIBUTE TO MELISSA GALVAN

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, recent events have taught us the importance of the public officials, how we treat them and how we care for them.

Melissa Galvan was raised in the great state of Oregon and began honing her skills early at Corvallis High School and my college alma mater, the University of Oregon. Upon graduation from college, Melissa embarked to Washington, D.C. to serve the public as a staff member to my predecessor, then-House Agriculture Committee Chairman Bob Smith. Upon my election, I was fortunate to successfully re-elect Melissa. From day one of my first term, I—along with the residents of the Second Congressional District of Oregon—benefited from Melissa’s expertise and affable personality.

I never had to worry about having a seat on a plane, because I knew that Melissa had it taken care of properly. Considering the fluid nature of the process in Congress and the fact that I commute back to my district most every week, I assure you that securing a seat on a plane at the last minute is not an easy task. I never had to worry about missing a meeting, because Melissa had it covered. Visitors to my office were always made to feel welcome and cared for because of Melissa.

Simply put, Melissa was a delight to work with and always displayed care and determination during her service on Capitol Hill. She also became a real pal to my son, Anthony, and kept all the “guyse” in the office in line, too.

We miss her friendly smile and upbeat attitude, which she has taken to a new job in the private sector. We also are very excited for her and her fiancé, Jason Vaillancourt, an outstanding young man and professional staff member on the House Agriculture Committee. They will marry this fall. Melissa, thanks for your help and a job well done.

POSTAL STAMP CELEBRATING THE LIBERTY MEMORIAL

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today in support of a national commemorative postal stamp celebrating the Liberty Memorial, our nation’s only World War I monument, located in Kansas City, Missouri. Liberty Memorial has been standing for nearly seventy-five years as a monument to those who sacrificed their lives for our freedom and will be rededicated on May 25, 2002. It is my hope that a Liberty Memorial commemorative stamp can be issued as part of the rededication.

The Liberty Memorial stands 217 feet tall and overlooks the heart of downtown Kansas City as a constant reminder of the battles fought and blood shed for our country in WWI. The peak of the memorial is crowned with four large stone figures representing courage, honor, patriotism and sacrifice. Two carved stone Sphinxes, Memory and Future, guard the memorial. A commemorative stamp of this beautiful site would be a fitting tribute to the veterans who fought in the Great War and the virtues that the Liberty Memorial represents.

The Liberty Memorial is important as the only WWI memorial in the United States, but it also represents a community wide achievement for the citizens of Kansas City. In 1919, a community-based fund raising drive raised over $2,500,000 in less than two weeks. Considering the value of the dollar and the communication challenges at the time, this sum demonstrates the tremendous dedication of the people of Kansas City and the nation to the Liberty Memorial. Seventy-five years later, the citizens of Kansas City are coming together again to re-dedicate the memorial they worked so hard to build. A commemorative stamp of Liberty Memorial could make the event even more special.

The Liberty Memorial stamp will bring the nation’s only WWI memorial to the world and honor those that brought us our freedom in the fashion they deserve. Let us issue a Liberty Memorial Commemorative stamp with the same principle as the monument was built, “In honor of those who served in the world war in defense of liberty and our country.”

IN REMEMBRANCE OF JOSEPH HUGH MACAULAY

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mrs. MORELLA. Mr. Speaker, I rise to honor and commemorate the life of my constituent, Joseph Hugh Macaulay. Mr. Macaulay, age 77, passed away on July 13th at Georgetown University Hospital of leukemia.

“Mac,” as he was known by his friends and colleagues, served as a congressional aide for more than 30 years. He worked for many different Members of Congress, before retiring in 1980 as Chief of Staff to Representative John J. Rhodes, Republican from Arizona, in the Republican Leader’s Office.

Mr. Macaulay came to Washington after World War II as a Navy liaison with the U.S. House of Representatives. He began his Capitol Hill experience in 1947, working for Representative Henry J. Latham, Republican of New York. For many years, from 1948 to 1964, Mr. Macaulay served on the staff of Representative Charles B. Hoeven, Republican from Iowa. After working for Representative Charlotte Reid, Republican of Illinois, until 1971, Mr. Macaulay spent three years as administrative assistant with Representative Leslie Arends, Republican from Illinois, who was the Minority Whip. He worked for a year with Representative Virginia Smith, Republican of Nebraska, before joining Congressman Rhodes’ office in 1976.

During these many years of dedicated service on Capitol Hill, Mr. Macaulay also had edited “Legislative Alert,” a publication for Republican Members which tracked legislation scheduled for consideration and debate on the House Floor.

In all of his many important positions on Capitol Hill, Mr. Macaulay served diligently behind the scenes while never seeking recognition for himself. In addition to his many years of public service, he was committed to his community. For example, Mr. Macaulay volunteered for the past ten years in my district with the Children's Inn at the National Institutes of Health.

Mr. Macaulay, who lived in Bethesda, was a Wisconsin native. He was a graduate of George Washington University and studied at John Hopkins University’s School of Advanced International Studies under the American Political Science Association Congressional staff award. He was a Navy veteran of World War II.

Survivors include his wife, Patsy, of Bethesda; two sons, Scott of New York, and Colin, of Philadelphia; a sister; and a granddaughter.
CONGRESSIONAL RECORD — Extensions of Remarks
August 3, 2001

FIRST PLACE WINNERS IN THE NATIONAL HISTORY DAY COMPETITION

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Jasmine Chiu, Kevin Liang, Jordan Hathaway and Christopher Hynes, of Upland High School, Upland, California, First Place winners in the National History Day competition.

Approximately 700,000 students from across the nation competed in the year-long, oldest, and most highly regarded humanities contest in the country. I commend each of you for representing Upland High School, your community and the State of California with pride and distinction.

Congratulations and best wishes for success in your future educational endeavors.

TRIBUTE TO MR. JOHN A. McCARROLL
HON. JIM DeMINT
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. DeMINT. Mr. Speaker, I rise today to honor Mr. John A. McCarroll of Greenville, SC, for his many contributions to our State and our community and to congratulate him on his upcoming retirement.

Mr. McCarroll has been the Executive Director of the Phyllis Wheatley Association for the past 30 years. Since becoming director, the agency has grown from a recreational center to a multi-faceted human services agency that operates programs out of its two buildings in Greenville and three satellite centers across the Upstate.

The Phyllis Wheatley Center is a member of the United Way of Greenville and, out of forty-four agencies, receives the second highest allocation behind the Red Cross. The agency had a budget of over $1,300,000 in 1999.

Many individuals that have participated in the agency’s programs under Mr. McCarroll’s leadership are now serving in important positions throughout the state, including Columbia’s Sc, Charles Austin.

Mr. McCarroll has assisted in providing training for several South Carolina Cabinet Agencies, assisted groups in organizing non-profit agencies, and has provided board development, marketing and fundraising training for non-profit agencies throughout the state.

Additionally, Mr. McCarroll received the Distinguished Leadership Award from the National Association for Community Development. He was selected as an Inaugural Program Participant for Leadership USA in 1995. He currently serves on the Board of Trustees of South Carolina State University and the Greenville County First Steps Board.

Mr. Speaker, I would like to thank Mr. McCarroll for all his years of service to our community and wish him well in his retirement.

PERSONAL EXPLANATION
HON. JOHN M. SPRATT, JR
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SPRATT. Mr. Speaker, last night, at about 11:23 pm, the House voted 206–223 against an amendment to H.R. 4 offered by Representative MARKAY. I arrived at the House floor a moment after the vote was closed, so my vote was not recorded, but I intended to vote “aye” on the Markey amendment.

I want the record to be clear regarding my position on drilling in Arctic National Wildlife Refuge, or “ANWR.” I do not support drilling on the coastal plain of “ANWR.” While estimates of the amount of oil that might be recovered from the area vary, I am simply not convinced that spoiling one of the world’s last pristine areas is the right answer to our nation’s energy problems. In fact, I am a cosponsor of legislation to declare the coastal plain of the reserve, often referred to as “Section 1002,” a wildlife refuge so that no drilling can take place. This bill, H.R. 770, the Morris K. Udall Arctic Wilderness Act of 2001, was introduced by Representative MARKAY earlier this year.

I feel strongly enough about protecting ANWR that during debate on H.R. 4 yesterday, I voted against two amendments offered by Representative SUNUNU to H.R. 4—rollover votes No. 315 and No. 316—designed to make drilling in ANWR more palatable. Furthermore, my vote against final passage of H.R. 4 and for the Motion to Reconsider was based in no small part on my disappointment in the bill’s ANWR provisions. I regret that I was not able to record my vote on the Markey amendment, but the record should be clear: I support it.

HONORING MARTHA W. BARNETT
ON HER TERM AS PRESIDENT OF THE AMERICAN BAR ASSOCIATION
HON. ALLEN BOYD
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BOYD. Mr. Speaker, we rise today to recognize the achievements of Martha W. Barnett as she completes her term as President of the American Bar Association.

After joining the ABA in 1986, Martha Barnett’s talents quickly became invaluable to the Association. She served on the Board of Governors from 1986 to 1989, and in 1992 she became the first woman to chair the ABA’s policy-making House of Delegates. She has been President of the ABA for the 2000–2001 term.

A partner in the law firm of Holland & Knight LLP, Martha Barnett has had a long and record service to the State of Florida. She has been active in the Tallahassee Women Lawyers Association, the Tallahassee Bar Association, as well as the Florida Bar. Martha has been a Governor’s Appointee to the Governor’s Select Committee on the Workforce 2000 and the Florida Constitution and has served on the Constitution Revision Commission.

Mr. Speaker, we often tell our constituents, particularly students and young people, about the value of public service in our society. Martha Barnett exemplifies the best that public service has to offer, and we would like to thank her for her contributions and wish her the best for the future.

INTRODUCTION OF THE SWAT ACT
HON. BRIAN BAIRD
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BAIRD. Mr. Speaker, I rise today to discuss something that threatens the economic and environmental health of my district and the entire western half of the United States. That something is the spread of zebra mussels from their current infestation area of the Great Lakes and Mississippi River to all of the rivers of the West. The infestation of the zebra mussels has already cost our nation $3.1 billion and if they are allowed to spread to the West, we will see the cost to our businesses and taxpayers expand even further.

If zebra mussels invade the West Coast, they will foul thousands of miles of pipes and canals, water gates and intakes, clog fish screens, obstruct drinking water facilities, block cooling pipes and nuclear power plants, damage water filter plants, agricultural irrigation systems and other water system components. Waters conducing to zebra mussel establishment are located along the entire West Coast from the ports of Alaska to the reservoirs of southern California, including the Columbia and Snake rivers, the California and south Bay Aqueducts, the Los Angeles Aqueduct, the Colorado River Aqueduct and many smaller rivers in between.

Zebra mussels were inadvertently introduced into the Great Lakes in 1987 by ballast water exchanges from boats that had traveled from Eastern Europe. Since that time, they have spread through connected water bodies by various means including larval transport in ballast water and adult attachment to hulls of ships, barges and recreational crafts. The infestation of zebra mussels throughout the Great Lakes, Mississippi River drainages and the Missouri River has cost water users in the area millions of dollars every year. Stopping or slowing their arrival is therefore critical from an economic and biological standpoint. The bill I am introducing today will help prevent the westward spread of zebra mussels, as well as other invasive species that can be transferred through boat traffic.

The bill, entitled the “Stop Westward Aquatic Threats (SWAT)” Act builds upon programs that already exist to prevent the westward spread of aquatic invasive species, especially zebra mussels. On the federal level, the SWAT Act uses an existing, but underfunded, Fish and Wildlife program called the 100th Meridian Initiative that is designed to prevent the spread of zebra mussels and other aquatic nuisance species west of the 100th meridian. The SWAT Act fully funds education and monitoring programs at boat launches and along highways and requires the inspection of commercial boats that cross the 100th meridian. On the state level, the SWAT Act will provide more funding to the state agencies that are currently in charge of invasive species management, including funding for State Invasive Species Management Plans to help States develop and coordinate their Invasive Species Management Plans.
This may be one of the best investments Congress can make to save money in the long run. By spending a few million dollars today, we can save businesses and taxpayers billions later on.

CONGRATULATIONS TO THE COUNCIL OF KHALISTAN FOR 15 YEARS OF SERVICE

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. BURTON of Indiana. Mr. Speaker, I would like to take this opportunity to congratul-
ate Dr. Gurmit Singh Aulakh and the Council of Khalistan, who have completed 15 years of
service to the Sikh community in this country and the people of the Sikh homeland,
Khalistan.

For the past 15 years, Dr. Aulakh has been diligently walking the halls of the U.S.
Congress to tell us about the latest developments in India and the massive violations of human
rights that have been perpetrated against Sikhs, Christian, Muslims, and other minori-
ties. We appreciate the work he has done and the information he has provided.

Dr. Aulakh’s efforts have made a valuable contribution to the consideration of our policy
towards India and South Asia. I appreciate his efforts, and I congratulate him on 15 years of
tireless efforts on behalf of the oppressed.

TRIBUTE TO THE LATE DWIGHT “DIKE” EDDLEMAN

HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, on August 1, 2001, the University of Illinois and
every fan of Illinois athletics, lost a close, dear friend by the name of Dwight “Dike”
Eddleman. Dike Eddleman was what every young boy dreams of becoming as a kid, the
perfect athlete. In his career at the University of Illinois he earned 11 varsity letters in foot-
ball, basketball, and track & field and if you ever wanted to meet a dedicated athlete and
human being, you wouldn’t have had to look any further once you met Dike. From the fall of
1947 to the fall of 1948, Dike was in training in competition on 354 of the 365 days. From this
dedication came one of the most impressive athletic careers that has ever been assembled,
highlighted by a two year span when he led the football team to the Rose Bowl, the basketball team to the Final Four, and competed in the Olympic Games. In 1993, the University of Illinois’ Division of Intercolle-
giate Athletics appropriately named the University of Illinois male and female Athlete of the
Year awards after Dike, ensuring that we would never forget his accomplishments and
dedication. Dike Eddleman will be greatly missed, but never forgotten.

TRIBUTE TO 25 YEARS OF SERVICE BY THE EAST JORDAN FAMILY HEALTH CENTER

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. STUPAK. Mr. Speaker, I rise today to call attention to two significant health care
events, which will take place while you and I and our House colleagues are back in our dis-
tricts during the August work period.

The first event is national, the celebration of National Health Center Week, August 19
through 25. This year’s theme is “Breaking New Ground in Community Health,” a theme
that reflects the expanding role of community health centers in our nation’s system of health
care delivery.

The second event is the Aug. 23 celebration of a quarter-century of community service by
the East Jordan Family Health Center, which provides basic and expanded medical care for
10,000 members in a rural part of our nation—building healthy families and communities and
ensuring a good quality of life. The two events, Mr. Speaker, are entwined.

The national celebration marks more than 30 years of growth of a grant program for health
care delivery, and the local celebration is a bright example of that successful growth.

The East Jordan Family Health Center was incorporated 25 years ago when the commu-
nity lost its only doctor. The next nearest com-
MUNITY WITH A DOCTOR WAS CHARLEVOIX, 18 MILES
Away. So a forward-looking consortium of community members came together and cre-
dated a private, not-for-profit service.

When the medical practice in the nearby small community of Bellaire was pulling out, the
East Jordan Center purchased that clinic and the services of one doctor.

Now the East Jordan Center offers its 10,000 members the services of ten doctors at
two health delivery sites. Among its services are family practice, pediatric care, and internal
medicine. The Center offers full X-ray and mammography services.

Memorial in the center, Mr. Speaker, is $6 per year for personal gifts and $10 per year for
families. It is governed by a board of direc-
tors elected by the membership. The East Jor-
dan Family Health Center draws its strength and direction from the community, and through
that strength it offers other services to the community.

Doctors practicing at the Center can provide other health services, such as assisting in a
local nursing home. The not-for-profit nature of the Center qualifies the organization for fed-
eral grants, which are used to provide health care to those residents who might not other-
wise have access to preventive medicine.

The facilities themselves are a community asset. Space is provided free to the local Food
Pantry, and to a counseling service. Organiza-
tions like Alcoholics Anonymous are given meeting space. Clearly, keeping health care
costs low through a community-based health care service helps meet a broad range of local
needs.

The outreach doesn’t stop there. The center has collaborated with the Northwest Michigan
Community Health Agency, the district health department, to renovate space and provide
modernized dental facilities, ensuring oral health care access for area residents.

Facilities like the East Jordan Center are a great health deal for their members, but we in
Congress need to recognize their important place in national health care delivery. Accord-
ing to the Michigan Primary Care Association, community health centers in Michigan receive
1 percent of the state’s Medicaid dollars but provide 10 percent of the Medicaid services,
clearly an excellent bang for the buck.

Some national figures. According to the National Association of Community Health
Centers Inc., our nation’s Health Centers are “the family doctor and health care home for
more than 10 million people,” including one of every 12 rural residents, one of every 10 unin-
sured persons, one of every six low-income children, and one of every four homeless per-
sons.

As we in Congress work to ensure that all Americans have access to the finest quality,
most advanced, most personal kind of health care, we must recognize those individuals and
groups on the front lines of health care delivery. I ask you and our House colleagues to
join me in wishing the East Jordan Family Health Center the best as it celebrates 25 years of helping to work toward the same goals.

HUMAN CLONING PROHIBITION ACT
OF 2001

SPEECH OF

HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to HR 2505, The Human

As I have already stated, I believe that cloning is a fascinating, promising issue but
one that remains to be fully explored. As has been evidenced by the prior hearings and
debate on this issue, the knowledge of the sci-
entific community in this field is still in its in-
fancy, particularly in the field of stem cell re-
search. It is crucial that Congress carefully
consider all options regarding this issue before
it proceeds, particularly before we undertake
to criminalize aspects of this practice. We
must carefully balance society’s need for life-
saving scientific research against the numer-
ous moral, ethical, social and scientific issues
that this issue raises. Yet what we face here
today is a bill that threatens to stop this valu-
able research, in the face of evidence that we
should permit this research to continue.

The legal, ethical, physical and psycho-
ological implications of such an act are not yet
fully understood. It is generally accepted that
the majority of Americans is not yet com-
fortable with the production of a fully replicated human, or “clone.” There is little argument
that the existence of these unresolved issues
is good reason to refrain from this activity at
this time. We do not yet know the long-term
health risks for a cloned human being, nor
have we even determined what the rights of a
clone would be as against the person who is
cloned or how either would develop emotion-
ally.

Those of us who believe in the Greenwood-
Deutsch-Schiff-DeGette substitute are not pro-
posing and are not proponents of human cloning. What we are proponents of is the
Bush Administration’s NIH report June 2001 entitled “Stem Cells: Scientific Progress and Future Research Directions.” This report, as I will discuss further, acknowledges the importance of therapeutic cloning.

Further, non-clonable embryonic stem cells from embryos are by their nature clonally derived—that is, generated by the division of a single cell and genetically identical to that cell. Clonality is important for researchers for several reasons. To fully understand and harness the ability of stem cells to generate replacement cells and tissues, the ability of these cells to genetic capabilities and functional qualities must be known. Very few studies show that adult stem cells have these properties. Hence, now that we are on the cusp of even greater discoveries, we should not take an action that will cut off these valuable scientific developments that are giving new hope to millions of Americans. For example, it may be possible to treat many diseases, such as diabetes and Parkinson’s, by transplanting human embryonic cells. To avoid immunological rejection of these cells “it has been suggested that using a successful trans-plant) could be accomplished by using somatic cell nuclear transfer technology (so called therapeutic cloning),” according to the NIH.

Hence, although I applaud the intent of H.R. 2505, I have serious concerns about it. H.R. 2505 would impose criminal penalties not only on those who attempt to clone for reproductive purposes, but also on those who engage in research using such cloned cells and infertile research, to expand the boundaries of useful scientific knowledge. These penalties would extend to those who ship or receive a product of human cloning. And these penalties are severe—imprisonment of up to ten years and a civil penalty of up to two times the gross pecuniary gain of the violator. Many questions remain unanswered about stem cell research, and we must pen-nit the inquiry to continue so that these answers can be found. In addition to research into treatments and cures for life threatening diseases, I am also particularly concerned about the possible effect on the treatment and prevention of infertility and research into new contraceptive technologies.

We must not criminalize these inquiries.

HR 2505 would make permanent the moratorium on human cloning that the National Bio-ethics Advisory Commission recommended in 1997. The President’s Council would allow for no more time to study the issue. Those who support the bill state that we must do so because we do not fully understand the ramifications of cloning and that allowing even cloning for em- bryonic research creates a slippery slope into reproductive cloning. I maintain that we must study what we do not know, not pro-hibit it. The very fact that there was disagreement among the witnesses who spoke before us in June indicates that there is a substantial need for further inquiry. We would not know progress if we were to crim-inalize every step that yielded some possible negative results along with the positive.

There are more dangers inherent in prohibiting cloning. First, we face the argu-ment that reproductive cloning may be con-stitutionally protected by the right to privacy. We must also carefully consider whether we take a large step towards overturning Roe v. Wade when we protect embryos. We do not recognize embryos as full-fledged human beings with separate legal rights, and we should not seek to do so.

Instead, I again urge my colleagues to support the Greenwood-Deutsch-Schiff-Degette, a reasonable alternative to H.R. 2505. This leg-islation includes a ten year moratorium on cloning intended to create a human life, in stead of permanently banning it. As I pre-viously noted, it specifically prohibits human cloning or its products for the purposes of initi-ating or intending to initiate a pregnancy. It im-poses the same penalties on this human cloning as does H.R. 2505. Thus, it address-ees the concern of some that permitting sci-entific/research cloning would lead to permit-ting that permitting the creation of cloned hu-mans.

More importantly, the Greenwood-Deutsch-Schiff-Degette substitute will still permit valu-able scientific research to continue, including embryonic stem cell research, which I have already discussed. This substitute would explic-itly permit life giving fertility treatments to con-tinue. As I have stated, for the millions of Americans struggling with infertility, protection of access to fertility treatments is crucial. Infertil-ity is a crucial area of medicine in which we are developing cutting edge techniques that help those who cannot conceive on their own. It would be irresponsible to cut short these procedures by legislation that mistakenly treats them as the equivalent of reproductive cloning. For example, the technique known as ooplasmic transfer that could be considered to be illegal cloning under H.R. 2505’s broad definition of “human cloning.” This technique involves the transfer of material that may contain mitochondrial DNA from a donor egg to another fertilized egg. This tech-nique has successfully helped more than thirty infertile couples conceive healthy children. It may also come as no surprise that in vitro fer-tilization research has been a leading field for other valuable stem cell research.

The Centers for Disease Control and Preven-tion advise that ten percent of couples in this country, or 6.1 million couples, experience infertility at any given time. It affects men and women with almost equal frequency. In 1998, 28,500 babies were born as a result of what are now considered lower tech-nology procedures, such as intrauterine insemination. Recent improvements in scientific advancement make pregnancy possible in more than half of the couples pursuing treat-ments.

The language in my amendment made it ex-plicitly clear that embryonic stem cell research and medical treatments will not be banned or restricted, even if both human and research cloning are.

The organizations that respectively rep-resent the infertile and their doctors, the Amer-ican Infertility Association and the American Society for Reproductive Medicine, support this amendment. For the millions of Americans struggling with infertility, this provision is very important. Infertility is a crucial area of medi-cine in which we are developing cutting edge
techniques that help those who cannot con-ceive on their own. It is would be irresponsible to cut short these procedures by legislation that mistakenly addresses these treatments as the equivalent of reproductive cloning.

The proponents of H.R. 2505 argue that their bill will not prohibit these procedures. However, access to infertility treatments is so critical and fundamental to millions that we should make sure that it is explicitly protected here. We must not stifle the research and treatment by placing doctors and scientists in fear that they will violate criminal law. To do so would leave infertile couples exposed to these important treatments.

Whatever action we take, we must be care-ful that out of fear of remote consequences we do not chill valuable scientific research, such as that for the treatment and prevention of in-fertility or research into new contraceptive technologies. The essential advances we have made in this century and prior ones have been based on the principles of inquiry and experi-ment. We must tread lightly lest we risk tram-pling this spirit. Consider the example of Galileo, who was exiled for advocating the theory that the Earth rotated around the Sun. It is not an easy balance to simultaneously promote careful scientific advancement while also protecting ourselves from what is dan-gerous, but we must strive to do so. Lives de-pend on it.

Mr. Speaker, we must think carefully before we vote on this legislation, which will have far reaching implications on scientific and medical advancement and set the tone for congres-sional oversight of the scientific community.

A TRIBUTE TO JUSTICE CLINTON WAYNE WHITE

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. LEE. Mr. Speaker, I rise today to honor one of our nation’s Civil Rights’ Leaders, the Honorable Clinton Wayne White.

Justice Clinton Wayne White was born on October 8, 1921. Between 1942–1945, he proudly served in the United States Army Air Corp.

After World War II, Justice White attended the University of California, Berkeley and re-ceived his Bachelor’s Degree in 1946 and later he earned his LLB from the University’s Boalt Hall School of Law. In 1949, he, along with one other African-American, was admitted to the California State Bar. It was at this time that Justice White truly became an inspiration to African Americans and future African Amer-i-can leaders.

Justice White was a prominent defense at-torney who publically criticized and challenged the criminal justice system’s biases against Af-rican-Americans. He knew how to use the law to fight for social, economic and political progress for people of color. He was a warrior and a crusader, who truly believed in equality for all persons.

It was his strength and determination for eq-uity, which led Justice White to become Presi-dent of the Oakland NAACP in the 1960s. He waged a successful campaign to change the Alameda County’s jury selection system to in-clude minorities.

After several successful years as a leading civil rights attorney, Justice White was ele-vated to serve as a trial court judge in the Alame-da County Superior Court and was later appointed to the State Court of Appeal.

Even with his hectic schedule, Justice White still found the time to participate in many com-munity organizations such as Men of Tomor-row and the Charles Houston Club. He was cer-tain to make time to coach youth baseball teams in Oakland, because he cared about our youth and their future. In 1978, Justice White became the founder of the Clinton White Foundation, which seek to enable and empower people to live their lives away from poverty and despair.

Justice White was considered a mentor to current leaders in Alameda County, but to me, he is also and will always be my hero. I knew him when I was still a student in the early 1970s. His guidance and wisdom helped me through some very difficult times. I will always remember his kindness and compassion.

I am proud to stand here alongside his fam-ilys, friends and colleagues to salute Justice Clinton Wayne White, a man who was a leg-acy for all.

INTRODUCTION OF THE
“TEACHERS FOR TOMORROW” ACT

HON. JAY INSLEE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. INSLEE. Mr. Speaker, today I proudly introduce the Teachers for Tomorrow Act of 2001, a bill to address the serious teacher shortage in our nation’s schools. We have over 53 million students in America’s elemen-tary and secondary schools—a new enroll-ment record. Unfortunately, we lack the most important part of the equation—teachers! Na-tionwide, we will need an additional 2 million teachers over the next ten years. There are particular shortages in specific subject areas such as math, science, bilingual education and special education. For the first time in my dis-trict in Washington State, teaching positions have remained vacant.

We cannot afford to allow the current trend to continue where our best and brightest stu-dents ignore the teaching profession or leave it altogether. A million teachers are expected to retire over the next ten years, and they are leaving the classroom faster than new teach-ers are graduating from college. Even more troublesome is the fact that only half of new teach-ers in urban public schools are still teaching after five years. These are serious warning signs of a teacher shortage and an upcoming crisis if we do not act to recruit and retain teachers.

We must do more to empower new college graduates to choose education as a career. My legislation would permit every public ele-mentary and secondary school teacher to apply for 100% federal loan forgiveness. Cur-rent law only applies to teachers that teach specific subject areas or in low-income schools. For teachers of disabled students, specific subject areas, or in low-income schools, legislation would guarantee loan forgive-ness over three years. All other teachers would be eligible for loan forgiveness over five years.

Loan forgiveness would be granted for con-tinuing education loans, in order for teachers to pursue advanced degrees. Moreover, rather than allowing these financial incentives to un-fairly push teachers into a higher tax bracket, any loan forgiveness would be granted tax ne-cessary status.

Finally, our teachers deserve to use the benefit of their experience and be able to guide their classrooms and schools with local control. My bill maintains the ability of local schools to make hiring, firing and other deci-sions as they see fit.

Our teachers deserve our highest accolades for educating our nation’s children. We ought to thank them for the meaningful work they do every day. I hope that by forgiving federal loans, this legislation will draw more success-ful students into the teaching profession, and help retain their experience.

I submit to my colleagues a plan to recruit and retain qualified teachers. We cannot shirk our duty to provide a high quality education to every child. I urge my colleagues to meet this challenge and support this legislation.

TRIBUTE TO DELORIS CARTER HAMPTON

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Ms. Deloris Carter Hampton, a resident of Northern Virginia, who passed away on July 15, 2001, while attend-ing a family gathering in Bethlehem, Pennsyl-vania. I first met Deloris over ten years ago and was immediately impressed by her gen-erosity of spirit, boundless energy, sense of humor, and devotion to her family and friends. As a young student, she fulfilled her dream of becoming a dancer by dancing for Martha Graham. She graduated from Tuskeege Institu-te and received her master’s degree from New York University before beginning her teaching career in Huntsville, Alabama and in Englewood, New Jersey. Deloris was a caring wife, mother, friend and teacher. She was dedicated to children and teaching, and spent 27 years as a physical education instructor be-fore retiring in 1996 from the public schools in Prince William County, Virginia. Deloris was an activist in her community, in the State of Virginia and in civil rights. In Prince William County, she was a member of the Service Au-thority, the National Association for the Ad-\n
PAC 100, the Court Appointed Special Advocate (CASA), and a founding member of Women in Community Action (WICA). She was active in the National, Virginia and Prince William County Education Associations, the American Association of University Women (AAUW), the Fairfax County Retired Educators Association as Immediate Past President, in the Virginia Education Association of Health, Physical Education, Recreation, and Dance, in Car-rousels, Inc., and in Celebrate Children. She was a hard working member of her church, Good Shepherd United Methodist Church. Deloris leaves to.I love you, her husband, George M. Hampton, Sr., a retired Army offi-cer, her father, George L. Carter, Sr., a son George M. Hampton, Jr., a daughter Sydni T.
Hampton, and a granddaughter, Desiree D. Hampton. Deloris will always be missed by those who knew her but her selfless, giving spirit lives on in her community, and with her family and her friends.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

SPEECH OF

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 31, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes:

Mr. CAMP. Mr. Chairman, I rise today to express my support for the fiscal year 2002 Legislative Branch Appropriations bill. During the last few years, Congress has led a historic effort to reduce the deficit and incorporate fiscal responsibility into federal spending. We reviewed programs and guidelines to make them more efficient and effective and explored alternatives to get the most of each tax dollar. We have also adopted many proposals that have saved taxpayers billions of dollars. Today, we again have the opportunity to reaffirm our message of fiscal responsibility and deficit reduction by passing this legislation.

As many of my colleagues know, since 1991 I have, along with several other Members, introduced an amendment to the Legislative Branch Appropriations bill that simply requires unspent office funds to be used for deficit or debt reduction. This amendment has always received strong bipartisan support and I am proud to report that the committee has included this provision in the base bill.

In the last few years we have achieved what has eluded Congress for 30 years—a balanced budget. The fiscal year 2002 Legislative Branch Appropriations bill continues our assault on the national debt and holds the line on spending. I believe this measure provides a good incentive for Members to spend taxpayer funds responsibly and lead by example in our efforts to reduce the national debt. Without this provision, Members’ unspent office funds can be “reprogrammed” for other budget purposes, frustrating the frugal efforts of many Members. Let’s keep practicing sound spending practices and keep moving towards reducing our enormous national debt.

I thank the Chairman for his support and for including the unspent office funds provision in H.R. 2647 and I urge all Members to support this important legislation.

TRIBUTE TO EARNEST L. RICE

HON. JOSÉ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Earnest L. Rice, who is about to retire after a long career with United Parcel Service and will soon relinquish his post on my Military Advisory Board.

Earnie Rice has had a long and distinguished career with UPS, starting in 1967 as a package car driver. Over the years, he rose within the ranks of his company and eventually reached the post of Operations Manager. Now, at the end of his career, Earnie is the Community Relations Manager for the Metro New York District, a position he has held for the past eight years.

Earnie Rice has also worked hard for his community. In the past, he served on the Board of Directors of the Harlem YMCA, and worked with the American Cancer Society as well as City Meats on Wheels. Mr. Rice also served his country honorably in the Vietnam War.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Rice. He has been a great asset to our community and we will miss his contributions to my Military Advisory Board. I wish him luck in his future endeavors.

IN MEMORY OF DR. HARLAN DETLEFSEN

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Harlan Detlefsen, Doctor of Veterinary Medicine, who practiced in Ferndale, Humboldt County, California for more than fifty years. His contributions to horse racing and the Humboldt County Fair will be celebrated on August 11, 2001 with the dedication of an historic barn in his memory.

In his long association with the Humboldt County Fair, Dr. Detlefsen served as the track veterinarian, assistant veterinarian and volunteer. His lifelong support and service continued through the 2000 Humboldt County Fair. Highly esteemed in his community and by his colleagues for his dedication and commitment to the highest standards of veterinary practice, Dr. Detlefsen has left a distinguished legacy to his wife, Maxine, and to his daughters, Wendy, Estina, Candace Detlefsen, and Tonya Detlefsen.

After his retirement, Dr. Detlefsen established himself as Mya’s Farm, an extraordinary horticulture, providing County Fair personnel each year with a variety of fruits and vegetables from his Southern Humboldt gardens.

The Humboldt County Fair Association and the Ferndale Jockey Club will dedicate the historic Assembly Barn, first built in 1928, to Dr. Detlefsen who helped prepare the facilities for the monitoring of racehorses in Fair competitions.

Mr. Speaker, it is appropriate at this time that we recognize Harlan Detlefsen, DVM, for his outstanding service to his community.

IN TRIBUTE TO A PEACEMAKER

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. KUCINICH. Mr. Speaker, on behalf of Mr. Gilman, Mr. Baldacci, Mrs. Morella, Mr. Allen, Mr. Smith of New Jersey, Mr. Berman, Mr. Knollenberg, Mr. Lewis of Georgia, Mr. Dingell, Mr. Lantos, Mr. Rahall, Ms. Lowey, Mr. Filner, Ms. Kilpatrick, Mr. Rothman, Mr. Sanders and Mr. Nadler, I rise to honor John Wallach, journalist and international peacebuilder. Mr. Wallach has dedicated his life to the belief that peace can be achieved when opponents humanize each other, get to know each other, and grow to respect and understand each other, and learn to live together. Mr. Wallach created a place where that humanizing and coexistence could take place. It is a camp called Seeds of Peace.

Starting in 1993, Seeds of Peace has brought together Arab and Israeli teenagers, aged 13 to 15, to learn how to stop the cycle of violence and to learn conflict resolution skills. Since then, teenagers from opposing sides in the Balkans, Cyprus and India/Pakistan international conflicts have begun to participate. They participate in person-to-person peacemaking. They create the substance of peace by learning to coexist. For the most difficult issues facing their nations—refugees, water, borders, holy sites—issues that in many cases their leaders have avoided. No subject is left unaddressed and their hatred is raw, the pain is fierce and real. Unlike their national leaders, Seeds of Peace participants must live every waking moment together—sleeping, eating, playing, conversing, and understanding. Seeds of Peace is a supplement to international diplomacy. While governments sign agreements, it is up to ordinary people to fulfill the meaning of those documents, and they do it through daily coexistence.

The Seeds of Peace Camp is set in Maine, a safe, neutral and beautiful environment. It is a physical location that reminds participants of what the world can be. Seeds of Peace fosters friendships among young people in order to facilitate an enduring peace in the future.

An indicator of the program’s success was the first Middle East Youth Summit (organized by Seeds of Peace) at Villars, Switzerland in May, 1999. The young people from Seeds of Peace graduates from Egypt, Israel, Jordan, the Palestinian National Authority and the United States to collaborate in figuring out how to end the stalemate of the peace process. The young delegates were presented with the most difficult issues facing their nations and repeatedly framed a Declaration of Principles, upholding conflict resolution methods and concepts. The final result of the Summit was the “Charter of Villars,” which was proposed as a starting point for Israeli and Palestinian leaders in going about resolving conflicting issues. The Charter serves as a paradigm for future attempts at peaceful conflict resolution.

The short-term impact of the program is obvious, and its long term success will be measured by the continuing connections among graduates. Two-thirds of the teens who attended Seeds of Peace are still actively involved with each other and with the program.

A total of twenty-one delegations participated in Seeds of Peace in the summer of 2001: eight delegations from the Middle East (Egypt, Israel, Jordan, Morocco, Palestinian Authority, Qatar, Tunisia, and Yemen), two from Cyprus (Greek Cypriot and Turkish Cypriot), Greece, Turkey, the Balkan nations, and the United States.

For fostering peace through the Seeds of Peace program, Mr. Wallach has been recognized for playing a significant role in the Middle East peace process. He received the...
UNESCO Peace Prize in 2000, and received the Legion of Honor of the Hashemite King-
dom from King Hussein in 1997. Mr. Wallach also founded the Chautauqua Conference on
U.S.-Soviet Relations, for which he received the 1991 Medal of Friendship from then Presi-
dent Mikhail Gorbachev. President Clinton sa-
luted Mr. Wallach by writing, “Your commit-
tment to spreading the message of tolerance,
justice and human rights has helped so many
people . . . and planted the seeds for peace
in the generation that will one day be leading
our world.”

Before embarking on a second career as an
ambassador of peace and mutual under-
standing, Mr. Wallach had a distinguished ca-
reer in journalism and as an author. From 1968 to 1994, he served as diplomatic cor-
respondent, White House correspondent, and
foreign editor for the Hearst Newspapers. He
was named BBC’s first visiting correspondent
in 1980, and contributed regularly to CBC,
NPR, and BBC. He was also the founding edi-
tor of WE/Mbl, the first independent weekly
newspaper in Russia. His articles earned
many prizes, including two Overseas Press
Correspondent Award for his coverage of the Egyptian-
Israeli Camp David summit. As an author, he
co-authored with his wife Janet Wallach, three
books, Arafat: In The Eyes of the Beholder,
Still Small Voices, and The New Palestinians.
Mr. Wallach has also written The Enemy has a
Face.

When Mr. Wallach founded Seeds of Peace,
many people told him it was a futile under-
taking. They told him he would be risking his
reputation. Despite the critics, Mr. Wallach
persisted. Thankfully, he did, and through his
textbook example, he has demonstrated the power of
hopeful vision, dogged determination, inspiring
optimism, and faith in humankind. Let us join
Mr. Wallach in the hope that one day, there
will be a pathbreaking international summit,
where the representatives of many nations
have in common the experience of peace-
making at Seeds of Peace. That will be a
great day indeed.

PERSONAL EXPLANATION

HON. JERROLD NADLAR
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. NADLAR. Mr. Speaker, I was unable to
be present for roll call vote 305. Had I been
present, I would have voted “aye.” I ask unan-
imous consent that this be noted at the appro-
priate place in the Record.

COLORADO RIVER QUANTIFICATION
SETTLEMENT FACILITATION ACT

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. HUNTER. Mr. Speaker, as you know, the
story of the American West is one of a re-
lentless quest for our most precious resource:
water. Hundreds of rivers have been diverted and
dammed, and thousands have lost their lives
over this precious resource. Many of these
battles continue today as our Western popu-
lation rapidly grows, environmental regu-
lations increase, and farmers find themselves
in the outrageous predicament of arguing over
what should have a priority during water short-
ages: the livelihood of their families and com-
munities—or fish.

Today I am proud to introduce the Colorado
River Quantification Settlement Facilitation Act.
This legislation will enable California to
avoid future water conflicts by establishing the
means for new conservation measures. In addi-
tion, it will ensure a reliable source of water
for Southern California’s many agricultural
and urban users.

For decades, California has been using
approximately 800,000 acre feet per year more
from the Colorado River than its 4.4 million
acre feet water right. Understandably, the
other river basin states, with many of their
communities growing rapidly, have long ex-
pressed concern. They feel our continued use
of their surplus water, with no plan to wean
ourselves from such use, will come into con-
flict with their inevitable need to utilize their
full water rights.

In recent months, the California Colorado
River water agencies and the other basin
states came to an important agreement. This
agreement established a time-line for Cali-
ifornia to gradually, over fifteen years, de-
crease its dependency on the Colorado River
and live within its 4.4 million acre feet annual
allotment. The agreement establishes new op-
 erating procedures that allow California to con-
tinue to construct some excess river water, while they de-
velop ways to establish agricultural conserva-
tion measures. This will make possible in-
creased transfers of water to urban areas and
ensure our future compliance. Further, the
agreement mandates that California adhere to
specific benchmark conservation goals, which
if go unmet, California would immediately be
forced to live within the 4.4 million acre feet al-
lotment. Such a scenario would prove disas-
trous to our state.

My legislation will help California avert such
a crisis by providing a degree of certainty in
completing the agreement’s required bench-
marks, funding off-stream reservoirs to store
surplus water, and insuring compliance with
the Endangered Species Act by funding envi-
ronmental mitigation in and around the Salton
Sea. The Sea, in my district, is the largest
lake in California and habitat for hundreds of
species of birds and fish, which I aim to pro-
tect against the effects of any water conserva-
tion measures.

Again, I introduce the Colorado River Quan-
tification Settlement Facilitation Act. This bill
will promote conservation and enable reliable
water supplies for California for decades to
come. I urge my colleagues’ thoughtful consid-
eration.

TRIBUTE TO THE BRONX PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SERRANO. Mr. Speaker, once again it
is with pride that I rise to pay tribute to the
Bronx Puerto Rican Day Parade, on its thir-
ten year of celebrating the culture and con-
tributions of the Puerto Rican community to
our nation.

The Bronx Puerto Rican Day Parade will be
held on Sunday, August 5, in my South Bronx
Congressional District. The event is the cul-
mination of a series of activities surrounding
Puerto Rican Week in the Bronx.

Under the direction of the Bronx Puerto
Rican Day Parade Committee, Inc., the pa-
rade has grown into one of the most colorful
and important festivals of Puerto Rican culture
in the five boroughs of New York City and be-
yond. The Parade brings together people from
every ethnic background, including Puerto
Ricans from the Island and all across the na-
ton.

It is an honor for me to join once again the
hundreds of thousands of people who will
march with pride along the Grand Concourse
in celebration of our Puerto Rican heritage.
The Puerto Rican flag and other ornaments in
the flag’s red, white, and blue will decorate the
festival.

As one who has participated in the parade
in the past, I can attest to the excitement it
generates as it brings the entire City together.
It is a celebration and an affirmation of life. It
is wonderful that so many people can have
this experience, which will change the lives of
many of them. There’s no better way to see
our community in the Bronx.

The event will feature a wide variety of en-
tertainment for all age groups. The Parade
will end with live music, Puerto Rican food,
crafts, and other entertainment. It is expected
that this year’s parade will surpass last year’s
number of visitors.

In addition to the parade, the many orga-
nizers have provided the community with near-
ly a week of activities to commemorate the
contributions of the Puerto Rican community,
its culture and history.

Mr. Speaker, it is with great enthusiasm that
I ask my colleagues to join me in paying trib-
ute to this wonderful celebration of Puerto
Rican culture, which has brought so much
pride to the Bronx community.

RECOGNIZING ANDY AND BETTY BECKSTOFFER FOR BEING CITI-
ZENS OF THE YEAR

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. THOMPSON of California. Mr. Speaker,
I rise today to honor Andy and Betty
Beckstoffer for being named St. Helena 2001
Citizens of the Year. As residents of St. Hel-
ena for over 25 years, they consistently con-
tribute positively to my hometown.

Two of my great friends, Andy and Betty
Beckstoffer, have been at the helm of one of
the most successful grape growing operations
in the country. Beckstoffer Vineyards now
owns and operates vineyards in Mendocino,
Lake, and Napa counties, all three of which
I am honored to represent in Congress.

In tribute the Beckstoffer for their suc-
sess in the grape growing business and commu-
nity service. Andy has always been a leader in
utilizing new technologies to increase the qual-
ity of wine grapes from Northern California.

THANKS, Mr. Speaker, for recognizing
this wonderful couple.
The highly respected winemaking region in my district owes a lot of its success to the innovative style of Andy Beckstoffer.

Andy Beckstoffer is currently a member of the board of the St. Helena Boys & Girls Club. She works tirelessly to improve the lives of the young people in the Napa Valley. Beckstoffer has been an important supporter for the Club—she has coordinated fundraising efforts to bring thousands of dollars to support the goal of aiding at-risk children.

The Beckstoffers moved to my hometown, St. Helena, in 1975, the same year Andy became a founding director of the Napa Valley Grape Growers Association. Beckstoffer Vineyards came to life after Andy invested $7,500 to buy a small grape growing company in 1973. The company has grown under the care of the Beckstoffers to a company that now owns over 2,500 acres of Northern California vineyards.

Andy and Betty were married in 1960, and are the proud parents of five children. Our community and our country are fortunate to have citizens like the Beckstoffers promoting the wine industry and working to improve the lives of our nation’s youth.

Mr. Speaker, please join me in recognizing the achievements of Andy and Betty Beckstoffer. The town of St. Helena, the entire Napa Valley, and our nation should aspire to achieve the success of these two great Americans.

ON THE INTRODUCTION OF THE “MX MISSILE STAND-DOWN ACT”

HON. EDWARD J. MARKEY OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES Thursday, August 2, 2001 Mr. MARKEY. Mr. Speaker, today, Rep. TAUSCHER and I are introducing the “MX Missile Stand-Down Act”, a measure to take the 50 MX missiles off of hair-trigger alert.

Secretary of Defense Donald H. Rumsfeld announced on June 27 of this year that the Pentagon would seek to dismantle these 50 MX missiles. Yesterday, the House Armed Services Committee passed by voice vote an amendment by Rep. ALLEN to the Defense Authorization bill to allow such dismantlement, which had been previously prohibited by Congress.

The bill we are introducing today augments these recent steps. According to a preliminary plan by the Air Force, these MX missiles would be dismantled over a 3-year timescale. What our legislation is saying is that there is no need to keep the balance of the silo-based, heavily-MIRVed MX missiles in a state of ready launch during that time, and therefore we direct the Secretary of Defense to stand-down the MX missiles by removing their warheads over FY2002.

This is a simple but important step. Currently, the United States and Russia have a total of about 4,000 weapons on hair-trigger alert, ready to launch within a few minutes. This state of readiness is unnecessary a decade after the end of the Cold War. As then-Governor George W. Bush observed during the recent Presidential campaign on May 23, 2000, “[T]he United States should remove as many weapons as possible from high-alert, hair-trigger status. Another unnecessary vestige of Cold War confrontation, preparation for quick launch within minutes after warning of an attack was the rule during the era of superpower rivalry. But today for two nations at peace, keeping so many weapons on high alert may create unacceptable risks of accidental or unauthorized launch.”

There is a real danger that a false alarm could lead to a nuclear exchange, as evidenced by episodes such as the 1995 incident in which the Russians mistook a scientific launch for an attack and began the process of responding. With the Russian early warning systems having deteriorated since that incident, the hazard is all the more plausible. Therefore, we also direct the Secretary of Defense to make yearly reports to Congress on the condition of the Russian early warning systems, as well as the inventory and alert status of Russia’s nuclear arsenal.

This bill continues the process of confidence-building, making a definitive, material statement to the Russians that we do not wish to continue to maintain our nuclear weapons in high-alert and thereby encourage them to follow suit.

ON THE INTRODUCTION OF THE “MX MISSILE STAND-DOWN ACT”

HON. ELLEN O. TAUSCHER OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Thursday, August 2, 2001 Mrs. TAUSCHER. Mr. Speaker, I am pleased to join Congressman MARKEY today in offering this important bill which I believe would take an important step toward making the world safer from the threat of accidental nuclear war.

As you may know, Mr. Speaker, the United States and Russia maintain between them, over 4,000 weapons on high alert. These weapons are capable of being launched in 3 to 15 minutes and have a combined destructive power nearly 100,000 times greater than the atomic bomb dropped over Hiroshima. Within a few minutes of receiving instructions to fire, American and Russian land-based rockets and warheads could begin their 25 minute flight to their targets. Less than 15 minutes after receiving their attack order, U.S. and Russian ballistic missile submarines could dispatch over 1,000 warheads.

As you know Mr. Speaker, none of these missiles can be recalled or made to self-destruct.

The Cold War is over but the dangers posed by nuclear weapons have increased because of their cost to a nation, and the threat of nuclear attack resulting from accident, miscalculation or unauthorized use. Indeed, I have serious concerns about the steady deterioration of Russia’s early warning and nuclear command systems. According to intelligence reports, critical electronic devices and computers sometimes fail to function for no apparent reason. And many of the radars and satellites intended to detect a ballistic missile attack no longer operate.

During the 2000 campaign, President Bush stated that the “U.S. should remove as many weapons as possible from high-alert, hair-trigger status” because an excess number “on-high alert may create unacceptable risks of accidental or unauthorized launch.”

This important bill would take a small but significant step toward reducing the risk of accidental nuclear conflict by de-alerting the 50 Peacekeeper Missiles. By building trust with the Russians and showing them we are serious about arms control, this measure is a serious and responsible investment in our country’s security.

In 1991, responding to the August Moscow coup, and along with START negotiations, President George Bush took 450 Minuteman II missiles and all strategic bombers off alert.

In response, Russia announced the dismantling of 503 ICBMs and pledged to keep bombers at low readiness levels.

Mr. Speaker, ten years later it is high time we do this again. Let’s deactivate the MX Missiles and send the Russians the same message we did in 1991 that we are serious about reducing the threat of nuclear war.

DISABLED VETERANS SERVICE DOGS & HEALTH CARE IMPROVEMENT ACT OF 2001

HON. JERRY MORAN OF KANSAS IN THE HOUSE OF REPRESENTATIVES Thursday, August 2, 2001 Mr. MORAN of Kansas. Mr. Speaker, as Chairman of the Veterans Subcommittee on Health I am introducing the “Veterans Service Dogs & Health Care Improvement Act of 2001.” This legislation improves veterans’ health care services in several important ways.

It allows the VA to provide service dogs to disabled veterans. It mandates improvement in VA capacity for specialized medical programs for veterans, such as serious mental illness, spinal cord injury, blindness, amputees and traumatic brain injuries. It modifies the VA’s “ability to pay” formula so that low-income veterans can receive the care they need. Finally, the bill establishes innovative pilot programs to help us learn how we can improve veterans’ benefits in the future.

We all know that dog is man’s best friend, but for many disabled veterans, a dog is much more than a friend. Service dogs can greatly enhance the quality of life for many seriously disabled veterans. This bill authorizes the Secretary of Veterans Affairs to provide enrolled veterans with spinal cord injuries, immobility due to chronic impairment and hearing impairment to use service dogs in day-to-day activities. Training, travel, and incidental expenses incurred while adjusting to the dog may also be paid.

This bill also seeks to strengthen mandates for VA to maintain capacity in specialized medical programs, such as serious mental illness, spinal cord injury, blinded veterans, veterans with amputations and veterans suffering from traumatic brain injuries, in each VISN. Although overall capacity has increased in the VA, there has been a decrease in the number of veterans with substance-use and mental illness served in specialized programs. With over 225,000 homeless veterans currently living on our streets, we cannot allow this to continue. Only 11 of 25 spinal cord injury facilities are providing the number of staffed beds required by a VHA Directive. We must extend the reporting requirement to ensure VA is doing what was directed to care for our at-risk veteran population.
Beyond the VHA Directive regarding capacity, this bill seeks to modify the current VA means-test threshold. For about fifteen years, the VA has determined a nonservice-connected veteran’s ability to pay by comparing a veteran’s income to a predetermined “means-test threshold.” The threshold, expressed in annual household income, is an assumed income level that would be sufficient to a veteran to pay for health care in the community. If a veteran’s income is below the “ability to pay” threshold, (currently $23,688 for a single veteran with no dependents) he or she is eligible for VA care, and permits the veteran to avoid the co-payments charged to higher-income veterans for VA health care services.

VA’s one national standard income threshold has been criticized for years because of the disparities in living costs throughout the country.

The Department of Housing and Urban Development employs a system of ascertaining poverty levels for subsidized housing that is much more reflective of the cost of living around the country than the VA’s means test. The Chairman of the Full Committee and I believe the HUD index should be used by VA to better reflect differences in economic factors.

Another provision of this bill explores improved coordination of VA ambulatory and community care. This calls for a 4-year, 4-site pilot project in which the VA refers enrolled veterans to local community hospitals rather than transporting them to an urban VA facility hours away. This is one more way the VA can work to bring VA services closer to the veterans they serve.

Another pilot program proposed in this bill is a 4-year, 4-VISN program for managed care through an outside contractor in VA’s $500 million fee-basis and contract hospitalization program. A contractor would provide resource information and referral services to eligible veterans, RN staffed advice lines, coordination with assigned VA case managers, and a variety of reports and data on utilization, satisfaction, quality, access, and outcomes. This program provides care to service-connected veterans whose places of residence or health conditions prevents them to be geographically accessible to VA facilities, or available VA facilities cannot furnish the care or services required. This would also provide health care for life threatening emergencies when no VA facility is available.

Mr. Speaker, this bill makes important improvements in our veterans health care system. When Congress returns from the August break, the Subcommittee will consider this important legislation. I urge the members to support the bill on behalf of veterans.

LIFE OF MRS. MAMIE L. TOWNSEND
HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. CARSON of Indiana. Mr. Speaker, it is with both sorrow and appreciation that I submit these remarks on behalf of the life and memory of Mrs. Mamie L. Harrington Townsend who departed this life last Saturday, July 28, 2001.

First I am grateful that Mrs. Townsend was loaned to us for such a long time. I feel a special kinship to her and was saddened when I learned that she had taken a flight to California and whereupon she took another flight to heaven. We were similar in so many ways: Her mother’s name is Julia. We both attended Crispus Attucks High School and IUPUI. We both love children, family, community, state and nation. We both have worked with cases that reflect diverse employment and have been honored by many of the same organizations.

Mamie was universal in her commitments and volunteerism. She has been acclaimed Woman of the Year by her sorority and received the prestigious Sagamore of the Wabash; distinguished citizen, outstanding businesswoman, “Who’s who among women”, Sojourner Truth award, and Mary McCloud Bithune award among many her awards. Her greatest reward is yet to come.

Time and space does not accommodate her many achievements. She was simply a unique, tireless, and selfless person. Mamie was my friend. She had a beautiful spirit. She was a continuous helper to more than we would ever know about.

The great book reminds us that there is a time for all things under the heaven. That there is a time to be born—she was born not once but twice. There is a time to die—she died—in the arms of Jesus.

She has now joined the lives of many—she inspired me especially.

To her family: thanks for sharing Mamie with us. Be strong and of good courage. You have so much to be proud of and to celebrate.

-themed MEDICARE REGULATORY AND CONTRACTING REFORM ACT OF 2001

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. STARK. Mr. Speaker, today I am pleased to join Chairman NANCY JOHNSON (R-CT) in introducing legislation that will improve Medicare’s administrative functions. Our bill addresses two very important problems in Medicare. First, it takes important steps to improve outreach and assistance to beneficiaries and providers, and to respond to certain other legitimate concerns raised by physicians and other providers. And second, it includes long overdue contracting reforms that will improve beneficiary and provider services and permit the consolidation of Medicare claims processing. Importantly, however, our legislation does not compromise the government’s ability to protect taxpayer dollars from being inappropriately spent under Medicare.

Mr. Speaker, no public program can continue without strong public support, and I suggest that Medicare needs both public support and provider support. The Centers for Medicare and Medicaid Services (CMS), formerly the Health Care Financing Administration (HCFA), is constantly criticized for burden-some regulations and paperwork. Yet polls of physicians and other providers have shown that providers prefer Medicare over other payers because Medicare pays faster and does less second-guessing than other payers.

We need to improve the education and information processes for providers. It is hard for even the most seasoned Medicare analyst to keep track of all the payment and policy changes that have occurred in Medicare in the last few years. How can we expect providers to keep track of all of these changes while continuing to provide services? We need to do a much better job of educating and assisting physicians and other providers about these changes, and this legislation will help the CMS/HCFA do so.

Mr. Speaker, throughout the history of Medicare, we have relied on Medicare contractors—carriers and fiscal intermediaries—to provide information to beneficiaries and providers, but that process is outdated in the face of all of the changes. Although that approach worked well for many years, I think most stakeholders would agree that we need major improvements in the Medicare contracting processes. Every President since President Carter has proposed reforms to the administrative contracting provisions in Medicare, yet they have never been enacted. I hope we succeed this time.

Mr. Speaker, our legislation takes important steps to improve outreach and assistance to

I believe that most vehicle owners who have for years taken for granted that any qualified repair technician of their choice, including themselves, may repair their vehicle have relied heavily on the quality, cost and convenience of the competitive independent aftermarket parts will be surprised to find that in many cases it no longer holds true.

With this legislation, we put the motor vehicle owner back in the driver’s seat.

I am introducing the Motor Vehicle Owners Right to Repair Act. As the name implies, this bill will preserve a vehicle owners’ freedom to choose where, how and by whom to repair their vehicles as well as their choice in parts.

Right now, thousands of vehicle owners who are being turned away from their local repair facility. They are being denied the choice of working on their own vehicles, or the choice of replacement parts because information necessary to make these repairs or integrate replacement parts with the vehicle computer system is not readily available or not available at all. This is not the way it used to be. Until recently, this information was either not necessary or willful to the vehicle manufacturer in the 1990 Clean Air Act mandated that vehicle manufacturers install computer systems in vehicles 1994 and newer to monitor emissions. This law had the unintended consequence of making the vehicle manufacturer the gatekeeper on who can repair, or produce, replacement parts.

This lack of consumer choice will have a huge negative economic impact. An economic study examining this lack of choice in California vehicle owners concluded that motorists repair bills in California alone would increased by $17 billion through 2008. Nationwide, this would equate to a huge tax increase on the American people and severely hurt low and fixed income motorists.

Mr. Speaker, throughout the history of Medicare, we have relied on Medicare contractors—carriers and fiscal intermediaries—to provide information to beneficiaries and providers, but that process is outdated in the face of all of the changes. Although that approach worked well for many years, I think most stakeholders would agree that we need major improvements in the Medicare contracting processes. Every President since President Carter has proposed reforms to the administrative contracting provisions in Medicare, yet they have never been enacted. I hope we succeed this time.

Mr. Speaker, our legislation takes important steps to improve outreach and assistance to
providers. It would also create a Medicare Provider Ombudsman to help physicians and other providers to address confusion, lack of coordination, and other problems or concerns they may have with Medicare policies.

Our bill reforms the Medicare contracting process by consolidating the contracting functions for Part A and Part B of Medicare, permitting the Secretary to contract with separate Medicare Administrative Contractors to perform discrete functions, making use of the Federal Acquisition Rules in contracting, eliminating the requirements for cost contracting, and establishing the kinds of entities eligible for contracting. Our bill would permit consolidation of claims processing with fewer contractors, and it would permit separate contracting along functional lines—for beneficiary services, provider services, and claims processing.

Mr. Speaker, my support for combining the administrative contracting functions of Part A and Part B in no way implies my support for combining the Part A and Part B trust funds or otherwise combining the financing or benefits. I strongly oppose such a consolidation.

Mr. Speaker, I have tried for years to get CMS/HFCA to institute a single toll-free phone number for Medicare beneficiaries like the single toll-free phone number that Social Security has operated for years. Finally, in the BBA, the Congress mandated the establishment of a toll-free number, 1-800-MEDICARE. By all accounts, it has been a great success, and even CMS/HFCA now touts its success. However, CMS/HFCA has still been unwilling to permit Medicare beneficiaries to use this number as a single entry point to Medicare. The latest national Medicare handbook includes 14 pages of telephone numbers for beneficiaries to call with specific questions! Surely, if a beneficiary calls the 1-800-MEDICARE number, their call could be transferred to the appropriate number, rather than asking them to try to locate the correct number themselves from among 14 pages of numbers!

In addition to not having a single place to call for Medicare problems, beneficiaries also have no casework office whose responsibility is to help them with their Medicare problems. In the past, CMS/HFCA has relied on the contractors, but many of the problems beneficiaries face are with the contractors themselves. Additionally, CMS/HFCA now relies on State Health Insurance Counseling and Assistance Programs (HICAP) organizations to help beneficiaries. I am a strong supporter of these organizations; however, these agencies are staffed with volunteers. It is absurd for a huge public program the size of Medicare to rely on volunteers to be the main source of assistance for its beneficiaries.

We should look to the Social Security Administration to identify ways to provide assistance for Medicare beneficiaries. For example, Social Security not only has regional tele-service centers to staff their national toll-free line and help beneficiaries with their questions, SSA also has Program Service Centers to perform casework for Social Security beneficiaries with specific problems. We need similar offices for Medicare beneficiaries to perform casework for them. Currently, Medicare casework is handled primarily by Congressional offices, since no casework office exists in Medicare.

I have proposed that Medicare staff be stationed in Social Security field offices to help answer questions and provide assistance for Medicare beneficiaries. There are 1291 SSA field offices around the world, and I would like to see Medicare staff in many, if not all of them in the near future. I am pleased that the legislation we are introducing today authorizes a demonstration program to examine the value of placing Medicare staff in SSA field offices, and I hope it will be expanded if it is found to aid beneficiaries.

Finally, Mr. Speaker, let me address Medicare administrative resources. Two years ago, in the January/February 1999 issue of Health Affairs, fourteen of our nation’s leading Medicare policy analysts—ranging from conservative to liberal—published an open letter titled, “Crisis Facing HFCA & Millions of Americans.” The crisis they spoke about was the lack of resources to administer Medicare. Their letter is even more relevant today. As its administrative workload has increased, CMS/HFCA resources have not kept pace. The changes that we propose in our legislation today are important, but by themselves, they are not sufficient. We simply must get more resources into Medicare administration.

IN RECOGNITION OF THE COMMUNITY ACTION COUNCIL OF SOUTH TEXAS

HON. CIRO D. RODRIGUEZ
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. RODRIGUEZ. Mr. Speaker, today I would like to recognize the important contributions of the Community Action Council of South Texas (CACST) to the improvement of the general quality of life of the citizens of South Texas. CACST is a private, nonprofit corporation that provides high quality comprehensive primary health care to the medically underserved residents in Duval, Jim Hogg, Starr, and Zapata Counties in South Texas. These counties are currently medically underserved due to geographic isolation, financial barriers, and an insufficient number of health care providers.

The CACST has made great strides in the South Texas health care system, specifically by empowering communities to develop programs to meet their specific needs. This has enhanced the local communities and strengthened the local communities and families. In addition, the CACST has maintained a high standard of accountability and provided health care services in accessible low-cost environments.

They have worked to improve access to quality health care by providing trained professionals in areas that had previously been underserved and promote individual responsibility and health awareness in the communities. It is critical that the CACST remain a provider of primary health care and their role of support services, including transportation, case management, outreach, and eligibility assistance. Their presence in the South Texas community has been a tremendous benefit to the individuals that reside there. I commend their efforts to help achieve primary health care for everyone and end health disparities.
TRANSITIONAL MEDICAL ASSISTANCE IMPROVEMENT ACT

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. LEVIN. Mr. Speaker, today I am pleased to join with my colleagues MICHAEL CASTLE and HENRY WAXMAN in introducing the Transitional Medical Assistance Improvement Act. I am also pleased to partner with Senators LINCOLN CHAFFEE and JOHN Breaux, who have introduced identical legislation in the other body.

This bill is a critical next step toward making welfare reform work for families and for states. Improving access to health insurance for people leaving welfare is also a necessary component of any plan to reduce the number of uninsured people in the U.S.

When we passed the 1996 welfare reform bill, we agreed on a bipartisan basis that people who left welfare for work should not lose health insurance coverage. Unless Congress acts, the program which keeps that promise, the Transitional Medical Assistance program (TMA), will expire at the end of 2002. The TMA Improvement Act would permanently authorize this critical program and fix some of the problems that have kept it from living up to its potential.

We made the commitment to providing health insurance for people who leave welfare for work because it was the fair thing to do and because health insurance is a critical work support. According to the Welfare-to-Work Partnership, which represents over 20,000 businesses that have hired former recipients, access to health insurance is one of the five most important things that keeps employees on the job. However, it can be difficult for some employers—especially smaller ones—to offer medical benefits to employees and their dependents. For example, while 74 percent of all The Partnership’s members offer health benefits to their new workers, only 56 percent of the smallest employers—those with 50 employees or fewer—are able to do so. And health insurance sometimes isn’t offered to part-time employees, or doesn’t become effective for new hires until a certain length of time has passed. Even when an employer does offer health care benefits, employees may not participate if they can’t afford the premiums.

TMA fills the gap for former welfare recipients who aren’t offered insurance or can’t afford the coverage they’re offered. Unfortunately, certain technical problems with the program have made it difficult for states to administer and even more difficult for eligible workers to access. Here are a few of the major problems the TMA Improvement Act would solve.

Our bill would allow states to offer a second year of TMA coverage to workers who were still poor and uninsured. The Urban Institute estimates that 50% of people leaving welfare are uninsured a year after leaving the rolls. On average, those workers earn $7 an hour and cannot afford to purchase private insurance. A few states already offer these workers a second year of Medicaid coverage, but current law makes doing so administratively complex.

Our bill would allow states to provide transitional health coverage to people who find work quickly. Ironically, current law restricts TMA coverage to those who have been receiving assistance for at least 3 months. This means that some of the most motivated people leaving welfare, those that find work the most quickly, are deprived of health coverage. I applaud the work of Michigan for using state funds to cover this group, but I believe the federal government should be doing its part.

Our bill would make it easier for employers, community groups, schools, and health clinics to help us enroll participants in health insurance programs. A recent survey of employers of welfare recipients found that 79% would be willing to help a new employee access information on these programs if they knew he or she was eligible. Many were even willing to help the employee enroll. Our bill would ensure that nonwelfare office sites were able to accept applications for TMA, greatly expanding access for working parents who are unable to go to welfare offices during business hours.

Tens of thousands of former welfare recipients have gone to work since 1996, exactly as the TMA Improvement Act was intended. I hope that my colleagues will join me in supporting the TMA Improvement Act, which will ensure that Congress keeps its promise of transitional health insurance for these hard-working parents and their children.

Mr. Speaker, this year marks the 50th anniversary of the Brandy Station Volunteer Fire Department. I rise today to honor the 50th anniversary of the Brandy Station Volunteer Fire Department, which has served as a true testament to the spirit of voluntaryism that makes America such a uniquely compassionate country. After receiving its charter in February, 1951, the department started off by obtaining a single fire truck through the generosity of the neighboring town of Culpeper. Over the course of the next two years, numerous dinners, dances, and bake sales held in order to raise enough money to finance the building of its first fire station in 1953. Although it does receive a small portion of its budget from Culpeper County, the department still operates primarily on the donations of its members and the Brandy Station Volunteer Fire Department. Irrespective of whether a fire is under 100 or 1000 alone, the volunteers were able to answer seven hundred and twenty-three calls, which included everything from auto accidents and house fires to plane crashes and hazardous chemical spills. Even while answering this extremely high number of calls, they were still able to keep their response time to an incredibly low average of 4 1/2 minutes. This is truly an exemplary group of individuals because of their outstanding commitment to the protection of the Brandy Station and its families.

Mr. Speaker and members of the House, my words here do not do justice to the service of the men and women of the Brandy Station Volunteer Fire Department, but I ask that you join me in honoring their 50th Anniversary and wish them fifty more years of success.

INTRODUCTION OF THE CHILDREN’S LEAD SCREENING ACCOUNTABILITY FOR EARLY INTERVENTION ACT OF 1999

(CHILDREN’S LEAD SAFE ACT)

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. MENENDEZ. Mr. Speaker, I am pleased today to re-introduce the Children’s Lead Screen Intervention Act. This important legislation will strengthen federal mandates designed to protect our children from lead poisoning—a preventable tragedy that continues to threaten the health of our children.

Childhood lead poisoning has long been considered the number one environmental health threat facing children in the United States, and despite dramatic reductions in blood lead levels over the past 20 years, lead poisoning continues to be a significant health risk for young children. CDC has estimated that about 890,000, or 4.4 percent, of children between the ages of one and five have harmful levels of lead in their blood. Even at low levels, lead can have harmful effects on a child’s intelligence and his, or her, ability to learn.

Children can be exposed to lead from a number of sources. We are all cognizant of lead based paint found in older homes and buildings. However, children may also be exposed to non paint sources of lead, as well as lead dust. Poor and minority children, who typically live in older housing, are at highest risk of lead poisoning. Therefore, this health threat is of particular concern to states, like New Jersey, where more than 35 percent of homes were built prior to 1950.

In 1996, New Jersey implemented a law requiring health care providers to test all young children for lead exposure. But during the first year of this requirement, there were actually fewer children screened than the year before, when there was no requirement at all. Between July 1997 and July 1998, 13,596 children were tested for lead poisoning. The year before that more than 17,000 tests were done.

New Jersey has made some progress since then. In the year 2000, New Jersey screened 67,594 children who were one or two years of age. But that is still only one-third of all children in that age group.

At the federal level, the Health Care Financing Administration (HCFA) has mandated that Medicaid recipients under 2 years of age be screened for elevated blood lead levels. However, recent General Accounting Office (GAO) reports indicate that this is not being done. For
example, the GAO has found that only about 21 percent of Medicaid children between the ages of one and two have been screened. In the state of New Jersey, only about 39 percent of children enrolled in Medicaid have been screened.

Based on these reviews at both the state and federal levels, it is obvious that improvements must be made to ensure that children are screened early and receive follow up treatment if lead is detected. That is why I am introducing this legislation which I believe will address some of the shortcomings that have been identified in existing requirements.

The legislation will require Medicaid providers to screen children and cover treatment for children found to have elevated levels of lead in their blood. It will also require improved data reporting of children who are tested, so that we can accurately monitor the results of the program. Because more than 75 percent—or nearly 700,000—of the children found to have elevated blood lead levels are part of federally-funded healthcare programs, our bill targets not only Medicaid, but also Head Start, Early Head Start and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Head Start and WIC programs would be allowed to perform screening or to mandate that parents show proof of screenings in order to enroll their children.

Education, early screening and prompt follow-up care will save millions in health care costs; but, more importantly will save our greatest resource—our children.

By comparison, a magazine disconnect mechanism is an interlocking device which prevents a firearm from being fired when its ammunition magazine is removed, even if there is a round in the chamber. Interlocks are found on a wide variety of consumer products to reduce injury risks. For example, most new cars have an interlocking device that prevents the automatic transmission shifter from being moved from the “park” position unless the brake pedal is depressed. It is common sense that a product as dangerous as a gun should contain a similar safety mechanism.

This is an issue of great importance to me. At the age of sixteen, I was left paralyzed when a police officer’s gun accidentally discharged and severed my spine. Had the gun involved in my accident been equipped with a chamber load indicator, the officer would have known that the weapon was loaded. Clearly, mistakes can happen even when guns are in the hands of highly trained weapons experts, which is why safety devices are so critical.

I urge my colleagues to join me and the 40 original co-sponsors of this bill in reducing the risk of unintentional shootings. Please co-sponsor this responsible measure, and help make guns safer for consumer use while protecting those unfamiliar with the operation of guns.

CONGRATULATIONS TO MR. AND MRS. WALSH

HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. COX. Mr. Speaker, it is my privilege to announce to you, and to the rest of my esteemed colleagues, that on August 4, 2001, Mr. and Mrs. William Walsh will celebrate their 50th wedding anniversary.

Gloria and Bill were both born in Chicago, Illinois. On November 20, 1930, Gloria Augusta was born to Frank and Martha Velten. On October 22, 1932, William L. Walsh and Myrtle Myer Walsh gave birth to William Joseph Kenneth.

Although they both graduated from Blue Island High School, they did not meet prior to graduation. It was after graduation, while members of a social club—Gloria was the Secretary-Treasurer and Bill was the President—that they met and began their lifelong partnership.

Gloria and Bill expanded their family with the birth of two daughters, Cynthia and Dawn. In 1959, Bill brought his family to Anaheim, California, and two years later co-founded Continental Vending, a successful family business that he still manages.

The marriage of Gloria and Bill is a love story that is still in progress. Their “I do’s” are as sincere and heartfelt today as they were 50 years ago and deserve our commendation.

It is with great pleasure that I rise to recognize this grand occasion and join with family and friends to honor William and Gloria Walsh on their 50 years of consumer marriage.

On behalf of the United States Congress and the people of Orange County, I extend our sincere congratulations to Bill and Gloria Walsh.

TRIBUTE TO MR. RICHARD NEVINS OF PASADENA, CALIFORNIA

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to Mr. Richard Nevins, who died on Saturday following a bodysurfing accident at St. Malo Beach in Oceanside, California.

Mr. Nevins was a life-long resident of Pasadena, in the Congressional District I am proud to represent. He was very well-known throughout Pasadena, and indeed California as a whole, as a political representative, civic activist, and supporter of the beautification and heritage of his community.

Dick served seven terms on the California State Board of Equalization—an impressive feat. During his terms on the Board he did much to instill a culture of service and professionalism. He was referred to as “... an encyclopedia of tax policy” by Lawrence de Graaf who took an oral history from Nevins shortly after his retirement.

Professionally he was active in the State Association of County Assessors of California; in the California Association of Assessing Officers, National Association of Tax Administrators and American Society for Public Administration; Los Angeles Board of Directors. In addition to these professional organizations, Nevins was active in the Los Angeles Urban League, the NAACP (Pasadena Chapter), the World Affairs Council, Town Hall and the Commonwealth Club.

His political legacy also included service as a delegate to three national conventions, including the 1960 Democratic National Convention in Los Angeles, where he was an early supporter of presidential candidate John F. Kennedy. He continued to promote Democratic candidates for the rest of his life. After retiring from the State Board of Equalization in 1986 he served as President of the Boards of the Pasadena Historical Museum and Pasadena Beautiful. He was a familiar figure in his 1955 Ford pickup truck around—gardening tools and planting trees. In fact, one week before his passing, California Governor Gray Davis approved $20,000 in the state budget on a project Dick had lobbied for—landscaping at Pasadena schools.

Dick was known and loved by people throughout his community. His service as a political representative, his work on civic affairs in Pasadena, and his spirit of community involvement will undoubtedly be felt for years in our region.

Dick graduated from Arroyo Elementary School and Polytechnic School in Pasadena; from Midland School in Los Olivos; and from Yale University with a bachelor’s degree in government in 1943. He was also a veteran who served our nation in the U.S. Army Air Force in World War II.

Dick is survived by his wife of 55 years, Mary Lois, by three sons, Richard Jr., William and Brian; and by five grandchildren.

I would like to convey to his family and his many many friends, my deepest sympathies. Dick Nevins will be missed by all who knew him.
EGYPTIAN HUMAN RIGHTS VIOLATIONS BASED ON REAL OR PERCEIVED SEXUAL ORIENTATION

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. TOM LANTOS. Mr. Speaker, on the night of May 10, 2001, Egyptian police arrested 52 Egyptian men because they frequented a gay night club. Since then, these men have been denied counsel, have been tortured, threatened with dogs, and denied a fair trial. Reports indicate that these 52 men is indicative of a broad pattern of persecution towards religious and secular dissidents. Often these victims of persecution are members of Islamist political movements whom the government sees as a particular threat. In recent months, however, President Mubarak’s government has undertaken a number of modest reforms in an effort to appease secular dissidents. Most notably, the government imposed a seven-year sentence on Saad Eddin Ibrahim, a noted sociologist, for defaming the Egyptian State-a charge apparently prompted by his activism on behalf of religious tolerance and honest elections.

Mr. Speaker, this repressive intolerance has extended to the international sphere. Egypt led the effort, at the recent United Nations General Assembly Special Session on HIV/AIDS, to eliminate from the final document all references to vulnerable groups including men who have sex with men, sex workers, and IV drug users. And Egypt also led the unsuccessful effort to deny the right to speak at the Special Session to the International Gay and Lesbian Human Rights Commission. Local human rights groups in Egypt have been reluctant to act against many of these abuses—fearful their own precarious situation, facing a determinedly draconian government, will be worsened if they defend stigmatized groups. The Egyptian Organization for Human Rights, a prominent non-governmental organization, recently fired one of its employees because he pressed them to speak out against the arrests of gay men.

Lawyers have been reluctant to take up the case of these 52 men, fearing their own careers and personal safety. The right to legal representation is a basic one, essential to the operation of a free and fair justice system. By creating a climate in which due process is denied to gay men, the Egyptian government has undermined the basic human rights of all Egyptians.

Mr. Speaker, this body must not ignore the Egyptian government’s attempts to violate the human rights of individuals based on their real or perceived sexual orientation. The US government and the governments of all countries should stand up and be counted against Egypt’s growing record of intolerance and inhumanity. Our distinguished colleague from Massachusetts Mr. Frank and 1, along with 34 of our colleagues are sending a letter to President Mubarak to express our very strong disapproval of the arrest of 52 men in Egypt on the basis of their real or perceived sexual orientation.

Mr. Speaker, human rights are universal. These basic rights affirm our shared humanity; they should not be applied unequally according to prejudice and fear. We must let the Egyptian government know that rejection of basic human rights go unnoticed.

PAYING TRIBUTE TO DIXIE LUKE
HON. SCOTT MCNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McNINIS. Mr. Speaker, I would like to honor and congratulate Dixie Luke for teaching English and social studies to seventh and eighth grade students for thirty years. After providing a positive influence for hundreds of students in their most critical years, she has decided to move on from the teaching profession. Dixie is a longtime Colorado resident—she was born in Hotchkiss, Colorado, and has lived in Glenwood Springs for thirty years. Even now she returns almost daily to her birthplace to build the foundation for her next adventure, which involves making sheep’s milk cheese, including the caring for the sheep. She also plans on planting a nearby vineyard. In addition to teaching a more traditional English and social studies curriculum, Dixie uses an interdisciplinary unit to give students a different perspective on learning. One example involved taking students on a day trip to Meeker in order to relate literature to real life. The class first read The Hay Meadow, by Gary Paulson, which is about a boy in Wyoming who has to go to high country to spend his summers and even freedom could be explained. That many of her students are from cities and don’t have the personal experience to help them relate to the novel’s setting. The class then visited the sheep dog trials in Meeker, where they were able to watch the highly trained sheep dogs perform several maneuvers. Another example of a favorite part of the job is the “Mosaic” project, which involves teaching the students to use fourteen different reference sources, and then to cite them. As one of her students during her first few years of teaching, Dixie has enjoyed working with new teachers. One fun thing is helping young teachers to work with the kids in the classroom in a successful way,” she said.

Mr. Speaker, Dixie Luke has been a fantastic teacher for thirty years. She has committed herself to her students and has helped to equip them with the education and confidence vital for their success. I would like to thank her for her longevity dedication, and I wish her luck on her next adventure.

LEGISLATION WHICH ENHANCES SENIOR CITIZENS’ HEALTH CARE

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce legislation which enhances senior citizens’ ability to control their health care and use Medicare money to pay for prescription drugs. This legislation accomplishes these important goals by removing the numerical limitations and sunset provisions in the Medicare Medical Savings Account (MSAS) program so that all seniors can take advantage of the Medicare MSA option.

Medicare MSAS consist of a special savings account containing Medicare funds for seniors to use for their routine medical expenses, including prescription drug costs. Seniors in a Medicare MSA program are also provided with a catastrophic insurance policy to cover non-routine expenses such as major surgery. Under an MSA plan, the choice of whether to use Medicare funds for prescription drug costs, or other services not available under traditional Medicare such as mammograms, are made by the senior, not by bureaucrats and politicians.

One of the major weaknesses of the Medicare program is that seniors do not have the ability to use Medicare dollars to cover the costs of prescription medicines, even though prescription drugs represent the major health care expenditure for many seniors. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors to curtail spending.
by minimizing the role of the federal bureaucracy. As many of my colleagues know, an increasing number of health care providers have withdrawn from the Medicare program because of the paperwork burden and constant interference with their practice by bureaucrats from the Center for Medicare and Medicaid Services (previously known as the Health Care Financing Administration). The MSA program frees seniors and providers from this burden thus making it more likely that quality providers will remain in the Medicare program!

Mr. Speaker, the most important reason to enact this legislation is seniors should not be treated like children and told what health care services they can and cannot have by the federal government. We in Congress have a duty to preserve and protect the Medicare trust fund and keep the promise to America's seniors and working Americans, whose taxes finance Medicare, that they will have quality health care in their golden years. However, we also have a duty to make sure that seniors can get the health care that suits their needs, instead of being forced into a cookie-cutter program designed by Washington do-good bureaucrats! Medicare MSAs are a good first step toward allowing seniors the freedom to control their own health care.

In conclusion, Mr. Speaker, I urge my colleagues to provide our senior citizens greater control of their health care, including the ability to use Medicare money to purchase prescription drugs by cosponsoring my legislation to expand the Medicare MSA program.

RECOGNIZING THE OUTSTANDING PROFESSIONALISM AND PERFORMANCE OF THE U.S. DELEGATION TO THE 53RD ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. DELAHUNT. Mr. Speaker, an often overlooked hallmark of our democracy is the smooth transition of power from administration to administration. This seamless transfer is made possible only through the dedication and hard work of countless numbers of career Federal employees. Often underappreciated and maligned by the public, these career bureaucrats effectively carry out the day to day functions of the Federal Government for the benefit of the American public both at home and abroad.

In this respect, the recent performance of the U.S. delegation to the 53rd Annual Meeting of the International Whaling Commission (IWC) in London exemplifies the type of excellence in public service for which we can all be proud. Considering that several highly contentious issues came before the plenary, the Bush administration is to be commended for sending nothing less than a topnotch team to London. And I applaud the decision of this administration to maintain longstanding U.S. policies that uphold the responsible protection and conservation of the world's cetaceans, especially large whales. Strong U.S. leadership will be vital to thwart future attempts to reverse global whale conservation measures put forward by pro-whaling nations as part of their determined strategy to undermine the IWC. This administration must remain vigilant, and a very brief summation of the issues that arose at this year's meeting will help explain why.

Perhaps the most contentious issue which emerged during this meeting was the reservation by Iceland to rejoin the IWC. In 1992 Iceland, a whaling nation, withdrew from the IWC in part due to the adoption by the IWC of a global moratorium on commercial whaling in 1986. Iceland intended to rejoin the IWC this year but with a reservation.

While supportive of Iceland rejoining the IWC, the U.S. delegation strongly, and rightly, opposed the reservation arguing that it would have established, if accepted, a harmful precedent with significant repercussions affecting the adherence of treaty obligations by nations under virtually any international agreement. Such a precedent could severely disrupt the framework of U.S. foreign policy.

Iceland was re-admitted but denied voting rights in the plenary, a decision which sparked significant controversy. Undoubtedly, hard feelings generated in the plenary will linger. Yet the administration was correct in its position. And while it is important for the administration to attempt to restore amicable relations with the Government of Iceland, it should remain clear in communicating its opposition to Iceland's reservation against the global moratorium.

Another item of controversy was the maintenance of lethal scientific research whaling conducted by the Government of Japan in the Southern and North Pacific Oceans. Since 1987, Japan has exploited a loophole in the International Convention for the Regulation of Whaling (ICRW) to maintain whaling under the auspices of self-administered scientific lethal whale research permits in the Southern and North Pacific Oceans. Over 700 minke whales have been taken annually. In 2000, Japan expanded this program to include sperm and Bryde's whales; both species are listed as endangered under the U.S. Endangered Species Act.

Japan's recalcitrance in the face of world opinion to continue this lethal research whaling—a practice which the IWC's own Scientific Committee has ruled consistently to be unnecessary for the management an conservation of whale stocks—led to the Clinton administration's decision last year to certify Japan as in violation of the Pelly Amendment to the Fisherman's Protective Act, and to consider retaliatory economic sanctions on Japanese fishery products. The 68 members of Congress who agreed to cosponsor my resolution, H. Con. Res. 180, strongly oppose such "scientific whaling" and we appreciate the decision of the Bush administration to join us in robust opposition to this illegitimate scheme.

Newer and much lower abundance estimates for Southern Hemisphere minke whale populations helped persuade the IWC plenary, led by the U.S. delegation, to again pass this year a resolution condemning Japan's controversial research and calling on Japan to refrain from continuing these programs. But regrettably, Japan appears unwilling to discontinue or even scale back this illegal whaling. And while there is no doubt that the Japanese are determined to again move forward, the administration should re-certify Japan as in violation to the Pelly amendment and this time impose real sanctions. The administration should also continue to engage with Japan in the development of new and better non-lethal scientific methods to obtain data to study whale populations.

Another issue adroitly handled by the U.S. delegation was the emerging question of whether the decline in some global commercial fisheries is linked to a corresponding increase in the consumption of fish by recovering whale populations. In its efforts to justify the resumption of commercial whaling, Japan has postulated a simplistic theory, world fisheries are depleted due to increased foraging by increasing numbers of whales. Moreover, this theory is used conveniently by the Japanese to justify the necessity of its lethal scientific whaling programs. Recently, Japan and other nations have promoted this concept in other international fisheries organizations, such as the United Nation's Food and Agriculture Organization's Committee on Fisheries (COFI). This tactic has raised concerns within and outside of the IWC that the organization is being undercut in an area within its competence.

The U.S. delegation rightly maintained that the competition claim is grossly oversimplified and biologically unsound. Nevertheless, the U.S. delegation considered it necessary for the issue to be held within the IWC—another indication of the international organization's recognition of the management of whale stocks. As a result, while remaining emphatically opposed to lethal scientific whaling and skeptical of the competition theory, the U.S. delegation prudently reached agreement with Japan on a resolution to form an international organization in the plenary, that lays out how the IWC will address the question of competition between whales and fisheries in the immediate future. In essence, this resolution acknowledged the competence of the IWC in this area and urged the IWC to engage with FAO and other regional fisheries management organizations to initiate relevant ecosystem-based, holistic and balanced research to investigate this theory.

Representatives of the environmental community objected to this strategy arguing that it legitimized "junk science" and was an ill-advised concession to Japan. And time might very well verify those concerns. But at the moment, I agree with the decision of the U.S. delegation that accurate, balanced and non-lethal scientific research offers perhaps the best opportunity to expose the scientific flaws and gaps of this questionable theory once and for all. The U.S. must maintain a strong presence on the IWC Scientific Committee and in the activities of other regional fisheries management organizations to ensure that activity is maintained.

I commend the U.S. delegation for its continued efforts to develop a consensus for a Revised Management Scheme (RMS) to govern the future governance of whaling. The U.S. delegation rightly maintained that the RMS must be addressed comprehensively, and not through a piecemeal approach. Despite the fact that little progress was made to resolve difficult issues concerning transparency, supervision and control, the U.S. delegation remained engaged with all nations in an attempt to bridge differences. What has been achieved is that the RMS rests squarely on the shoulders of the pro-whaling bloc led by Japan and Norway, and not on the U.S. and its like-minded allies.
This is surprising considering that many of the features being proposed for the RMS mirror elements that are common to other fisheries management regimes of which the pro-whaling nations are signatories.

I also appreciate the actions of the U.S. delegation in strong support of other important conservation proposals raised during the plenary. While I was disappointed to learn that proposals to create whale sanctuaries in the South Pacific and South Atlantic Oceans failed to pass, I was proud to hear that the U.S. delegation strongly supported both proposals. I was also pleased that the U.S. delegation joined a substantial majority of other nations to pass a resolution condemning Norway’s desire to export minke whale blubber to Japan, and another resolution that reaffirmed the competence of the IWC in regards to the management of small cetaceans, such as Dal’s porpoises. The administration was right to hold the line and support these efforts.

In closing, I would like to commend the leadership of the U.S. delegation to the 53rd meeting, the Commissioner, Mr. Rolland Schmitt, and the Deputy Commissioner Dr. Michael Tillman, both from NOAA’s National Marine Fisheries Service. Their dedicated and tireless service on behalf of the American public in support of sensible, long-term protection of the world’s great whales is remarkable. I would also like to extend my appreciation to the other members of the delegation who so ably supported Mr. Schmitt and Dr. Tillman so that they might excel under trying circumstances. Their preparations for this meeting in the midst of the political transition between elected administrations was nothing short of outstanding. They are all a credit to public service in the very best sense, and their efforts are noted and appreciated by the Congress.

EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT AND THE CONGRESS SHOULD SAVE SOCIAL SECURITY AS SOON AS POSSIBLE AND VIGOROUSLY SAFEGUARD SOCIAL SECURITY SURPLUSES, AND THAT THE PRESIDENT’S COMMITMENT TO STRENGTHEN SOCIAL SECURITY SHOULD RECOMMEND INNOVATIVE WAYS TO PROTECT WORKERS’ FINANCIAL COMMITMENT WITHOUT BENEFIT CUTS OR PAYROLL TAX INCREASES

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SHAW. Mr. Speaker, today I, along with Ways and Means Chairman Bill Thomas, a number of my Ways and Means colleagues, and other Members of this body introduce a concurrent resolution expressing the sense of the Congress that the President and the Congress should save Social Security as soon as possible and vigorously safeguard Social Security surpluses, and that the President’s commitment to strengthen Social Security should recommend innovative ways to protect workers’ financial commitment without benefit cuts or payroll tax increases.

Social Security is an enormously popular and successful program, and has helped keep millions of people out of poverty. It has been and will continue to be fundamental income security Americans can rely on.

However, we cannot ignore the fact that Social Security faces serious challenges in the near future. Shortly after the baby boomers begin to retire, Social Security’s tax income will not be enough to cover benefit promises, even though hard-working taxpayers contribute billions of dollars of their wages to support the program.

If we do nothing, we would eventually need to reduce benefits by as much as 33% or increase taxes by almost 50% to keep the system in balance. Failing to act would be foolhardy and is entirely unacceptable. We must act soon to save Social Security for both today’s seniors and for our kids and grandkids, so that all Americans will have a secure retirement and protection against income loss from disability or death of a family’s breadwinner.

That is why I, along with many other Members of Congress, are introducing this sense of the Congress—because we have a duty to our seniors and to future generations to let them know their retirement security will not be jeopardized.

I urge my colleagues to follow our example and join us in expressing our dedication to saving a program that is the cornerstone of income security for Americans and has served our country well for over two-thirds of a century.

HONORING DIANE HARDEN
HON. SCOTT McNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McNINIS. Mr. Speaker, often times we do not fully appreciate what we have until it’s gone. Life is no exception. As Diane Harden suffered from a serious form of heart disease, she was faced with the challenge of losing her heart. Her life was in limbo and every day she was alive it was a blessing.

This experience of possibly losing her life led Diane to gain a new perspective. While her name was placed on a waiting list for nearly 3 months for a donor transplant, finally an organ donor was found to replace Diane’s heart. An eighteen year old, under organ donor status, was able to assist Diane and eight others in the pursuit of a healthy life.

With only a few bouts of minor rejections, she has fought strongly for her life and lives every moment to the fullest extent. Today, 14 years after the operation, she lives every day with a renewed sense of hope.

Diane now takes care of herself and her husband, who suffers from a disease that attacks the spinal chord. Throughout the couple’s 31 years of marriage, they have grown together as they have both faced trying experiences with their health. At a time of celebration for her 50th birthday, Diane and seventy-six others gathered to honor her fourteen years of surviving an organ transplant.

Mr. Speaker, I would like to extend my warmest regard and best wishes to Diane Harden and her husband. My prayers are with them for their continued health and renewed hopes.

FISK JUBILEE SINGERS
COMMENORATIVE STAMP ACT

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. HASTINGS of Florida. Mr. Speaker, today I am proud to introduce a resolution calling on the U.S. Postal Service to honor the Fisk Jubilee Singers with a commemorative stamp. The Fisk Jubilee Singers are true heroes in the fight for civil rights and racial equality in education. Their heritage goes back more than one hundred and thirty years to just before the Civil War. The Fisk Jubilee Singers are part of a unique group of former slaves who made it their passion to achieve the kind of education that they did not have access to before emancipation. Their spirit has been felt all across this nation and around the world, and it is my honor to stand before you today to tell you about the legacy of the Fisk Jubilee Singers, whom I hold near to my heart.

The Fisk School was founded in Nashville, Tennessee, just after the end of the Civil War. This school was intended to transcend the racial divide, with the founders of the University opening the doors of education to all persons, regardless of their race. Recently emancipated slaves, ecstatic at the limitless possibilities for freedom offered by learning, took it upon themselves to create an educational institution that would give to them a sense of profound moral purpose in the great American democracy. The sale of slave paraphernalia paid for the opening of the school, and in 1867 the Fisk School became Fisk University, now the oldest university in Nashville.

Fisk University’s accomplishments in the advancement of educational opportunities for African-American’s is far too long to mention here. I will tell you briefly that some of the most honored African-American artists, thinkers and activists attended or were involved with Fisk, including W.E.B. DuBois, Booker T. Washington, Charles Spurgeon Johnson, James Weldon Johnson, and Thurgood Marshall, a few of the distinguished African-Americans. Indeed, Fisk University played an enormously profound role in the advancement of black learning and culture in America. I am both humbled and proud of the time that I, too, spent at Fisk University. Many of the values I hold dear to my heart today I learned from my colleagues and professors at Fisk.

It was in 1871 that a group of students formed the Fisk Jubilee Singers, a choral group, with the intent to raise money for their beloved University. That same year, these singers took all of the money from the school’s treasury and used it to tour around the United States and Europe. During that tour they raised enough money to preserve the University and to construct Jubilee Hall, which became the South’s finest structure built for the education of black students. This building has also been dedicated as a National Historic Landmark. I swell with pride to tell you that the Jubilee Singers were the first internationally acclaimed African-American musicians. They introduced so-called ‘slave songs’ of the world, and were instrumental in preventing that historic and spiritual music from extinction. The Fisk Jubilee Singers still perform to this very day.
Mr. Speaker, the Fisk Jubilee Singers have made a lasting contribution to racial equality and black culture in America. They introduced the spiritual as a musical genre, and demonstrated a truly unique commitment to their education. It is time that we in Congress honor their incredible achievements in such a manner that all of America will come to know of their commitment.

Mr. Speaker, I ask my colleagues to pass my resolution encouraging the Postal Service to issue a postage stamp commemorating the legacy and achievements of the Fisk Jubilee Singers.

JOHN TERRANA HONORED
HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the hard work and achievements of my very good friend, Attorney John J. Terrana of Kingston, Pennsylvania, who will be honored on August 24, 2001, as Past President of the Wilkes-Barre Chapter of U.N.I.C.O. John’s deep love of his Italian heritage makes it especially fitting that he is being honored by this fine organization of Italian-Americans.

Attorney Terrana is a 1970 graduate of St. John the Evangelist School in Pittston and earned his bachelor of arts degree in government and politics from King’s College in 1974. In 1981, he served as a legislative assistant to former Congressman Ray Musto and was admitted to practice before the Luzerne County Court of Common Pleas, the Pennsylvania Supreme Court, the U.S. District Court for the Middle District of Pennsylvania and the U.S. Third Circuit Court of Appeals.

John earned his doctor of jurisprudence degree from the George Mason University School of Law in 1982 and established his private practice of law in Luzerne County. He was inducted into membership in the Wilkes-Barre Chapter of U.N.I.C.O. in 1988 and has served numerous times on the chapter board of directors, in addition to serving as co-chairman of the Miss U.N.I.C.O. pageant for 10 years.

Last year, when the chapter elected him its president, he also attained the honor of being inducted the Million Dollar Advocates’ Forum, an organization whose membership is restricted to trial lawyers who have successfully tried a case which resulted in a verdict or award in excess of one million dollars.

John’s sense of humor and warm personality have made him a popular toastmaster and speaker at many events throughout Northeastern Pennsylvania. Everyone who knows John is well-familiar with his devotion to his family.

Attorney Terrana is the son of Dolores Terrana and the late Angelo Terrana and the brother of my former district director, Attorney Joe Terrana, as well as Attorney Angelo Terrana and Rosemary Dessoye, executive vice president of the Pittston Chamber of Commerce. John and his wife, the former Antoinette, have three children, Katie, Julie and John Charles.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the hard work and achievements of Attorney John Terrana, and I wish him all the best.

PERSONAL EXPLANATION
HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. WOOLSEY. Mr. Speaker, yesterday during rollcall vote No. 312, I inadvertently recorded my vote as “aye.” My intention had been to vote “no” on the green amendment. I ask that my statement be inserted in the RECORD at the appropriate place. Thank you.

HONORING HARRY BUTLER
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Harry Butler for all of his contributions to Grand Junction and the state of Colorado. In addition, I would like to congratulate him on his recent election to the Grand Junction City Council, which marks the first person of African-American descent to hold a position on the City Council.

Harry has always been persistent in his efforts to achieve his goals. As a young child, he used to attend church services in the Handy Chapel located in Grand Junction. The chapel was also a residence for him and his wife, Danielle, after they were married. At that time, they exchanged rent for cleaning the facility. The church filled a large portfolio of his heart. Today, Harry serves as a minister and leads the Saturday morning services at the church he used to reside in.

From the age of seven, Harry has done everything from delivering newspapers to working for the Job Corps in Collbran for 11 years. Harry has consistently extended a helping hand to warm the hearts of others. He worked for the U.S. Bureau of Reclamation in Grand Junction and has become an outstanding minister. He and Danielle have been happily married for 37 years and are proud parents to three children.

Throughout his trials and tribulations, Harry strengthened his faith and found compassion in the Bible. He never takes a moment for granted and truly understands the value of life. Now as a City Councilman, Harry hopes to work on issues of community safety, drug utilization and transportation.

Mr. Speaker, Harry Butler has done great things throughout his life and I am certain he will tackle his new position with the utmost attention and dedication. I would like to extend my warmest regard to Harry and his family and wish him the best throughout his term as a councilman.

TRUTH IN EMPLOYMENT ACT
HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. PAUL. Mr. Speaker, I rise today to introduce the Truth in Employment Act which protects small businesses and independent-minded workers from the destructive and coercive “top-down” organizing tactic known as salting. Salting is a technique designed by unscrupulous union officials for the purpose of harassing small businesses until the businesses compel their employees to pay union dues as a condition of employment.

“Salts” are professional union organizers who apply for jobs solely in order to compel employers into consenting to union monopoly bargaining and forced-dues contract clauses. They do this by disrupting the workplace and drumming up so-called “unfair labor practice” charges which are designed to harass and tie up small business person in constant and costly litigation.

Thanks to unconstitutional interference in the nation’s labor markets by Congress, small businesses targeted by union salts often must acquiesce to union bosses’ demands that they force their workers to accept union “representation” and pay union dues. If an employer challenges a salt, the salt may file (and win) an unfair labor practice charge against the employer!

Passing the Truth in Employment Act is a good first step toward restoring the constitution rights of property and contract to employers and employees. I therefore urge my colleagues to stand up for those workers who do not wish to be forced to pay union dues as a condition of employment by cosponsoring the Truth in Employment Act.

DELRAY BEACH, FLORIDA—AN ALL AMERICA CITY
HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the city of Delray Beach, Florida, “The Village By The Sea,” for being one of the ten cities selected by the National Civic League for the 2001 All America City Awards. The All America City Award is America’s oldest and most prestigious community recognition award. It recognizes exemplary grass-roots community problem-solving and is given to communities that cooperatively tackle challenges and achieve results.

To qualify as a contender for this competitive Award an application is submitted that illustrates how three community projects were made possible by the efforts of volunteers, government officials, and businesses. The three successful initiatives of Delray Beach were: (1) the Youth Enrichment Vocational Program, which teaches skills and creates opportunities for high-risk youth; (2) the Community Neighbors Helping, which provides elderly minority citizens with food, clothing, and services that they could not otherwise receive; and (3) the Village Academy, a deregulated public school which provides an environment to address the needs of at-risk grade-school students. All of these programs have assisted the countless Delray Beach citizens both young and old with opportunities for a better future.

What makes each of these programs unique and warrants our attention is that through public and private cohesive efforts the residents of Delray Beach have, through their own initiative, created specific programs that address
specific challenges that individuals in their community face. Public and private, resources are used to create these programs. A balance is created between individuals and organizations which makes these programs all the more better because everyone has contributed.

Thanks to the Mayor, the City Commissioners, the City Manager, the City workers, and community organizations, churches, businesses and residents, the City of Delray Beach is once again an All America City. It is an accomplishment to be named once, but being named twice is a true distinction, which serves as an inspiration to every city in the State of Florida and sets a standard of civic responsibility that serves as a reminder to us all that the effort always counts.

HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BORSKI. Mr. Speaker, I rise today to alert my colleagues to the growing danger of gridlock in our transportation system. Many of our nation’s intermodal transportation corridors, both rail and highway, have become increasingly congested in recent years, to the point that congestion already threatens the ability of those modes to provide reliable transportation to the U.S. economy.

As corridor densification increases so too does corridor operations. It is our duty to do what is necessary to protect the integrity of our nation’s transportation system, responding to market demands for relief of congested rail and highway routes, and not as a matter of one mode competing against another. The freight and passengers. The maritime sector is due the same recognition as the rail and highway systems, are thick with freight traffic as other vehicular traffic also increases.

Increased international trade—expected to double in the next ten years—and continued growth in the domestic economy will burden our rail and highway systems in the years ahead, with some question that, despite the best efforts and support of Congress, existing infrastructures in those modes can grow to meet those demands.

Existing rail and highway infrastructure cannot handle all of the projected growth in container movements, and there are obvious limits to how much we can increase the capacity of interstates and rail lines. Major expansion of rail or highway infrastructure in corridors such as that along 1–95 on the U.S. East Coast has become both economically and physically difficult to do.

In the coastal corridors a “capacity crunch” is likely in this decade. Federal Highway Administration data indicates average annual increases in highway freight miles of 3 to 4 percent nationwide in that period.

For example, it has been estimated that by 2010 there will be an increase of 11,000 fortyfoot containers arriving each day on each coast. While rail may be able to handle approximately 1,000 such units, absent a viable waterborne option, the remaining 10,000 contain- ers would have to be moved by truck. On 1–95, this would equate to an additional truck every 270 yards between Boston and Miami. As corridor densification increases so too will the cost to the economy in lost productivity. This is prompting transportation planners, freight owners, and public officials to look for ways to relieve the pressure on moving freight (and passengers) in impacted regions. For the domestic transportation system to meet the needs of our economy in the 21st Century, we must maximize the efficiency of that system, including, where possible, increasing reliance on waterborne transportation to complement rail and highway systems. The potential options range from increased use of waterborne transportation to short or long haul intermodal shipping, including high-speed ferries such as are in wide use in Europe and Asia. As transportation agencies and the private sector focus more attention to this option, the federal government should look to mechanisms by which to eliminate the barriers to, or create potential incentives for, development of this complementary means of moving freight and passengers.

The waterborne option presently has unused capacity. Studies to date suggest that as vessel and cargo transfer technologies improve and new vessels come in to service, coastal shipping would be able to provide increasingly competitive service. Such vessels can be built in U.S. shipyards that now have the capacity to construct new designs and do it competitively. One such yard is the Kvaerner Shipyard in Philadelphia. In fact, a shift to the waterborne mode would foster a resurgence in Jones Act shipping and in the process create a new market for U.S. shipyards and American labor.

The expanded use of the coastal waters for moving cargo has some obvious benefits. It would provide a measure of highway congestion relief.

Some hazardous material movements could shift to coastal vessels. Vessels have the fewest accidental spills or collisions of all forms of transportation.

The movement of trucks/containers on ves- sels could foster increased use of intelligent transportation technologies;

Job growth would be stimulated in U.S. shipyards and on vessels;

A healthier U.S.-flag industry assures a future supply of vessels and trained crews for military sealift missions.

With few exceptions, the maritime sector largely has been left behind in Congressional and Administration attention to the transportation modes over the past decade. Policy in- It would provide a measure of highway congestion relief.

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Some hazardous material movements could shift to coastal vessels. Vessels have the fewest accidental spills or collisions of all forms of transportation.
Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember the life of Virginia Andrew from Steamboat Springs, Colorado, who passed away on Wednesday, July 25. At the age of 86, many will miss her as we all mourn her passing.

Virginia was a columnist for the Steamboat Pilot, the local paper in Steamboat Springs. She was there for more than 50 years. While her original column “Sidney News” was named after an area that no longer exists in the Yampa Valley, her memory will live on in the hearts and minds of the people that she touched. Throughout her career, Virginia covered a wide range of topics ranging from rural news to daily events. She even had issues pertaining to agriculture and politics.

Beyond the life of a journalist, she also operated a Farmers Union Insurance Office for 20 years starting in 1945. She also was a founding partner in the Unique Shop—cooperating with second-hand goods and other items to the elderly population. Amidst all of her activities, the town was always able to recognize her when she drove by in her large blue Oldsmobile sedan.

Mr. Speaker, Virginia Andrews was a person who lived an accomplished life. She always cared for people and wanted the best for them. I would like to extend my deepest sympathy and warmest regards to her family at this time of remembrance. My thoughts and prayers are with them.

KNIGHTS OF COLUMBUS DAMIEN COUNCIL CELEBRATES 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the good works of the Knights of Columbus Damien Council No. 598 in Carbon County, Pennsylvania. On August 18, 2001, the members will celebrate the 100th anniversary of the council’s founding.

The council is one of the oldest in the Knights of Columbus, being the 598th founded out of the nearly 13,000 in existence today. Under the direction of Father James C. McConnon, a group of 47 men from the small town of Mauch Chunk, now known as Jim Thorpe, chose the name of their council to honor Father Damien de Veuster. Now designated as Blessed Damien following his 1995 beatification by Pope John Paul II, Father de Veuster is remembered for his selfless and courageous efforts to care for the nearly 1,000 lepers abandoned on Molokai Island in Hawaii. Father de Veuster himself died of leprosy in 1889.

Since its founding, Damien Council has served Mauch Chunk, later known as Jim Thorpe, Lehighton, Nesquehoning and the surrounding communities. Among its many accomplishments, the council arranged to televise Advent and Lenten Masses for shut-ins on Blue Ridge Cable TV—13 in the 1970s and 1980s, well before the Catholic cable channel EWTN became available nationwide. The council also broadcast the recitation of the Rosary on WYNS Radio and the Stations of the Cross on WLSH Radio. Damien Council has also provided food baskets for families in need and has honored 39 priests from the area on the occasion of their ordination into the priesthood.

Damien Council continues to aid the church, local communities, families and young people through its various programs. Annual activities include celebrating a Memorial Mass for its deceased members, sponsoring Family Hour of Prayer services, participating in the “Adopt-A-Seminar” program, and organizing the Knights of Columbus Free Throw Championship and hosting the District 29 competition, raising funds for ARC, honoring the members’ spouses, and a Family of the Year program.

Damien Council has seen two of its members rise to statewide leadership over the years. Both Thomas P. (Patsy) Milan and William F. (Bill) Carroll served as state treasurers. Damien Council is currently led by Grand Knight Michael A. Heery.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the good works of the Knights of Columbus Damien Council No. 598 on the occasion of their 100th anniversary, and wish them all the best.

PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. PAUL. Mr. Speaker, I rise today to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. As many of my colleagues have pointed out, prescription’s seniors are struggling to afford the prescription drugs they need in order to maintain an active and healthy lifestyle. Yet, the federal government continues to impose taxes on Social Security benefits. Meanwhile, Congress continually raids the Social Security trust fund to finance unconstitutional programs! It is long past time for Congress to choose between helping seniors afford medicine or using the Social Security trust fund as a slush fund for big government and pork-barrel spending.

Mr. Speaker, I do wish to clarify that this tax credit is intended to supplement the efforts to reform and strengthen the Medicare system to ensure seniors have the ability to use Medicare funds to purchase prescription drugs. I am a strong supporter of strengthening the Medicare system to allow for more choice and consumer control, including structural reforms that will allow seniors to use Medicare funds to cover the costs of prescription drugs.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the US or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr. Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Just a few weeks ago, Congress responded to these demands by overwhelmingly passing legislation liberalizing the rules governing the importation of pharmaceuticals. While this provision took a good first step toward allowing free trade in pharmaceuticals, and I hope it remains in the final bill, the American people will not be satisfied until all unnecessary regulations on importing pharmaceuticals are removed.

The Prescription Drug Affordability Act also protects consumers’ access to affordable prescription drugs by forbidding the federal government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists. As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. One gentleman in my district has used the Internet to lower his prescription drug costs from $700 to $100 a month!

However, the federal government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites which sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cospowering the Prescription Drug Affordability Act.
Mr. PITTS. Mr. Speaker, today I submit for introduction a bill to preserve and maintain the final resting places of our nation’s greatest leaders. Since the Constitution was ratified, the United States has had only 43 Presidents. Some, like Washington and Lincoln and Reagan, have been great men who changed the nation. Others, like Buchanan, were capable and gifted, but have not been judged well by history.

While he may not have had the foresight that Buchanan had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Buchanan had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Buchanan had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Buchanan had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Buchanan had when it came to slavery, it is the most powerful office in the world.

When Buchanan himself was President, he did more than any of his peers to protect the Constitution and the principle of judicial review.

While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world.

But while James Buchanan may not be on the list of great American Presidents, he was a good man who did a lot for Lancaster County, Pennsylvania and for America. And as a Member of Congress, he did more than any of his peers to protect the Constitution and the principle of judicial review.

While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world. While he may not have had the foresight that Lincoln had when it came to slavery, it is the most powerful office in the world.

The cemetery association is not a wealthy entity, and then, finally, he became President. He served during the most tumultuous time in our history. And while he was not as good a leader as his successor, he did succeed in holding the union together. He died in 1868 and was buried in my district, the 16th district of Pennsylvania. It is, for a President, a simple grave. The office he held was an important one in his time. Today, it is the most powerful office in the world. Every one of our Presidents deserves the honor of a well-maintained grave.

Many of us remember several years ago when President Grant’s tomb in New York fell into disrepair. Its roof leaked, its walls were covered with graffiti, and it was a hangout for heroin addicts. Buchanan’s grave is very nice by comparison. But keeping it nice has been very difficult. The cemetery association is not a wealthy one, and it is mainly through the efforts of volunteers that it has been maintained at all. When Grant’s tomb fell into disrepair, the National Park Service stepped up to the plate and fixed it. Today it’s a tourist attraction.

I’m introducing today the American Legacy Preservation Act, empowering the National Park Service to assist in the upkeep of Presidential gravesites. Whether it be the grave of Lincoln or Buchanan, Washington or Grant, preserving the final resting places of our Presidents is clearly in the nation’s interest. The gravesites have exceptional value in illustrating and interpreting the heritage of the U.S. and helping Americans to value our rich and complex national story. Every American deserves to know that the graves of our past Presidents will be treated with the same dignity as the office they once held.
instructs the Copyright Office and the Department of Commerce jointly to study and report to Congress on the effect of these limitations upon such services, upon copyright owners and upon the public interest, and to make appropriate legislative recommendations.

Requires Direct Payment to Artists: The sound recording statutory performance license provision as specified that royalty payments should be shared equally by performing artists and recording companies. Current law funnels these payments to artists through the recording companies. Our bill requires that these payments instead be made directly to the artists or to a collective organization representing the artists.

There is uniform agreement among record labels, online companies and consumers that changes to the copyright law are needed. Congress has a responsibility to promote an online marketplace which will allow legitimate, innovative services to thrive. I call upon my colleagues to join with us as we seek to facilitate the rapid introduction of legitimate online music services for the benefit of our constituents, the listening public, of the creators of music services for the benefit of our constituents.

PAYING TRIBUTE TO HERBERT OLSON
HON. SCOTT MCMINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McMinnis. Mr. Speaker, I would like to thank Herbert Olson for his contribution toward the preservation of Colorado’s land and natural resources. Herb worked for forty-three years with the Colorado Bureau of Land Management before recently retiring. I ask my colleagues to join me in honoring Herbert for the huge strides he has made for Colorado.

Herb was instrumental in establishing the land acquisition program for the BLM, which has acquired over 33,000 acres of private property during his time there. His talent for working with a diverse group of people allowed him to acquire land from willing sellers only; never did the BLM use the threat of condemnation to force a sale of land.

Because of Herb’s work, some of the most breathtaking lands in the world are now under the careful direction of the BLM. His dedication and leadership has provided current residents and visitors of Colorado with the assurance not only that they will be able to enjoy the lands, but also that the property will be preserved for future generations.

The leadership that Herb demonstrated during his long tenure with the BLM has proven fundamental for the success of the program. I would like to thank him for his dedication toward our beautiful state and to congratulate him on a long and successful career. He certainly deserves our recognition.

FEDEX GROUND WINS SAFETY AWARD
HON. FRANK MASCARA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. MASCARA. Mr. Speaker, I rise today to pay tribute to FedEx Ground, the ground transportation subsidiary of FedEx Corporation. For the second year FedEx Ground has been awarded the American Trucking Associations’ ATA President’s Trophy for Safety Excellence.

Mr. Speaker, as you know, FedEx Ground, previously known as RPS, is the second largest small-package carrier in North America. While providing fifteen years of efficient, affordable, and safe shipping services to customers throughout the United States and Canada, they have accumulated a long list of awards and recognitions for their outstanding safety performance. In addition to the ATA President’s Trophy for Safety Excellence, the company has, for the last three years, been awarded “Carrier of the Year” in the small-package ground category by Wal-Mart, the world’s largest retailer. Furthermore, the members of the National Small Shipments Traffic Conference have selected FedEx Ground as Parcel Carrier of the Year in 2001 and 1999. All of these awards require a company to establish a record of technological innovation, reliable service, and excellent safety results.

Headquartered in my district, FedEx Ground employs 35,000 men and women nationwide, and 1,700 in the Pittsburgh area. The company moves over 1.5 million packages every day with their 370 distribution hubs and 9,500 drivers and contractors. One of those drivers, Jennifer Zinkel, is one of ten FedEx Ground drivers to be made a captain of the prestigious ATA Road Team during the company’s history. She has over 700,000 accident-free miles in her eight-year career as a driver.

I would like to pay special recognition to FedEx Ground President and CEO Daniel J. Sullivan. His vision of merging technological advancements, reliable service, and high safety standards have made the company a leader in the industry.

It is an honor for me to recognize the employees of FedEx Ground in the CONGRESSIONAL RECORD as a team of citizens who recognize the importance of safety to the public while providing high quality shipping services.

RAILROAD RETIREMENT AND SURVIVORS IMPROVEMENT ACT
SPEECH OF
HON. MELISSA A. HART
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 31, 2001

Ms. HART. Mr. Speaker, I rise today to strongly support H.R. 1140, the Railroad Retirement and Survivors Improvement Act of 2001. As a cosponsor and one of the 384 yes votes, I am pleased to see the House pass this needed legislation.

One of the original meetings I had in my first months in Congress was with a group of widows whose husbands had worked for Conrail in Beaver County in my Pennsylvania district. These women expressed to me how they struggled to pay their high electricity bills and rising health care costs, and that this legislation would go a long way toward helping them meet those costs. Last session, the House approved similar legislation, but the Senate failed to consider it. I hope that the overwhelming support we have in the House this time will give the momentum we need to give these widows and retirees the relief they need. It also modernizes the pension plan—ensuring that the program will continue to railroad workers and their loved ones.

This legislation not only increases benefits to widows of railroad employees, but also:
- Lowers the minimum age of workers with 30 years service eligible for full benefits;
- Creates an independent Railroad Retirement Trust Fund; and
- Expands the investment authority of the fund to generate better returns.

In a “railroad state” like Pennsylvania, legislation like this provides the needed security for a large portion of our residents. It has the backing of both railroad labor and management.

Now that we have done our part to pass legislation that strengthens railroad retirement, let’s make sure that we follow through and get this legislation to the President’s desk.

A TRIBUTE TO THE 116 YEARS OF SERVICE BY MANHATTAN’S GOVERNOR HOSPITAL
HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Manhattan’s Governor Hospital on the occasion of its 116th anniversary. Since opening its doors to the Lower East Side community in 1885, Governor Hospital has been committed to providing dependable high quality health care at an affordable price. From excellent emergency services to quality long-term care, Governor Hospital has been there for its neighbors time and time again throughout the past century. An excellent medical facility and a haven for the community, the Hospital and its staff provide patients with efficient, thoughtful and affordable care.

On September 12th, 2001, Governor Hospital will be holding a fundraising event in honor of its 116th year of service. I am pleased to offer my congratulations to Governor Hospital on this occasion. The money raised at this function will enable the hospital to better meet the needs of the community, by expanding its nursing facilities, acquiring a mobile medical van, and increasing its services to the Chinese community. I also commend the recipients of the Governor Hospital Community Service Award for their invaluable contributions to the Governor Hospital community.

For the services they have provided to the Lower East Side and their dedication to the well-being of the community, I offer my sincere congratulations to Governor Hospital for 116 years of outstanding service.
CONGRATULATING THE CHURCH OF KHALISTAN ON 15 YEARS OF SERVICE

HON. JOHN T. DOOLITTLE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. DOOLITTLE. Mr. Speaker, I rise today to congratulate Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for 15 years of service to the Sikhs, the people of South Asia and America.

Fifteen years ago Dr. Aulakh left a well-paying job to begin striving day in and day out in an effort to draw attention to the plight of the minorities in India. Since that time he has succeeded in raising awareness of the treatment of Christians, Kashmiri Muslims, and other minorities in India and throughout the world. Dr. Aulakh has spoken out on behalf of these people; he has highlighted injustices, and so doing, has raised the level of awareness of such issues throughout the United States.

On October 7, 1987, the Sikh homeland declared its independence from India. At that time, Dr. Aulakh was named to lead the struggle to regain the lost sovereignty of the Sikhs.

If it were not for Dr. Aulakh’s tireless efforts, the human-rights conditions in India would go unexamined. Because of his efforts, all of us in Congress are much better informed on these matters and we are more able to take appropriate action. Therefore, I would like to take this opportunity to congratulate Dr. Aulakh and the Council of Khalistan for their tireless efforts on behalf of freedom.

TORTURE AND POLICE ABUSE IN THE OSCE REGION

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. SMITH of New Jersey. Mr. Speaker, over the July Fourth recess, I had the privilege of participating in the U.S. Delegation to the OSCE Parliamentary Assembly’s annual meeting held in Paris, where I introduced a resolution on the need for the OSCE participating States—all of our States—to intensify our efforts to combat torture, police abuse, and racial profiling. This resolution, adopted and included the Assembly’s final Declaration, also calls for greater protection for non-governmental organizations, medical personnel, and others who treat the victims of torture and report on their human rights violations. The resolution also condemns the insidious practice of racial profiling, which has the effect of lowering minorities more vulnerable to police abuse. Finally, my resolution calls for the OSCE participating States to adopt, in law and in practice, a complete ban on incommunicado detention.

Tragically, recent news reports only underscore how urgent the problem of police abuse is. I would like to survey a few of the reports received by the Helsinki Commission in recent weeks.

First, on July 7 in Slovakia, the body of Karol Sendrei, a 51-year-old Roman Catholic, was returned to his family. The convoluted account of his death has included mutual rejections among police officers and, so far, has led to the resignation of the mayor of Magnezitovec and indictments against three police officers. While much remains to be sorted out, this much is clear: On July 5, Mr. Sendrei was taken into police custody. The next day, he died of injuries, including shock caused by a fractured liver, cranial and pericardial bleeding, and broken ribs. According to reports, Mr. Sendrei had been chained to a radiator and beaten over for the last twelve hours of his life.

The deaths in police custody of Lubomir Sarisovsky in 1996, and now Mr. Sendrei, and the recent reports of police abuse in villages like Hermanovce, and the reluctance of the police and judicial system to respond seriously to racially motivated crimes have all eroded trust in law enforcement in Slovakia. As Americans know from first-hand experience, when the public loses that trust, society as a whole pays dearly.

I welcome the concern for the Sendrei case reflected in the statements of Prime Minister Dzurinda, whom I had the chance to meet at the end of May, and others in his cabinet. But statements alone will not restore confidence in the police among Slovakia’s Romani community. Those who are responsible for this death must be held fully accountable before the law.

Although it has received far less press attention, in Hungary, a Romani man was also shot and killed on June 30 by an off-duty police officer in Budapest; one other person was shot and another was tortured in that case. A police officer in that case has been arrested, too often with no legal system deals ‘benevolently’ with attacks committed by right-wing extremists. ‘[From police investigators, who do not want to investigate such cases as racial crimes, to state attorneys and judges, who pass the lowest possible sentences.’ I hope Czech political leaders—from every party and every walk of life—will support Jan Jarab’s efforts to address the problems he so rightly identified.

Clearly, problems of police abuse rarely if ever go away on their own. On the contrary, I believe that, unattended, those who engage in abusive practices only become more brazen and shameless. When two police officers in Romania were accused of beating to death a suspect in Cugir in early July, was it really a shock? In that case, the two officers had a history of using violent methods to interrogate detainees—but there appears to have been no real effort to hold them accountable for their practices.

I am especially concerned by reports from Amnesty International that children are among the victims of police torture in Romania. On March 14, 14-year-old Vasile Danut was detained by police in Vladesli and beaten severely by police. On April 5, 15-year-old Ioana Silaghi was reportedly attacked by a police officer in Oradea. Witnesses in the case have reportedly also been intimidated by the police. Both cases, the injuries of the children were documented by medical authorities. I urge the Romanian authorities to conduct impartial investigations into each of these cases and to hold fully accountable those who may be found guilty of violating the law.

Mr. Speaker, as is well-known to many Members, torture and police abuse is a particularly widespread problem in the Republic of
Turkey, I have been encouraged by the willingness of some public leaders, such as parliamentarian Emre Kocaoglu, to acknowledge the breadth and depth of the problem. Acknowledging the existence of torture must surely be part of any effort to eradicate this abuse in Turkey.

I was therefore deeply disappointed by reports that 18 women, who at a conference last year publicly described the rape and other forms of torture meted out by police, are now facing charges of “insulting and raising suspicions about Turkish security forces.” This is, of course, more than just a question of the right to free speech—a right clearly violated by these criminal charges. As one conference participant said, “I am being victimized a second time.” Turkey cannot make the problem of torture go away by bringing charges against the victims of torture, by persecuting the doctors who treat torture victims, or by trying to silence the journalists, human rights activists, and even members of Turkey’s own parliament who seek to shed light on this dark corner. The charges against these 18 women undermine the credibility of the Turkish Government’s assertion that it is truly seeking to end the practice of torture and hope these charges will be dropped.

Finally, Mr. Speaker, I would like to draw attention to the case of Abner Louima in New York, whose case has come to light again in recent weeks. In 1997, Abner Louima was brutally, and horrifically tortured by police officials; he will suffer permanent injuries for the rest of his life because of the damage inflicted in a single evening. Eventually, New York City police officer Justin Volpe pleaded guilty and is serving a 30-year sentence for his crimes. Another officer was also found guilty of participating in the assault and four other officers were convicted of lying to authorities about what happened. On July 12, Abner Louima settled the civil suit he had brought against New York City and its police union.

There has been no shortage of ink to describe the $7.125 million that New York City will pay to Mr. Louima and the unprecedented settlement by the police union, which agreed to pay an additional $1.625 million. What is perhaps most remarkable in this case is that Mr. Louima had reached agreement on the financial terms of this settlement months ago. He spent the last 8 months of his settlement negotiations seeking changes in the procedures followed when allegations of police abuse are made.

As the Louima case illustrated, there is no OSCE participating State, even one with long democratic traditions and many safeguards in place, that is completely free from police abuse. Of course, I certainly don’t want to leave the impression that the problems of all OSCE countries are more or less alike—they are not. The magnitude of the use of torture in Turkey is one of the most remarkable in this case, and the use of torture as a means of political repression in Uzbekistan unfortunately distinguish those countries from others. But every OSCE participating State has an obligation to prevent and punish torture and other forms of police abuse and I believe every OSCE country should do more.

In Honor of the Lake City Presbyterian Church’s 125th Anniversary

Hon. Scott McInnis
Of Colorado
In the House of Representatives

Thursday, August 2, 2001

Mr. McINNIS. Mr. Speaker, today I would like to recognize the Lake City Presbyterian Church. The Lake City Presbyterian Church celebrated its 125th anniversary last month, marking it the oldest church in Colorado that still utilizes its original building. Lake City’s Community Presbyterian Church, originally called Lake City’s First Presbyterian Church, was started in 1876 with an organizational meeting in Del Norte, Colorado. Reverend Alexander Darley had scoured the area months before looking for Presbyterians and related religious groups to justify his idea to make Lake City the home to the first Presbyterian Church on the Western Slope of the Continental Divide. According to the church’s historical record, Rev. Darley went to every house and tent within six miles of Lake City to acquire names for his petition. After the meeting in June of 1876, a piece of land was secured for the 24’x40’ frame where the church was to be built. Construction began in August, and by the end of October the church was completed. The estimated cost of the church was $2,100.

Rev. Darley was officially ordained as the minister in 1877, and served Lake City for three years before taking leave. Throughout the years, many ministers have taken the pulpit, including a tape recorder for the winter months of the 1940’s and 1950’s that filled in the gaps between the summer student ministers that traveled to Lake City. The membership has also fluctuated reaching a high in 1989 of 132 members to its current membership of 84. Many stories accompany the well-kept historical records of the church, and on June 24, 2001 many community members gathered to reminisce about the beautiful old church.

One hundred and twenty-five years is a milestone, and that is why Mr. Speaker, I ask Congress to recognize the oldest church in the state of Colorado. It is an honor to have that distinction, and I salute the members of the Lake City Community Presbyterian Church for continuing its lasting tradition.

The Rim of the Valley Corridor Study

Hon. Adam B. Schiff
Of California
In the House of Representatives

Thursday, August 2, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to introduce H.R. 2716, the Rim of the Valley Corridor Study Act, directing the Secretary of the Interior to study the feasibility of expanding the Santa Monica Mountains National Recreation Area to include the mountains and canyons in Southern California that are part of the Rim of the Valley Corridor designated by the State of California.

For many families, the mountains above our communities are a nearby haven to enjoy nature, a refuge from the noise and commotion of Los Angeles. The National Park Service oversees the highly successful Santa Monica Mountains National Recreation Area, the world’s largest urban park, spanning from the mountains to the sea and protected in perpetuity by Congress in 1978. In the Santa Monica Mountains, Park Service rangers work with state and local authorities and community groups on conservation and recreation projects.

I am introducing the Rim of the Valley Corridor Study Act in an effort to bring back federal resources and expertise to the mountains above the San Fernando, La Crescenta, Santa Clarita, Simi and Conejo valleys as well as the famed Arroyo Seco canyon, home of Pasadena’s Rose Bowl. Our mountains can and should be places where city-dwellers can easily go to enjoy such activities as hiking, camping, mountain biking, horseback riding, observing wildlife or even just to admire nature’s scenic beauty, up close or afar from our communities.

The Secretary of the Interior would complete the study within one to three years, consulting an advisory committee of representatives of the Los Angeles Mayor, Los Angeles County Supervisors, Ventura County Supervisors, and City Councils of Thousand Oaks, Agoura Hills, Westlake Village, Malibu, Calabasas, Burbank, Glendale, La Canada Flintridge, Pasadena, South Pasadena, Sierra Madre, Santa Clarita, Moorpark, as well as others. It would then be necessary for Congress to enact subsequent legislation to implement the recommendations of the study.

I am pleased to report that this legislation has bipartisan support. With Reps. Howard Berman, David Dreier, Elton Gallegly, Howard “Buck” Mckeon, Brad Sherman and Hilda Solis as principal cosponsors of the Rim of the Valley Corridor Study Act, every Member of Congress whose district includes portions of the Rim of the Valley Corridor is supporting the legislation. It is my hope that the Rim of the Valley Corridor Study Act will result in an initiative creating a lasting legacy of nearby natural open space for our children—and their children—to enjoy.

William E. Leonard Tribute—Interchange Named in His Honor

Hon. Ken Calvert
Of California
In the House of Representatives

Thursday, August 2, 2001

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to a most exceptional California Inland Empire community leader, friend and great American—William E. Leonard—who will be recognized for his work in transportation with the upcoming dedication and grand-opening of the interchange between the 210 freeway and the 15 interstate in San Bernardino.

Calvin Coolidge, America’s 13th President, once said, “No person was ever honored for what he received; honor has been the reward for what he gave.” And Bill Leonard has given much during his years of public and community service.

A member of the California State Highway Commission from 1973 to 1977 and the California Transportation Commission from 1985 to 1993, Bill Leonard has made a great impact.
in a short amount of time upon Inland Empire and Californian transportation needs. I can think of no other more fitting tribute to Bill Leonard than the dedication of this vital interchange given his many years of service in the field of transportation infrastructure.

Bill Leonard began his professional career when he joined his father at Leonard Realty & Building Company in San Bernardino, after leaving the United States Army (1943–1946) where he rose to the rank of First Lieutenant. He earned a bachelor's degree in Business Administration from the University of California at Berkeley in 1944. From the family business, Bill Leonard developed, owned and operated a variety of real estate, management and development services throughout the Inland Empire. And from 1956 to 1958 he served as a member of California's Athletic Commission.

In the community, Bill Leonard has been equally involved and giving. He is a member and past director of the San Bernardino Area Chamber of Commerce, member and past president of the San Bernardino Host Lions, founding member and president of Inland Action, Inc. and a member of the National Orange Show Board of Directors, which he has served as President and Chairman of the Board of Governors. Additionally he has served on the San Bernardino Valley Board of Realtors, San Bernardino College Foundation, St. Bernardine's Hospital Foundation and University of California at Riverside Foundation.

Bill Leonard has been honored numerous times over the years for his outstanding public and community service, including the Boy Scouts of America Inland Empire Council's Distinguished Citizen Award, Valley Group Realtors, San Bernardino College Foundation, St. Bernardine's Hospital Foundation and University of California at Riverside Foundation.

Mr. Speaker, Bill Leonard has dedicated his life to public and community service. An American whose talents have bettered the lives of those living in the Inland Empire and California. It is an honor for me today to join in his recognition—the new Interchange bears a proud and distinguished name.

California NeighborWorks

HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. ROYCE. Mr. Speaker, I rise today to applaud the efforts of Freddie Mac, California Bank and Trust (CB&T), Impact Community Capital, Neighborhood Housing Services of Orange County (NHSOC) and the California Housing Loan Insurance Fund (CaHLIF), for launching a unique new statewide public-private homeownership initiative called California NeighborWorks. California NeighborWorks was designed to help address California's affordable housing crisis. Every American dreams of owning a home, but because of skyrocketing home prices in California, that dream has unfortunately become unattainable for many hard working Californian families. In Orange County alone, home prices have appreciated by a staggering 45 percent since 1995.

All the evidence should be commended for creating an innovative and progressive program that is responsive to the mortgage needs of Californians. This initiative will help prospective homebuyers achieve their goals by reducing initial out-of-pocket costs by as much as 80 percent. That means that individuals and families that lack the cash to make a large downpayment can take advantage of California NeighborWorks to bridge the financial gap.

This program also helps families with past credit issues by providing them with counseling from Neighborhood Housing Services, giving them a better education about their credit, their finances and the home buying process. And all of this is achieved without burdening NeighborWorks; it relies on a collaborative effort between the private sector and non-profit partners to meet the needs of potential homeowners in Orange County and in California.

Providing new ways to get hard working individuals and families into their own homes is truly a worthy objective. It makes them feel good about themselves and about the community they live in. I look forward to seeing more initiatives like this one in California and working with the NeighborWorks partners in the future.

TRIBUTE TO THE LATE CECILIA HSUI-YA CHANG

HON. DAVID WU
OF ORANGE
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. WU. Mr. Speaker, I rise to express my condolences to the family and friends of Cecilia Hsui-Ya Chang, also known as Cecilia Yu, upon her passing.

Cecilia Chang was born in 1919 in Tienjing of Hopei Province, near Beijing. She began her literary career very early. Her essays and poems were published in various Chinese literary magazines and newspapers when she was in junior high school. In her second year of high school, she published her first book. Cecilia Chang studied western languages at the Fu-Jen Catholic University in Beijing at the beginning of the Sino-Japanese war. After she graduated from the Department of Foreign Languages and Literature, she studied history as a graduate student and became a sea-soned editor for Fu-Jen Catholic University's literature journal. Because of the ongoing war, she moved to Chungking and worked as the editor of the Literary Edition at the Social Welfare Daily News of Chungking and the National Catholic Newspaper (" Yi-Shi Pao") at the age of 24. After WWII, she returned to Beijing to teach as an instructor at Fu-Jen Catholic University.

In 1949, she moved to Taiwan and taught as a professor of the English Department at Providence University in Taichung, Taiwan. In 1965, she began her tenure as professor of literature and translation at Fu-Jen Catholic University School of Literature. She continued to teach at Fu-Jen for 17 years. Altogether, Cecilia Chang has written and published 82 books in Chinese, some of which have been translated into English, Korean, and French. Her works have been published and widely read in Taiwan, Hong Kong, Main-land China, and Singapore. Institutions and libraries throughout the world, including the Library of Congress and the Central Library of the Republic of China have collected her literary work. Students in China and Taiwan now read her prose and poetry in their textbooks and standard reading.

Throughout her life, Cecilia Chang received many honors and awards, among them, the prestigious Chung Shan Literary Award in 1968; the Distinguished Alumni Award from Taihoku University; the China Literary Society Award; the National Sun Yat Sen Cultural Foundation Literature Award; the Women's Union Long Poetry Award; and the Life-long Contributor in Literature Award from the Chinese Literary Society of Taipei on May 4, 2001.

Cecilia Chang came to the United States seven years ago to live in Southern California. She was married to the late Philip Yu and is survived by one son, Justin Yu of New York City, one daughter, Theresa Yeh of Los Angeles, and four grandchildren, Rosemary Yu and Pauline Yu and Paul and David Yeh.

HONORING CALVARY CHILDREN'S HOME, COBB COUNTY, GEORGIA

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BARR of Georgia. Mr. Speaker, Rev. Snyder Turner is an uniring servant to the needy children of Cobb County, Georgia. Rev. Turner's greatest accomplishment is that he has managed Calvary Children's Home since 1971. Rev. Turner has received numerous awards and widespread recognition for his work with children. His commitment to providing a haven for disadvantaged children makes him an invaluable asset to Cobb County and surrounding communities.

Calvary Children's Home provides long-term care for abused, abandoned, and underprivileged children. The home has operated in Cobb County since 1966, and has continually expanded its ability to care for even more children. In 1997, Calvary moved to a new location in Powder Springs. This new facility allows the Home to care for 20 to 30 children at one time. Calvary Children's Home provides care to children for as long as they need it; there is no age at which care must stop.

This year marks the 30th anniversary of Rev. Turner's leadership at Calvary Children's Home. I would like to extend to Rev. Turner my admiration for his work with the children of Cobb County. I hope Rev. Turner's work and dedication to his community continues for many years to come.

INTRODUCTORY STATEMENT:
RIGHT TO LIFE ACT

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. HUNTER. Mr. Speaker, today I am introducing legislation that, if passed, will once and for all protect our unborn children from harm. Over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. This is a national tragedy. It is the duty of all Americans
to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine life's beginning and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, “If the suggestion of personhood is established, the appellants’ case, of course, collapses, for the fetus’ right to life would be guaranteed specifically by the Amendment.” Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. I of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article 1, Section 8, giving Congress the power to make laws necessary and proper to enforce, by appropriate legislation, the Fourteenth Amendment, coupled by the fact that the Fourteenth Amendment, coupled by the fact that the Supreme Court refused to do in Roe v. Wade.

We have had some recent successes in protecting our preborn including the passage of the Unborn Victims of Violence Act and the Protection of Preborn Infants Act. The Right to Life Act will finally put all the rights and protections afforded at conception and that the preborn child deserves all the protections of the Constitution.

This legislation will protect millions of future children by prohibiting any state or federal law that denies the personhood of the unborn, thereby effectively over-turning Roe v. Wade.

He loved and cared for the animals like a father. At Gunther’s funeral Dr. Richard Houch, a retired veterinarian, told the audience of his devotion to animals, “He would watch baby tigers and leopards playing to figure out what they could do best in the act. He knew the personality, disposition and idiosyncrasies of every animal.” He was an amazing man who was not only loved by the animals but also by his fans and friends. I believe that the world has lost a legend and my congressional district a good citizen. He will be missed greatly.

INTRODUCTION OF MEDICARE REGULATORY AND CONTRACTING REFORM ACT OF 2001

HON. NANCY L. JOHNSON
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to introduce the bipartisan Medicare Regulatory and Contracting Reform Act of 2001. Over the last several months, I have been working closely with PETE STARK, Ranking Member of the Ways and Means Health Subcommittee, to assemble this much needed package. This legislation is the product of months of bipartisan consultation with health care providers and with the Department of Health and Human Services. Our bill will go a long way toward alleviating the burden of unreasonable and unnecessary regulatory paperwork from the nation’s doctors and other health care providers.

I am pleased that every member of the Health Subcommittee has decided to join me and Congressman STARK in introducing this important legislation, along with several of our colleagues from the full committee. This interest tells us that Members of Congress are hearing from doctors, from home health workers, from hospital administrators, from nursing home aides that change is needed. Good health care is about patients, not paperwork. America’s health care providers must be freed from the flood of forms.

My Subcommittee has been taking a serious and honest look at problems of providers throughout the year. And I have to tell you—the problems are real. At a hearing in March, Susan Wilson of the Visiting Nurses’ Association of Central Connecticut testified about how difficult it is for a provider to respond to a technical denial of a claim. For example, a patient must be homebound in order to be entitled to benefits. A physician must certify, in writing, that the patient meets the homebound requirement. However, if the certification is not signed, or if it is not notarized, a claim denial, a claim denial is issued. At this point, a provider has to pursue a formal appeal. Our bill requires the development of a system to allow easy corrections of technical problems with claims without having to go through the appeal process altogether.

At a recent meeting of my Subcommittee, Congressman CAMP told us that he spent an afternoon working in one of his local doctors’ offices, filling out the forms that needed to be completed before Medicare can be billed for a health care service. He was confronted with several books, each as large as a phone book, that needed to be consulted in order to properly code the claim. It just should not be that difficult.

I have visited a wide cross section of Connecticut health care providers—and they raise a common theme with me. They are frustrated. These are good people who want to take care of the patients they see. And yet they are inundated by forms, requirements, paperwork, and heavy handed oversight. We have to take action, or we run the risk of driving from the Medicare program the very providers we need to ensure that seniors have access to high quality care.

An eye physician from Torrington contacted me earlier this year to express his frustration with a system that subjected him, in his words, “to a star-chamber proceeding . . . for the crime of serving the elderly.” This is unacceptable. We must act. My bill will diminish the paperwork load required to meet complex and technical regulatory requirements and immediately free up for patient care time that providers now spend completing and filing federal forms. Specifically, my bill streamlines the regulatory process, enhances education and technical assistance for providers, and protects the rights of providers in the audit and recovery process to ensure that the repayment process is fair and open.

And at the same time, the bill has been carefully designed to protect ongoing and necessary efforts to reduce waste, fraud, and abuse from the Medicare program.

In addition, under this bill, the Secretary is given the tools to manage Medicare program operations competitively and efficiently. For the first time, the new Centers for Medicare and Medicaid Services will be able to contract with the best entities available to process claims, make payments and answer questions. And the Secretary will be free to promote quality through incentives for the Medicare Administrative Contractors to provide outstanding services to seniors and health care providers.

The bill includes a star-chamber procedure that I am particularly excited about that will create a demonstration program designed to make intense and targeted technical assistance available to small health care providers. This demonstration will offer technical experts to work with small providers in a voluntary capacity to evaluate systems for compliance and suggest more efficient or more effective means of operating their documentation and billing systems. This
delegation on welfare reform. The conference committee agreed to raise the maximum benefit amount and to phase in a work requirement for recipients. The Senate agreed to the conference report by a vote of 95 to 2, and it was passed by the House by a vote of 316 to 95.

Mr. OTTER. Mr. Speaker, I rise today to introduce the “Clean Water Users Protection Act.” This bill provides that plaintiffs under the Clean Water Act must post a bond for their opponents’ legal fees before filing a case. Ordinary farmers, small businessmen, rural counties, and school districts have all become targets for zealots who place their own interpretation of the law before the interests of rural America. My act will ensure that only legitimate lawsuits are brought under the Clean Water Act.

Congress established the Clean Water Act citizen suits in the 1970’s to ensure that each citizen would have a voice in making sure that our environment remained clean. Unfortunately, the process was corrupted by those who want to destroy private enterprise and line their pockets in the process. The Talent Irrigation District is a perfect example. In that case a radical environmental group challenged a commonly used, federally regulated herbicide as violating the Clean Water Act. A lower court rejected their suit, and rightfully so. The 9th Circuit Court ruled, against nearly 30 years of precedent to the contrary, that aquatic herbicides are also covered by the Clean Water Act. Every irrigator in the United States now faces the prospect of losing their farms or going to jail. Had the plaintiff in the case been forced to post a bond, perhaps they would have had twice twice before filing their suit.

The Clean Water Users Protection Act does not change any obligation under the Clean Water Act. It does not reduce the remediation and/or penalties that can be ordered if violations of the Clean Water Act are found. It will, however, reduce the incentives for frivolous suits to be filed. It will restrain the impulse for mercenary lawyers to set up shop in the guise of caring for the environment. The Sacramento Bee recently ran a series of articles about the immense amounts of money that flow into the pockets of lawyers performing such “citizen suits.” They reported that the government paid out $31.6 million in plaintiffs attorneys fees for 434 environmental cases during the 1990’s. Businesses, farmers, and local governments have paid an untold amount more. My bill will stop the flow of dollars away from environmental protection and into lawyers pockets while protecting the honest men and women who live in, care for, and make their living from the beautiful Western states we call home.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPREECH OF
HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, July 30, 2001

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 3620) 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, and for other purposes.

Mr. NADLER. Mr. Chairman, I rise in support of the Rangel amendment to the Fiscal Year 2002 VA-HUD Appropriations bill which would eliminate funding used to implement the community service requirement for residents of public housing.

The community service requirement amounts to nothing more than an attack on those who are poor. Granted, residents of public housing do receive a benefit from the government—a benefit Congress began providing almost a century ago, because it understood that despite their hard-work, parents could not meet the basic needs of their families. But instead of proactively addressing the factors that cause people to need public housing in the first place—jail, low wages, poor education—and helping them to escape the vicious cycle of poverty, we just add to their hardships and label them as undeserving. With these community service requirements, we’re essentially saying to them, “Earn your keep or else.”

If we followed this logic and made every American earn their keep, then we would demand CEOs of nuclear power companies, who receive millions of dollars from the government to subsidize their liability insurance—far more than the meager cost of a public housing unit—to hand out sandwiches at the church soup kitchen. We would demand heads of pharmaceutical companies who, year after year, get billions of dollars in tax breaks, to be candy strippers at the local hospital.

But do we demand those things? Of course not. Because those are the people who do so to our campaign war chests.

If we followed this logic, we would demand the suburban couple, who got a tax break when they bought their first home, to scrub graffiti off the wall at the subway station. We would demand the farmer, who received a subsidy when his crops were damaged in last summer’s drought, to pick up litter along the highway.

But we demand those things? Of course not. Because those people aren’t poor. And in Congress, we only like to make things difficult for those who are poor.

For the last decade, every time that poverty issues come before the House, my colleagues on the other side of the aisle claim the words, “personal responsibility.” I challenge my colleagues to hold themselves to that same standard. Take responsibility for your own actions. Admit that provisions like this are only intended to demonize those who are poor. Don’t hide behind the falsehood that this community service requirement will somehow alleviate the problems of those living in public housing. Acknowledge that your failure to offer serious solutions has only exacerbated their problems.

Mr. Chairman, I urge my colleagues to vote for the Rangel amendment and encourage them to support initiatives that will actually improve the situation of those struggling to make ends meet.

TRIBUTE TO RUDY ABBOTT

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Rudy Abbott, the head baseball coach of Jacksonville State University, Jacksonville, Alabama, for 31 years.

Coach Abbott retired this year after a remarkable coaching career. He is one of only 29 coaches in NCAA history to win 1,000 games and was the winningest coach in Alabama collegiate sports history. Among the highlights of his coaching career are the fact that he led the Jacksonville State Gamecocks to back-to-back NCAA Division II National Championships in 1990 and 1991 and was named the NCAA Division “Coach of the Year” in both years. He guided five teams to the Gulf South Conference titles and earned Gulf South Conference “Coach of the Year” on seven different occasions. He captured eleven Gulf South Conference Division crowns and took seven teams to championships and NCAA Division II World Series berths.

Such a record is all the more remarkable when you learn the “rest of the story” that he only got into collegiate coaching by chance. Following graduation from a junior college in Mississippi, Coach Abbott had returned home to Anniston, Alabama, and landed a job as sports writer for The Anniston Star. In 1964, he became the Sports Information Director at Jacksonville State, and in 1970, he asked to step in as Baseball Coach for a temporary period of time due to the illness of the permanent coach. He stayed for 31 years.

It is said that the measure of a man is the influence he has on the lives of others. Over his thirty years in coaching, it is almost impossible to imagine how many lives Coach Abbott has affected. On a professional level, he coached 24 All Americans and over 75 of his players have gone on to the professional ranks. But more important is what he has done for Jacksonville State University and its athletic department and its student athletes and its student body. I look at the end of his baseball coaching career and wish him and his family the very best in the future.
Ms. BROWN of Florida. Mr. Speaker and fellow Members of Congress, I want to alert you to a matter of concern that I have regarding business owners and their employees, particularly small business owners, within our country. This problem has been told to me by some of my constituents and is a problem about which business owners throughout the country have written to you.

We are a nation that is built upon the rule of law. This has assured a system of accountability for our conduct as individuals, businesses and institutions. Congress, as elected representatives, meets and acts to improve and refine the system in order to protect the people and their property. The foundation as framed by the nation founders in the Constitution is the concept of due process and the right thereof. We each have the assurance that the law protects our person and property from libelous, slanderous, and otherwise tortuous interference with our reputation or business. Unfortunately, I have learned that we have within our country a private organization that with the appearance of being quasi-governmental and without any legal or regulatory oversight and control can libel and slander and tortuously interfere with a small business. They can do so with virtual immunity. This organization is the National Better Business Bureau and their franchise local Better Business Bureaus. At times, some of these bureaus classify small business owners as unsatisfactory, libel and slander them with opinion and innuendo, and provide them no due process to correct the problem. If sued in court, they argue qualified immunity under the guise of the public good. No one disputes the right of a Better Business Bureau to print facts. It is when they print falsehoods, opinion, or negatively innuendo that a mechanism for redress or correction must be provided.

When closely examined, however, one finds that there are Better Business Bureaus that arbitrarily and capriciously exclude and categorize businesses and their employees, the men and women who make our country strong, to be exposed to this arbitrary and capricious process. A right to redress the actions of the Better Business Bureau when libelous, slanderous, arbitrary, or capricious action is apparent is a fundamental right we must insure. Thank you.

ENSURE FAIR WAGES AND DUE PROCESS FOR DAY LABORERS

HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. GUTIERREZ of Illinois, Mr. Speaker, today I am introducing the “Day Laborer Fairness and Protection Act,” a bill to ensure fair wages and due process for day laborers.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who require the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—often taking home far less than the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs. Some agencies even ask workers to sign waivers in case they are injured on the job.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A recent study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive $5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (often between six and three hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers’ wages.

To address these problems, this Act requires day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills & qualifications. Also, it mandates wages for job assignment visits lasting more than thirty minutes. Such wages shall be at a rate that is not less than federal or state minimum wages. Further, it requires itemized statements showing deductions made from day laborers’ wages. Finally, it mandates that when a day laborer is hurt on the job, the employer who has requested the services of the day laborer provide for coverage of health care costs.

Mr. Speaker, I urge my colleagues to support this pro-labor legislation.
Ed is chairman and chief executive officer of Pleasant Holidays, LLC, and Lynn serves as vice chairperson. Lynn, a graphics artist who did picture cells for Disney’s animated classic “Peter Pan,” oversees the development of major promotions, ad campaigns and brochures, and is actively involved with the decorum of the company’s hotels.

The company has expanded to serve Mexico, Tahiti, Japan and other destinations in the Orient, in addition to the ownership of several hotels in Hawaii.

In 1987, Ed and Lynn formed the Pleasant Hawaiian Holidays Foundation to grant annual scholarships and awards to benefit Hawaiian residents. The non-profit Hogan Family Foundation, founded in 1998, is dedicated to promoting an understanding of the importance of travel and tourism “by creating and operating educational, humanitarian, and civic-minded programs that encourage meaningful communication between persons of all cultures.”

With the formation of the Travel and Tourism Institute, the Ed and Lynn Hogan Program in Travel and Tourism is funded at Loyola Marymount University in Los Angeles to prepare college students for executive careers in the travel industry.

Ed and Lynn volunteer for numerous other non-profit organizations focused on health care, child abuse and education, and sit on several boards, and have been honored frequently for their efforts.

Not surprisingly, they also have been honored extensively by the tourism industry and the government and people of Hawaii. A few highlights: In 1993, Ed and Lynn were inducted into the American Society of Travel Agents’ “Hall of Fame,” the travel industry’s highest honor. In 1995, Ed served as a delegate to the first White House Conference on Travel and Tourism. Lynn has been named to Working Woman magazine’s top 500 list of female executives in the United States for the past five years, number 53 in 1998 and number 34 this year.

In their spare time, Ed and Lynn train and show their Arabian horses, play in travel industry and celebrity golf tournaments, and fawn over their two grandchildren, Michael and Shalyn.

Mr. Speaker, Ed and Lynn Hogan are loving people who are dedicated to their profession, their community, their family and each other. I know my colleagues will join Janice and me in congratulating them on a lifetime of success together in each of those areas as they celebrate their 50th wedding anniversary.

IN HONOR OF ED AND LYNN HOGAN

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. GALLEGLY of California, Mr. Speaker, I rise tonight to honor my close friends Ed and Lynn Hogan: successful entrepreneurs and philanthropists who have seen and changed the world together and who will celebrate their 50th wedding anniversary on August 13, 2001.

Ed’s and Lynn’s accomplishments are numerous and far-reaching. In 1958, they opened Pleasant Travel Service in Point Pleasant, New Jersey. Three years later, they moved their four children and the business to Southern California to better serve clients wishing to visit Hawaii.

The company is now a limited liability corporation with more than 1,700 employees and revenues exceeding $400 million. Their four children—Brian and Christine, and twins Gary and Glenn—are all executives in the company.

The animosity towards Christians and other religious minorities in India is well known. High-ranking officials of India’s governing coalition have said openly that everyone who lives in India must either be Hindu or be subservient to Hinduism. They have called for nationalization of the Christian churches in India, severing them from the denominations to which they belong.

Since the current wave of violence exploded on Christmas 1998, more than two and a half years ago, Christian churches have been burned, and assaults have been carried out on priests and nuns.

Mr. Speaker, that is the state of religious freedom in India. The Indian government has much work in front of it. It is time for India to stop trampling the rights of minorities and begin protecting religious freedom, civil liberties, human rights, and the other important rights that are the mark of a true democratic state.

54TH ANNIVERSARY OF INDIA’S INDEPENDENCE DAY

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. PALLONE. Mr. Speaker, I rise tonight to join with the people of India and the Indian-American community to commemorate India’s Independence Day. The 54th anniversary of India’s independence will actually occur on August 15th, while Congress is in recess, so I wanted to take this opportunity tonight, before we adjourn, to mark this important occasion before my colleagues in this House and the American people.

Last month, Indians celebrated the Fourth of July. For a billion people in India, one-sixth of the human race, the 15th of August holds the same significance. I am proud to extend my congratulations to the people of India, and to the sons and daughters of India who have come to the United States, enriching American society in so many ways.

On August 15, 1947, the people of India finally gained their independence from Britain, following a long and determined struggle that continues to inspire the world. In his stirring “midnight hour” speech, India’s first Prime Minister, Jawaharlal Nehru, set the tone for the newly established Republic, a Republic devoted to the principles of democracy and secularism. In more than half a century since then, India has stuck to the path of free and fair elections, a multi-party political system and the orderly transfer of power from one government to its successor.

India continues to grapple with the challenges of delivering broad-based economic development to a large and growing population. India has sought to provide full rights and representation to its many ethnic, religious and linguistic communities. And India seeks to be a force for stability and cooperation in the strategically vital South Asia region. In all of these respects, India stands out as a model for other Asian nations, and developing countries everywhere, to follow.

Mr. Speaker, one of the most difficult situations for a democracy is its relationships with their neighbors, especially if they do not share the same democratic ideals. India has
struggled to establish a peaceful cooperation with the nation of Pakistan. As you know, Pakistan has made a transition from the thin guise of democracy to an outright military state.

Despite this fact, India has made repeated efforts to establish peaceful and economically prosperous relations with Pakistan.

Evidence of this can be found in India’s Prime Minister Atal Behari Vajpayee extending the hand of friendship to Pakistan President Musharraf. This is the latest act of good faith by India even though Pakistan has consistently refused to fulfill their promises to uphold cease-fire in recent years. In February of 1999 India and Pakistan signed the Lahore Declaration under which they pledged to establish a procedure for resolving their differences through bilateral negotiations. Pakistan subsequently betrayed this when their forces crossed the Line of Control in Kashmir, resulting in the loss of hundreds of lives and international condemnation. Pakistan also broke the latest cease-fire initiated by India, yet Vajpayee still decided to invite Musharraf to a summit this past month. While the summit collapsed, it is still a significant contribution in all of his many local, regional, and international missions.

Mr. Berkley has made a transition from the thin guise of democracy to an outright military state. This statement committed both countries to fight against terrorism, prevent the proliferation of nuclear weapons, expand trade, and a variety of other important issues. To this day, India continues to reduce barriers to trade, and bilateral trade has grown from less than $5 billion in 1993 to over $15 billion in 2000. India has not just passed the litmus test of foreign governments, but they have passed the much harder test of Western corporations that look for a profitable environment. There are hundreds of U.S. companies investing in India: AT&T, Citicorp, Morgan Stanley, Ford Motor Company, and IBM just to name a few.

Mr. Speaker, it is with great pleasure that I rise on behalf of the Indian-Americans in my district, and the 1.6 million all over this country to extend my congratulations to the largest democracy in the world. India has hosted hostile neighbors, the transition from colonialism, recent earthquakes and droughts, and adaptation to the world economy, and with the continued support of the United States, will do so for many years to come.

HONOR OF THOMAS L. BERKLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. LEE. Mr. Speaker, I rise today to honor Thomas L. Berkley for his contributions to the community and to his nation.

Mr. Berkley, who was born in Illinois in 1915, moved with his family to Southern California at the age of four. In 1936, he attended Fullerton Junior College, where he earned an Associate of Arts Degree. He went on to UCLA and completed his Bachelor of Science Degree in Business Administration and Finance, and then attended Hastings Law School in San Francisco where he received his Juris Doctor and became active in the American Association of University Professors. He was admitted to the California State Bar in 1943. After finishing his academic career, Mr. Berkley proudly joined the United States Army and fought bravely in World War II, achieving the rank of Second Lieutenant.

At the end of the war, Mr. Berkley returned to Oakland in the Bay Area and became the head of one of the nation’s largest integrated, bilingual law firms. He helped establish the careers of notable men such as Judges Clinton White and Allen Broussard, and former Mayors of Oakland, Elhui and Lionel Wilson.

Mr. Berkley has not only been active in law, but also in business and in the media. He was the president of Berkley International Ltd, Berkley Technical Services and CEO of Berkley Financial Services. Mr. Berkley also was the publisher of the Alameda Publishing Corporation, which publishes the Oakland, San Francisco and Richmond Post newspapers. In the public service arena, Tom Berkley served as a Member of the Oakland Unified School District School Board and an advisor to the Greater ACORN Community Improvement Association. Mr. Berkley is a “Man for all Seasons”. He is a visionary, a motivator, an educator, a mentor, and an entrepreneur. He has made a significant contribution in all of his many local, state, national, and international endeavors, and has given his all for the betterment of our community and society.

As a friend and supporter, Tom Berkley has always been a trusted confidant, and I have benefitted from his wisdom, his encouragement, and his compassion. I am honored to salute Tom Berkley, and I take great pride in celebrating with his family, friends and colleagues his distinguished life and accomplishments.

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. CAPUANO. Mr. Speaker, I rise to inform the House of my intent to introduce legislation aimed at assisting a unique community development project in my district. Specifically, when the House convenes following the August recess, I plan to introduce the Kendall Square Redevelopment Project and Real Property Reconveyance Act of 2001.

This legislation is critical to the efforts of the Cambridge Redevelopment Authority to provide much needed open space and affordable housing to the residents of Cambridge, Massachusetts. The parcel of land that will be utilized is federal property, owned by the U.S. Department of Transportation (DOT). Known as Parcel 1, the land is home to the John A. Volpe National Transportation Systems Center. The Center provides technical analysis, research and project management to DOT and other Federal agencies.

Recently, the General Services Administration has concluded that fifty-five percent of the federal land adjacent to the Volpe Center is utilized and a forty-eight percent of the land is underutilized. The legislation which I will propose directs the DOT to convey any unused or underutilized Parcel 1 to the Cambridge Redevelopment Authority for the development of open space and affordable housing. The area proposed for reconveyance represents 5.8 acres of almost entirely vacant land. DOT will retain the remaining 8.5 acres of Parcel 1, which has been deemed to be enough land to allow for a continuation of current operations at the Volpe Center, as well as future expansion of its physical plant to accommodate future growth of the facility’s operations.

Make no mistake about it Mr. Speaker, this project is a win/win proposition for all parties involved. The federal government reconveys unused and underutilized land, while maintaining the integrity of the Volpe Center and its operations. The Cambridge Redevelopment Authority and the residents of Cambridge, in turn, receive much-needed land to address the urgent need for open space and affordable housing. This bill will go a long way toward meeting this need and I look forward to having the House consider this legislation.

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished American, an extraordinary Californian, a beloved friend and an institution in San Mateo County—Eleanore Druel Nettle, who passed away in June of this year.

Eleanore Nettle served for thirty-three years as a Trustee on the San Mateo County Community College Board, longer than any other trustee in the history of the District. During her tenure she attended almost 800 Board meetings and served as President of the Board nine times. She was the driving force in fostering the growth of the District from a single campus to three, and from 2,700 students to more than 30,000. Half-a-million students attended the college while she sat on the Board. Eleanore Nettle gave generously of her time and talents to the League of Women Voters and the American Association of University Women. She was recognized throughout California as a leader in community college affairs and received many awards and honors, including the Trustee of the Year Award given by the California Community College Trustees Association. Eleanore was appointed by Governor Edmund G. “Pat” Brown as a community college representative to the Coordinating Council for Higher Education and re-appointed by Governor Reagan.

Eleanore was a graduate of the College of San Mateo and an active and faith-filled member of her church since 1950. She was the devoted wife of the late Lester Nettle and the
Mr. Speaker, I ask my colleagues to join me in paying tribute to a great and good woman, Eleanore Druhel Nettle and offer the condolences of the entire House of Representatives to her family. We are a better community, a better country and a better people because of her.

HONORING BONNIE HUDGONS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to pay tribute to Bonnie Hudgons for setting an example and for providing hope to transplant patients.

In 1986, Bonnie, a longtime Lake City, Colorado resident, was given blood that was infected with Hepatitis C during her heart bypass surgery. Not until 1991, when she had an angioplasty surgery, did her doctors realize that she had the infection. In 1997, she was first considered for a liver transplant, but because the demand for liver transplants outweights the supply, Bonnie was turned down. “They thought I was too far gone,” she told Nicole Ashton of Silver World. She persisted by asking for a second opinion, and this time her name was added to the waiting list. Bonnie’s health deteriorated from there. She fell into four of five comas, once for a period of five days and she was unable to care for herself even when she was conscious.

In March of 2000, after 14 months on the waiting list, Bonnie got the okay for a transplant. The surgery lasted for seven hours, and she had several complications afterward, including temporary kidney failure and memory problems. In spite of the difficulties with the surgery, Bonnie said, “I had faith, trusted in God, and made it through.”

Bonnie emphasizes her gratitude for her donor. Through the hospital, she was able to get in touch with the donor’s family, and they exchanged letters. Bonnie wrote, for instance, “I will forever marvel at the miraculous gift of life an organ donor gives.” Bonnie eventually also met her donor’s parents and sister. “We still email back and forth,” she said. “I carry a picture of Chad in my billfold.”

Mr. Speaker, Bonnie Hudgons, who is sometimes called “the miracle girl,” is a source of hope for anyone who faces difficult odds. I would like to pay tribute to her for sharing her story, and for being an inspiration both to those who need a transplant and for those who are contemplating becoming a donor.

HONORING STEVE RIPPY

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to thank Steve Rippy for helping to build a successful assessor’s office in Garfield County, Colorado, and to wish him luck on his next endeavor as New Castle Town Administrator.

Steve served as Garfield County assessor for almost seven years, and his total time in the office amounts to twenty years. In addition, he served as New Castle Mayor for seven years and as Councilman for eight years. Steve was also a member of the Town Planning and Zoning Commission for fifteen years. Steve reflected on his time as Garfield County assessor, telling Mike McKibbin of The Daily Sentinel, “I think I’m proudest of a well-organized and efficient office with appraisals of property.” Steve’s satisfaction is certainly well founded, as the significant reduction in the number of appeals (of reappraisals) during his time there reflects. Certainly related, too, are Steve’s communication skills. “We’re very willing to listen to people,” he said.

In addition, Steve demonstrated his ability to overcome adversity. While the assessor’s office employed sixteen people when Steve began working in 1981, they lost nearly one third of their workers when the oil shale bust forced the office to lose five employees. However, under Steve’s direction, the assessor’s office received an unprecedented number of appeals. “How we’re almost back to where we were and I think we’re able to handle so many more new subdivisions,” he said.

Certainly, Mr. Speaker, Steve Rippy is an excellent community servant and a skilled leader. I would like to congratulate him for a job well done, and to wish him well on his new career.

PAYING TRIBUTE TO EARNEST “DOC” WALCHER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Earnest “Doc” Walcher of Gypsum, Colorado. After 25 years of retirement, Doc is now lending his hand to the town of Gypsum. He and town manager Jeff Shroll, turn it out, make a great team as well as good neighbors.

Doc Walcher was born in 1921 in Oklahoma, and he moved with his family to Gypsum during the Depression. He enlisted in the Army during World War II as an aircraft mechanic, serving at Guadalcanal and in the Philippines. After the war, he returned to Gypsum, where he has resided ever since.

Doc served the people of Colorado diligently before his retirement, working as head supervisor of the Colorado State Highway Department. He helped build and maintain Highway 24, Tennessee Pass, and Interstate 70 over Vail Pass before retiring in 1976. Jeff Shroll, Gypsum’s Town Manager, “noticed that Walcher, who lives directly across the street. . .had the most manicured and best-kept lawn in town.” Jeff asked Doc if he might be interested in helping to keep up the lawns in Turgeonville, a property owned by Gypsum Walcher eagerly accepted, and now that he is working again, he is “loving every minute of it,” according to Julie Imada-Howard of the Vail Daily. The feeling seems mutual; Jeff says that it has been “great to work with” Doc.

Mr. Speaker, I would like to honor Doc Walcher for his continued service and willingness to help the community. He is truly an inspiration to us all.

HONORING DR. RICHARD HOFFMAN

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BONIOR. Mr. Speaker, today I rise to honor a remarkable individual who performs a remarkable service, and has for more than 22 years. Just this past May, Capt. Milton R. Waldrop, better known as Capt. Wally Waldrop, retired from Lake Pilotng. Born in Texas, Capt. Waldrop joined the Navy in 1948, serving aboard the aircraft carrier USS Tarawa, which served as embassy protection during the Chinese Revolution in 1948. He left the service in 1952 and moved...
to the Great Lakes, where he began a career as a Great Lakes Mariner. After 19 years as a mariner, he became a Lake Pilot in 1979.

Now for those of you not familiar with Lake Piloting, it is a fascinating profession. Every cargo freighter that enters the Great Lakes, must, by law, be piloted by a licensed Great Lakes pilot. Every vessel through those laborious and often very capable crews, they still have to have a Lake Pilot aboard during their voyage through our water system. Capt. Waldrop is not only one of these master pilots, he is the best of the best. One day he could be at the helm of a Great vessel, the next day it’s a Russian freighter.

Great Lakes shipping is critical to the regional economy and has an impact on world markets and economies. Without the services of Wally Waldrop, and others like him, safe and efficient commerce through the Great Lakes would not be possible. Please join me in saluting Capt. Wally Waldrop, a great pilot and a servant to the entire Great Lakes region.

It is the stated goal of our foreign policy to assist our allies and friends around the world during difficult times. The Asia Debt Crisis, like the Mexican Debt Crisis several years ago, has presented a number of nations with difficult choices. Thailand is no different. It is for this reason that our private sector financial institutions have volunteered to work against the interests of our country with respect to our relations with other nations. Certainly, no bank in the United States could be placed in control of a trustee in bankruptcy with the trustee being left to their own devices in making decisions without at least some supervisory or consultative authority, such as the Office of the Comptroller of the Currency (OCC) or a court, being capable of reviewing their activities. If alleged criminal and actionable civil activities were reported, surely the OCC would at a bare minimum, conduct some oversight of such actions. It should be no different for U.S. chartered banks doing business in friendly foreign country.

Our principal banking regulator, the Office of the Comptroller of the Treasury (OCC), continues to believe that it has little or no power to act against U.S. chartered banks implicated in illegal activities abroad, even when such activities may involve crimes such as embezzlement, money laundering, and establishment of secret accounts in offshore tax havens. This position makes H.R. 2273 even more important.

In this global economy, banks chartered and regulated by our government must maintain the highest legal and ethical standards wherever they operate. Our vital system of banking regulation and our confidence in our financial system is compromised when a U.S. chartered bank or its agents are implicated in criminal activities anywhere in the world. In fact, allowing our banks to enjoy a double standard harms our good relations with our trading partners and allies everywhere in the world.

This major loophole in our banking regulation is dramatically evident in Thailand, a staunch ally of our country and victim of the recent Asian economic crisis. Thailand actually stands to lose its domestic ownership and control of a key public company to foreign interests, including a group of banks chartered by us, through the Office of the Comptroller of the Currency.

As I stand here today, ownership and control of Thai Petrochemical Industries, or TPI, has been transferred to a group of U.S. chartered and foreign banks by an equivalent of a bankruptcy trustee hired, supervised and controlled by those same banks. That trustee, effectively a private individual that purportedly specializes in bankruptcy reorganizations, stands accused by TPI’s shareholders of embezzlement, money laundering, and other crimes. Incredibly, that same trustee, supported by those same banks, stands accused of sending payments from TPI’s own bank account to bootleggy put, assets which have been indicted, convicted, and imprisoned in Laos for embezzlement, destruction of records, and tax evasion.

Unfortunately, instead of stopping such practices and terminating their relationship in violating control of a U.S. banks chartered and foreign banks licensed by our government, they have allowed the trustee to use countless sums of TPI funds to mount a public relations effort to defame TPI’s founder and former CEO, who built TPI into one of Thailand’s largest employers. They who built the company has mounted a lonely crusade to prevent the trustee from disassembling TPI and feeding it to the banks for which the trustee works. Clearly, if those banks had no confidence in the OCC’s activities of the trustee for whose actions they must account. That is precisely what H.R. 2273 would require. I would ask my colleagues to join me in seeking passage of the bill.
NAACP, the National Education Association, the PTA, the Leadership Conference on Civil Rights, the United Methodist Church, the Episcopal Church, the Presbyterian Church, the Religious Action Center for Reform Judaism, and the Union of American Hebrew Congregations. When this many religious organizations are opposed to something, maybe we should ask ourselves what is wrong with the bill.

H. RES. 193—CRIME PREVENTION AND NATIONAL NIGHT OUT RESOLUTION

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. STUPAK. Mr. Speaker, I have introduced this resolution along with Representatives Curt Weldon and Joe Hoeffel to emphasize the importance of crime prevention at the local level and to recognize the efforts of National Night Out. I am pleased to say that this resolution has bipartisan support, with 64 co-sponsors. I would like to specifically thank the Chairperson Jim Sensenbrenner Ranking Member of the Judiciary Committee, the Chairman and Ranking Member of the Crime Subcommittee, and the leadership on both sides of the aisle for their help in bringing this measure to the floor.

Our resolution calls upon the President to focus on neighborhood crime prevention, community policing programs and reducing school crime and to issue a proclamation in support of National Night Out.

PERSONAL EXPLANATION

HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall No. 308, I was unavoidably detained on official business. Had I been present, I would have voted “aye”.

RECOGNITION OF THE RETIREMENT OF PATRICIA GIBBS

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. BONIOR. Mr. Speaker, today I rise to honor a remarkable woman, who has served remarkable organizations with outstanding professionalism and dedication. Patricia Gibbs is retiring from the position of Executive Director of Macomb County Community Services Agency which she has held for the last 13 years.

Ms. Gibbs began her career with Macomb County as the Quality Assurance Assistant for the Office of Substance Abuse. From there she rose to become one of the most influential health and human services individuals in Macomb County. It is easy to see how she touched the lives of many of Macomb County’s residents either directly or indirectly.

Ms. Gibbs was one of the original organizers of the Human Service Coordinating Body. The HSCB was put together to develop a more efficient county human services network. She has also chaired the Creating a Healthier Macomb Partnership Board, the first organization to bring hospitals, businesses, and public and private agencies together to improve the health of county residents. Add to that her service on the Macomb Literacy Partners Board of Directors, her position as Chairperson of the Directors Council of the Michigan Community Action Agency Association, her contributions to the United Way Community Services Macomb Division Board of Directors and her memberships in the American Society of Public Administrators, the American Management Association, and the Michigan Literacy Association, and you could easily have the life’s work of three or four people instead of just one. It is hard to believe that she has somehow found time to become a certified personal trainer and race walking instructor at Macomb Community College.

Please join me in celebrating Patricia Gibbs’ years of dedication to the health and well being of others. It takes a special person to pledge their life to the cause of making others healthier and stronger through counseling. While her expertise will be missed from 9 to 5 each day, her commitment to healthy living, we will still have the benefits of her wisdom for years to come.

JUDGE JAMES R. BROWNING COURTHOUSE

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Ms. PELOSI. Mr. Speaker, in honor of Judge James R. Browning, formerly Chief Judge of the Ninth Circuit, I am pleased to introduce legislation to name the federal courthouse building at 7th and Mission Streets in San Francisco the “James R. Browning U.S. Court of Appeals Building.”

Appointed to the Ninth Circuit by President John F. Kennedy in 1961, Judge Browning served for 40 years, including 12 years as chief judge. He assumed leadership in 1976 at a time when appeals courts faced a large backlog of cases. Under his leadership, the Ninth Circuit expanded in size, eliminated its backlog, and cut in half the time needed to decide appeals. Since 1961, he has participated in almost 1,000 published appellate decisions and authored many other unsigned per curiam opinions on behalf of the panel as a whole.

The Ninth Circuit includes all the federal courts in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska, Hawaii, Guam, and the Northern Marianas Islands. The courthouse at 7th and Mission was designed by James Knox Taylor, who also designed the U.S. Treasury Building in Washington, D.C., and built between 1897 and 1905. It is my hope that in the near future, in addition to serving as a courthouse, this building can stand as a monument to the tremendous achievements of Judge James R. Browning.

INTRODUCING THE ACCESS TO STUDENT LOANS ACT

HON. HOWARD P. “BUCK” MCKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

Mr. MCKEON. Mr. Speaker, I rise today to introduce the Access to Students Loans Act, legislation which extends the Meckon-Kildee student loan fix.

The overall goal is to see that students are able to obtain student loans whether they attend Stanford or a career college in the inner city of Los Angeles. In order to achieve this goal, a stable and strong FFELP program is key to making sure these students are able to obtain loans each year without having to worry about whether one will be available.

During the 1998 Higher Education Act reauthorization, Representative D ALE K ILDEE and I hammered out the current interest rate fix after numerous meetings and plenty of negotiations. The end result was the lowest interest rate for borrowers in the history of the program, with current rates in repayment at 5.99 percent.

These loans, however, are only as good as their availability. Banks won’t make loans unless they are making a profit. Therefore only those students attending universities with low default rates will get served. Fixing this interest rate problem will be a direct benefit to those students who are usually underserved, and the most at risk of dropping out of college. This is why I want to see this problem fixed now.

Additionally, if we are able to solve this problem now we have a much better chance, with the necessary resources, to work on other challenges facing higher education in the 2003 reauthorization. Specifically, increasing funding for Pell grants and campus-based aid would be at the top of my priority list.

Included in the budget resolution under the leadership of the Budget Committee Chairman Jan NUSSELE is a technical reserve fund specifically set up to make the current student loan interest rate formulas permanent. However, we
must take action to make the fix permanent before the current budget resolution expires.
I hope my colleagues will support me in this endeavor and cosponsor this important legisla-
tion which will ensure access to loans for all of America’s students.

CHIQUITA BRANDS INTERNATIONAL
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Ms. WATERS. Mr. Speaker, Chiquita Brands International has played a historically controversial role in Latin America. Beginning from its inception as the United Fruit Com-
pany, Chiquita has assisted in the overthrow of democratically elected governments who re-
fused to yield to its economic demands. Other allegations against the company include pro-
ducing false documentation, intimidating poten-
tial competitors and bribing government of-
fers in order to maintain its hold over Latin American banana production.

During the Clinton Administration, Chiquita also became embezzled in a well-publicized legal standoff with the European Union. The litigation resulted from the company’s claim that the banana regime of the European Union, which attempted to protect small-scale producers in Africa and the Caribbean, would lead to business losses for Chiquita in the Eu-
ropene banana market. In response to Chiquita’s complaints, the White House chal-
gened the banana regime in the World Trade Organization (WTO).

Despite such strong-armed tactics, Chiquita has never been able to maintain market share nor profitability in the 1990s. Since Chiquita
has never been a proponent of open competition and fair play, as evidenced by the accusations of bribery, it has been
a leader in the world industry, often after arranging for the pur-
chase of filing a fraudulent warrant and cor-
rupting local judges and other officials to carry out its will, resulting in the confisca-
tion of his own bananas shipment.

Chiquita claims that the warrant was filed only as a cautionary measure, in light of Fyffes’ defaulting on mortgage payments
owed to it. The warrant was later invali-
dated, but not before Fyffes had suffered se-
gle financial losses. Beyond lost banana
shipments, Stalinski also accuses Chiquita of financing him, with the intent of doing bodily harm, using a false
arrest warrant and paramilitary forces.

BOOTS OF FINANCIAL TROUBLES

Despite attempts to manipulate the global banana market in recent years, Chiquita has found it increasingly difficult to maintain market share and profitability in the late 1980s. While other banana producers such as Dole and Del Monte successfully adapted to changes in EU trade policy, Chiquita became embroiled in litigation and various schemes to buy influence in high places. On Chiquita’s behalf, the White House Trade Of-

fice filed suit with the WTO against the EU’s Lome Agreement, an accord developed to guarantee its former colonies preferential access to European markets and lucrative aid packages. The morning after the com-
plaint was filed, Chiquita’s CEO Carl Lindner expressed his thanks to the Clinton adminis-
tration was a $500,000 donation to several Democratic state committees along with Ms. Dunn and 24 Members
of Congress. Lindner’s financial contribu-
tions made to U.S. political campaigns, with $525,000 given to Democrats and $430,000 given to Republicans.

Secretary of Commerce Mickey Kantor continues to face scrutiny in an ongoingPostal financ-
ial interests before the WTO in the face of allegations that contributions made by Lindner had influ-
enced his actions, and that Lindner had, in effect, purchased a foreign policy. Chiquita and U.S. officials worked actively to elimi-
nate Lome preferences, with the WTO ruling in Chiquita’s favor. While Lindner’s financial contribu-
tions made to the WTO by a partial distribution of EU banana licenses. During this period, Chiquita experienced a severe fi-
nancial crisis that has led to its impending financial restructuring.

Chiquita’s economic difficulties date back to 1992, several years before the signing of the Lome Agreement. The eagerness of Chiquita’s Lindner to
make up for its losses for the EU quota system should come as no surprise, given his traditional re-
luctance to operate within the confines of a competitive market. Traditional to their business tactics, Chiquita
has ruthlessly sought ‘sweet-heart’ deals with host countries leaders, which allowed to it to gain domination of the local banana in-
dustry. In Lome’s free trade provisions. In 1986, Chiquita achieved a first-come-first-serve
suit against the EU alleging the
importation policy. This resulted in the
problems caused by Lome’s free trade provisions. In an attempt to account for its financial de-
cline, Chiquita has focused attention upon problems caused by Lome, rather than ac-
cept responsibility for its failed economic strategy.

SUPPORT FOR HARBOR
INVESTMENT PROGRAM ACT

HON. ROBERT A. BORSKI
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. BORSKI. Mr. Speaker, today I am intro-
ducing, along with Ms. Dunn and 24 Members
of Congress, the ‘‘SHORE Act” Support for Harbor
Investment Program Act, to ensure the
harbor maintenance tax and provide an alter-
native source of funding to maintain our Na-
tion’s harbors and waterways.
I am fortunate to serve as a representative of a major East Coast port city, and I am well aware of the importance of continued reliable financing of our Nation’s harbors and waterways. Every year, hundreds of billions of dollars of goods enter and are moved through this country by means of our water system—offering a cost-effective and environmentally friendly alternative to other means of transportation.

As our economy increasingly moves toward globalization, we will face a corresponding need for safe, efficient, and modern port facilities and waterways to sustain such growth. Expanded use of larger shipping vessels and increased ship traffic at many of our Nation’s ports will require a significant investment in increased channel depth and capacity.

The export provision of the Harbor Maintenance Tax (HMT), the system that currently provides financial resources for this maintenance, was deemed unconstitutional in a 1998 Supreme Court decision and the European Union has since challenged the import provision as an unfair trade practice and is considering bringing a complaint to the World Trade Organization regarding the tax.

This is why we are introducing the SHIP Act today—to provide an alternative funding source to maintain our Nation’s harbors and waterways. This legislation repeals the HMT and restores the 200-year Federal obligation to adequately fund operation and maintenance of the Nation’s harbors with funding from the general revenues of the Treasury.

It is only appropriate to fund the construction and maintenance of our Nation’s harbors and waterways through the general revenues in light of the nationwide benefit that comes from a safe and efficient port system. To that same end, GAO reported that $22 billion in these general revenues are a direct result of our ports and navigation system. It is evident that we must return this responsibility back to the federal government.

The existing Harbor Maintenance Tax puts our maritime industry at a competitively disadvantaged situation. The tax increases the price of goods sold in the U.S. and diverts cargo Canada, which does not have a similar tax. At a time we should be working to attract new commerce to our U.S. ports, and take advantage of our waterways to relieve congestion, we are hindering their ability to remain competitive, attract business and aid in relieving congestion. The time to repeal this unfair and detrimental tax is now!

Mr. Speaker, it is important to provide our ports with safe, efficient, and modern port facilities and waterways. We must work to return this responsibility to the federal government as it was for over 200 years. The SHIP Act collaborates the support of groups as diverse as the American Association of Port Authorities, the American Waterways Operators, the National Grain and Feed Association, and others.

I want to thank the bill’s current cosponsors and supporters and urge all Member to support this important piece of legislation.

### CURRENT CRISIS IN HOME HEALTH CARE SERVICES

**HON. WILLIAM D. DELAHUNT**  
OF MASSACHUSETTS

**IN THE HOUSE OF REPRESENTATIVES**  
**Thursday, August 2, 2001**

Mr. DELAHUNT. Mr. Speaker, I rise today to call to your attention an issue of great concern to me and the constituents throughout my southeastern Massachusetts congressional district—the current crisis in home health care services.

As you are well aware, in 1997 Congress approved the “Balanced Budget” Act (BBA). This legislation sought to slash Medicare benefits by $115 billion—the largest reduction in Medicare payment rates in the program’s 35 year history.

I opposed this “reform” bill because I thought it recklessly threatened the quality and dependability of health care for Medicare recipients. Regrettably, it has fulfilled these fears—resulting in $240 billion of cuts, $124 billion more than originally intended.

The BBA has resulted in a 53% drop in federal reimbursements for home health services in Massachusetts—well over $350 million in lost Medicare revenue. 31 Massachusetts home care agencies have closed—and other agencies fear for their futures. Meanwhile, the South Shore, the Cape & Islands have limited services to homebound patients.

It is clear that the “unintended” consequences of BBA has had and continues to have a devastating impact on our health care system. This time Congress is backingpedaling, trying to address the immediate consequences of the BBA, while searching for comprehensive approaches to the long-term solvency of the overall Medicare program.

In this light, I would like to share with my colleagues an editorial from the Cape Codder newspaper that followed a month-long series of articles outlining critical steps in addressing the challenges in home health care. And I hope this will serve as a useful source of guidance as we continue these deliberations.

[From the Cape Codder, July 6, 2001]

**ASSURING HOME HEALTH CARE**

For a month, Jennifer Brockway has been reporting on the more frightening prospects facing an increasingly older Cape Cod population: the specter of rising health needs and the drastic decrease in home health care aids.

This gap between supply and demand will threaten thousands of us who want to grow old in as independent a fashion as possible. We want to avoid hospitals, nursing homes and assisted living facilities. That’s why so many retirees are moving here in the first place.

Those struggling to right a sinking ship offer a wide array of solutions. But, as Brockway reported, remedies will require action by both state and federal governments, as well as the private sector itself. Our month-long series identified the following steps as crucial:

1. **The long-term community—home health care and nursing and rehabilitation homes—must form a united front.**
2. **Medicare and Medicaid reimbursement rates must be increased to reverse damage caused by the 1997 Balanced Budget Act and compensate for rising health care delivery costs.**
3. **Home health aides must be paid a wage allowing economic self-sufficiency.** They currently earn about $10 an hour, $7 less than what’s needed to afford a median-priced home on the Cape.
4. **Family health insurance must be affordable for all direct-care workers.** Training programs for direct-care workers must be increased and expanded to the home care industry.
5. **An active recruitment program must be instituted to capture the high school students, immigrants, and older adults re-entering the workforce.**
6. **Opportunities for career advancement in direct care must be encouraged.**
7. **Home health agencies must allow greater involvement of home health aides in agency operations and patient care decisions.** Aides should be made to feel like respected stakeholders through acknowledgment of their skills and contributions.

As with most complex issues, there is no magic bullet. Solutions require crossing many jurisdictional and geographic boundaries. It means forming unique alliances.

And unlike other problems facing Cape Codders—inadequate housing, childcare and transportation—are addressed simultaneously, the current challenges facing home health care indeed will become a crisis.

### IN HONOR OF 17 LEXINGTON AVE., THE SITE OF THE FIRST FREE INSTITUTION OF HIGHER EDUCATION

**HON. CAROLYN B. MALONEY**  
OF NEW YORK

**IN THE HOUSE OF REPRESENTATIVES**  
**Thursday, August 2, 2001**

Mrs. MALONEY of New York, Mr. Speaker, I rise today to recognize 17 Lexington Avenue, the site of the Free Academy, the first free publicly funded institution of higher education in the United States. Baruch College now carries on the proud tradition of public education at this location.

The Free Academy was approved by New York’s legislature in 1847. Townsend Harris, a strong advocate of publicly funded educational opportunities, advocated a school that would “Open the door to all—let the children of the rich and poor take the offer and know no distinction save that of industry, good conduct and intellect.”

The original building was designed by James Renwick, Jr., who went on to design St. Patrick’s Cathedral. Gaslights, warm-air heating and drinking fountains made the building modern and luxurious, yet he managed to keep the final cost $2000 under budget. In January 1849, the Free Academy held its formal opening, admitting its first class of 149 students.

The exquisite building that originally housed the Free Academy became too small for the growing business campus. In 196, using the proceeds of a $1.5 million bond offering by the City, the college built a 16-story structure that housed a new library, science labs and accounting classrooms. Since its opening, 17 Lex has welcomed generations of talented students, students with limited means, but unlimited dreams. Scores of prominent and successful business leaders have been educated in the building, which came to represent the place where they began to achieve the American dream.

In 1866, the Free Academy became known as the College of the City of New York, popularly called CCNY or City College. When
CCNY moved its campus uptown in 1909, 17 Lex continued to house the downtown business campus. CCNY grew into City University of New York, which today educates 200,000 students on more than 18 different campuses.

In 1919, CCNY's business campus became an independent entity known as the School of Business and Public Administration, which changed its name in 1953 to the Bernard M. Baruch College of Business and Public Administration, in honor of the economist and financier, Class of 1889, who advised six U.S. Presidents from Wilson to Truman. By 1968, Baruch College emerged as a separate senior college in the CUNY system. Today, Baruch College enrolls over 15,000 students and enjoys a national reputation for excellence in business education and public administration.

Baruch College continues to open doors for young people from all types of backgrounds. U.S. News and World Report has called Baruch College the most diverse school in the United States.

17 Lex is about to undergo its third incarnation, thanks to a $200 million capital project approved by CUNY. The new building will, no doubt, continue the tradition of educational excellence available at this location for the past century-and-a-half.

Mr. Speaker, I salute the visionaries who believed that everyone should have an opportunity to an education and ask my fellow Members of Congress to join me in celebrating a new beginning for 17 Lexington Avenue, the site of the first free public institution of higher education.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Ms. McCOLLUM. Mr. Chairman, today I will vote against the Boehlert-Markey amendment. I support increasing fuel efficiency standards for SUVs, light trucks and minivans as a way of improving our air quality and reducing our reliance on foreign oil. I also support using alternative fuels and much needed flexible fuel vehicles that can burn the home grown ethanol-based gasoline E85. This amendment asks me to make a false choice between higher fuel efficiency standards and an increasingly successful clean air program in the Twin Cities. It will stop the production of clean air vehicles at Ford Motor Company’s St. Paul plant that use E85 fuel. This amendment could have done both—raise fuel efficiency standards and protect this clean air program. I will unfortunately oppose it today.

The St. Paul-Minneapolis metropolitan area has shown the nation that alternative fuels can help conserve energy and sustain our economy. E85, a fuel that is 85 percent ethanol and 15 percent gasoline, helps our cars and trucks burn cleaner, reducing air pollution while at the same time helping Minnesota's farmers and our rural economy.

The Twin Cities leads the nation in the number of gas stations that offer E85 with over 60 fueling stations throughout the metro area. It will not matter how many stations we have if we are not manufacturing the cars and trucks that use this fuel.

And that is the problem I have with this amendment. Currently, our St. Paul Ford plant receives a credit for producing Flexible Fuel Vehicles that can use a combination of gasoline or another hybrid fuel like E85. Manufacturers like Ford could use this credit as an incentive to produce these types of cars and trucks. The Boehlert-Markey amendment would shift the credit from the number of vehicles produced to the actual consumption of the alternative fuel, whether it’s E85 or something else.

I agree with the amendment’s authors about CAFE standards. However, it is equally important for us to provide incentives for people to consume home grown fuels. Because so little E85 and other alternative fuels like it are consumed nationwide, would we be reintroducing the age-old chicken and the egg conundrum?

Do we need the cars to encourage the use of the fuel, or do we need the fuel before the cars? Would this be a disincentive to car and truck manufacturers to make automobiles that run on multiple fuels? Would we be providing a disincentive to car and truck manufacturers to make consumption of alternative fuels, and do not provide incentives for manufacturers to make these cars and trucks, we will be left without both.

What’s more the Ford Motor Company plant in St. Paul has been a leader in manufacturing vehicles that run on alternative fuels like E85. Ford, the Minnesota Corn Growers, American Lung Association of Minnesota, the U.S. Department of Energy, and Minnesota Department of Agriculture and others on the E85 Team have been instrumental in our area in promoting these clean-air vehicles and the alternative fuels that run them.

Mr. Chairman, this isn’t an easy decision for me. We need to increase the fuel efficiency standards of all our cars and trucks and continue to work on improving our air quality. We put down a plan on the moon. Similarly we can raise the efficiency of our automobiles. However, I know what the negative impact could be on the production of clean air vehicles and clean air in St. Paul. I unfortunately have to oppose this amendment today.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. MOORE. Mr. Chairman, we must re-examine the fuel efficient standards we have in place and raise fuel efficiency standards and to provide incentives for the production of unconventional fuels such as coalbed methane. My version of this legislation [H.R. 794] was modified slightly and included in the Ways and Means portion of H.R. 4. I have worked for months to ensure H.R. 794’s inclusion in a comprehensive energy measure. And while I would like to be able to vote for this provision, I cannot in good conscience support final passage of a bill that includes $34 billion in tax expenditures that are not offset with comparable spending reductions. This is fiscally irresponsible. Such action threatens to spend money from both the Social Security and Medicare Trust funds on which the seniors in my district rely.

Further, as a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. This bill includes tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for, and I would support if the incentives were paid for and handled in a fiscally responsible manner. As well, H.R. 4 contains tax incentives for domestic production from marginal wells that I have supported in the past and that would increase our national energy supply.

Last month I supported funding for the Low Income Home Energy Assistance Program [LIHEAP]. I would like to support the LIHEAP reauthorization included in H.R. 4. I made a promise to senior citizens and other people in my district that I would not spend Social Security and Medicare Trust funds. That’s a promise I intend to keep.

Two months ago, we were hailing surpluses “as far as the eye can see.” There was even concern that we not pay down our national debt too quickly. Today, we are watching these surpluses disappear before our very eyes.

Two days ago, the House passed an appropriation bill that spent $1.3 billion more than the budget resolution. I voted against the bill because in order to do this, we will have to borrow from other priority programs or from the Medicare and Social Security surplus funds.

If Congress adopts this new policy of borrow and spend it not only endangers the Medicare and Social Security surpluses, it places us back on the road to deficit spending. We must not travel down this road again.

It’s time we made some tough choices. This Congress made a commitment to the American people that we would not vote to spend a single penny of the Medicare and Social Security Trust Funds. We must honor that commitment, maintain fiscal responsibility, and honoring our commitments do not come about by good intentions, but by resolute actions.
Today, I reluctantly vote against this energy package because it fails to provide any offsets to pay for its provisions. This is a particularly difficult vote for me because this bill contains a proposal I authored and many other good provisions.

In an effort to honor our commitments to ensure financial responsibility, I will adhere to the levels in the budget resolution enacted by a majority of this Congress. I will oppose any efforts that reduce revenues without offsets.

The expenditures contained in H.R. 4 are not accounted for in the budget resolution and, despite sound energy policy this bill promotes, it bunts the budget and threatens the Social Security and Medicare Trust funds. I urge my colleagues to honor their commitment to preserve this country’s fiscal integrity; I urge my colleagues to find a way to finance these tax cuts or to vote no on H.R. 4.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. JOE KOLLENBERG OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole on the State of the Union had under consideration the bill. (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mrs. CLAYTON. Mr. Chairman, H.R. 4, otherwise known as the Securing America’s Future Energy (SAFE) bill, is anything but safe for rural America. This legislation, which was originally designed to encourage energy conservation, energy reliability and energy production, leaves rural America behind in a cloud of dust. Proving once again that the majority is more intent upon rewarding campaign contributors than in addressing the needs of consumers in rural America.

This legislation, Mr. Chairman, while initially well-intentioned, does not take into account the unique differences that America’s rural communities face in an ever-changing electric environment. Much of rural America is served by not-for-profit rural electric cooperatives, cooperatives that are not in the business of making money, but serving their consumer-owners. These cooperatives do not seek to price-gouge, but rather they seek to provide reliable and affordable electricity to their consumer-owners in an efficient manner. The bill we are considering will allow investor-owned electric companies that are currently reaping record profits to receive $33 billion in tax breaks for huge companies to spend overseas!

Mr. Chairman, when this body considers industry-specific legislation, it should consider all the unique aspects of the particular industry. Indeed, sound public policy is advanced when the differences between the sectors are taken into account. One important area that this Congress must study more carefully are the differences between the needs of rural America and urban and suburban America. This legislation does not meet this test.

H.R. 4 prevents rural electric cooperatives from participating in the new competitive marketplace. For all our talk about a level-playing field and a competitive marketplace, we fail to foster such a thing by excluding rural electric cooperatives from the same benefits that we provide to investor-owned utilities. It is critical that we provide a level playing field for all sectors of the electric utility industry—municipals, investor owned, and cooperatives—when considering public policy.

By bypassing this legislation, we are in essence saying that one sector of the industry should be favored over another. We are also saying that the electric needs of rural America and American farmers are less important than our population centers. The SAFE bill provides investor-owned utilities with billions of dollars worth of capital gains relief that comes at the expense of higher electricity rates to consumers.

The Congress needs to reconsider this poor public policy legislation and come back after the August recess to address these inequities and finally consider legislation that is good for all of America, urban and rural.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. EVA M. CLAYTON OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. KNOLLENBERG. Mr. Chairman, I rise today to express concern about an amendment offered by my colleagues from California to exempt their state from the oxygenate requirement of the Clean Air Act.

In 1990, Congress approved the Clean Air Act Amendments to require that gasoline sold in certain areas of the country, including California, contain at least 2 percent oxygen, "Reformulated Gasoline," which can be derived from adding an oxygenate to gasoline. The goal of the oxygenate requirement is to lower pollution in areas of the country that have the highest levels of air pollution.

There are two main substances that are used to meet the oxygenate requirement: Methyl Tertiary Butyl Ether (MTBE) and ethanol, a fuel derived from corn. Following the lead of the Chicago and Milwaukee area, reformulated gasoline areas chose to use ethanol and, to my knowledge, have not reported any problems with groundwater contamination, but have reported significant improvements in their air quality. Meanwhile, many of the reformulated gasoline areas in California, the Northeast, and several other areas of the country, chose to use MTBE. These areas are now reporting that about 80 percent of their drinking water contains MTBE, which does not biodegrade and which the Environmental Protection Agency (EPA) has classified as a potential human carcinogen.

For the last few years, California and other parts of the country have sought to solve the problem of MTBE groundwater contamination by removing the oxygenate requirement altogether. In fact, the State of California has petitioned both the Clinton administration and the Bush administration to grant a waiver to exempt the entire State from the oxygenate requirement. On June 12, the President opted to deny this request citing that the EPA has determined, time and again, that the addition of oxygen to gasoline improves air quality by improving fuel combustion and displacing more toxic gasoline components.

Mr. Chairman, I believe the only prudent way to address this problem correctly is to replace MTBE in the United States with ethanol. Indeed, the transition to ethanol is already underway in California and drivers are expected to be neither long nor difficult. It is my understanding that California will need 600 million gallons of ethanol annually to replace MTBE. Ethanol producers currently have the capacity to supply 2 billion gallons per year. This year alone, ethanol producers have already begun the process of shipping 150 million gallons to the State, cost-effectively and with no transportation impediments. In fact, letters delivered to California on
behalf of railroads, barge operators, ocean-going ships, and California gasoline terminals assure that ample shipping and storage capacity exists today to move ethanol from the Midwest to California markets.

I agree with my colleagues that MTBE is a dangerous public health threat. That is why earlier this year I introduced legislation that protects the environment and public safety by totally and immediately banning the use of MTBE as a fuel additive across the United States. The Clean Air Act has done a good job in curbing dangerous emissions, and a key part of this success has been the oxygenate requirement. For the sake of keeping the air clean in California and across the United States, we cannot allow this requirement to be scaled back or waived. Therefore, I urge my colleagues to vote against the Cox amendment.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. DONNA M. CHRISTENSEN
OF VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Ms. MILLER. Mr. Chairman, I rise in opposition to H.R. 4, the Securing America’s Future Energy Act of 2001. This bill grants expensive new subsidies to virtually every energy sector without offsets and does little to promote much cheaper energy efficiency and renewable energy technologies. This bill will cost $34 billion and because no offsets are provided it will threaten the Medicare and Social Security trust funds.

This bill does nothing to relieve the suffering of the smallest American. California’s crisis is a precursor of what is to come for the rest of America as we fail to produce an energy policy which is balanced. California consumers paid $7 billion for electricity in 1999. In 2000, that number went up to record highs and Californians paid $27 billion for electricity. It is expected that the number could go up to $70 billion in 2001. I am concerned that minority business owners in my district will suffer greatly due to the high costs of energy.

I am dismayed that this bill will do nothing to stop the outrageous price gouging by out-of-state energy producers to California consumers. In fact, the administration and my Republican colleagues are unwilling to carry out its obligation to ensure that energy prices are just and reasonable, claiming that uncontrolled market prices are needed in order to increase the energy supply. That’s like saying that we must pay dairy farmers $300/gallon to produce milk.

This bill will not provide one more kilowatt to California this summer, prevent one less minute of blackouts, or keep one less dollar from being transferred from California into the hands of the energy producers.

I am concerned about the environmental ramifications of this energy bill. We must look into renewable energy programs, rather than reverse a decade old U.S. policy against reprocessing commercial nuclear fuel and allow for new drilling on public lands without royalty payments. This bill fails to guarantee a significant increase in clean, renewable energy or energy efficient products. For example, the bill fails to require significant improvement in the efficiency of air conditioners, and fails to address peak power demands of other major appliances.

Moreover, we must amend this bill because it would allow for drilling in the Arctic National Wildlife Refuge. Instead, we must utilize current and already open areas for new drilling. After 6 years of energy inaction on behalf of the Republican Congress, this bill follows the same old path: cast blame, insist on extreme antienvironmental proposals, and declare themselves powerless in offering relief to Americans facing record-breaking energy price increases.

I believe in a balanced, comprehensive and cost-efficient energy program that meets America’s energy needs through increased production and efficiency that puts the interest of consumers first and protects the environment. This omnibus energy package does little to address America’s future energy needs and I want to urge my colleagues to vote no on H.R. 4.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Ms. MILLER. Mr. Chairman, I rise in opposition to H.R. 4, the Securing America’s Future Energy Act of 2001. This bill grants expensive new subsidies to virtually every energy sector without offsets and does little to promote much cheaper energy efficiency and renewable energy technologies. This bill will cost $34 billion and because no offsets are provided it will threaten the Medicare and Social Security trust funds.

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I am dismayed that this bill will do nothing to stop the outrageous price gouging by out-of-state energy producers to California consumers. In fact, the administration and my Republican colleagues are unwilling to carry out its obligation to ensure that energy prices are just and reasonable, claiming that uncontrolled market prices are needed in order to increase the energy supply. That’s like saying that we must pay dairy farmers $300/gallon to produce milk.

This bill will not provide one more kilowatt to California this summer, prevent one less minute of blackouts, or keep one less dollar from being transferred from California into the hands of the energy producers.

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Moreover, we must amend this bill because it would allow for drilling in the Arctic National Wildlife Refuge. Instead, we must utilize current and already open areas for new drilling. After 6 years of energy inaction on behalf of the Republican Congress, this bill follows the same old path: cast blame, insist on extreme antienvironmental proposals, and declare themselves powerless in offering relief to Americans facing record-breaking energy price increases.

I believe in a balanced, comprehensive and cost-efficient energy program that meets America’s energy needs through increased production and efficiency that puts the interest of consumers first and protects the environment. This omnibus energy package does little to address America’s future energy needs and I want to urge my colleagues to vote no on H.R. 4.
While I appreciate the recognition of the vulnerability of the Insular Areas energy supply to natural disasters, in H.R. 4, I remain opposed to the bill as a whole because of its over-reliance on energy production at the expense of pristine areas of our environment, as well as a provision that will encourage domestic oil exploration in the Gulf of Mexico. Under the royalty exemption, the Interior Secretary would be required to give as much as 52.5 million barrels of oil royalty-free, costing Americans at least $7.4 billion that the government would have received in those fees. Although proponents of this provision will tell you that it will encourage oil exploration, there is no evidence that these companies would suspend drilling in the Gulf without such relief. This provision is nothing more than another handout to an industry that gets more than its fair share of tax relief.

Finally, this bill doesn’t do nearly enough to protect our environment. We have an opportunity to slow domestic fuel consumption, increase conservation and improve our environment by increasing the corporate average fuel economy (CAFE) standards. The CAFE program dictates the average miles per gallon (mpg) that passenger cars and light-duty trucks sold in the United States must meet. Unfortunately, the “compromise” that was reached on the CAFE standards was nothing more than an insincere fig leaf.

The compromise calls for five billion gallons in gasoline savings over a six-year period. While this might sound like a genuine attempt to decrease fuel consumption, it translates to a mere six days worth of oil consumption for the U.S. To achieve that would require an increase in the fuel economy of cars and trucks of only about one mile per gallon—an increase that, considering how far fuel economy has fallen in recent years due to increased sales of SUVs and pickups, would improve efficiency only to the level we achieved in the early 1980’s. The National Academy of Sciences just this week reported that fuel economy improvements could further reduce U.S. dependence on foreign oil. Our fuel economy standards should reflect a developed nation, leading in technological advances in the 21st century. But the meager CAFE increase proposed in H.R. 4 reflects a nation unwilling—not unable—to provide global leadership for fossil fuel conservation and a cleaner environment.

Regrettably, my colleagues did not seek a truly bipartisan energy bill that would encourage conservation and renewable energy generation; and contain manipulation of the energy spot market by the electricity generators. Instead, they chose to take a shortsighted approach to help some of their leading campaign contributors at the expense of our environment.

I urge my colleagues to protect the environment, and protect the Social Security and Medicare Trust Funds. Vote no on H.R. 4.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

The House in Committee of the Whole on the State of the Union had under consideration the bill to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mrs. MINK of Hawaii. Mr. Chairman, H.R. 4, the so-called SAFE Act, that opens the Coastal Plains of the Arctic National Wildlife Refuge (ANWR) to oil drilling, provides mandatory relief for offshore producers in the Gulf of Mexico, and provides tax breaks for oil and gas exploration. Simply put, H.R. 4 increases oil supply instead of researching and developing alternative, renewable energy sources and conservation. This bill includes tax credits and deductions of $33.5 billion over 10 years with no offsets. Passage of H.R. 4 would squeeze the Medicare surplus. We are on a dangerous path towards the deficit spending that we spent the last 8 years fighting to eliminate it.

ANWR is home to more than 200 species that use the coastal plains as a breeding and migratory habitat. U.S. geological reports are inconclusive as to how much oil will actually be available within the coastal plains, and even if drilling were to begin today, it will be more than a decade before useable oil will be produced. H.R. 4 does not address the fact that oil produced right now on Alaska’s North Slope is currently being exported to Japan and Asia. If we are trying to increase supply, why not ban exports on all our oil currently produced in America?

H.R. 4 includes a provision to artificially enhance competitiveness of western federal coal to give lessees the ability to control market prices. Instead of requiring coal prospectors to “diligently develop” coal, H.R. 4 allows federal coal lessees to withhold production at any time without penalty. I wrote this provision that H.R. 4 is striking. Federal coal lessees already produce 33 percent of U.S. coal consumption, this “produce or withhold” option would allow them to drive out competition and hike prices. They could flood the market with coal when they want to eliminate competition or increase price. Instead of adding volume to a tight fuel supply, it will reduce consumer cost.

H.R. 4 provides an insufficient amount in grants to develop alternative fuels, including fuel cells, natural gas, hydrogen, propane and ethanol. Ethanol should be a cornerstone of America’s energy future. It is a clean burning, renewable, biodegradable fuel that reduces harmful greenhouse gases when added to gasoline as oxygenate. Ethanol is good for the environment and production is vitaly important for the energy security, adding volume to a tight fuel supply and will reduce consumer cost.
There were 5 amendments offered on renewable fuels, but the Rules Committee made every single one of them out of order. This is not the way to help our farmers, our environment, and will not enhance our energy security.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the Energy Act of 2001 (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in opposition to H.R. 4, the Securing America’s Future Energy (SAFE) Act of 2001. I regret having to take this position because I support the Energy and Commerce Committee provisions of this bill, which were crafted in a bipartisan manner under the leadership of Chairman TAUZIN and Ranking Member DINGELL, as well as the Energy and Air Quality Subcommittee Chairman BARTON and Ranking Member BOUCHER. Working together, the members of the committee created a balanced energy policy that recognizes the importance of conservation and efficiency as well as increased production from traditional sources of energy, while improving our nation’s commitment to alternative and renewable energy resources.

The product of our committee’s bipartisan work was combined with the sections reported by other committees. Instead of having conservation and efficiency as its center, the legislation added millions of dollars of tax benefits for corporations involved with exploration and production and distribution of energy supplies with no guarantees that the savings will be passed on to the American consumer. Several provisions were added which threaten sensitive environmental areas such as the Arctic National Wildlife Refuge (ANWR) and allow the private sector to short circuit important environmental regulations. These provisions fundamentally alter the balance that was needed to increase energy supply and protect the environment.

The process by which the bill was pieced together for floor consideration was also seriously flawed. I worked with my colleagues in the Energy and Commerce Committee on both sides of the aisle, to include important provisions that will improve the energy efficiency of the federal government through a streamlining of the Federal Energy Management Program (FEMP), saving taxpayers millions of dollars for years to come.

We created an innovative funding mechanism called the Federal Energy Bank to establish a fund that would help federal agencies invest in more efficient technologies and renew-able resources, recouping the savings for reinvestment later on. We also included incentives for production from renewable energy facilities through revisions to the Renewable Energy Production Incentive (REPI).

When H.R. 4 was presented for floor consideration, the provision, which was unanimously approved by committee, was missing, with no explanation of why other than that the Office of Management and Budget had concerns about the provision that had not been raised during the three previous versions of the legislation as it was developed in committee. After learning that those concerns could be addressed with minor revisions, I offered an amendment to clarify the language for the floor, but it was not made in order by the rule. As the details of the legislation came to light, it was determined that other important provisions contained in the Energy and Commerce Committee bill were removed without consultation with committee members. Mr. Speaker, legislation of this magnitude deserves complete and thorough review and the rush to get the measure to the floor should not supersede the good bipartisan work that was performed in committee and thwart the public policy gains that were made.

Increasing the fuel efficiency of passenger vehicles and light trucks holds the greatest potential for reducing consumption of fossil fuels and emissions of harmful global greenhouse gases, but the implications on the industry and jobs requires a delicate balance on how we best approach this problem. The Energy and Commerce Committee took a first step toward addressing the issue through the requirement that the National Highway Traffic Safety Administration (NHTSA) take steps to decrease petroleum fuel consumption of new vehicles manufactured between 2004 and 2010 by five billion gallons than otherwise would have occurred. Because the rulemaking process under existing law has been stalled for the past six years we have lost the opportunity to approach increasing fuel efficiency at a reasonable pace. We should continue to work to increase the fuel efficiency of all vehicles. The automakers have indicated repeatedly that they have the existing technology to increase the fuel economy of their products and plan to implement those improvements in the near future. Making these changes to improve automotive fuel efficiency and actually affect the number of these vehicles sold is a different matter. Whether for safety, convenience or performance reasons, Americans’ buying habits have trended strongly toward larger sport utility vehicles (SUVs) and light trucks. The public supports improved fuel economy, but balanced with the desire to have vehicles that meet their transportation needs.

The Energy and Commerce Committee provisions also call for a report that will examine alternatives to the current CAFE standard policy and requirements for each manufacturer to comply with those standards for vehicles it makes. The National Research Council report suggests alternative means by which we could achieve greater success at improving fuel efficiency such as a system of tradeable credits to augment the current CAFE requirement and eliminating the differentiation between foreign and domestic fleets. We should continue the support that was afforded to accomplish this over the next several months and come back to this issue once we have learned more about the economic effects of the suggestions that have been included in the report. Mr. Speaker, we must follow through on our commitment to make the provisions of this bill the first step to increase the fuel efficiency of all vehicles, not the last.

When considered as a whole, H.R. 4, is an incomplete solution to the energy needs which will harm the environment we are charged with protecting. I cannot support such an unbalanced and shortsighted energy strategy, and I urge my colleagues to oppose this bill.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. JAMES A. LEACH
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. LEACH. Mr. Chairman, I rise in strong opposition to the amendment.

There is a great deal at stake in this controversy.

First is the damage that will be done to the environment by air pollution if the most populous state in the union is given an exemption from the oxygenate requirement under the re-formulated gasoline program.

Second is the setback which will be given to our efforts to become more energy self-sufficient if this waiver is granted.

Third is the blow such a waiver will deal to the Midwest economy.

Any national energy policy must include the development and usage of alternative sources of fuel—from wind to water, sun to corn and beans—need to be explored, cultivated and implemented more rigorously. This amendment would move our energy policy in precisely the opposite direction.

From a Midwest view ethanol production provides a much-needed boost for the rural Midwest economy. The USDA has determined ethanol production adds 25 to 30 cents to the price of a bushel of corn, and, according to a Midwestern Governor’s Conference report, adds $4.5 billion to farm revenue annually, creates 195,200 jobs, brings in $450 million in state tax revenues, improves our balance of trade by $2 billion, and saves the federal Treasury $3.6 billion annually.

Promoting the use of ethanol in re-formulated gasoline makes good sense environmentally, geostategically and economically.

Again, I urge a no vote on this amendment.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under
The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. WATTS. Mr. Chairman, the House of Representatives today is considering a comprehensive energy strategy to provide clean, affordable and available energy to all Americans. The president has put forth a sound initiative to meet our energy needs after eight years of neglect by the previous Administration. The House today is considering a forward-looking plan that confronts the energy crunch head-on and offers real solutions to our energy shortage, volatile prices and our dependent on foreign oil.

The Securing America’s Future Energy (SAFE) Act is a balanced approach of conservation and production. It is good for the economy, as it will create jobs. It’s no wonder the AFL-CIO and Teamsters’ unions have thrown their support to our initiative. They, like many working Americans, know the value and importance of domestic energy production.

The SAFE Act helps modernize our energy infrastructure. In California, which has faced some of the most severe energy shortages in the country this year, they went without a new power plant for nearly twenty years. Playing catch-up considered an energy strategy. We need 38,000 miles of new natural gas pipelines to move enough fuel to supply our energy needs. The SAFE Act will look ahead to the future and plan for the energy needs of today and tomorrow.

We should not wait for another crisis to formulate an energy plan. The time is now to correct the mistakes of the past and lay down sensible groundwork for the future. Reliable, affordable and environmentally clean energy should be first and foremost on our agenda. I urge the House to pass the SAFE Act.

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. KLECZKA. Mr. Chairman, only a few short months ago, the members of this House passed, one of the largest tax cuts in over a decade. Now here we are again, debating an energy bill that is as fiscally irresponsible. Just two days ago, the U.S. Treasury announced that it will be forced to borrow $51 billion to pay for the tax rebate checks, instead of paying down the debt as previously planned. The New York Times also called the Bush Administration as saying that the surplus for this fiscal year could fall by $120 billion below the January estimate. No matter how we slice it, the fact remains that the U.S. Government simply doesn’t have enough surplus funds to pay for the recently-passed tax cut as well as the tax breaks contained in H.R. 4.

Furthermore, H.R. 4 does little to solve America’s long-term energy challenges. Its primary focus is on developing non-renewable fuel sources, such as oil, natural gas, and coal, regardless of the industry energy conservation and renewables. H.R. 4 gives over $33 billion to energy companies in the form of tax breaks, all at taxpayer expense. About two-thirds of this tax break goes to oil and gas companies, whose profits are at an all-time high and some of whom have so much surplus cash they haven’t figured out how to spend it all.

From 1999 to 2000, profits for the five largest U.S. oil companies rose 146%, from $16 billion to $40 billion. Exxon-Mobil reported yearly profits of $17.7 billion. A July 30, 2001, Wall Street Journal article reported that, “Royal Dutch/Shell Oil said it was pumping out about $1.5 million in profit an hour and sitting on more than $11 billion in the bank.” Even personal salaries for executive suites have skyrocketed. Yearly compensation for executives at the largest energy companies selling power to California rose an average of 253%, with one top executive collecting over $100 million alone. With unprecedented increases in coal and gasoline profits, the SAFE Act does not need financial assistance from Uncle Sam.

Not only is H.R. 4 fiscally unsound, but its provisions allowing drilling in the Arctic National Wildlife Refuge (ANWR) reflect an utter disregard for the preservation of America’s last remaining untouched wilderness. ANWR is a pristine region, teeming with a wide variety of plant and animal species. To believe that we could drill in ANWR without causing irreversible environmental damage is, at best, overly optimistic. As recently as last month, a corroded pipeline in an Alaskan oil field erupted, causing 420 gallons of crude oil to spill onto Alaskan tundra. This spill is but one of many that have occurred in the 95% of Alaska’s North Slope that has already been opened to oil development.

According to the U.S. Geological Survey, ANWR contains about 3.2 to 5.2 billion barrels of economically recoverable crude oil. Since the U.S. consumes about 19 million barrels of oil daily, or almost 7 billion barrels of oil annually, with drilling in ANWR, the coastal plain would only supply about 2% of America’s oil demand. Additionally, if the total amount of oil in this area could be extracted all at once and the ANWR oil was used as the primary oil supply for the U.S., it would only last 6 to 8 months. Aimee personal use, our envi ronmental treasures in search of a quick fix to our energy needs is not the right course of action.
During debate on this bill, we will also consider an amendment to increase fuel efficiency standards for light trucks and sport utility vehicles (SUVs). Currently, the minimum average mileage per gallon (mpg) standard is 20.7 mpg for the fleet of SUVs produced by an automaker in a given year. The amendment would increase this standard to 26 mpg by 2005 and then to 27.5 mpg by 2007. This standard has not been changed in five years, and it is time that we allow it to be increased. While the underlying bill would decrease gasoline use by 5 billion gallons between the year 2004 and 2010, the amendment would create savings of 40 billion gallons of gasoline over that same period. The amendment would increase the minimum average fuel efficiency standard of all cars and light trucks by only 1.3 mpg over what the industry actually produced back in 1987.

Opponents of this proposal claim that raising these standards is not feasible and would result in a decrease in safety to SUV passengers. However, this is not the case. In fact, a competition recently sponsored by General Motors and the Department of Energy illustrates this point. Various engineering schools across the country competed to increase the fuel efficiency of one of the larger SUV's, a Chevrolet Suburban. The winner, University of Wisconsin at Madison, increased the fuel efficiency of this vehicle to 28.05 mpg while maintaining the structural integrity and protections that vehicle affords.

In conclusion, passing H.R. 4 today would be highly imprudent. America's long-term energy needs would be better served with an energy policy that places greater emphasis on energy conservation and renewable fuel technologies.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. ROGER F. WICKER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development, and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. WICKER. Mr. Chairman, I rise in support of H.R. 4. The most important action the Federal Government can take to stabilize energy prices for the American consumer is to develop and implement a coordinated, long-range national energy policy. H.R. 4 is the result of the hard work of five congressional Committees, who have incorporated conservation, environmental regulations, alternative energy sources, energy relief, and increased production to produce a comprehensive national energy plan.

In the foreseeable future, domestic exploration, and production of oil and natural gas will have a critical impact on our country's economy, stability, and international relationships. This amendment would create a savings of 30 years, we have watched OPEC coalesce, fractionize, and coalesce again. I do not think we will ever have more than a superficial influence over many of the OPEC nations. Libya, Algeria, Iran, Nigeria, and Iraq are not what I would call our allies. Why then should we place such heavy reliance on them to meet our energy needs?

The answer for the United States to the supply manipulations by the OPEC cartel is to be efficient access to the coal and natural gas fields here at home. That's why I strongly support the sale lease of area 181, and other tracts in the eastern gulf, and why I believe now is the time to open up area 1002 in the Arctic Coastal Plain of Alaska. While we may never be completely independent for oil supply, we can make a dramatic difference by developing the resources domestically in a reasonable and responsible fashion.

Though domestic production is an essential part of the national energy policy, H.R. 4 addresses other variables that are vital to the full implementation of a coherent national energy plan. While most experts acknowledge that natural gas represents an abundant energy resource for the future, we must ensure there will be sufficient transmission capacity for this uniquely North American product 10 years from now. The regulatory obstacles to operating pipelines—much less constructing new lines—are too numerous to count. H.R. 4 recognizes these obstacles and includes incentives for companies to construct new lines and add capacity that will increase the reliability of America's utility infrastructure.

H.R. 4 creates a favorable tax climate that encourages increased production while also providing tax incentives for individuals and businesses to increase their conservation efforts.

H.R. 4 is a well balanced piece of legislation that draws upon conservation efforts, increased domestic production, and tax incentives to develop the beginnings of a national energy policy that will help decrease our dependence on foreign energy sources and help stabilize energy prices for the American consumer.
to this effort through enhanced research and development in oil and gas exploration, support of renewable energy, and increased opportunities for new technology on conservation, and a strong support of the environment. Rather then this disregard of the environment, we should work together to protect our precious environment. I strongly believe that the best approach to our nation’s energy needs is one of bipartisan cooperation with a goal of ensuring long-term commitments to a national energy plan that reduces dependence on foreign sources of energy and enhances our Nation’s productivity. For this reason, we must explore the potential that renewable energy technologies have to contribute to fulfilling an increasing part of the nation’s energy demand and how that can occur, while increasing the economies, that can be reached through more efficient and environmentally sound extraction, transportation, and processing technologies.

I had an amendment that was incorporated into the final bill offered for inclusion into H.R. 4 that created a Secondary Electric Vehicle Battery Program, the Department of Energy. This new program is designed to demonstrate the use of batteries previously only used in transportation applications in secondary applications, including utility and commercial power storage and power quality. The program would be used to evaluate the performance of these batteries, including their longevity of useful service life and costs, as well as the required supporting infrastructure to support their widespread use.

I find that the ‘end-of-useful-life’ of a battery system that is used in an electric vehicle (EV), that battery system still retains 80 percent of its initial capacity. However, the battery system is no longer useful in the EV because it has lost power capabilities that are required to run the vehicle effectively. In many electric utility applications, only the capacity from a battery, not capability, is required. This situation presents an opportunity for furthering the use of electric vehicles while finding a secondary market for the batteries used for transportation purposes. The high vehicle prices for the initial series of electric vehicles, along with a lack of consumer familiarity and limited driving range, have greatly restricted consumer acceptance and prevent successful market penetration. In turn, manufacturers refuse to produce greater numbers of EVs, having reached conclusions that the costs are too high and the market too limited. The cycle of high costs and limited sales is broken only if costs are reduced and/or volume is increased dramatically. While it is estimated that prices for batteries begin to fall when thousands of EVs pass on a year, auto manufacturers believe that volume alone cannot address the prohibitive costs of advanced technology batteries necessary to create consumer demand for EVs because the materials needed for such batteries (e.g., nickel) are expensive. Currently, there are a total of approximately 4,000 EVs on U.S. roads. To assure volume sales of EVs, a dramatic reduction in the cost of batteries is required. An innovative approach to addressing this issue may be to "extend" the life—or value—of the batteries beyond vehicular use. Once the batteries have been "used" in a vehicle, there is an opportunity to refurbish, then "re-use" the batteries in a stationary application. For example, electric utilities could ‘re-use’ EV battery packs in peak shaving, transmission deferral, back-up power and transmission quality improvement applications. If successfully demonstrated for secondary, stationery-use applications, the effective price of battery systems are projected to make EVs more competitive with gas-powered vehicles.

I along with Members of the Congressional Black Caucus have serious concerns regarding the balance shown in the drafting of this legislation. We must be sure to ensure the interest of those who have the least in our society. For this reason, the CBC sponsored a number of amendments to H.R. 4.

Two of these amendments offered were to ensure the Low-Income Home Energy Assistance Program (LIHEAP) continues to provide help to those who are the most vulnerable in our society. The first amendment would make sure that all funds expended for LIHEAP in this bill will remain available until used. This amendment also adds report directives to a GAO report being requested to include an assessment of how a lack of energy conservation and efficiency education can impact on energy conservation of program beneficiaries. This amendment would also request that information on the conditions of structures that receive LIHEAP funds could impact energy efficiency.

The initial GAO report only requested information on how LIHEAP funds discourage energy conservation, and asks how direct payments associated with energy needs may effect energy conservation.

The second LIHEAP amendment would allow program funds to be used to ensure the retrofitting of homes that receive federal assistance. This will address issues of structural problems that often exist in the homes of those who are most vulnerable in our society. This amendment would allow homes in communities to retain their tax value, which would benefit the community as a whole. Often times homes are in need of roof repair in order to be able to place insurance.

Unfortunately, the Rules Committee only found the LIHEAP amendment that produces a GAO study in order for consideration by the full House today. I would like to stress that as we make our nation’s energy future more secure, we must recognize every American household is secure in the fact that they have access to affordable and reliable energy. I believe that the effects of rising energy prices have had and will continue to have a chilling effect on our nation’s economy. Everything we as consumers eat, touch or use in our day to day lives have energy costs added into the price we pay for the good or service. Today, our society is in the midst of major sociological and technical revolutions, which will forever change our way of work. We are transitioning from a predominantly industrial economy to an information-centered economy. While our society has an increasingly older and longer living population the world has become increasingly smaller, integrated and interdependent.

As with all change, current national and international transformations present both dangers and opportunities, which must be recognized and seized upon. Thus, the question arises, how do we manage these changes to protect the disadvantaged, disenfranchised and disavowed while improving their situation and destroying barriers to job creation, small business, and new markets?

One way to address this issue is to ensure that this nation becomes energy independent through the full utilization of energy sources within our nation’s geographic influence. Today there are more than 3,800 working offshore platforms in the Gulf of Mexico, which are subject to rigorous environmental standards. These platforms result in 55,000 jobs, with over 35,000 of them located offshore. The platforms working in federal waters also have an excellent environmental record. According to the United States Coast Guard, for the 1980–1999 period 7.4 billion barrels of oil was produced in federal offshore waters with less than 0.001 percent spilled. That is a 99.999 percent record for clean operations.

According to the Minerals Management Service, about 100 times more oil seeps naturally from the seabed into U.S. marine waters than from offshore oil and gas activities.

The Nation’s record for safe and clean offshore natural gas and oil operations is excellent. And to maintain and improve upon this excellent record, Minerals Management Service continually seeks operational improvements that will reduce the risks to offshore personnel and to the environment. The Office of Minerals Management constantly re-evaluates its procedures and regulations to stay abreast of technological advances that will ensure safe and clean operations, as well as to increase awareness of their importance.

It is reported that the amount of oil naturally released from cracks on the floor of the ocean have caused more oil to be in sea water than work done by oil rigs.

Most rigs under current Interior regulation must have an emergency shutdown process in the event of a major accident which immediately seals the pipeline. Other safety features include training requirements for personnel, design standards and redundant safety systems. Last year the Office of Minerals Management conducted 16,000 inspections of offshore rigs in federal waters.

In addition to these precautions each platform always has a team of safety and environmental specialists on board to monitor all drilling activity.

These oil and gas rigs have become artificial reefs for crustaceans, sea anemone, and small aquatic fish. These conditions have created habitat for larger fish, making rigs a favored location to fish by local people.

I will be offering an amendment later today with Congressman Nick Rahall to create a reporting process to access the operation of oil and gas wells off the coast of Texas and Louisiana.

We can all agree that the United States depends on energy. We need to develop a long-term national energy policy. Our nation’s energy priorities should remain constant regardless of the changing dynamics of energy supply. For this reason, I hope that the process of completing work on the bill will allow for open debate and honest compromise.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF
HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under
consideration the bill, (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversification in the energy supply for the American people and their communities.

Mr. GEKAS. Mr. Chairman, I rise today to express my support for H.R. 4—The Securing America’s Future Energy Act of 2001. This bill will at long last define our national energy policy so that the United States will have an ample, affordable and increasingly efficient energy supply for the future.

It is time that the American people declare independence from foreign sources of energy. We need to develop our own resources and our own technology so that the economy and security of the United States will not be adversely affected by decisions of foreign energy suppliers in the future.

Mr. Chairman, on March 20, 2000, in the 106th Congress, I introduced H.R. 4035, The National Resource Governance Act of 2000 (the NRG Bill). The goal of this bill was to establish a commission that would investigate U.S. dependence on foreign energy sources, evaluate proposals that would make the United States energy self-sufficient, explore alternative energy sources, investigate areas currently not being used for oil exploration and expansion, such as the Arctic National Wildlife Reserve and offshore. This commission would then submit its findings and recommendations to Congress and the President so that steps could be taken to design and implement a national energy policy.

I introduced the NRG Bill because I believed that our lack of a comprehensive national energy policy would lead to energy shortages and a continued dependence on OPEC. My concerns continued and on November 11, 2000 and again on October 4, 2000, I wrote then-Energy Secretary Bill Richardson to share with him some of my concerns and the concerns of my constituents. Mr. Speaker, I ask that the text of this letter be entered into the RECORD.

November 1, 2000.

Hon. Bill Richardson,
Secretary of Energy,
Forestal Building, Washington, DC.

Dear Mr. Secretary: On October 4th, I sent a letter to you asking for your response to reports in The Wall Street Journal and other media suggesting that crude oil released by the Administration from the Strategic Petroleum Reserve (SPR) may in fact be diverted to Europe. Assuming that the SPR oil would not be diverted to Europe, I further asked that you reconcile the apparent disparities between the Administration’s claim that tapping the SPR would forestall a winter home heating oil crises in the Northeast United States, and independent reports that it would not even reach the intended markets until early next year.

I am extremely disappointed that you have not yet responded to these two basic, yet important questions. In my letter I asked that you provide me with “an immediate assessment” of the aforementioned media reports. I specifically requested that you provide me with a report “early next week” so that I might convey the information to my constituents who are preparing themselves for the onset of winter weather. Since you, officials from your Department have testified to Congress about the President’s decision to tap the SPR, I understand that acting Assistant Secretary S. Kripowicz acknowledged, in one of those hearings, that the release of 30 million barrels of crude oil from the SPR may yield only an additional 250,000 barrels of home-heating oil for the Northeast, including my state of Pennsylvania, which face possible fuel shortages this winter. If Mr. Kripowicz cannot provide answers to Congress regarding the Administration’s recent actions, I fail to understand why an answer to my letter has not been forthcoming.

Mr. Secretary, Pennsylvanians are afraid that the United States has no energy policy. We wonder how long we will continue to be dependent on foreign sources of energy. Unfortunately, your failure to answer basic questions about your Department’s actions only serves to confirm those fears. Please provide my office with your response to the questions raised in my letter of October 4th, by November 8th.

Very truly yours,

George W. Gekas
Member of Congress.

Mr. Chairman, my letters went unanswered as did the concerns of so many Americans worried about energy prices, supply, the environment and national security. Unfortunately, my concerns became a reality. This past winter we saw what comes when another national energy policy meant to the people of California as they experienced unannounced rolling blackouts. We also saw the implications of high gasoline and energy prices on our economy. H.R. 4 will define a national energy policy that will avert such situations in the future.

Today, I not only rise to support H.R. 4, the Securing America’s Future Energy Act of 2001, but I rise to commend President Bush, Vice President Cheney and the rest of the members of the National Energy Policy Development Group for their leadership in proposing a much needed national energy policy. The development and implementation of this bold and innovative policy will certainly insure that the United States will be less dependent on foreign sources of energy, be more efficient and thus more environmentally sensitive, and will also provide every American with access to ample and affordable energy.

SPEECH OF
Hon. Rodney P. Frelinghuysen
of New Jersey
in the House of Representatives
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversification in the energy supply for the American people, and for other purposes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 4, Securing America’s Future Energy Act.

First, let me commend President Bush for his leadership and the committees in the House who have worked on this most important national priority.

Mr. Chairman, gas prices are down, and so far this summer in New Jersey, the lights have stayed on. But make no mistake about it, we have an energy crisis in America. Many families face energy bills two to three times higher than they were a year ago. Millions of Americans find themselves dealing with rolling blackouts. Employers are laying off workers to absorb the rising cost of energy. Even families vacationing across America this summer may have noticed a new “energy” surcharge tacked onto their motel bills.

Let’s face it, we live and work in a nation that demands more energy than we can adequately supply. We are a nation that relies on fossil fuels, and whether we think that’s good or bad, it’s not going to change. Oil, gas and coal fuel our nation. If our nation’s electricity is generated in power plants that burn coal, 20% of our nation’s electricity is nuclear powered, and 18% of America’s lights are turned on thanks to natural gas.

We won’t go from huge gas-guzzling SUV’s to small, electric vehicles overnight. Nor will we unplug our computers and televisions, and run our homes and businesses on solar energy just because someone says that’s a wise thing to do. It’s just not realistic. What is realistic, however, is the fact that we can be smarter, more efficient and perhaps create a way that we produce and consume energy.

That’s why I applaud President Bush for his leadership on the issue of energy. You and I may not agree with each and every proposal he has put forth, but the one thing we can all agree on is the fact that we need a comprehensive strategy to ensure a steady supply of affordable energy for America’s homes, businesses and industries.

President Bush has called for such an energy policy, one that is balanced, long-term and provides answers that will ensure the United States has that safe, stable and reliable national energy supply we so desperately need.

The Congress worked hard to shape the President’s vision. It is important to keep in mind that this problem was created as a result of eight years of neglect and “knee-jerk” reactions to various energy crises “of the moment.” Thus, since this crisis worsened over many years, there is no overnight solution to our nation’s energy woes. But once our strategic plan is implemented, it will require constant monitoring. We will need to update the plan as new technology is developed and alternative energy sources are found. But having a plan already in place will enable us to make needed changes in the way our nation produces and uses energy.

The President’s plan has many components. Among the provisions Congress is addressing are funding increases for the Low Income Home Energy Assistance Program, setting stricter standards for energy use in Federal buildings, and offering tax credits for consumers, home and business owners that focus on energy conservation, reliability and production. A large part of the President’s plan calls for increasing transmission and distribution efforts, reduce energy consumption and to encourage research and development of renewable energy, oil, gas, coal and nuclear energy. He also wants us to focus on the development of the most promising new sources of clean energy such as hydrogen and alternative fueled vehicles. These are just a few examples of the many areas in energy science, conservation and public assistance we will be addressing over the coming months.

For my part, you should know that I serve on the Appropriations Subcommittee which oversees the budget for the Department of Energy. In that role, I have and will continue to...
As a nation, we want the lights to come on whenever we flip the switch. We expect our computers to run and the air conditioning to work. Fortunately for New Jerseys, unlike our fellow Americans in California, our power still flows—the lights come on, the computer runs and the air conditioning works. This is in large part due to the fact that most of New Jersey’s electric power is generated by nuclear energy—75 percent of our electricity comes to us thanks to nuclear power. Nuclear energy is a clean, safe, and reliable energy source. But much of our nation does not have the benefit of such an abundant, reliable source of energy and that’s exactly why we need a comprehensive national energy plan. As a nation, we cannot afford another ‘California’ crisis.

The bottom line is America must be energy self-sufficient. Currently, our nation imports over 55% of the oil we consume from foreign oil cartels. This must change. When more than half of our energy needs comes from foreign sources, particularly OPEC, that allows them to exploit our insecurity risk. We need more American oil, more American gas, and more use of American clean-coal technology, to name just a few. This is the only way to guarantee an uninterrupted supply of energy when we need it. But this drive to produce more energy domestically does not mean that energy development and environmental priorities cannot co-exist. They must. There must be a balance between energy development and the protection of our environment. For the record, when I say balance is needed, I mean drilling in the Alaskan National Wildlife Refuge, or off the coasts of New Jersey or Florida are not options.

Obviously energy has enormous implications for large and small businesses, homeowners, our economy, environment, and our national security. Under the President’s leadership, I am confident that we will better manage America’s energy problems. It won’t be easy and there will be many disagreements. No one person, or no one political party, has all the answers. That’s why the debate in Congress is so important. And, part of our obligation is to listen to our constituents and educate all Americans about the reality of our energy situation, and what it will actually take to improve it.

Mr. Chairman, the situation is not as ‘cut and dry’ as some people on both sides of the issue would like to make it. We cannot simply throw caution to the wind and build pipelines all over the place, and drill for oil or gas anywhere the oil companies want. Neither can we simply oppose an energy plan because we are pure environmentalists. The reality is we are a nation of homeowners, commuters, and computer users—we consume energy in practically everything we do. That’s why I am working to provide the necessary balance to our energy plan that will help us better manage our energy production and consumption. There’s no way to escape it—we need a strategy on energy, and that’s exactly what we are working on. At the same time, we can ill afford to give up on our historic obligation to our children to protect our nation’s air, water, wildlife and open spaces.

We can, and will, do both. Again, Mr. Chairman, I support H.R. 4 and urge my colleagues to do the same.

SECURING AMERICA’S FUTURE Energy ACT OF 2001

SPEECH OF
HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. UNDERWOOD. Mr. Chairman, much like the Nation, the U.S. territories are headed on an unsustainable path. In a few years our power needs will outpace supply, resulting in blackouts, high fuel prices, and increasing dependence on foreign energy sources.

These problems will only grow worse as electricity consumption continues to grow. Although oil prices are high, the public shows a strong desire to produce more domestic energy and is willing to accept higher fuel prices and increased dependence on foreign energy sources.

Developing a sound national energy policy presents a compelling challenge. It requires balancing policies to encourage energy conservation, efficiency, and supply. H.R. 4, the Securing America’s Future Energy (SAFE) Act fails to create this balance.

H.R. 4 fails to include a provision to explore the possibility of Ocean Thermal Energy Conversion (OTEC) as a renewable energy source. It is our responsibility to explore every possible source of renewable energy available and OTEC is a viable option. OTEC can help meet future energy needs for the nation, and it may also be the most viable alternative for the U.S. insular areas.

Ocean Thermal Energy Conversion (OTEC) is an energy technology that converts solar radiation to electric power. OTEC systems use the ocean’s natural thermal gradient—the fact that the ocean’s layers of water have different temperatures—to drive a power producing cycle. As long as the temperatures between the warm surface and the cold deep water differ by about 20 degrees Celsius, an OTEC system can produce a significant amount of power. The oceans are thus a vast renewable resource, with the potential to help produce billions of watts of power.

The economics of energy production today have delayed the financing of a permanent, continuously operating OTEC plant. However, OTEC is very promising as an alternative energy resource for tropical island communities that rely heavily on imported fuel.

OTEC plants in tropical island communities could provide islanders with much needed power, as well as desalinated water and a variety of mariculture products. Because most insular areas are dependent on the importation
of foreign fuel supplies, there is a relatively high cost of diesel-generated electricity, OTEC can be a cost effective source for the pacific islands.

In addition to hydroelectricity, geothermal and the other renewable resources listed in H.R. 4, Ocean Thermal Energy Conversion (OTEC) must also be considered as a renewable energy source.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF

HON. RANDY “DUKE” CUNNINGHAM
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. CUNNINGHAM. Mr. Chairman, I rise today in support of the Securing America’s Future Energy Act of 2001 (H.R. 4). H.R. 4 represents the comprehensive national energy policy considered by this House in more than a decade. The President’s energy policy will put in place a long-term plan that will provide power to America for generations to come.

In my district in California, my family and my constituents are suffering from the dramatic rise in electricity prices. Sadly, we have learned the consequences of not having a long-term plan to produce energy. The failure of the last decade by the Clinton administration, combined with the failure of the Davis administration in California to develop a reasonable long-term energy plan, created this disaster.

The failed policy they embraced is the policy of the radical environmentalists. These groups promote an energy plan based on fantasy. They oppose nuclear power, hydropower, oil, gas, coal, natural gas, and in some cases even wind power. They cling to the failed belief that we can magically make energy without action. There should be no question that this is a strategy of failure, of skyrocketing costs and blackouts.

I support solar power. I believe that solar power research can and will help us address our future energy needs. Nevertheless, commercial solar power is not available today.

I also believe that fusion power will help us meet our energy needs of the future. I am working closely with the gentlelady from California, Ms. LOFGREN, in pushing a fusion energy research bill, which the Science Committee included in H.R. 4, that will set us on the course to commercial development of fusion power. But fusion power is not available today.

I believe that conservation will help us solve our energy problems. Which is why I am the sponsor, with the gentleman from Massachusetts, Mr. MARKET, of the Energy Efficient Buildings Incentives Act (H.R. 778). This comprehensive bipartisan bill provides incentives for conservation and energy efficiency. I am proud that portions of my bill are included in H.R. 4. I am also proud that the President’s plan promotes responsible conservation methods.

Yes, as we in California have learned, we must increase the supply of safe, reliable domestic energy while promoting a clean, safe and healthy environment. Our Nation’s energy problems must be addressed by increasing supplies of traditional fossil fuels, developing alternative sources of energy, and improving conservation. It will not be easy and it will not be quick. However, we have the technology and the resources to meet our energy needs for decades, even centuries to come. At the same time, we can ensure a clean environment as a legacy for our children. The President’s balanced, comprehensive national energy policy will strengthen our economy, lower consumer prices, create jobs and protect the environment. We should pass H.R. 4 today.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. PICKERING. Mr. Chairman, I am pleased that the House is considering H.R. 4 today. This legislation is the first step in the development of a comprehensive national energy strategy.

Included in H.R. 4 is an amendment I offered at the full committee markup to have the Department of Energy conduct a study and review of the Federal Energy Savings Performance Contract Program. This program is an existing and innovative program that provides Federal agencies the opportunity to fund the installation of necessary energy efficiency measures. As the single largest consumer of energy, our Federal government facilities offer a significant opportunity to help us meet one of our national energy goals—increased efficiency. Our experience has shown that many of these government facilities have aging and energy inefficient equipment that require modernization in order to allow them to operate at peak efficiency.

We have learned over the past 10 years in the implementation of this program, like so many other government programs, that “one size does not fit all.” I believe that there are barriers and obstacles in current law and regulations, including some unnecessary red tape that prevents some Federal agencies from participating in the program. If flexibility is increased, this program could be used more effectively by Federal agencies. It is important that we take a look at the program, determine what barriers or obstacles exist, and implement appropriate changes. This provision provides for a 6-month review, report to Congress, and requires the Department to implement appropriate changes to increase program flexibility and effectiveness. As part of this report and review, it is our intention that the Department of Energy will consult with outside parties that have experience participating and working within the program as well as other Federal agencies.

I am hopeful that the end result of this effort will keep us on the road to increasing our nation’s energy efficiency, and that the Federal government will indeed be a large contributor to this effort.

SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

SPEECH OF

HON. JERRY WELLER
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. WELLER. Mr. Chairman, I am in support of this important legislation. I want to thank Chairman THOMAS of the Ways and Means Committee, along with Chairman TAUZIN, Chairman HANSEN, and Chairman BOEHLERT for their efforts in getting this legislation to the floor today.

I would like to speak in support of two specific provision included in H.R. 4. I am pleased that this legislation includes the provisions of a bill I introduced on June 13, 2001, the Save America’s Valuable Resources Act (H.R. 2147). These provisions create a $2,000 tax credit for individuals and businesses to encourage homeowners, builders and contractors to make energy efficiency improvements to homes.

In order to qualify for the credit, homes must be built 30% more energy efficient according to the International Energy Conservation Code, a private sector energy code used in the United States. Except for the first $1,000 in expenditures which are exempt from certification requirements, energy efficiency improvements must be certified by a utility company, a local building regulatory authority, a manufactured home production inspection primary inspection agency or other specified entity to ensure that real and significant efficiency improvements are made.

In 1998, homes accounted for nearly 20% of all the energy consumed in the United States. Today, it costs the average American $1500 to heat and cool their homes every year, which amounts to a cost of $150 billion nationwide annually. By simply making changes in the energy efficiency of their homes, consumers can save real money. Consumers can save 10% or more on energy bills by simply reducing the number of air leaks in their home. Double pane windows with low emissivity coating can reduce heating bills by 34% in cold climates like Chicago. If all households upgraded their insulation to meet the International Energy Conservation Code level, the nation would experience a permanent reduction of annual electric consumption totaling 7% of the total consumed.

I would also like to offer my support for the extension of the tax credit for wind energy. Currently, the wind energy tax credit expires on January 1, 2002. H.R. 4 extends the availability of this credit through January 1, 2007.
I have been a long time supporter of the wind energy tax credit and other similar incentives to utilize new and efficient energy sources.

Mr. Chairman, thank you again for allowing me to offer my support for this important legislation. I encourage my colleagues to join me in support of this bill.

**SECURING AMERICA’S FUTURE ENERGY ACT OF 2001**

**SPRECH OF HON. PHIL ENGLISH OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES Wednesday, August 1, 2001**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. ENGLISH. Mr. Chairman, we are in the midst of an energy crisis brought on by years of ignoring the potential problems. During the next 20 years, U.S. oil consumption will increase by 33 percent and the demand for electricity will rise by 45 percent.

At this rate, the demands for energy will far outweigh the supply if we do not enact a comprehensive energy plan. With that I urge my colleagues to support the Securing America’s Future Energy Act which emphasizes conservation, infrastructure upgrades and further development of traditional fossil fuels.

I would like to take a moment and focus on some of the conservation aspects of H.R. 4. This bill provides a tax credit for residential solar energy use, which not only encourages the use of solar energy but it will reduce electric bills and the load on the electric grid. Through tax incentives, H.R. 4 also encourages the development and use of clean cars by increasing technology and reducing costs.

Studies indicate that 275,000 alternative fuel vehicles will be purchased because of this bill, reducing gasoline consumption and the effects of greenhouse gases. Conservation is also emphasized in H.R. 4 through tax credits for energy efficient appliances, homes and businesses.

Use of super energy efficient appliances in all households would save more than 200 trillion BTUs, which is equivalent to taking 2.3 million cars off the road. If all households upgraded their insulation, electric consumption would be reduced by 7 percent.

As you can see, this bill provides valuable tools to promote conservation among Americans. I realize, Mr. Chairman that conservation alone will not go far enough, but neither will drilling. In fact, 37.5 percent of this bill stresses conservation, while 23.8 percent focuses on production and 38.7 percent on reliability. That is why I urge my colleagues to support H.R. 4 because it is a well-balanced plan that provides for the future energy needs of America.

**SECURING AMERICA’S FUTURE ENERGY ACT OF 2001**

**SPRECH OF HON. BERNARD SANDERS OF VERMONT IN THE HOUSE OF REPRESENTATIVES Wednesday, August 1, 2001**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. SANDERS. Mr. Chairman, I rise in strong opposition to this bill. At a time when this country is wasting a huge amount of fuel and electricity, this bill provides $34 billion dollars in subsidies and tax breaks for the big oil, coal, gas and nuclear companies to drill for more oil and gas and to produce more and more energy. These companies are making record breaking profits by gouging consumers, destroying our environment and threatening our health. Can anyone tell me why we need drilling? Mr. Chairman, this is outrageous. We simply cannot drill our way out of this mess.

At a time when emissions from dirty coal-fired power plants produce acid rain and carbon dioxide that threatens our global climate and our health; at a time when scientists throughout the world believe that we have an enormous amount of work to do to combat the danger of global warming; at a time when wind energy is the world’s fastest growing source of energy and when the price of solar energy has been coming down in recent years due to better technology, I find it outrageous that the best we can do is to study whether our country can get to 5 percent renewable in the next 15 years.

Mr. Chairman, we don’t need a study on renewable energy, the studies have already been done. The technology is already there. What we need is a firm commitment. I tried to offer an amendment to require that 20 percent of our nation’s electricity come from renewable sources of energy such as wind, solar, and biomass by 2020. Unfortunately, the Rule Committee denied the opportunity for debate on this amendment.

While renewable, non-polluting wind power has been the world’s fastest growing energy source in recent years, wind energy contributes less than 1 percent of the national supply of electricity in the United States, and renewable energy only 1 percent. We can and must do better.

The growing dependency on imported oil is dangerous not only to our economy but also to our national security. We must attack this problem by increasing our use of renewable sources of energy such as wind, solar and biomass, but his bill does not get this done.

Mr. Chairman, the price gap between fossil fuels and renewable energy has narrowed. For example, the price of natural gas has more than doubled in the past year, while the cost of wind energy has dropped more than 80 percent in the past two decades.

Mr. Chairman, they are doing it in Denmark, they are doing it in Northern Germany, and they are doing it in Northern Spain. 13 percent of Danish electricity consumption is covered by wind right now. In Northern Germany and in Northern Spain the figure is 20 percent.

Danish companies have supplied more than half the wind turbines now in use worldwide, making it one of the country’s largest exports and employing more than 12,000 people. Germany has 6,113 megawatts worth of wind turbine, which meets 2.5 percent of the country’s total electricity demand. Spain, the fastest-growing market for the past 3 years, now has almost as much wind capacity as the entire U.S.

Right now we have the opportunity to set an energy course that saves money, restores our environmental health, and enhances both the competitiveness of our economy and our national security. There is no question that the U.S. has the technology and the resources to move us away from our reliance on fossil fuels and towards renewable, non-polluting sources of energy. Unfortunately, this bill does not get the job done. I urge my colleagues to defeat H.R. 4.
HIGHLIGHTS

Senate passed Crop Year 2001 Agricultural Economic Assistance Act.

Senate

Chamber Action

Routine Proceedings, pages S8849–S9010

Measures Introduced: Forty-six bills and ten resolutions were introduced, as follows: S. 1348–1393, S. Res. 150–157, and S. Con. Res. 64–65.  Pages S8910–12

Measures Reported:


Measures Passed:

- Crop Year 2001 Agricultural Economic Assistance Act: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 2213, to respond to the continuing economic crisis adversely affecting American agricultural producers, and the bill was then passed, clearing the measure for the President.  Page S8852

- Commending Elizabeth B. Letchworth: Senate agreed to S. Res. 154, commending Elizabeth B. Letchworth for her service to the United States Senate.  Pages S8873–75

- Election of Secretary for the Minority: Senate agreed to S. Res. 155, electing David J. Schiappa, of Maryland, as Secretary of the Minority of the Senate.  Page S8875

- Adjournment Resolution: Senate agreed to H. Con. Res. 208, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.  Pages S8875–76

- Ukraine’s Independence Anniversary: Senate agreed to S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies, after agreeing to the following amendment proposed thereto:  Pages S8993–94
  
  Reid (for Helms) Amendment No. 1479, to make a clerical correction.  Page S8993

- Thurgood Marshall U.S. Courthouse: Senate passed S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall United States Courthouse”.  Page S8994

- Edward N. Cahn Federal Building/U.S. Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 558, to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the “Edward N. Cahn Federal Building and United States Courthouse”, and the bill was then passed, clearing the measure for the President.  Page S8894

- Thurgood Marshall U.S. Courthouse: Senate passed H.R. 988, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall United States Courthouse”, clearing the measure for the President.  Page S8995

- River Basin Optimization: Senate passed S. 238, to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.  Page S8995
Peopling of America Theme Study: Senate passed S. 329, to require the Secretary of the Interior to conduct a theme study on the peopling of America. Pages S8995–96

Denver Water Reuse Project: Senate passed S. 491, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Act, to participate in the design, planning, and construction of the Denver Water Reuse project, after agreeing to a committee amendment in the nature of a substitute. Pages S8995, S8996

National Discovery Trails Act: Senate passed S. 498, to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, after agreeing to committee amendments. Pages S8995, S8996–98

Huna Totem Corporation Land Exchange Act: Senate passed S. 506, to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation. Pages S8995, S8998

Kenai Mountains-Turnagain Arm National Heritage Area Act: Senate passed S. 509, to establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, after agreeing to a committee amendment in the nature of a substitute. Pages S8995, S8998–99

Little Sandy River Watershed Protection: Senate passed H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, clearing the measure for the President. Pages S8995, S8999

Carson City, Nevada Site Conveyance: Senate passed H.R. 271, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center, clearing the measure for the President. Pages S8995, S8999

National Community Health Center Week: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 59, 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, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: Page S9000

Reid (for Hutchinson) Amendment No. 1480, 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. Page S9000

Joseph E. Dini, Jr. Post Office: Senate passed S. 737, to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office”. Page S9000

Horatio King Post Office: Senate passed S. 970, to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building”. Page S9000

Pat King Post Office designation: Senate passed S. 1026, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building”. Pages S9000–01

Marjory Williams Scrivens Post Office: Senate passed H.R. 364, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the “Marjory Williams Scrivens Post Office”, clearing the measure for the President. Pages S9000, S9001

W. Joe Trogdon Post Office: Senate passed H.R. 821, to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the “W. Joe Trogdon Post Office Building”, clearing the measure for the President. Pages S9000, S9001

G. Elliot Hagan Post Office: Senate passed H.R. 1183, to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the “G. Elliot Hagan Post Office Building”, clearing the measure for the President. Pages S9000, S9001

M. Caldwell Butler Post Office: Senate passed H.R. 1753, to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the “M. Caldwell Butler Post Office Building”, clearing the measure for the President. Pages S9000, S9001

Elwood Haynes ‘Bud’ Hillis Post Office: Senate passed H.R. 2043, 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”, clearing the measure for the President.  

Homeless Assistance: Senate passed S. 1144, to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program.  

Franchise Fund Pilot Programs Authorization: Senate passed S. 1198, to reauthorize Franchise Fund Pilot Programs.  

Federal Firefighters Retirement Age Fairness Act: Senate passed H.R. 93, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers, clearing the measure for the President.  

Louisiana Purchase Bicentennial Commission Act: Senate passed S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase, after agreeing to a committee amendment in the nature of a substitute.  

Brown v. Board of Education Anniversary: Senate passed H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education, after agreeing to committee amendments.  

Brown v. Board of Education Anniversary: Senate passed S. 1046, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education, after agreeing to committee amendments.  

National Veterans Awareness Week: Senate agreed to S. Res. 143, expressing the sense of the Senate regarding the development of educational programs on veterans’ contributions to the country and the designation of the week of November 11 through November 17, 2001, as “National Veterans Awareness Week”.  

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 138, designating the month of September as “National Prostate Cancer Awareness Month”, after agreeing to committee amendments.  

Hebrew Immigrant Aid Society Assistance: Senate agreed to S. Res. 145, recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society.  

Louis Armstrong Day: Senate agreed to S. Res. 146, designating August 4, 2001, as “Louis Armstrong Day”.  

Measures Indefinitely Postponed:  

Carson City, Nevada Site Conveyance: S. 230, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center.  

Little Sandy River Watershed Protection: S. 254, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon.  

Emergency Agricultural Assistance Act: Senate resumed consideration of S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, after taking action on the following amendments proposed thereto:  

Pending:  

Lugar Amendment No. 1212, in the nature of a substitute.  

Daschle motion to reconsider the vote (Vote No. 273) by which the motion to invoke cloture on the bill was not agreed to.  

During consideration of this measure today, Senate also took the following action:  

By 49 yeas to 48 nays (Vote No. 273), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to close further debate on S. 1246 (listed above).  

Subsequently, by unanimous consent, S. 1246 was returned to the Senate calendar.  

Export Administration Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 149, to provide authority to control exports, at 11 a.m., on Tuesday, September 4, 2001.  

Nominations Confirmed: Senate confirmed the following nominations:  

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.  

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.  

James Gurule, of Michigan, to be Under Secretary of the Treasury for Enforcement.
David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development.

Peter R. Fisher, of New Jersey, to be an Under Secretary of the Treasury.

Jeffrey R. Holmstead, of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

Robert D. McCallum, Jr., of Georgia, to be an Assistant Attorney General. Vice David W. Ogden, resigned.

George Tracy Mehan III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Robert E. Fabricant, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency.

Janet Rehnquist, of Virginia, to be Inspector General, Department of Health and Human Services. (Committee on Finance was discharged from further consideration)

Alex Azar II, of Maryland, to be General Counsel of the Department of Health and Human Services. (Committee on Finance was discharged from further consideration)

Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration.

John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor. (Committee on Health, Education, Labor and Pensions was discharged from further consideration)

Richard J. Egan, of Massachusetts, to be Ambassador to Ireland.

Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon.

Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce.

Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development.

Jon M. Huntsman, Jr., of Utah, to be a Deputy United States Trade Representative, with the rank of Ambassador. (Committee on Finance was discharged from further consideration)

Richard Henry Jones, of Nebraska, to be Ambassador to Kuwait.

Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration.

Nancy Victory, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.

Rosario Marin, of California, to be Treasurer of the United States. (Committee on Finance was discharged from further consideration)

Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2002.

Claude M. Kicklighter, of Georgia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce.

Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

H.T. Johnson, of Virginia, to be an Assistant Secretary of the Navy.

Henrietta Holsman Fore, of Nevada, to be Director of the Mint for a term of five years.

Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund for a term of two years.

Judith Elizabeth Ayres, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Theresa Alvillar-Speake, of California, to be Director of the Office of Minority Economic Impact, Department of Energy.

Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation.

Emily Stover DeRocco, of Pennsylvania, to be an Assistant Secretary of Labor. (Committee on Health, Education, Labor and Pensions was discharged from further consideration)

John P. Stenbit, of Virginia, to be an Assistant Secretary of Defense.

Michael L. Dominguez, of Virginia, to be an Assistant Secretary of the Air Force.

Nelson F. Gibbs, of California, to be an Assistant Secretary of the Air Force.

Mario P. Fiori, of Georgia, to be an Assistant Secretary of the Army.
Ronald M. Sega, of Colorado, to be Director of Defense Research and Engineering.
Otto Wolff, of Virginia, to be an Assistant Secretary of Commerce.
Otto Wolff, of Virginia, to be Chief Financial Officer, Department of Commerce.
Craig Roberts Stapleton, of Connecticut, to be Ambassador to the Czech Republic.
Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho.
Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany.
John A. Gauss, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).
Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic.
Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.
Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe.
Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia.

Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan.
R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, vice Alexander R. Vershbow.

Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen.
Nancy Goodman Brinker, of Florida, to be Ambassador to the Republic of Hungary.

Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola.

Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay. (Committee on Foreign Relations was discharged from further consideration)

2 Air Force nominations in the rank of general.
1 Army nominations in the rank of general.
1 Marine Corps nominations in the rank of general.

25 Navy nominations in the rank of admiral.
Routine lists in the Army, Marine Corps.

Mark W. Olson, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia.

John Malcolm Ordway, of California, to be Ambassador to the Republic of Armenia.

John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals for a term of six years.
Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Terrell Lee Harris, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

Scott M. Burns, of Utah, to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy. (New Position)

Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration. (New Position)

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Elsa A. Murano, of Texas, to be Under Secretary of Agriculture for Food Safety.

Marcelle M. Wahba, of California, to be Ambassador to the United Arab Emirates.

B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

Nominations Received: Senate received the following nominations:

Pages S8891–93, S9009–10
Susan Schmidt Bies, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 1998.

2 Army nominations in the rank of general.

Executive Communications: Page S9009
Petitions and Memorials: Pages S8908-10
Messages From the House: Page S8907
Measures Referred: Pages S8907-08
Measures Placed on Calendar: Page S8908
Measures Read First Time: Page S8908
Statements on Introduced Bills: Pages S8913-72
Additional Cosponsors: Pages S8912-13
Amendments Submitted: Pages S8977-79
Additional Statements: Page S8907
Text of H.R. 2620, as Previously Passed: Pages S8980-93
Notices of Hearings/Meetings: Pages S8979-80
Authority for Committees: Page S8980
Privilege of the Floor: Page S8980
Record Votes: One record vote was taken today. (Total—273) Page S8950

Adjournment: Senate met at 9:30 a.m. and, pursuant to the provisions of H. Con. Res. 208, adjourned at 3:55 p.m., until 10 a.m., on Tuesday, September 4, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9009.)

Committee Meetings

(Committees not listed did not meet)

ANDEAN TRADE PREFERENCES ACT

Committee on Finance: Subcommittee on International Trade held hearings to examine the impact and renewal of the Andean Trade Preferences Act (ATPA), a program set in place to act as an incentive to eradicate illicit drug production in the Andean countries by providing for many exports from Columbia, Peru, Ecuador and Bolivia to receive duty-free treatment upon import into the United States, receiving testimony from Representative Crane; Peter F. Allgeier, Deputy United States Trade Representative; Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; Paul Arcia, A.R.C. International, Miami, Florida; Rick Harrah, Dole Food Company, Inc., San Jose, Costa Rica; Carlos Moore, American Textile Manufacturers Institute, and William J. Snape III, Defenders of Wildlife, both of Washington, D.C.; and K. Ward Rodgers, Heinz North America, Pittsburgh, Pennsylvania.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of J. Richard Blankenship, of Florida, to be Ambassador to the Commonwealth of The Bahamas, Hans H. Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic, and Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay, after the nominees testified and answered questions in their own behalf. Mr. Silverstein was introduced by Senators Lieberman, Specter and Santorum.
House of Representatives

Chamber Action

The House was not in session. Pursuant to the order of the House of Thursday, August 2, the House stands adjourned until noon on Monday, August 6, 2001, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 208. In which case, the House shall stand adjourned pursuant to that concurrent resolution for the August District Work Period and will reconvene on Wednesday, September 5 at 2 p.m.

Committee Meetings

COMMERCE DEPARTMENT—COMPUTER SECURITY POLICIES AND PRACTICES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on “How Secure is Sensitive Commerce Department Data and Operations? A Review of the Department’s Computer Security Policies and Practices.” Testimony was heard from Robert F. Dacey, Director, Information Security Issues, GAO; and the following officials of the Department of Commerce: Johnnie E. Frazier, Inspector General; Samuel W. Bodman, Deputy Secretary, and Thomas Pyke, Acting Chief Information Officer.

Joint Meetings

JULY EMPLOYMENT SITUATION

Joint Economic Committee: Committee concluded hearings to examine the Bureau of Labor Statistics employment data in order to gauge the status of the July employment situation, as well as the latest consumer and producer price indexes with respect to the inflation outlook, after receiving testimony from Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor.
Program for Tuesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will begin consideration of S. 149, to provide authority to control exports. (Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

**Extensions of Remarks, as inserted in this issue**

- Frelinghuysen, Rodney P., N.J., E1566
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