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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 13, 2001.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God of the ancient covenant with Abraham, be with us now.

You spoke to the man of faith and broke the silence of human history. You said to Abraham:

''I am God Almighty. Live always in my presence and be perfect, so that I may set my covenant between myself and you and multiply your descendants.''

As God Almighty, in personal relationship with the human family, You become the God of the living, the God of our father Abraham, Isaac, Jacob, and their descendants in faith.

Because of this relationship with You, people even to this day stay in dialogue with You. By prayer, living in Your presence, and daily efforts to being faithful to Your covenant, Your people themselves change. Although You the Almighty do not change, You perfect Your people of faith according to Your design, Your call, and Your purpose.

Renew today Your covenant with Your people. Make of us a people of promise and hope, a people bound to be faithful to their commitments, a people who respect all the living. As descendants of Abrahamic faith, believing in a living God, may all Your people come together in peace through justice and compassion, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GEKAS 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches on each side.

LACK OF PERFORMANCE IS REFLECTED IN OUTCOME

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

Mr. FOLEY. Mr. Speaker, we are here on December 13 in our Nation's Capitol awaiting some progress from the other Chamber. The economy is in trouble. Joblessness is increasing. Unemployment and layoffs are occurring around our Nation. It seems like on the other end of this hallway they are tone deaf to the problems facing average Americans.

The House passed an economic stimulus bill, the President has a blueprint for an economic stimulus bill, and somewhere over on the other side of this wonderful, majestic building are people that do not get it. They do not understand the pain and anguish of Americans who are suffering. They do not recognize as we head into the holidays that people need some hope in the economy and the stock market needs a little boost.

NOTICE

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Michael F. DiMario, *Public Printer*

Now, I pray over the next couple of days that they find their direction and find their way to assist average Americans in making a more secure future for themselves and their families. They can leave this Capitol without doing anything, and they will be the do-nothing other body. I am trying to avoid using the term, because I do not want to be admonished by the Chair. But I think most Americans are disgusted by their lack of performance, and it will be reflected.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must admonish the Member that it is a violation of House rules to speak disparagingly about Members of other body.

HAPPY 70TH BIRTHDAY TO MITZIE WILSON, A PILLAR OF THE COMMUNITY

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

Mr. MASCARA. Mr. Speaker I rise today to pay tribute to Mitzie Wilson, an outstanding American, friend and neighbor from Charleroi, Pennsylvania, my hometown. She, her husband, Don, and her son, Glenn, are considered pillars of the community. She will celebrate her 70th birthday on January 17, 2002. We wish her a happy birthday and many more to come.

While many of us in Congress talk about the importance of family values, Mitzie and her family serve as a model that every American should emulate. They are the first to offer to take neighbors for doctor visits, pick up prescriptions at a drugstore, and shovel walks for elderly neighbors. As if that were not enough, her son is a volunteer firefighter in Charleroi, Pennsylvania. Mrs. Mascara and I have been the recipients of their kind acts.

Finally, Mitzie served our country as a member of the Air Forces, United States Air Force serving in Guam. Happy birthday, Mitzie. We are proud to know you and to be considered your friend.

TERRORISM IN INDONESIA MUST BE ADDRESSED AS PART OF WAR ON TERRORISM

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

Mr. PITTS. Mr. Speaker, I rise today out of concern over the serious internal terrorist attacks occurring in Indonesia.

A terrorist extremist group, Laskar Jihad, led by a man by the name of Jafar Umar Thalib, has caused tremendous destruction, death, and internal displacement of the Indonesian people. In Poso, Central Sulawesi, villagers are presently fleeing in terror as Laskar Jihad attacks and burns their homes and kills innocent people.

Credible reports in the news media have revealed links because the Laskar Jihad and the al Qaeda organization. During the attacks in Poso, foreigners from countries like Pakistan and Afghanistan have been seen among the terrorists. There is not only a strong ideological link, but also an important financial link between al Qaeda and Laskar Jihad.

Mr. Speaker, it is vital that we work proactively with the Indonesian Government as their officials seek to appropriately respond to terrorism and as they continue to establish democracy and stability in their Nation.

This is another front in the international war on terrorism that should be addressed.

BIN LADEN CANNOT HIDE MUCH LONGER

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

Mr. TRAFICANT. Mr. Speaker, Osama bin Laden is holed up in Tora Bora. Reports say that bin Laden is near the precipice of his great demise. The cornerstone of his condominium is crumbling, and they predict he will fall.

Think about it. Bin Laden was always one who was flexing his muscles, strutting his stuff, scaring people to death.

Beam me up. I now officially deem bin Laden as ''bin hiden.'' This gutless coward from Tora Bora has no balsam, period.

I yield back with a famous quote of Mohammed Ali. Bin Laden can run, but bin Laden cannot hide much longer.

STAFF DESERVE RESPECT AND APPRECIATION

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

Mr. PENCE. Mr. Speaker, the Bible tells us that the testing of our faith develops perseverance, and perseverance must finish its work that we might be mature, complete, not lacking in anything.

At this hour, Mr. Speaker, as every day since the emergency adjournment of the Congress on October 17, my Washington staff labors on card tables and folding chairs in the relative obscurity of a Rayburn office building banquet hall. These dedicated young people have been exiled from our Washington office ever since we learned that trace elements of anthrax were discovered there; and they have been laboring, Mr. Speaker, with astonishing integrity and astonishing commitment and dedication to the thousands of people we serve across east central Indiana. Bill Smith, Ron Arnold, Jennifer Marsh, Patrick Wilson, Stephen Piepgrass, Ryan Fisher, Andrew Kincaid, Chris Kiefer, and Mary Breeding all deserve recognition for their patient endurance in the trial of serving and especially for their patience in putting up with me.

When I asked each one of them whether or not they might talk with their parents about a better place to work after 9–11 and even after the anthrax scare, I told them there was only one family that had to be in Washington, D.C. to serve the people in this district and that was mine; and to their undying credit, every one of them stayed. They labor at this very hour on behalf of the people of the second district, and they deserve our respect and appreciation.

THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Ms. WOOLSEY. Mr. Speaker, I rise today to urge the Republican leadership to bring the bill of the gentleman from Michigan (Mr. CONYERS), H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, to the House floor before we leave next week.

Communities across the Nation, including Marin and Sonoma Counties, where I work and that I am privileged to represent, are horrified by the brutal crimes committed against innocent Sikhs, Arabs, Indians, and people of Muslim faith. Our children are watching in horror as their moms, their dads, brothers, sisters and close friends are being harassed, spit on, beaten, and, even worse, killed.

These hate crimes are happening in their neighborhoods, their schools, and their places of worship. Does this Congress want to stand by and let our children be subjected to this kind of hate, or will the 107th Congress recognize the problem at hand and take the action necessary to reverse this trend by bringing H.R. 1343 forward?

Mr. Speaker, we must past this bipartisan bill now.

LACK OF ACTION IS DISAPPOINTING

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

Mr. RYUN of Kansas. Mr. Speaker, in the aftermath of the September 11 attacks, we saw our Nation unite as never before. For a time this unity exhibited itself in Washington in a refreshing spirit of bipartisanship.

Unfortunately, today while the American people remain united behind the war, some in the other body are united behind the majority leader in their desire to obstruct certain important pieces of legislation. Here in the

House we passed an economic stimulus package, a ban on human cloning, a faith-based bill, an energy bill, just to name a few. What action has the other body taken on these items in response? Absolutely none.

To borrow a word from the majority leader in the other body, this lack of action is disappointing.

All of us in Congress are sent here to get a job done. The leader of the other body should not be allowed to single-handedly derail the people's business.

Mr. Speaker, I urge the people on the other side of the Capitol to put business over politics and allow votes on these important bills.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair will admonish Members not to characterize the action or inaction of the other body.

PROTECTING OUR NEIGHBORS

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

Mr. INSLEE. Mr. Speaker, one of the real bright spots following September 11 in this country has been the number of times that Americans have stood up for tolerance and against hate. Last weekend I was at the Northgate Mosque north of Seattle to visit a mosque where people had actually tried to burn down the mosque. When I got there, there were four people standing out in front of the mosque waiving at people driving by, and I asked folks in the mosque what those folks were doing. They said that they were a neighborhood watch guard that had been established by the neighbors of the mosque, none of whom were Muslim, of the Muslim faith, to guard the mosque.

I think there has been a lot of good sides that we have shown the world of protecting our neighbors in this regard.

□ 1015

Now the U.S. Congress ought to do its part and pass the Local Law Enforcement Hate Crimes Prevention Act so that we can help local law enforcement help the folks in these neighborhoods protect those who are the subject of hate.

That is the American message, and I think it would be a good holiday statement by the U.S. House of Representatives.

LIFE LION 15TH ANNIVERSARY

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

Mr. GEKAS. Mr. Speaker, Hershey, Pennsylvania, of course, is known throughout the world as the chocolate capital of the world, but there is another institution in Hershey which also is well known and well accepted in the larger community. That is the Penn State Hershey Medical Center.

One of the fantastic services they provide is what is called the Life Lion, L-I-O-N, Life Lion service of helicopter emergency retrieval of accident victims and emergency victims of all types for transportation to the Medical Center, or for transportation from the medical center to another institution that is more specialized in the kind of medical services required. This helicopter unit is made up of a pilot, a paramedic, and a flight nurse, and is nonstop throughout all the days and all the weeks of the year.

What is important for us, and why I bring it to Members' attention here today, is that this has been serving as a model throughout the Nation for similar types of services, and today they are celebrating 15 years of excellent service to the community.

H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2001

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

Ms. DEGETTE. Mr. Speaker, earlier this year a young man in Colorado was brutally beaten and left for dead in southwestern Colorado because he was transgendered and openly gay. His attacker left him in the cold night to die alone, and his body was later found in the advanced stages of decomposition with a broken skull and a slash on his abdomen.

Despite the fact that the attacker later bragged about ''killing a fag,'' the crime has yet to be declared a hate crime, and local prosecutors are without resources to fully investigate the crime.

That is why I rise today to call upon the House to pass H.R. 1343, the Hate Crimes Prevention Act. This bill would provide Federal financial and technical assistance to State and local governments to prosecute these horrifying hate crimes and would allow the Federal Government to prosecute crimes where State or local authorities refuse to act.

Congress must pass H.R. 1343 to bring justice for this young man's death and the many hate crimes throughout America.

RECOGNIZING MAJOR JAMES HENSIEN OF THE UNITED STATES MARINE CORPS

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to recognize Major James Hensien of the United States Marine Corps, who has spent the past year working in my office as Marine Corps Fellow.

As part of the fellowship program, Major Hensien has exemplified the impeccable characteristics that one would expect from an officer of the United States Marines.

Major Hensien has played a key role in my office, advising me on military affairs, both nationally and within my Virginia district.

As Major Hensien's 1-year fellowship comes to a close, I would be doing our Nation a disservice if I failed to recognize Major Hensien and the Marine Corps Fellowship Program for the outstanding service and contributions they have given to Congress and America.

I would like to thank Major Hensien for his service this past year and extend my compliments to the United States Marine Corps Fellowship Program for their continued pursuit of excellence. Major Hensien is a credit to the Marine Corps, and an example of the quality of our men and women in uniform.

Once again, I would like to thank Major Hensien for his service and wish him God speed in all of his future endeavors.

HATE CRIME PREVENTION

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

Ms. SOLIS. Mr. Speaker, today I rise again to support the Local Law Enforcement Hate Crimes Prevention Act of 2001, introduced by my good friend, the gentleman from Michigan (Mr. CONYERS). The act promotes a strict enforcement of hate crimes, providing Federal assistance to States and local jurisdictions to prosecute these cowardly crimes.

In my own district, in the city of Azusa, we have experienced several hate crimes. In fact, in 1999, 11 hate crimes were reported, Latinos fighting with African Americans. Unfortunately, in this past year, Azusa has already experienced nine hate crimes alone, and those were the only ones that were reported. What about the ones that were not reported?

Earlier this month, a Molotov cocktail was maliciously thrown at three different homes, African American families, and almost killed a young child. In one of these outrageous attacks, the bomb landed in the bedroom of a 6-year-old boy.

We must stand to protect our children and communities from these hateful actions. I want to be able to tell the people in my district that here in Washington, D.C. we are doing something about hate crimes. We need to empower our law enforcement and give more support to combat hate crimes.

AMERICA'S BLOOD SUPPLY READINESS MUCH IMPROVED

(Mr. FLETCHER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, I rise to draw my colleagues' attention to largely overlooked yet significant accomplishments on the homeland security front.

Before the tragic events of September 11, the United States had a blood inventory of about 2 to 3 days. Critical blood shortages often meant cancellation of elective surgery and a national vulnerability to any sudden and widespread need for blood.

Today, thanks to hundreds of thousands who have donated blood, and to the American Red Cross working tirelessly to collect it, we have tripled our supply to a 10-day national inventory of liquid red cells. This means enough blood to treat the immediate needs of 50,000 critically injured patients; and as a physician, I understand just how important that is.

However, blood is a perishable commodity, and sustaining an adequate supply will require 25,000 donations a day. That is why it is critical to our homeland health security that we encourage the national habit of giving blood twice a year.

I hope all of us will encourage our friends and family to do so by calling 1–800–GIVE LIFE.

CALLING FOR A VOTE ON H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2001

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

Ms. CARSON of Indiana. Mr. Speaker, before September's explosions of hatred, we needed hate crimes legislation to help local jurisdictions across the country deal with crimes motivated by prejudice. After, as we experienced the hate-filled behavior of some of our own people, the need is underscored.

Since then, word has come to us at home and on the Hill of wanton attacks upon Americans of Arab and Muslim descent. In my hometown, young people fueled by hatred brutally attacked a young Hoosier Air Force veteran of Thai descent, intent upon vengeance.

Hatred is a thing bad in itself. Unchecked, it is our bitter enemy. When it powers violence, its reach is extended into the realm where terror is born, multiplying its victims.

202 of us have cosponsored H.R. 1343. I implore those who control the flow of business here to let us vote, Mr. Speaker, to underscore the determination of this House that hatred has no home in our land.

IT IS TIME FOR THE SENATE MAJORITY TO ACT

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

Mr. WELDON of Florida. Mr. Speaker, last month, prior to Thanksgiving, the House passed the Economic Security Recovery Act. The other body has yet to act on this important legislation.

The Associated Press recently quoted the Senate majority leader as saying an economic growth bill is ''not as front burner an issue'' as other important business.

I beg to differ. The House has done its work. We passed a solid bill to jumpstart America's economy, create jobs, and restore consumer confidence; and that spending puts more money in the pockets of working Americans.

Mr. Speaker, President Bush has asked the Congress to get to work and get something done on this important issue. So far the leaders in the Senate majority have failed to heed the call and are refusing to act on this legislation.

To ignore the plight of millions of Americans who are hurting right now because they are unemployed is wrong and irresponsible.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would once again admonish Members that it is a violation of House rules to disparage action or inaction by the other body.

LET US PASS A REAL ECONOMIC STIMULUS PACKAGE WHICH HELPS HARD-WORKING AMERICANS AND THEIR FAMILIES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but join my colleagues in asking that the Local Law Enforcement Hate Crimes Prevention Act of 2001 be brought to the floor of the House immediately. There is a need for this Nation to stand up against hateful acts.

But I come this morning to speak about something that I think is overwhelming to many Americans. It is the season to be jolly, but not for all. Unemployment is at a 6-year high.

I want to join the gentleman from Kansas (Mr. MOORE) in asking for an immediate freestanding bill to help the now 8 million unemployed Americans, families like those in my district, whose only breadwinner earned $75,000. He took care of a family of eight. Now he earns zero because he has lost his job.

We need a bill now that extends unemployment insurance benefits, that provides help for health insurance coverage. We do not need the Republican large corporate tax cut of $26 billion. Let us pass a real economic stimulus package that stimulates the economy for hard-working Americans who have now lost their jobs.

Let this truly be a season to be jolly for all of the children and hard-working Americans that have made this country great.

WE MUST PRIORITIZE SPENDING TO AVOID LEAVING A BIGGER DEBT FOR OUR CHILDREN

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

Mr. SMITH of Michigan. Mr. Speaker, this is a great opportunity for me to talk about spending because one of this body's most capable chairmen of the Committee on Appropriations, BILL YOUNG, is here before us. I see a great challenge facing us next year. With revenues down and spending for the aftermath of Sept. 11 up, it is going to be a challenge to hold the line on a budget. Increasing our debt means that we are leaving a larger mortgage to our kids and our grandkids.

With any emergency, whether a business, or a family, or a government, we should start prioritizing. The family or business would reduce unnecessary spending so as to have money for the emergency.

Here in Washington we should look at some less-important expenditures of the Federal Government or those that can be delayed. Use the money saved for the important things Congress should do to help strengthen the economy and fight the war on terror.

Mr. Speaker, I would conclude by reporting that our current debt is $5.879 trillion; our debt limit is $5.95 trillion. If we do not prioritize, we are going to be increasing our debt and leaving a greater burden for our kids.

AMERICA IS FIRING THE STARTING GUN ON A NEW ARMS RACE

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

Mr. MARKEY. Mr. Speaker, this Administration has Arms Control Amnesia. The President has decided to unilaterally withdraw from the Anti-ballistic Missile Treaty. He and his administration do this without really fully understanding what the response from China will be.

In fact, if we decide that we are going to attempt to deploy a system, by the way, one on which we have already spent $50 billion without any real success, then there is a very high probability that there will be a dramatic increase in Chinese expenditures on their missiles that will be pointed at the United States. We have already been through that arms race for generations. It is time for us to end that race.

The ostensible justification for pulling out, however, is September 11. That event was not caused by the absence of a missile defense; it is because we did not have a policy of thinking about

thoroughly the terrorist threats that could in fact jeopardize the lives of ordinary Americans.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. J. Res. 78, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H. J. Res. 78) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 78 is as follows:

H.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof ''December 21, 2001''.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, December 12, 2001, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) will each control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, House Joint Resolution 78, will extend the current continuing resolution until December 21, at which time we hope to have all of the appropriations bills completed and on the President's desk.

□ 1030

Mr. Speaker, this is a noncontroversial CR. The terms and conditions of the previous continuing resolution will remain in effect. All ongoing activities will be continued at current rates, under the same terms and conditions as fiscal year 2001, with the exception of the agencies covered by the fiscal year 2002 appropriations bills that have already been enacted into law.

Nine of the fiscal year 2002 13 appropriations bills have already been signed, plus two supplemental appropriations bills. One more 2002 bill is awaiting the President's signature. That is the District of Columbia appropriations bill.

Most of the government agencies are already operating at fiscal year 2002 levels. We are prepared to present the three remaining bills, the Foreign Operations bill, the Labor-HHS bill and the Defense bill when the House reconvenes next week, and we expect those bills to be completed and ready to go through the process.

I urge the House to move the CR to the Senate and so we can get on with the rest of the business of the day.

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

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, I certainly want to rise in support of this continuing resolution. I think the gentleman is correct. We are hoping that by a week from this coming Friday or Saturday someone will have found the off button for this Congress and will be able to actually press it and shut it down for the Christmas season. Things can always get in the way, but I hope that they do not.

As the gentleman has indicated, there are about three major impediments to our adjourning remaining. One is the Labor, Health, Education appropriation bill. We are very close to agreement on that. The second is the Defense appropriations bill, to which has been added the post-September 11 anti-terrorism supplemental. And then we have the potential for a stimulus package which could either wind up being a true stimulus to the economy or just another tax boondoggle. This committee has no control over what is produced on that score.

Let me simply say, I want to take a couple of minutes because of remarks made by previous speaker about what we face next year. I think it is useful to note that while this House has had many a fight this year, that all but one of the appropriation bills, that this House passed, passed with broad bipartisan support, and the Chairman of the committee and I, I think, have developed a very good working relationship on those bills.

I have noted with considerable frustration the fact that some people in this institution manage with spectacular frequency to aim at the wrong targets in blaming, or in trying to assess blame for the loss of the surplus or for the fact that the House has not been able to shut down.

Willie Sutton, the famous bank robber, used to say that the reason he robbed banks was that that is where the money was. The problem is that we have too many people in this institution and elsewhere, including some who make their business with a pen or a computer, there are too many people who blame the appropriations process, when, in fact, in terms of budget problems, that is where the gnats are. And as a result, we keep making the same mistakes and recreating deficits all over again.

Someone said once, I do not remember if it is my favorite philosophy, Archie the cockroach, or if it was Will Rogers, one of the two, who said that experience is that quality that enables you to recognize a mistake when you make it again, and that is what I think this Congress will go down in history as being noted for.

In 1981, this Congress passed President Reagan's budgets, and those budgets essentially quadrupled our deficits over the next few years because they separated consideration of tax matters from budget matters, and they wound up blowing a huge hole in the side of the deficit by promising very large tax cuts, which had to be paid for by borrowing a huge amount of money at the same time the defense budget was being doubled.

It took us 20 years to dig out from those deficits. We finally reached the point just 3 years ago where, I think, every American and certainly most people in this institution, if not all, took great pride in the fact that we had actually turned the corner and appeared as though we would be facing a string of surpluses. Some of us thought the size of those surpluses would be more modest than others, but nonetheless, we faced a string of surpluses, and now, this Congress, in one short year, has blown them all.

Mr. Speaker, I am inserting in the RECORD at this point an analysis prepared by the House Committee on the Budget minority staff which is entitled ''What Happened to the Surpluses,'' and if you look at that, you will see that we started this year with huge expectations, huge surpluses for as far as the eye could see, but by the end of the year, they are gone for three reasons essentially.

THE DISSIPATION OF THE BUDGET SURPLUS, 2001

EXECUTIVE SUMMARY

1. On November 28, 2001, President Bush claimed that his Administration ''brought sorely needed fiscal discipline to Washington.'' On the same day, OMB Director Mitchell Daniels warned the country not to expect another budget surplus until 2005—after President Bush's term of office is up. The unified budget surplus of $304 billion projected for FY 2002, and the cumulative surplus of $5.629 trillion projected over ten years, which this Administration inherited, are gone. Director Daniels blamed the economy and the fight against terrorism, and absolved the President's tax cuts. In fact, last June's tax cut is most responsible for wiping out the surplus, and the Republican stimulus plan, with further permanent tax cuts, would only dig the hole deeper.

2. The Republican tax cut contributed more than half—54.7 percent—of this worsening of the surplus, based on the bipartisan, bicameral estimates of the Budget Committee staffs.

3. The worsening of the economy, which began well before September 11, has had a significant impact in the near term (2001 to 2003). But, beyond those next few years, the effect of the economy fades as recovery takes hold. The role of increased spending—to counter terrorism and to address other priorities—is not significant.

4. On net, virtually all of today's estimated cumulative ten-year surplus of $2.604 trillion comes from the Social Security Trust Fund surplus, and is concentrated in the future years, where the outlook is most uncertain.

5. These events and estimates prove even more that the tax cut was irresponsible. It

made the budget more vulnerable to unforeseen crises, economic misfortune, and ultimately the burdens of the baby boomers' retirement.

. . . we brought sorely needed fiscal discipline to Washington, D.C. . . . we fought for and got a budget that was realistic, that didn't grow way beyond the means of our government.—President George Bush, November 28, 2001.

. . . it is regrettably my conclusion that we are unlikely to return to balance in the federal accounts before possibly fiscal '05.—OMB Director Mitchell Daniels, November 28, 2001.

OMB Director Mitchell Daniels has warned the country not to expect another budget surplus until 2005—after President George Bush's term of office is up. Director Daniels blamed the economy and the fight against terrorism; he absolved the President's tax cuts. In fact, the Administration advocates further permanent tax cuts in its economic stimulus plan. The Administration's June tax cut wiped out most of the surplus and now they want to dig the hole deeper.

From May to October of this year—a period of five months—the projected 2002 unified budget surplus of $304 billion disappeared, and the ten-year projected surplus dropped from $5.629 trillion to $2.604 trillion. More bad news is sure to come with the economic and budget updates next January. Furthermore, on net, all of today's estimated cumulative ten-year surplus of $2.604 trillion comes from the Social Security and Medicare Trust Fund surpluses. What little surplus remains is concentrated in the future years, where the outlook is most uncertain.

How did this happen? Economic cycles and the terrorist attacks surely contributed. But there is no doubt that the greatest part of this fiscal injury was self-inflicted—through an excessive tax cut.

After the Congressional Budget Office (CBO) significantly increased its projections of the budget surpluses over the ten-year horizon at the beginning of this year, the Administration and Congressional Republicans proceeded to commit virtually every scrap of the projected surplus that they could to the tax cut. The Congress passed, and the President signed, a $1.346 trillion tax cut over the eleven fiscal years 2001–2011. With an additional $0.386 trillion due to increased debt service, the total budgetary hit from the tax cut comes to $1.732 trillion. Over ten years, the tax cut did leave an ostensible ''reserve'' of about $500 billion; but the vast bulk of that sum, 86 percent, arose in the last five years—at which time budget projections are most uncertain.

What is even more disturbing, the Congressional Republicans, supported by the White House, pursued their tax cut to the exclusion of all other priorities, including a prudent and responsible budget reserve. In his budget address to the Congress in February, the President emphasized that he would address the programmatic needs of the government, pay down the debt, ''[a]nd then, when money is still left over,'' provide a tax cut. But on the contrary, what the White House and the congressional Republicans in fact did was to pass the tax cut first—before retiring debt, before even submitting a defense budget, before passing a farm bill, before providing Medicare prescription drug coverage, and so on. Now, well after the beginning of the next fiscal year, most of these other priorities have not been addressed, much less fulfilled, and the surplus is gone.

Subsequent developments have demonstrated clearly just how imprudent this tax cut was. First, the Administration, which had been talking down the economy since early December of 2000 to sell its tax cut, saw the economy deteriorate in a self-fulfilling prophecy. And since September 11, the economy has slumped even further, while the unavoidable costs of terror-fighting and war have mounted.

Because of the further slowing of the economy (and associated technical factors), economists of the House and Senate Budget Committee staffs have estimated, on a bipartisan basis, that the surpluses in 2002 through 2004 will be reduced by $80 billion, $56 billion, and $8 billion (exclusive of net interest) respectively. These revisions are in addition to the reestimates CBO already had made in August.

The President and the Congress have provided $40 billion in additional funding to deal with the damage and the security threats, half of which is assumed to recur in future years. Congress appropriated $5 billion in cash assistance for the airline industry, backed $15 billion in loan guarantees, and provided the airlines with relief from liability for the disaster as well. The President's $18 billion defense budget amendment to his original placeholder request has been built into the appropriations process, and further additions for defense appear inevitable. Again, on a bipartisan, bicameral basis, the staffs of the two Budget Committees have concluded that the total costs of these initiatives, plus debt service (on these programs plus the economic reestimates) will reduce the surplus by $124 billion in 2002, and by $793 billion over 2002–2011. And these estimates ignore the stimulus bill that is making its way through the Congress, and other unaddressed priorities such as the farm bill, education, expiring tax provisions, and the ballooning individual alternative minimum tax.

The President's enacted tax cut remains by far the largest single contributor to the deterioration of the budget outlook over the next ten years. Not including the stimulus bill or any other pending tax initiatives, the tax cut contributed more than half—54.7 percent—to the depletion of the surplus over the ten years 2002–2011.

The worsening of the economy (including technical reestimates) has had a significant impact in the near term (2001 to 2003 or so). Economic and technical factors dominate the figures (62.8 percent) in 2002. However, beyond those next few years, the effect of the economy fades as recovery is projected to take hold. for the last five years of the budget window, the share of the tax cut in the total worsening is over 60 percent—even assuming that all of the tax provisions will sunset at the end of 2010.

The impact of increased spending unrelated to the terrorist attack is small, averaging only 11.1 percent over the ten-year budget window. (For purposes of this analysis, all of the ten-year consequences of the President's request for $18 billion per year of additional defense spending are included in this non-terror-related category.) Clearly, the effect of terrorism on the spending side of the budget is far from certain at this time. However, the bipartisan Budget Committee estimates suggests that the cost of recent and likely imminent action will be a small piece of the overall puzzle. Estimated anti-terror spending averages 11.0 percent of the worsening of the surplus over the ten years. (The impact of spending is projected to take a small jump in 2011, if the tax cut actually sunsets at the beginning of that year.)

Although today's estimated cumulative ten-year surplus remains as large as $2.604 trillion, that figure is not comforting on closer examination. At the beginning of this year, the bipartisan goal in the Congress was to reserve the entire Social Security and Medicare Trust Fund surpluses, which were estimated in August to total $2.955 trillion ($2.551 trillion for Social Security, and $9.404 trillion for Medicare). Thus, the remaining projected unified surplus, on net over ten years, comes totally from those Trust Fund surpluses. The surplus that remains is still concentrated in future years, and even that surplus is likely to be eroded by the new economic and budget projections in January.

The deterioration of the surplus because of the weakening of the economy and the costs of resisting terrorism does not absolve the tax cut. Any future economic weakness, and any added costs for fighting terrorism will reduce the percentage of the total surplus deterioration that is directly due to the tax cut; and the reduction of that percentage might lead some to conclude that the tax cut is less at fault for the worsening budget. Taken to its extreme, this argument would say that the worse the budget gets, the less bad an idea the tax cut was.

But in a broader sense, such an argument misses a more important point: recent events prove even more that the tax cut was unwise. A central element in leadership and stewardship is to be prudent, to be prepared for adverse contingencies. It is not good stewardship to choose policies that make the budget more vulnerable—to tragedies, to economic misfortune, or ultimately to the burdens of the baby boomers' retirement.

The budget is almost certain to revert to unified deficit in 2002, and quite possibly in 2003 and 2004 as well. The direction for subsequent years is heavily dependent upon the state of the economy. But the Republican tax cut played a central role in these developments. This fact should serve as a cautionary flag to the Administration and Congressional Republicans who are now promoting a second tax cut which will dig the hole even deeper—a fact which should inform future policy choices, lest budget outcomes prove even worse.

This document demonstrates that the tax cut that passed earlier in the year contributed to more than half of the erosion of the surplus, 54.7 percent.

It points out that another significant portion was caused by the events in the aftermath of the September 11 attack on this country. And it also describes the remaining factors that led to the total disappearance of those surpluses.

Now not only are we facing the likelihood of no surpluses for the next few years, we are facing the likelihood of substantial deficits.

This Congress after they passed the first tax cut, this House again went on another binge, promising what it could not responsibly deliver, and wound up offering the largest corporations in this country more than $25 billion cumulatively in 15-year retroactive tax cuts in the form of the repeal of the corporate minimum tax. And it has gone on to similar spending binges on the tax side of the ledger. And the tragedy, in addition to the loss of the surplus, has been that those tax cuts have been primarily directed at the people who need them least; and, therefore, they are tax cuts which are likely to have the least stimulative effect on the economy.

If you provide additional unemployment compensation to people, if you help them to pay for their health insurance if they have lost their job, they will spend, they will spend that money immediately and that will stimulate the economy. But the tax cut passed

earlier in the year by our majority friends in this House, when fully effective, will provide a $52,000-a-year tax cut to the wealthiest people in this country. They will not spend most of this money. They will bank it. They will pocket it. That will not stimulate the economy. And yet that is what this Congress is hell-bent on doing. They are trying to do even more in that misguided stimulus package.

So while though the Congress is doing that and while the majority leadership is doing all of that, they are objecting to efforts on the part of some of us to provide additional homeland security by providing a small $5.3 billion add-on to the budget for homeland security items as the Senate did last week. It just seems to me that that demonstrates that, in terms of protecting the country against future deficits, this House leadership has a spectacular ability to eat the hole in the doughnut, but they are not doing anything to deal with the doughnut.

So I do not know where that leaves us for next year, but it does not leave us in a very promising position. And the problem is that it will not only affect the country negatively next year, it will affect the country's economy negatively for a number of years to come.

We have seen this Congress, in 1 short year, squander the opportunity to use those surpluses, to do something with about the problems that still remain in Medicare, in Social Security, in prescription drugs, in quality education. So I think in the end, this Congress will go down in history as a Congress of missed opportunities, misplaced priorities.

I think that in the last 4 months what we have seen is an administration which has provided a very well managed war and a very poorly managed economy. I regret that dichotomy because in the end, it will come home to bite each and every working American; and that is something that simply did not have to happen.

But the gentleman from Florida (Mr. YOUNG) is correct. This resolution needs to be passed. I hope that it will be the last one that needs to be passed and that we can produce these two or three bills that remain on the docket when the Congress reassembles on Wednesday next, as I understand the plan is.

I do want to thank the gentleman. I hope this is the last time we are going to be on the floor with one of these. I do want to thank the gentleman for doing his duty. When you are the Chair of the Committee on Appropriations or, for that matter, any member of the Committee on Appropriations, it is your job to expose the entire institution to reality. Everyone can have political philosophy. Everyone can have their ideology. Everyone can have their political preferences. But in the end, numbers do not lie. Members of Congress can lie about the numbers, but the numbers themselves do not lie.

The fact is that the gentleman has tried to stick to the facts. He has been victorious sometimes and he has been overrun sometimes. And I know if his judgment were allowed to prevail, this Congress could have ended a whole lot sooner with really very minor adjustments in the overall budget, but adjustments that nonetheless would have been very important in strengthening the security of this country. And I regret on those matters that we will have to address them at a later day.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend and colleague, the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations because he is right. When he pointed out how well the appropriations process has worked this year, he is exactly right; and that is because we had a good working relationship. We had some differences but we worked them out. And we got, except for one bill, we got very substantial votes on the other bills and I think that is a very good sign.

We got off to a little late start this year because the President was late getting started since it took a while to decide who was going to be President. So we were fairly late in getting the detailed appropriations request from the administration. But once we got started, it has been a while ago now, but I hope the House Members will remember that we actually passed all of our appropriations bills, except 3, prior to the July 4 recess. And two of those three that we did not pass, well, actually, all 3 of them, we were very late getting the District of Columbia budget request. So that bill is usually late because we are late getting their request.

The other 2 were Labor HHS and Health and Education, and that was because H.R. 1 had not passed yet. Shortly after H.R. 1 passed, which is the Education bill, then we did pass our Labor, Health and Education bill.

□ 1045

The other was national defense, and we were asked to hold up on the national defense bill until such time as the President could send us his budget amendment. That amendment arrived about the first week of July. Shortly after we received it, we began to do some hearings on the budget amendment. Then the August recess came; and so we sat in this Capitol building on September 11 to mark up that bill in the subcommittee, and it was that morning that the terrible, tragic terrorist attacks on the United States took place. The building was evacuated, the subcommittee had to leave, and following that we had to do the supplementals; so that bill got delayed. But the bulk of our work was completed in the House prior to the July 4 recess, and Members ought to be proud of that.

There is another reason we have had to have several continuing resolutions. If Members remember, one of the biggest complaints in previous years was that at the end of the process, we lumped five or six or seven bills altogether in an omnibus bill that no one had an opportunity to really understand what was in it, and months later we found things in the omnibus bill that surprised many of us. The hue and cry went up, no more omnibus bills.

Mr. Speaker, no omnibus bill this year. All 13 appropriations bills plus two supplementals have been done as they should be done.

So we come to the end of the process and the gentleman from Wisconsin (Mr. OBEY) is correct, we both believe when the House comes back next week, the final appropriations bills will be prepared to be voted on, and the House will have completed its appropriations business by next week.

I thank Members for the support and correction that they have given us on both sides of the aisle. We have worked around our differences. As the gentleman from Wisconsin (Mr. OBEY) said, we were victorious on occasion. We lost a few, but the House worked its will. That is what the House is all about, the House works its will.

We have had strong leadership from the Republican side. The Speaker of the House has been a very strong leader and very strong supporter of the appropriations process. He understood the difficulties that we faced, and understood some of the decisions we had to make. But we come to the end of the process now. I think everyone is still smiling at each other, everyone is still shaking hands after the bills are completed, so I think we end the appropriations season with a pretty good feeling, and I thank all Members for that. I particularly thank the chairmen and ranking members of the subcommittees, and I particularly thank the gentleman from Wisconsin (Mr. OBEY) as the ranking member, and I thank the members of the staff.

A lot of Members do not know this, but on so many occasions, to get an appropriations bill through the process requires many, many, many 24-hour days where the staff actually stays throughout the night. My staff is led by Jim Dyer, our clerk, and the staff of the ranking member is led by Scott Lilly. We have a good staff relationship. Some of these people work 24 hours a day on many, many days during an appropriation season. And it seems like the appropriation season goes all year long some years.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, when people here say that the staff has worked 24 hours around the clock, I think they think that is just figuratively. That is not the case. There are a number of occasions when many staffers on this committee have had to work for literally 2

to 3 days without ever having an hour of sleep. They have worked straight through. That will have to happen again if we are to finish the defense bill and the Labor-HHS bill in accordance with the schedule.

I do want to issue one warning because we have been told with respect to homeland security items, strengthening the FBI, giving greater security at the border, providing greater assistance to local public health officials in the event of an outbreak of biological or chemical attacks on this country by terrorists, we have been told do not worry, we can do that in March. There is plenty of time to do that in March. Members said that again to me yesterday.

If we look at the calendar for next year, this Congress is scheduled in January to have exactly 1 full day of session on January 24 and one-half day on January 23. The following week we will meet only after 5 p.m., and the next day there will be no votes after 2. So that is about 2 legislative days in the entire month of January.

If we look at the calendar for February, I see there are 6 full legislative days scheduled in February, and 3 other days where there will be no real action until after 6:30 in the evening. Give or take, that is about 7 working days.

In March, the same thing, about 7½ full working days. If the Congress is to seriously consider supplemental appropriations for defense and for homeland security, to expect this Congress with that few number of working days to actually get something from the President, hold hearings, produce a bill in the House, send it to the Senate, have the Senate pass it and have those differences worked out, it would be phenomenally rare if Congress were able to act that quickly. For those who say ''Do not worry about any security issues remaining, we can get this done by March,'' I suggest to those Members to read the calendar. It is not so likely.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 10 seconds to urge Members to support this continuing resolution.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Wednesday, December 12, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

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

4822. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—4— Amino-6–1(1,1-dimethylethyl)—3—(methylthio)—1, 2, 4—triazin—5 (4H)— one [Metribuzin], Dichlobenil, Diphenylamine, Sulprofos, Pendimethalin, and Terbacil; Tolerance Actions [OPP–300734A; FRL–6804–4] (RIN: 2070–AB78) received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4823. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 0142–1142a; FRL–7110–5] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4824. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Revisions to State Plan for Municipal Waste Combustors and Incorporation of Regulation into State Implementation Plan for Ozone [CT067–7224a; A–1–FRL–7106–4] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4825. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Ozone [CT057–7216a; FRL–7114–9] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4826. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration [VT 022–1225a; FRL–7116–6] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4827. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 0140–1140a; FRL–7116–3] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4828. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL212–1a; FRL–7098–8] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4829. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN122–1a; FRL–7107–9] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4830. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Illinois [IL210–1a; FRL–7111–1] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4831. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL213–1a; FRL–7107–7] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4832. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL211–1a; FRL–7108–8] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4833. A letter from the Environmental Protection Agency, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital / Medical / Infectious Waste Incinerators; State of Iowa [IA 0144–1144a; FRL–7117–5] received December 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4834. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Automobile Refinishing Operations [WI109–01–7339a, FRL–7115–7] received December 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4835. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [CO–001–0045; CO–001–0046; CO–001–0047; CO–001–0052; CO–001–0053;CO49–1–7187; CO–001–0061; CO–001–0062; CO–001–0064 FRL–7117–4] received December 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4836. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills; State of Iowa [IA 0143–1143a; FRL–

7117–7] received December 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4837. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the Department of Labor's Inspector General covering the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4838. A letter from the Secretary, Department of Veterans' Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2001, through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4839. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2001 through September 30, 2001 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4840. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2001 through September 30, 2001 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4841. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2001 through September 30, 2001 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

4842. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fishing Vessel EHIME MARU Sinking, South of Diamond Head Point, Hawaii, Kaiwi Channel, Pacific Ocean [COTP Honolulu 00–004] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Houston, TX [COTP Houston-Galveston 01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Charleston, SC [COTP Charleston 01–010] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Prime Minister of Japan visit and wreath ceremony over the wreck of the fishing vessel EHIME MARU, South of Diamond Head Point, Hawaii, Kaiwi Channel, Pacific Ocean [COTP Honolulu 01–003] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fishing Vessel EHIME MARU Sinking, South of Diamond Head Point, Hawaii, Kaiwi Channel, Pacific Ocean [COTP Honolulu 01–002] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone for U.S. Navy Underwater Detonation Operation North of Glass Breakwater, Guam [COTP GUAM 01–002] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone for U.S. Navy Underwater Detonation Operation in Outer Apra Harbor, Guam [COTP GUAM 01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Houston, TX [COTP Houston-Galveston 01–002] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations, Downed Power Line, Quillayute River, WA [CGD13–01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: St. Patrick's Day Fireworks, Manitowoc, Wisconsin [CGD09–01–016] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Potomac River, Washington Harbor, Washington, DC [CGD05–01–002] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: USS DEWERT (FFG–45) Port Visit, Port of NY/NJ [CGD01–01–044] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee on the Budget. H.R. 3084. A bill to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002, and for other purposes (Rept. 107–338). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3476. A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land, and for other purposes.

By Mr. PHELPS (for himself, Mr. THOMPSON of California, Mr. HAYES, Mr. PICKERING, Mr. SHOWS, Mr. BOSWELL, Mr. GREEN of Wisconsin, and Mr. BOYD):

H.R. 3477. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture.

By Mr. JONES of North Carolina (for himself, Mr. GUTKNECHT, Mr. MURTHA, Mr. GILCHREST, Mr. EVANS, Mr. HOUGHTON, Mr. UNDERWOOD, Mr. HANSEN, Mr. TRAFICANT, Mr. NORWOOD, Mr. CAPUANO, Mr. GIBBONS, Mr. HALL of Texas, Mr. ROHRABACHER, Mr. HOSTETTLER, Mr. ABERCROMBIE, Mr. HUNTER, Mr. MCINTYRE, Mr. GRAHAM, Mr. WELDON of Pennsylvania, Mr. CHAMBLISS, Mr. DELAY, Mr. COOKSEY, Mr. HAYWORTH, Mr. SPRATT, Mr. PICKERING, and Mr. OTTER):

H.R. 3478. A bill to redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. LIPINSKI (for himself, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. RUSH, Mr. GUTIERREZ, Mr. EVANS, Mr. BLAGOJEVICH, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. BOSWELL, Mr. PHELPS, Mr. RAHALL, Ms. HOOLEY of Oregon, Mr. HOEFFEL, Mr. HINCHEY, Mr. FILNER, Ms. BALDWIN, Mr. BAIRD, Mr. WU, Mr. BORSKI, Mr. CLEMENT, Mr. BARCIA, Mr. LATOURETTE, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. PASCRELL, Mr. HOLDEN, Mr. MATHESON, Mr. HONDA, Mr. KIRK, Mr. NADLER, Ms. BERKLEY, Mr. LARSEN of Washington, Mr. SANDLIN, Mr. CARSON of Oklahoma, Mr. HORN, Mr. EHLERS, Mr. BACHUS, Mr. ENGEL, Mr. BALDACCI, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. SAWYER, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. TIERNEY, Mr. MENENDEZ, Mr. SANDERS, Mr. DICKS, Mr. HOYER, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. LAFALCE, Mr. DUNCAN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. TOWNS, Mr. HINOJOSA, Mrs. MINK of Hawaii, Mr. SMITH of Washington, Mr. POMEROY, Mr. CAPUANO, Mr. COYNE, Mr. ETHERIDGE, Mr. MEEHAN, Ms. VELAZQUEZ, Mr. MICA, Mr. COOKSEY, Mr. MASCARA, Mr. ACKERMAN, Mr. LAMPSON, Mr. PASTOR, and Mr. SERRANO):

H.R. 3479. A bill to expand aviation capacity in the Chicago area; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself, Mr. GUTKNECHT, Mr. LEACH, Mr. MANZULLO, Mr. NUSSLE, Mr. GILCHREST, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Mr. COSTELLO, Mr. PETRI, Ms. BALDWIN, Mr. LUTHER, Mr. PALLONE, Mr. KILDEE, Mr. UDALL of Colorado, Mr. PHELPS, and Mr. BOSWELL):

H.R. 3480. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Resources.

By Mr. LANGEVIN (for himself, Mr. BAIRD, Mr. PASCRELL, Mr. SANDLIN, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WYNN, Ms. KAPTUR, Mr. MCDERMOTT, Mrs. THURMAN, and Mr. LIPINSKI):

H.R. 3481. A bill to require the National Institute of Standards and Technology to investigate the feasibility and costs of implementing a secure computer system for remote voting and communication for the Congress and establishing a system to ensure business continuity for congressional operations; to the Committee on House Administration, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself and Mr. BOEHLERT):

H.R. 3482. A bill to provide greater cybersecurity; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. SHAYS, Ms. SCHAKOWSKY, and Mrs. MALONEY of New York):

H.R. 3483. A bill to amend title 31, United States Code, to provide for intergovernmental cooperation to enhance the sharing of law enforcement information; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. SENSENBRENNER, Mr. THOMAS, and Mr. CONYERS):

H.R. 3484. A bill to resolve administrative disputes regarding certain spectrum licenses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3485. A bill to authorize the Secretary of Transportation to make grants for projects to construct fences or other barriers to prevent public access to tracks and other hazards of fixed guideway systems in residential areas; to the Committee on Transportation and Infrastructure.

By Mr. BALLENGER (for himself, Mr. PETRI, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mrs. MYRICK, and Mr. BURR of North Carolina):

H.R. 3486. A bill to amend the Fair Labor Standards Act of 1938 to clarify that Christmas tree farming is agriculture under that Act; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS (for himself, Mrs. CAPPS, Mrs. KELLY, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. WHITFIELD, Mr. WAXMAN, Mr. EHRLICH, Mr. RUSH, Mr. PICKERING, Mr. STRICKLAND, Mr. BURR of North Carolina, Mr. JOHN, Mr. NORWOOD, Mr. PALLONE, Mr. SHIMKUS, Mr. TOWNS, Ms. HART, Mr. MCGOVERN, Mr. WICKER, Mrs. MCCARTHY of New York, Mr. FLETCHER, Mr. MARKEY, Mr. LOBIONDO, Mrs. THURMAN, Ms. DELAURO, and Mr. BARRETT):

H.R. 3487. A bill to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing; to the Committee on Energy and Commerce.

By Mr. COYNE (for himself, Mr. RANGEL, and Mr. MATSUI):

H.R. 3488. A bill to amend the Internal Revenue Code of 1986 to expand pension benefits to those without retirement plans and provide additional protections to those who participate in the current system; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 3489. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Mr. GREEN of Texas:

H.R. 3490. A bill to make amounts provided under the Operation Safe Home and New Approach Anti-Drug programs available for use for providing law enforcement officers to patrol and provide security for housing assisted by the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. HART:

H.R. 3491. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 3492. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 3493. A bill to amend the Internal Revenue Code of 1986 to expand the renewable resources production tax credit to include additional forms of renewable energy, and to expand the investment tax credit to include equipment used to produce electricity from renewable resources; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. WAXMAN, Mr. SHAYS, Mr. MORAN of Virginia, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. SCOTT, Ms. WATSON, Mrs. TAUSCHER, Ms. NORTON, Mr. TIERNEY, Mr. BLAGOJEVICH, Mr. WEXLER, Mr. CLAY, Mr. PASCRELL, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. FRANK, Ms. MCCOLLUM, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. ISRAEL, Mr. ABERCROMBIE, Mrs. MINK of Hawaii, Mr. WEINER, Mr. FARR of California, Ms. SLAUGHTER, Mr. PAYNE, Mrs. CAPPS, Mr. DICKS, and Mr. ROTHMAN):

H.R. 3494. A bill to give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. TERRY):

H.R. 3495. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. REYNOLDS:

H.R. 3496. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. WELLER, Mr. FOLEY, and Mr. LEWIS of Kentucky):

H.R. 3497. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means.

By Mr. SHOWS:

H.R. 3498. A bill to urge the President to establish the White House Commission on National Military Appreciation month, and for other purposes.

By Mr. SIMPSON (for himself, Mr. OTTER, and Mr. REHBERG):

H.R. 3499. A bill to expand the Farm Storage Facility Loan Program of the Department of Agriculture by making loans available to assist producers in providing storage for hay; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3500. A bill to amend the Internal Revenue Code of 1986 to provide income and employment tax relief for military and civilian victims of terroristic or military action; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. DOOLEY of California, Mr. MORAN of Virginia, Ms. HARMAN, Mr. MALONEY of Connecticut, and Mr. INSLEE):

H.R. 3501. A bill to amend the Internal Revenue Code of 1986 to provide for economic recovery; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 3502. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rates during 2001 for certain deductions for use of a passenger automobile to 50 cents per mile; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 3503. A bill to indemnify contractors for World Trade Center recovery efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP:

H. Con. Res. 288. Concurrent resolution directing the Secretary of Senate to make a technical correction in the enrollment of S. 1438; considered and agreed to.

By Mr. BOEHNER:

H. Con. Res. 289. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 1; considered and agreed to.

ADDITIONAL SPONSORS

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

H.R. 168: Mr. HORN.

H.R. 179: Mr. TURNER.

H.R. 292: Mrs. LOWEY.

H.R. 397: Mr. REYES, Ms. VELAZQUEZ, Mr. MCGOVERN, Mr. HALL of Ohio, Mr. ISRAEL, Mr. ENGEL, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, and Mr. GORDON.

H.R. 488: Mrs. JOHNSON of Connecticut.

H.R. 510: Mr. KIND.

H.R. 604: Mrs. NAPOLITANO and Mr. ETHERIDGE.

H.R. 782: Ms. ESHOO.

H.R. 808: Mr. CARSON of Oklahoma.
H.R. 902: Mr. ACEVEDO-VILA.
H.R. 951: Mr. FARR of California, Ms. LOFGREN, Mr. WATT of North Carolina, Mr. KUCINICH, and Mr. KING.
H.R. 1009: Ms. CARSON of Indiana.
H.R. 1089: Mr. ABERCROMBIE.
H.R. 1097: Mr. SMITH of New Jersey.
H.R. 1170: Mr. CONDIT.
H.R. 1198: Mr. GUTIERREZ.
H.R. 1307: Mr. OLVER.
H.R. 1322: Mr. LAMPSON.
H.R. 1331: Mr. GOODE.
H.R. 1343: Mr. POMEROY and Ms. WATSON.
H.R. 1360: Mr. BONIOR and Mr. ACKERMAN.
H.R. 1391: Ms. LOFGREN.
H.R. 1421: Mr. PRICE of North Carolina, Mr. TOM DAVIS of Virginia, Ms. MILLENDER-MCDONALD, Mr. LARSEN of Washington, Mr. HALL of Ohio, Mr. ISRAEL, Mr. HOBSON, Mr. MCNULTY, and Mr. JACKSON of Illinois.
H.R. 1432: Mr. CHAMBLISS, Mr. LINDER, Mr. BARR of Georgia, Ms. MCKINNEY, and Mr. ISAKSON.
H.R. 1475: Mr. LUCAS of Kentucky, and Mr. GRUCCI.
H.R. 1520: Mr. EVANS.
H.R. 1556: Mr. DAVIS of Illinois.
H.R. 1671: Mr. FILNER.
H.R. 1754: Mr. BOEHLERT and Mr. BLUMENAUER.
H.R. 1816: Mr. KUCINICH.
H.R. 1839: Mr. FOLEY.
H.R. 1919: Mr. DINGELL.
H.R. 1978: Mr. COYNE and Mr. LANTOS.
H.R. 1983: Mr. DOOLITTLE, Mr. TIAHRT, and Mr. PLATTS.
H.R. 2012: Mr. PETRI.
H.R. 2118: Mr. PASCRELL.
H.R. 2164: Mr. PLATTS.
H.R. 2173: Mr. HALL of Texas.
H.R. 2219: Mr. ENGLISH, Mr. EVANS, and Mr. LAMPSON.
H.R. 2220: Mr. FATTAH and Mr. HASTINGS of Florida.
H.R. 2348: Mr. MENENDEZ and Ms. BALDWIN.
H.R. 2349: Mr. LAMPSON.
H.R. 2351: Ms. ESHOO.
H.R. 2442: Mr. PLATTS.
H.R. 2498: Mr. BONIOR and Mr. KUCINICH.
H.R. 2578: Ms. SCHAKOWSKY.
H.R. 2592: Ms. LEE.
H.R. 2629: Ms. NORTON and Mr. MARKEY.
H.R. 2630: Mr. ABERCROMBIE and Ms. WOOLSEY.
H.R. 2695: Mr. CAMP.
H.R. 2733: Ms. RIVERS.
H.R. 2830: Mr. SCHWARKSKY.
H.R. 2901: Mr. LANGEVIN.
H.R. 2980: Mr. FERGUSON.
H.R. 3011: Ms. DELAURO.
H.R. 3054: Mr. CLAY, Mr. BONIOR, Ms. MENENDEZ, Ms. HERMAN, Mr. KANJORSKI, Mr. PRICE of North Carolina, Mr. INSLEE, Mr. HALL of Texas, Mr. CLEMENT. Mr. CROWLEY, Mr. SCHIFF, and Mr. LARSEN of Washington.
H.R. 3062: Mr. BALDACCI and Mr. OTTER.
H.R. 3105: Mr. SENSENBRENNER.
H.R. 3113: Mr. KLECZKA.
H.R. 3130: Mr. WOLF.
H.R. 3195: Mrs. MALONEY of New York.
H.R. 3211: Mrs. KELLY, Mr. NEY, and Mr. SHOWS.
H.R. 3244: Mrs. JONES of Ohio, Mrs. EMERSON, Mr. HANSEN, Mr. SHERMAN, and Mr. KINGSTON.
H.R. 3246: Mr. DEUTSCH.
H.R. 3272: Mr. CROWLEY and Mr. KUCINICH.
H.R. 3274: Mr. BLUMENAUER and Mr. KUCINICH.
H.R. 3278: Mr. MORAN of Virginia, Ms. WATSON, and Mr. KILDEE.
H.R. 3293: Mr. THUNE.
H.R. 3296: Mr. KLECZKA and Mr. MCDERMOTT.
H.R. 3331: Mr. LANTOS.
H.R. 3347: Mrs. CHRISTENSEN, Mr. PLATTS, Mr. JOHNSON of Illinois, Mr. GREENWOOD, and Mr. SIMMONS.
H.R. 3351: Mr. PHELPS, Mr. BOOZMAN, Mr. GOODLATTE, Mr. KOLBE, Mr. GILLMOR, Ms. SOLIS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. EVERETT, Mr. FILNER, Ms. SLAUGHTER, Mr. COYNE, Mrs. KELLY, Mr. LANTOS, Mr. NEY, and Mr. CUMMINGS.
H.R. 3358: Ms. CARSON of Indiana.
H.R. 3368: Mr. KUCINICH.
H.R. 3373: Mr. BOEHLERT.
H.R. 3376: Mr. GRUCCI, Mr. GILMAN, and Mr. SIMMONS.
H.R. 3393: Mr. DICKS, Ms. DELAURO, Mr. PASTOR, and Mr. MOLLOHAN.
H.R. 3414: Ms. BALDWIN, Ms. DELAURO, Mr. MCINTYRE, Mr. THOMPSON of California, Mr. WYNN, Mr. EVANS, Mr. CRAMER, Mr. LANGEVIN, Mr. KUCINICH, Mr. MATSUI, Ms. PELOSI, Mr. LEACH, and Mr. LAFALCE.
H.R. 3422: Mr. LIPINSKI, Ms. WOOLSEY, and Ms. MILLENDER-MCDONALD.
H.R. 3424: Ms. WATSON, Ms. ESHOO, Mr. FILNER, Mr. BROWN of Ohio, Mr. BONIOR, Mr. MCINTYRE, Mr. FRELINGHUYSEN, Mr. CUNNINGHAM, Mr. HUNTER, Mr. WELLER, Mr. WHITFIELD, Mr. LAMPSON, Mr. SIMMONS, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. ABERCROMBIE, Mr. HILLIARD, Mr. CLEMENT, Mr. KLECZKA, and Mr. GALLEGLY.
H.R. 3427: Ms. NORTON and Mrs. JONES of Ohio.
H.R. 3431: Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. GANSKE, Mr. ROEMER, Ms. WOOLSEY, and Mr. THOMPSON of California.
H.R. 3460: Mr. LAFALCE, Mr. KUCINICH, Mrs. THURMAN, and Mr. EVANS.
H.R. 3462: Mr. BERMAN, Mr. FROST, Mr. THOMPSON of California, and Mrs. DAVIS of California.
H.J. Res. 75: Mr. DEMINT and Mr. SAM JOHNSON of Texas.
H. Con. Res. 199: Mr. THOMPSON of California.
H. Con. Res. 249: Mr. UDALL of New Mexico, Mr. SMITH of New Jersey, Mr. SIMMONS, and Mr. SHAYS.
H. Con. Res. 271: Mr. BURR of North Carolina.
H. Con. Res. 273: Mr. SCOTT.
H. Con. Res. 279: Mr. PICKERING and Mr. KENNEDY of Minnesota.
H. Con. Res. 285: Mr. SANDERS, Mrs. MINK of Hawaii, Mr. STARK, Mr. LARSEN of Washington, Ms. RIVERS, Mr. FARR of California, Ms. ESHOO, Mr. FRANK, Ms. WOOLSEY, Mr. WAXMAN, and Mr. BERMAN.
H. Res. 18: Ms. MCCOLLUM.
H. Res. 259: Mr. STENHOLM.
H. Res. 280: Mr. ROHRABACHER, Mr. ROYCE, Mr. HOUGHTON, and Mr. COX.
H. Res. 281: Mr. PASCRELL and Mr. WEXLER.
H. Res. 300: Mr. UDALL of New Mexico, Mr. ACKERMAN, Mr. CUMMINGS, Mr. ENGLISH, Mr. BERMAN, Mr. MEEKS of New York, and Mr. EVANS.
H. Res. 313: Ms. SLAUGHTER, Ms. DEGETTE, Ms. SOLIS, Mr. UDALL of Colorado, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. HOEFFEL, Mrs. MINK of Hawaii, and Mr. OWENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1109: Mr. EHRLICH.

AMENDMENTS

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

H.R. 3129

OFFERED BY: MR. TRAFICANT

AMENTMENT NO. 1: SEC. ____. No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

H.R. 3129

OFFERED BY MR. TRAFICANT

AMENDMENT NO. 2: SEC. . None of the funds made available by this Act may be used to award a contract to a person or entity whose bid or proposal reflects that the person or entity has violated the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, THURSDAY, DECEMBER 13, 2001 No. 173

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

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

Almighty God, You have blessed this Nation with truly great leaders in each period of our history. In Your providential care, You choose them, nurture their characters, hone their minds, and sharpen their convictions. You give them opportunities to serve You by caring for the needs of society. You allow their hearts to be broken by what breaks Your heart so that they can heal wounds, right wrongs, and lead others to grasp their full potential.

Today, we thank You for such a leader. You have placed Your hand of blessing on Senator BARBARA MIKULSKI. With Your endowed gifts of leadership, she has become a lodestar leader in her state and in her party, in the Senate, and in the Nation. Thank You for her intellectual acumen, her ability to get to the point, her loyal faithfulness, and her lively sense of humor. The Senator has the courage of her convictions and says what she means and means what she says. She is a patriotic American who is proud of her Polish heritage. We rejoice with Senator MIKULSKI today as she is given one of the highest honors ever bestowed by the Polish Government, the Commanders' Cross with Star of the Order of Merit of the Republic of Poland. May this be a truly memorable day for her, her family, all Polish-Americans, and all of us here in the Senate family who are privileged to be her friends. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, pursuant to the order entered last evening, there will be 90 minutes of debate equally divided and controlled in the usual form on the Bond amendment prior to a vote in relation to that amendment. There will be no intervening amendment in order prior to that vote.

The majority leader also announced last night that, after having filed a cloture motion on this legislation, there would be a cloture vote on that matter either today or tomorrow, whatever the two leaders work out. There will be votes throughout the day, and we will await further word from the leader as to what is going to transpire this evening.

RESERVATION OF LEADER TIME

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

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

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Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes debate, equally divided and controlled in the usual form, on the Bond amendment, No. 2513.

The Senator from Missouri.

CONGRATULATING SENATOR MIKULSKI

Mr. BOND. Madam President, I yield myself such time as I may require.

First, before I get into the discussion of this amendment, which I think is very important, I want to add an earthly endorsement to the holy blessings that our Chaplain just brought upon our very good friend and colleague, Senator BARBARA MIKULSKI.

It is a great honor she receives today. We all rejoice with her. She has been an outstanding Member of this body, one whose compassion, commitment, and good humor have seen us through many difficult times.

As one who has had the pleasure of working with her on the Veterans Affairs, HUD, Independent Agencies appropriations subcommittee, I can tell you there is no finer, more dedicated servant in the Senate. It is with great joy that we congratulate her on the very outstanding and generous award made to her today by the land of her forefathers, the Government of Poland.

With that, we say good wishes and congratulations, BARBARA. It is a well deserved honor.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Continued

AMENDMENT NO. 2513

Mr. BOND. Madam President, may I inquire what is the pending business?

The ACTING PRESIDENT pro tempore. The Senator's amendment is the pending question.

Mr. BOND. I thank the Chair.

Last night I laid down an amendment which I think enhances this farm bill and focuses on what is important for agriculture. We have had a lot of discussion about how we have to help farm families. Clearly, they are struggling.

This country has been in a recession for about 15 months. We have been under attack by terrorists for about 3 months. But farmers across this country and their families and those with whom they work closely know they have been in recession for 4 or 5 years.

The collapse of the overseas agricultural markets has driven prices down. That is why, among other things, it is vitally important that this body pass trade promotion legislation because we must get those markets back.

In the meantime, we look for things we can do to assist farmers. We are going to send them financial assistance. In the last several years as they have suffered from low prices, we have provided very significant amounts of money to help fill in the void left by low market prices.

We can do research for them. Research in new ways of doing business made our farmers continually more productive.

We must be sure adequate transportation exists. In the heartland that means keeping the vital waterways of the Missouri and Mississippi Rivers open to transportation so we can have economical and efficient ways of getting our farm products to market.

But there is one thing farmers tell me they are concerned about, perhaps more than anything else. While they are concerned about the weather, they understand you cannot change that. They are concerned about crops and pests and their interaction. They are concerned about markets. As I said, markets have been down.

But the one thing that really frustrates them is that too often our Government seems to have farmers in their sights. They want to accomplish all kinds of good purposes, but they want the farmers to do it. The farmers who control much of the land of the United States are the ones to whom the Federal Government says: We would like to see this done, and we will have you, the farmers, who are trying to earn your living off the land, make the changes that we think are good policy whether it be environmental policy, whether it be economic or income distribution policy, or whether it be food policy. Some farmers tell me that they spend more time preparing for public hearings than they spend on their combines.

The amendment before us today says farmers are going to get a chance to have an advocate at the U.S. Department of Agriculture.

We all know that regulatory requirements are necessary. They often carry out the purposes that have been approved by the Congress. They are authorized by law, but the problem is sometimes the regulatory agencies that are trying to carry out those purposes know nothing about agriculture or farming or how the individual farmer trying to earn a living for himself or herself and their families is affected by it.

We are trying through this amendment to give the USDA the responsibility and the tools to help farmers who are being oppressed.

This is a life preserver thrown to farmers whose livelihood or safety is threatened by bad Federal regulations.

I introduced last night two letters with lengthy endorsements from farm and agricultural organizations, nationally and from my home State of Missouri.

I am pleased to be joined by Senators GRASSLEY, ENZI, HAGEL, and MILLER as cosponsors. I hope we will have more who will come to the floor and be willing to speak on behalf of this legislation once they understand its importance.

Let me go through the legislation very briefly. It is unlike the rest of the farm bill. A lot of people are still trying to read through the 900 pages of the original farm bill and 900-plus pages of the amendment that was dropped on us. This one is easy.

It says the Secretary may review any agency action proposed by a Federal agency to determine whether the action would likely have a significant adverse economic impact on or jeopardize the personal safety of agricultural producers—farmers. If the Secretary determines that it is likely to have such a significant adverse impact, the Secretary, No. 1, shall consult with the agency head, call him up on the phone, and talk with him; No. 2, advise the agency head on alteratives to the agency action which would be least likely to have a significant economic impact or jeopardize personal safety.

Then, if after a proposed agency action is finalized the Secretary thinks it would have a significant adverse impact described above, the Secretary may defer to the President, who not later than 60 days after the date on which the action is finalized reviews the determination of the Secretary. The President can reverse, preclude, or amend the agency action if the President determines that overturning that action is necessary to prevent the adverse economic impact and is in the public interest.

In considering this, the President takes into account the public record, competing economic interests, and the purposes of agency action.

The President may not overturn an agency action that is necessary to protect human health, safety, or national security, significantly limiting his options. If the President chooses to overturn an agency action, the President has to notify Congress of the decision and submit a detailed justification.

Congress then has the opportunity to review the action under the expedited procedures set forth in the bill which I was very pleased to sponsor back in 1996, the Small Business Regulatory Enforcement Fairness Act, which provides for expedited review in the Senate without the chance of filibuster. By majority vote in both Houses, the President's action overturning any of these adverse impact agency regulations could be reviewed.

That seems to me to give the President the power to step in.

It is my intention to provide, first, the Secretary of Agriculture with the responsibility of looking for these agency actions that may have an adverse impact, calling them to the attention of that agency head, and working to resolve the problems so the objectives of the proposed regulation can be achieved without imposing the burdens that the Secretary believes would be unnecessarily inflicted on farmers.

If that does not work, then the President has the discretion to resolve disputes and say in this instance the public would better be served if we overturned this regulation and issued a new one.

This amendment should force USDA to be more aggressive in protecting and fighting for farmers. It should help make other agencies more responsive to the needs of farmers.

We can help families with $170 billion in spending that we are talking about here today. But if we really care about them, and if we really care about their economic contributions, the social value of farm families, and certainly their contribution to feeding our Nation, protecting our food security, and our national security, then we ought to provide that the agency designed to serve farmers has the power and the responsibility to speak up for farmers to ensure that they are not overrun by an unthinking, ill-considered undertaking and ill-considered action.

We protect the blind mussels or other endangered species. We ought to be concerned about a farm community being threatened or endangered. I think this gives the farmers some limited leverage in assuring that they are protected.

It will not be necessary very often for the President to intervene once people know he has that power because agencies should, with this mandate to the Secretary of Agriculture, work out the problems in advance. This Presidential discretion which can be reviewed on an expedited basis by the President is a fail-safe mechanism.

This country has been in a recession for 15 months. We have given the President broad discretionary power since September 11 to conduct war and fight crime. We have appropriated tens of billions of dollars to help restore the strength of this country. We tried to help the airlines, and we are pursuing an economic stimulus package.

Parenthetically, we absolutely must pass legislation to shore up the insurance agencies to provide assurance that terrorism insurance will be available. We will have a major shutdown in our economy if we don't get that done.

I urge the majority leader to take this up immediately because we may be finding ourselves without insurance as of January 1 if we don't. I urge him to go back to the bipartisan measure worked out by the leaders of the banking committee and to pursue that legislation.

To go back to the farmers, as part of the stimulus we are going to provide assistance to the unemployed. We should recognize that farm families in rural America have been in a recession for 4 years. One of the things we can do in addition to providing dollars is to give them some protection from their Government. That is something they told me. If you ask the farmers in your State, I assure you that you will be told it is vitally important.

There is a challenge, limited as it is, that when resource issues affect farms and their families, it is OK for the Government to fight for the farmers. In the past, the fight has always been one-sided against the farmers.

In this instance, I urge my colleagues to support the amendment and send a message to farmers that we believe farmers are worthy of protection. We want the Government to make every sensible attempt to act as an advocate. We believe the USDA should be active and visible in fighting for farmers. We believe that the President and the Congress are capable of this and can be trusted with the public interest. This says to the administration that farmers don't always have to be at the bottom of the food chain.

I urge support of the amendment. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator from Vermont?

Mr. HARKIN. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. The Senator from Iowa controls 45 minutes.

Mr. HARKIN. How much time does the Senator wish?

I yield the Senator as much time as he needs.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I rise in opposition to the amendment offered by the Senator from Missouri, Mr. BOND. This amendment gives broad authority to the Secretary of Agriculture and the President to overturn the legal responsibilities of Government agencies if they determine that an agency action might —might—have adverse economic impacts on or jeopardize the personal safety of a farmer or rancher.

While I know the Senator is concerned about the economic well-being of farmers and ranchers—and we all are—this amendment would waive many of the protections that our Federal agencies are charged with providing.

Under this amendment, if the Environmental Protection Agency sets a water quality standard to prevent degradation of a stream, and the Secretary and the President think meeting that standard may have an adverse economic impact on a farmer or a rancher, the President can reverse the agency action. Or, if the Secretary of the Department of the Interior adds a species to the list of threatened or endangered species, and the Secretary of Agriculture and the President determine that recovering that species may have an adverse—may have an adverse—economic impact on a farmer or a rancher, the President can reverse that action.

When Federal agencies are considering the actions they are required to take under the law, the agencies consider the cost, and weigh the cost with the benefits the actions will have before proposing them.

Finally, the amendment does not consider the necessity of protecting our environment when considering reversing an agency action; therefore, I oppose the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

If neither side yields time, the time will be charged equally to each side.

Mr. BOND. Madam President, I suggest the absence of a quorum and ask unanimous consent that the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. HARKIN. Madam President, I yield myself such time as I might consume.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I yield to no one, including my good friend from Missouri, in fighting for our farmers and people who live in small towns in rural America to ensure that they are not set upon by the powers of the Federal Government in any way that would act to their detriment, their safety, their security, their well-being, their ability to make a living, or their ability to live as free and independent citizens of this country.

But I have looked over this amendment. At first I thought it might be OK. I looked it over. Then it hit me that the Senator's amendment says basically that the Secretary of Agriculture may review any action proposed by any Federal agency. That is what it says here. It says: Any. It says: The Secretary may review any agency action proposed by any Federal agency. . ..

And then it says: If the Secretary determines that a proposed agency action is going to do certain things with adverse effects on agricultural producers, then the Secretary can give it to the President for review. And then the President can reverse the agency action, just like that. He can reverse it, preclude it from going into effect, or he can amend it.

Well now, I don't know. I would like to ask: Why don't we include small businesses? I know my friend from Missouri is a strong defender of small business. Why don't we include small businesses in this? Why don't we let the head of SBA review any agency action by any Federal agency to determine whether or not it is going to have an adverse effect on small business, and let the President then reverse or amend the agency action?

Mr. BOND. Madam President, may I respond?

Mr. HARKIN. Sure, I yield for a question or a response to my question.

Mr. BOND. My question is, Are you familiar with the role of the Counsel for Advocacy in Small Business? That is his job. Are you familiar with the Small Business Regulatory Enforcement Fairness Act that we have adopted in the Small Business Committee to provide teeth for that act?

Mr. HARKIN. Having served on the Small Business Committee of the Senate now for 17 years, I am fully aware of all of the acts adopted in that Committee. But there is nothing in the Small Business Administration Act that allows the SBA Administrator to review all these agencies' actions and then give them to the President for further review, and that lets the President amend an action or reverse an action by himself, with only a notification to Congress.

I ask the Senator from Missouri: Is there anything in the Small Business Administration Act, or any law passed by Congress, that gives the President that power?

Mr. BOND. The answer to that is not yet, but if the manager of the bill would like to come to the committee and offer that, I would certainly be interested in supporting it.

We are working on the farm bill here. I think most of us agree that farmers need some additional protection. They do not have a counsel for advocacy in USDA. We have not seen the Secretary of Agriculture take that role. This says specifically they should.

Mr. HARKIN. I say to my friend from Missouri, we do have a counsel at the Department of Agriculture who has every ability to do exactly what the Senator is talking about.

The Senator says, take it to committee. I say to the Senator, take this to the committee. Let's have the committee take a look at this and not do it on the floor. Just as the Senator says we ought to take it to the Small Business Committee, that is my suggestion.

And why stop with small business? Why don't we do veterans? Why don't we do the same thing for our veterans in this country, who, time and time and time again, are affected by agency decisions in other parts of the Government?

Why don't we have the Secretary of Veterans Affairs have the same power that the Senator from Missouri wants to give to the Secretary of Agriculture? Why not do the same thing for our veterans and give them that kind of protection that they need, so that the President, without even consulting Congress, could overturn, amend, reverse any agency decision if he believes it adversely affects veterans in this country? Why don't we give that power to the Secretary of Veterans Affairs?

Why stop there? Why not give the same power to the Secretary of the Interior to review any agency action that might adversely affect a public park or interfere with the enjoyment I might have in going to a public park? And then let the President amend it, reverse it, without ever consulting with Congress?

Why stop there? Why don't we do the same thing for the Secretary of Labor? Let the Secretary of Labor have the power to review any agency action by any Federal agency? And if the Secretary of Labor thinks the action will adversely affect a working person in this country, the Secretary of Labor could give it to the President and let the President reverse it, do away with it, and then just let Congress know. That is what the amendment of the Senator from Missouri says. It says the President can do all this. He can reverse it, preclude it, amend it. All he has to do is notify Congress of the decision to reverse, preclude, or amend the action and submit to Congress a detailed justification for the decision. We don't have any power. The President can do the whole thing.

Why stop there? Let's think about other things. On the face of it, it might sound good. Then you start thinking about it and you say: Wait a second; we do could this for everything. What it means is that we would give the President of the United States the power to reverse, amend, preclude any agency decision without ever having to come to Congress.

We have an Administrative Procedure Act, a law passed by this Congress to provide the President and the Federal agencies—the executive branch of Government—with the guidelines under which it can operate. We amend it from time to time. This is where this amendment ought to go, on the Administrative Procedure Act. But there are in the Administrative Procedure Act certain things that have to be done. One of the things that is most important of all is to insist that Congress play its constitutional role and exercises its constitutional right. The President can't just do these things without letting Congress have the power to say whether he can do it or not. Otherwise, we might as well shut our doors and go home; let the White House run everything in this country.

This amendment on its face kind of sounds good. It sounds good. But I wonder if supporters of this amendment have really thought through all the implications of it and what it may mean. The farmers I talk to don't want another layer of bureaucracy from Washington. This would be yet another layer of regulatory burden when agencies are carrying out the law.

And keep in mind, it could be something that maybe a farm group or a farm organization might want but the Secretary of Agriculture or the President may not like it. This is a two-edged sword.

My friend from Missouri would say: Well, but it has to have an adverse economic impact on, or jeopardize the personal safety of, agricultural producers. That is pretty broad. I am sure any smart Secretary of Agriculture or President could say: We have this agency action out there, and we can interpret it so that it has an adverse economic impact on farmers. Therefore, we are going to reverse it willy-nilly because we, the President and the Secretary of Agriculture, have decided that it has an adverse economic impact on farmers. But the agency action may be in the best interest of farmers according to what some of us may think. Maybe some of us here may think that agency action may actually benefit farmers. Others may not think so. Maybe the President of whatever party may not think so. He can just reverse it. What power do we have?

I guess we have to go through the legislative process of having a bill and getting it through committee. We have no say-so whatsoever in the President's decision to reverse, preclude or amend the agency action.

I always say at this time of the year, when people come around with nice presents for you, that you had better unwrap the present and take a good look at it. Just because it has a fancy bow and fancy paper doesn't necessarily mean it is a gift. I say to my farmers and my friends in rural America, the amendment offered by my friend from Missouri is not a gift. This is a two-edged sword. It may help sometimes, but it may hurt. It may also open the floodgates for a lot of mischief in other Federal agencies that may adversely affect our farmers.

Unwrap this package and take a look at it. You will see it is not what it is touted to be.

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

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Missouri.

Mr. BOND. Madam President, I yield myself such time as I may require.

I certainly accept the manager's invitation to unwrap this package. I only wish we could do this on the southern border of Iowa and the northern border of Missouri, out where farmers live, away from the rarified atmosphere of this Chamber, and ask the farmers of Iowa and Missouri, the farmers of any other State, is this really a two-edged sword? Are you as a farmer really worried that the Fish and Wildlife Service is going to put out a regulation that would help farmers and the Secretary of Agriculture would oppose it and try to overturn it and get the President to overturn it?

That one won't meet the laugh test. That dog won't hunt in farm country. People know what is going on out there. It is not a danger to farmers that we have too much regulation. Actually, when regulations are overturned, it is usually when a regulation affects a large metropolitan area—building a bridge, something like that. Maybe if there are a lot of people around who are affected, then they can get some relief. When it is just a few farmers, when they need some irrigation water, then other things come to the fore.

Ask the farmers on the Klamath River about the sucker fish. Ask the

farmers in Texas about the Arkansas shiner. Who is being protected there? The Fish and Wildlife Service has the power, overwhelming power, to jump in and protect endangered species. Some people think it is time somebody had the power to jump in and protect endangered farmers. That is the difference.

It is time we turn around the balance of the Federal regulatory juggernaut that has been running over farmers in the name of all kinds of other interests and give the farmers some protection, give the farmers a chance to be heard.

The President has to weigh these issues carefully and find out if they protect public health or safety or the national interest before he turns it around. The Senator from Vermont said the Secretary could overturn it. That is not what this bill proposes. Only the President can issue such an order, only under the most unusual circumstances. And my friend from Iowa is not correct; the Congress does have power. The Congress does have power to overturn that action.

I can tell my colleagues with that threatened action facing a President, a President is not going to do this lightly. That is why we say it ought to be elevated to the highest level because it would only be used in the most serious of circumstances.

My friend from Iowa says there are all kinds of protections. The Administrative Procedure Act is a great protection for farmers. That is laugh line No. 2. You go to the elevators or the livestock market around my State or your State or anybody else's State and ask: How much protection are you getting from the Administrative Procedure Act? If you are lucky, they will give you a smile. They know that doesn't work for the individual farmers. If there are all these protections working for farmers, how come the farmers are not being protected?

Just ask. I urge my colleagues, if you are undecided, get on the phone and call a couple of farmers back in your home State and see how safe they feel with all these protections that my friend from Iowa says are on the books. They are not there, Madam President. They are not there.

When you unwrap it, you see that this is a very important measure to move the Secretary of Agriculture into an active advocacy role which, frankly, USDA has not provided. They may have the power, but they haven't used it. This tells the Secretary she must use that power. And I believe she will. It gives the President power in unusual circumstances—the highest level of circumstances—to make an order which has to be in the public interest and which is immediately reviewable by Congress. I think that is a protection we need.

Again, I urge the support for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I yield myself such time as I may consume.

This is a good debate. I enjoy my friend from Missouri, south of the Iowa border. I would be glad to meet on the dividing line with Missouri and Iowa and have a debate. We will invite the farmers in and talk to them about this because this is a double-edged sword. What happens if this power goes to the Secretary of Agriculture? This is a dangerous road—say this is extended to all agencies. Then the Secretary of the Interior gets the same power. Let's say USDA makes some decision that we think is beneficial for farmers and helps farmers, and then the Secretary of the Interior says that decision affects fish and wildlife. The Secretary of Interior can just go to the President and reverse that decision. That would not be good for the farmers. He overturns it, amends it, or precludes it—those three words that the Senator has in his bill. That is the double-edged sword. We just can't chance that.

The best protection our farmers have out there right now is those of us sitting on this floor today, including my friend from Missouri and the occupant of the chair. I don't care if they are Democrats or Republicans. The best protection for our farmers and our people in rural America is the Congress of the United States, the House and Senate, Republicans and Democrats alike—not the administration. The administrations—I don't care who they are, Republican or Democrat, at the White House—and I have seen it in my 27 years here—give scant attention to rural America.

I know this amendment by my friend from Missouri is well intentioned. I know what he is trying to do. But I have to tell you, the other edge of that sword can be mightier than the edge of the sword he is trying to give to the Secretary of Agriculture. Just look at the history of past administrations and then ask: How often do they come down on the side of farmers? How often do they come down on the side of other interests? That ought to tell the tale right there.

No, this is not in the best interest of farmers. The best interest of farmers is to keep the power here in Congress and in committees, where we can fight for our rural people and our farmers and not give that power to the President of the United States.

Mr. BOND. Will my friend yield?

Mr. HARKIN. I am glad to yield.

Mr. BOND. I ask my colleague this: He said maybe the Secretary of the Interior would want to come in. Does my friend know that, under the Endangered Species Act, the Fish and Wildlife Service doesn't even have to go to the President? The Fish and Wildlife Service can shut down an agricultural operation, a road-building operation. The Fish and Wildlife Service has already, in the current law, the power we would seek to give the President, only there is no congressional review.

So would the Senator explain to us the difference between the power of the Fish and Wildlife Service and what we hope to give the President on a congressionally reviewable basis.

Mr. HARKIN. I say to my friend that the Fish and Wildlife Service has to abide by the Administrative Procedure Act and the laws passed by Congress. The Congress has every power to review and to keep the Fish and Wildlife Service—as the Senator knows, because we have done it—from doing what they want to do. We have that power. I don't see that in the amendment here. We have the power now. I don't see it in this amendment.

Mr. BOND. Madam President, this doesn't change in any way the powers of Congress. As a matter of fact, it gives Congress a new power for expedited congressional review.

Mr. HARKIN. I say to my friend, I don't see that. The President can do all this and notify Congress. We don't have any power to do anything, according to this.

Mr. BOND. I ask my colleague to read the provisions in the amendment that describe the congressional notification and congressional review, beginning on line 19 of page 4, ''Reversal preclusion, or amendment of any agency action . . . shall be subject to section 802 of title 5, United States Code.''

We did not spell it out there, but that is the expedited congressional review procedure. Again, I apologize for the way this is drafted. Legislative counsel has said to get to expedited congressional review on page 4, lines 19 through 22, do that job.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged to each side equally.

Mr. BOND. Madam President, I yield 5 minutes to Senator Thomas.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I have been listening to the conversation and debate here. Although I am, frankly, not as familiar with the details of it as I might be, I am sympathetic to what the Senator from Missouri is seeking to do. I deal, of course, as most of us do, with agriculture at all time in my State, where agriculture, public lands, and grazing are very much an integral part of our economy and indeed our society.

So regulations have a great deal to do with the opportunities we have, for instance, for multiple use of public lands. They have had a great deal of impact on what we have done with clean water and nonpoint source water propositions, and so on. Regulations are put out there, quite often, without a real evaluation of what impact they have. We have been dealing with one for a long time on the endangered species. I think this species was nominated, but if someone looked at it before it was implemented, I think the conclusion was that this was not a legitimate listing.

But work as we try, we can't seem to do much about that. So it does seem to me that the congressional oversight is certainly there, but we don't get into the details of every application of every regulation. That is not the role of Congress but, rather, to deal more broadly with the authorities.

I think it is so interesting sometimes to see how different people in different agencies, under the same statutes, can come up with quite different ideas. So it seems to me it would make sense to have some kind of oversight on agriculture and take a look at what is done and promoted by some of these other agencies. The lack of having that opportunity generally causes us to end up in a myriad of lawsuits. And we are more governed by lawsuits or the threat of lawsuits than we are by analysis of the impacts.

The proposal by the Senator from Missouri has a great deal of value. I suggest my colleagues favorably support his amendment.

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

The PRESIDING OFFICER. The Senator does not control time. Who yields time?

Mr. BOND. I ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Madam President, I was sitting here thinking about this amendment my friend from Missouri has offered. I thought of another instance of how it might affect farmers. I forgot about the Secretary of Transportation. There are safety rules that the Department of Transportation promulgates for farm equipment on highways. There are weight limits, headlights, taillights, and other safety regulations that the Department of Transportation has mandated for farm equipment on highways.

Some may argue that those requirements are burdensome. I sympathize with you, but you understand it is for the public good that the Department of Transportation says you have to have certain restrictions, certain lights, certain warning signs on farm equipment on highways.

Taking this example of what the Senator has said, if we give this power to the Secretary of Agriculture, the Secretary of Agriculture will say: That is burdensome, that is an economic hardship on our farmers that they have may have to change some practices; therefore, the President can reverse it.

The Secretary would find it would have a significant adverse economic impact.

Mr. BOND. May I inquire——

Mr. HARKIN. I yield to my friend.

Mr. BOND. I ask my good friend from Iowa if he has read on page 4, line 13:

> Limitation.—The President shall not reverse, preclude, or amend an agency action that is necessary to protect—
> (A) human health;
> (B) safety; or
> (C) national security.

The manager has raised an excellent question. I believe we have totally addressed it in this bill.

Further, the President, before he takes action, must find that it is in the public interest. I believe the protection is built in.

Mr. HARKIN. I appreciate what my friend has said. To a certain degree, again, like the rest of this, when one reads it, it sounds OK, but that is pretty vague—human health or safety or national security. It is vague. Who decides what that is?

Now I think we get to the nub of what is wrong with this amendment. Under the Administrative Procedure Act, any agency, if the agency is promulgating a rule, has to allow time and opportunity for public comment on the proposed rule. Under the Administrative Procedure Act, the public must be involved, the public must be heard on the record, and the agencies have to take the public's input into account when they are promulgating the rule.

The amendment of the Senator from Missouri does not allow for that. This says the Secretary makes these decisions, there is no public comment, and then it goes to the President. Did I miss a part of it?

Mr. BOND. Madam President, may I call the attention of my friend and colleague to the top of page 4 which says that before the President takes any action in conducting a review, ''the President shall consider (A) the determination of the Secretary under subsection (c)(1)—this is on page 4—''(B) the public record.''

The public record is there. The President has to consider the public record that was developed by the agency in the process of issuing the regulation. The public record must have in it all the information, and the President can only act after consideration of that public record.

Mr. HARKIN. My friend said the President ought to consider the public record, but there will be no public record of what the Secretary of Agriculture and President do under this amendment. There is nothing in here that I can find that requires the Secretary, in reviewing an agency action and determining whether to send it to the President, to do all of this in a manner consistent with the requirements of the Administrative Procedure Act. In other words, nothing in this amendment requires that these activities by the Secretary must become part of the public record, with hearings and an opportunity for members of the public to participate. Usually, with any agency action, there is a 60- or 90-day period for the public to be heard on matters before a final decision is made, and those public comments go on the public record. That is not included in the amendment. Did I miss it?

Mr. BOND. Madam President, if I may inquire, my colleague is certainly well versed in the Administrative Procedure Act. Prior to the adoption of a regulation by some other agency that would be under review, the Administrative Procedure Act has to be followed; is that correct?

Mr. HARKIN. That is true.

Mr. BOND. The agency has to establish a public record under the APA before a regulation is issued; is that correct?

Mr. HARKIN. The Senator is right.

Mr. BOND. The President, under this law, can only act after an agency action has become final and the President is directed to take into account the public record because the agency action could not be taken under the APA without a public record. That is why we specify it must take into account the public record, the one that was developed in the issuance of the regulation which is subject to the President's discretionary review.

Mr. HARKIN. True. But, the President can still act to change a decision of the agency even if doing so goes against the underlying law that Congress passed, and the President can do this without consulting Congress. And the President will have taken this action after the agency has promulgated a rule and gone through the notice and public comment requirements of the Administrative Procedure Act.

Years later, the Secretary of Agriculture can say: That action that was taken by that agency 5 years ago is an economic hardship, it has an adverse economic impact on farmers; therefore, I am going to recommend to the President that he reverse it and do away with it.

Five years have gone by and now this action taken by the Secretary is every bit as important and vital in overturning the regulation as it was in promulgating it. Yet in overturning it under this amendment, there is no need for any public record, no need for any public hearing.

I yield to my colleague.

Mr. BOND. I understand my colleague's concern about action taken 5 years later. Will my friend look at page 3 and read lines 8 through 10?

Does that language not say:

> If, after a proposed agency action is finalized, the Secretary determines that the agency action would be likely to have a significant adverse economic impact on or jeopardize the safety of agricultural producers, the President may, not later than 60 days after the date on which the agency action is finalized, review the determination of the Secretary; reverse, preclude.

I believe the language is specific, and I appreciate my colleague directing his attention to that.

Mr. HARKIN. I will consult on that because I was told the way it was written it may not, but I will check on it and see whether or not he can do it after 60 days.

Mr. BOND. Is the language not clear?

Mr. HARKIN. I do not know. We are going to find out.

Mr. BOND. Not later than 60 days.

Mr. HARKIN. We will find out whether or not the determination by the Secretary has to take place within that 60 days. I am not certain that it does.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged to each side equally.

Mr. HARKIN. Madam President, the Senator from Missouri is right, and I misspoke. He is absolutely right that it is 60 days. So it cannot be 5 years. He does have to do it in 60 days. But my point is still valid that there is a hearing record for an agency decision, but then this sets up a whole new layer of bureaucracy and layer of decision-making, and there does not have to be a hearing on the President's reversal, preclusion or amendment of the agency action under this amendment.

So, therefore, the President can wipe out whatever was done, and they do not have to have a hearing based upon what he wants to do. But the Senator from Missouri is right, it has to be done within 60 days. Five years, no. I misspoke. I was wrong on that, and I am glad to correct myself on that.

Lastly, I would like to know if the Senator from Missouri could enlighten us as to the definition of agricultural producer.

For the Record, if we could, exactly what is an agricultural producer?

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

If neither side yields time, time will be charged to each side equally.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask again my friend from Missouri, what is the definition of an agricultural producer? What is an agricultural producer? I wish the Senator from Missouri could enlighten us as to what an agricultural producer is.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. The definition of agricultural producer on page 2 is the owner or operator of a small or medium-sized farm or ranch.

Mr. HARKIN. What is medium-sized? Does the Senator have a definition for what a medium-sized farm might be, or ranch?

Mr. BOND. That would be up to the Secretary of Agriculture or the President to decide. It is not large. There are large corporate farms in the State of the Senator from Iowa, my State, and the State of the Chair.

I think the Supreme Court said it well in describing obscenity: You know one when you see one, and it is not going to be a specific farmer or rancher who comes in. This is going to have to be a judgment made by the Secretary of Agriculture who has to defend his or her judgment based on how generally it affects small and medium-sized farms and ranches, not the large ranches, and I think that test is adequate. I do not think one needs to have the technical definition of so many acres or so many hundreds of thousand dollars.

Mr. HARKIN. Again, another vagueness in this bill. For example, an agricultural producer could be Scottie Pippin who owns a horse farm of maybe 120 acres or 100 acres and he is an agricultural producer. So, again, very vague.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged to each side equally.

Mr. HARKIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes and the Senator from Missouri has 16¾ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent that I be allowed to speak for 1 minute as in morning business.

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

(The remarks of Mr. MCCAIN are printed in today's RECORD under "Morning Business.")

Mr. MCCAIN. Madam President, I thank my colleagues for their indulgence.

Mr. HARKIN. I yield 5 minutes to the Senator from Nevada.

Mr. REID. Madam President, this amendment is too broad, too general. It violates the canon of law that exists in this country. From a constitutional perspective, it grants the President authority to overturn action by any Federal action that the Secretary of Agriculture determines may harm producers. It allows the President to ignore any law passed by Congress. This is a significant transfer of power to the President.

As I discussed yesterday, the Endangered Species Act is in existence; we have acknowledged for many years there should be action taken to change it. There was a bipartisan effort a few years ago by Senators CHAFEE, BAUCUS, Kempthorne, and REID to change this. We entered into an agreement in the Environment and Public Works Committee to introduce legislation that we would not accept any amendments on the floor; we would vote against any of them. It was a tremendous revision of the Endangered Species Act. We had widespread support of a significant number of people in the environmental community and many people in the development community. It had the support of mayors and Governors. However, it was not brought to the floor because people were certain they could do better. Of course, the perfect got in the way of the good and nothing has happened since then.

In spite of that, the Endangered Species Act has done a great deal to salvage species and prevent the wiping out of species. Threatened and endangered species are now protected.

This amendment is certainly an assault on the environmental laws of the country. It allows the President to waive the Endangered Species Act, the Clean Air Act, and the Clean Water Act in one fell swoop. It would not be one of them; he could, in fact, waive any of the three. It would set the country back at least 30 years in environmental protection.

This amendment goes far beyond environmental laws. The definition of this legislation being proposed is so vague that virtually any action can be overturned by the President, including an effort to improve the U.S. Department of Agriculture civil rights procedures, and the President can overturn laws protecting farm workers, actions to implement free trade agreements.

This is an amendment that is too broad and too general and tries to accomplish things that are so harmful from a constitutional perspective and from an environmental perspective. There should be other action taken.

I hope the activities now by staff of the Environment and Public Works Committee and others will come up with an amendment to this second-degree amendment that will more directly affect the problems that are trying to be addressed in this amendment. I hope this amendment will not become part of this bill. It would be a blow to this fine piece of legislation.

This amendment would elevate the Secretary of Agriculture and the authorities of that agency over every other Federal agency and every other law passed by Congress. That is pretty broad. It allows the Secretary to stop any agency action to protect the environment, to protect food safety, to protect workplace safety if the Secretary decides action would have a negative impact on farmers. If another agency moves forward with the action to protect the environment, to protect workers or our food supply, the Secretary of Agriculture simply will ask the President to override these procedures and it will be complete.

This is not fair. It is wrong. I hope we can come up with something that better addresses what I think the Senator is trying to do. I hope he is not trying in one fell swoop to take out of existence the Endangered Species Act, the Clean Water Act, and the Clean Air Act.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I yield myself such time as I may require.

I welcome the distinguished majority assistant leader. He came in after we had the discussions. We have clarified the issue of whether any safety regulations can be waived. Explicitly, this law says he may not waive where safety regulations are imposed. It also includes human health or national security.

Now, the distinguished majority whip has pointed out this somehow overrides

the power of agencies. We don't elect agencies, we elect a President and we elect a Congress. The power exercised in the agencies is delegated by the President to the agencies. This is Presidential power. We are seeking in this law simply to say when one of these agents of the President does something that is really stupid, that is really bad, that hurts farmers, the Secretary of Agriculture can say: Mr. President, you must look at this action. And he only has 60 day to do it. There are limitations. He cannot overturn where human health, safety, or the national security interests are involved. Then he can go back and tell the person to whom he delegated the power to make the regulation, to carry out the law in the first place: You have to do it differently.

Not only is he limited, but this law says Congress can use expedited congressional review to overturn his decision. This is strictly limited. The President does not even have the power in this provision that the Director of Fish and Wildlife has to stop things that farmers want to do or that transportation officials want to do.

Incidentally, we checked with the U.S. Department of Agriculture. There is no advocacy counsel in Agriculture as there is in SBA, for small businesses. So this is giving the Secretary of Agriculture the responsibility we think should have been there in the first place, narrowly circumscribing the powers the President has to overturn it.

As my good friend from Nevada is leaving, I might say if he wishes to offer a second-degree amendment, obviously we would vote on that. But we intend to keep coming back to get a vote on this one as well. I will be happy to work with him. If he has other ideas he wants to put up as a second-degree amendment, that is fine. But we will do our best to make sure we have an up-or-down vote on this amendment.

With that, I urge my colleagues to support this amendment. I reserve the remainder of my time.

Mr. ENZI. Madam President, I rise in support of the amendment offered by the Senator from Missouri. This amendment gives the Secretary of Agriculture the authority to review any proposed Federal agency action to determine whether the action is likely to have a ''significant adverse economic impact on or [could] jeopardize the personal safety of agricultural producers.''

Federal actions and regulations seriously impact the way the Wyoming agricultural producers operate. The regulations are proffered by agencies that do not often consider how their actions could harm small and medium sized agricultural operations. These are the operations that are facing the most risk in the marketplace. These are the operations that need more protection. This amendment is important because it forces accountability before the fact. The Secretary of Agriculture would have the option of consulting with the head of the agency proposing an action and could offer advice on how to make the action less onerous to producers.

Agencies realize that their actions will be scrutinized for their impact on agriculture. Actions that could have a significant adverse economic impact on or jeopardize the personal safety of agricultural producers could be overturned or amended by the President. This amendment does not place the needs of agriculture above human health, safety or national security. It merely gives agricultural producers an advocate to represent their interests. I ask that my colleagues support this most important advocacy for agricultural producers and support this amendment.

Mr. HAGEL. Madam President, I rise as a cosponsor of the Bond amendment.

This amendment would allow the Secretary of Agriculture to review the proposed actions of other Federal agencies to determine if those actions are likely to adversely impact agriculture producers. Should the Secretary find that such an action would jeopardize a producer's safety or economic well-being, the Secretary could work with other agencies to identify the alternatives least likely to cause harm.

This authority is long overdue.

For the first time, the government would be forced to determine in advance how its actions might impact America's farmers and ranchers. That is only fair. And no one within the government is better qualified to make that determination that the Secretary of Agriculture.

For too long, Federal regulators have made farmers and livestock producers bear the burden and cost of government decisions. The result has been that real people suffer. That is unfair. That is wrong.

This amendment will put some justice back into the system by reining in regulatory agencies, and giving agriculture a voice in the regulatory process.

In my State of Nebraska, we have seen the disastrous impact that Federal regulations have had on our farmers and livestock producers.

This amendment pursues some of the goals of legislation that I introduced earlier this year. My bill, the ''Private Property Rights Act'', would require the Federal Government to conduct an economic impact analysis before taking any action that would inhibit or restrict the use of private property.

The amendment before us today is more narrow in scope. But it will make government agencies think through the consequences before they act on rules that hinder those who work America's fields, feedlots and pastures.

It will put some balance back into the system by reining in over-reaching regulatory agencies. And most importantly, it will give agriculture producers a seat at the table when it comes to make and reviewing new regulations.

I appreciate the work done by the senior Senator from Missouri on this issue, and support his efforts to bring some common sense and reality to the system. I urge my colleagues to support the Bond amendment.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally.

Mr. REID. Madam President, I conferred with Senator BOND who offered this amendment and he indicated he wants a vote on his amendment. We have indicated we have something that would be a side-by-side vote on this matter. We are going to work on that.

In the meantime, we are going to a quorum call or do some other business that will not affect the Senator's amendment. In the near future, we will try to come up to something that allows maybe a side-by-side vote or something such as that. If we can figure out some way to second-degree his amendment, we will do that, or whatever.

Mr. BOND. My friend from Nevada makes a very reasonable request. I will be happy to have side-by-side votes. I have no objection to setting this aside.

I need to check with the ranking member. But personally I have no objection so long as we can have side-by-side votes. I will defer to the ranking member.

Mr. REID. Madam President, I want to make sure my friend understood everything I said. Side-by-side would be the preferable way. We may have to do a second-degree amendment. But whatever it is, we will give the Senator plenty of notice.

Mr. BOND. Madam President, we intend to get a vote on this one way or the other. We would like to do it. I think we can save everybody a lot of trouble if the majority side has an amendment on which they wish to vote. They can get that up first. I would have no objection to doing that if they will then give us an up-or-down vote on my amendment.

Mr. REID. Whatever happens, you won't be in any worse position than you are right now. We are not preventing you from going forward. Our only other alternative would be to go into a quorum if anything happened. Neither of us thinks that would accomplish anything. We will make sure you have the opportunity to be in no worse position than you would be 5 minutes from now when the time expires on your amendment.

Mr. BOND. Being in no worse position than I am now makes me think of the eighth place Cardinal hitter who was facing Kurt Schilling. It is not a very attractive spot. But we will take our swings in any event.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, has all time expired?

The PRESIDING OFFICER. The Senator from Missouri still controls 3 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I yield whatever time I have remaining, if I have any remaining.

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

Mr. HARKIN. When all time has expired on this amendment, I ask unanimous consent to lay the amendment aside for the purpose of taking up the amendment offered by the Senator from Wisconsin, Mr. FEINGOLD.

On the disposition of this amendment, we will set it aside for another amendment.

But this amendment will be the pending amendment.

Mr. BOND. Mr. President, I have no objection to that. We have held discussions. I believe the majority side will propound a second-degree amendment. I have personally no objection to that. But there will be a vote up or down on the amendment I have provided. Perhaps at that time, if less than 60 days have elapsed, we will ask for 2 minutes on each side so the distinguished manager from Iowa may reiterate his objection.

I thank the Chair.

Mr. HARKIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2522 TO AMENDMENT NO. 2471

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 2522 to amendment No. 2471.

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

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

The amendment is as follows:

(Purpose: To reform certain mandatory arbitration clauses)

Strike the period at the end of section 1021 and insert a period and the following:

SEC. 10____. ARBITRATION CLAUSES.

Title IV of the Packers and Stockyards Act, 1921, is amended by inserting after section 413 (7 U.S.C. 228b–4) the following:

"SEC. 413A. ARBITRATION CLAUSES.

''Notwithstanding any other provision of law, in the case of a contract for the sale or production of livestock or poultry under this Act that is entered into or renewed after the date of enactment of this section and that includes a provision that requires arbitration of a dispute arising from the contract, a person that seeks to resolve a dispute under the contract may, notwithstanding the terms of the contract, elect—

''(1) to arbitrate the dispute in accordance with the contract; or

''(2) to resolve the dispute in accordance with any other lawful method of dispute resolution, including mediation and civil action.''.

Mr. FEINGOLD. Mr. President, I rise today to submit an amendment that will give farmers some options in identifying the forum to resolve disputes with agribusinesses. I, along with a number of other Members of this body, am deeply concerned that the concentration of power in the hands of a few large agribusiness firms—firms that can raise $1 billion on Wall Street at the drop of a hat—is forcing farmers and ranchers to be placed at a competitive disadvantage in the marketplace. These large corporations are using their market power to force independent producers into what is really a position of weakness through unfair concentration and other uses of market leverage.

In some cases, the domestic marketplace has become almost noncompetitive for family farmers. Farmers have few buyers and suppliers than ever before.

One indication of their dominance is the one-sided contracts that favor agribusinesses at the expense of farmers and ranchers. It is of paramount importance that we help restore competition in rural America.

I was very disappointed when I learned that the Agriculture Committee did not approve Senator HARKIN's proposal to add a competition title to this bill.

I commend the work of the chairman, Chairman HARKIN, of the Agriculture Committee for his leadership on this issue.

When I testified at a hearing on the packers, stockyards, and processors last year, I thought a number of important reforms outlined should have been addressed in the farm bill.

Senator HARKIN's competition title would have done a lot. It would have provided a measure of fairness and transparency and equity in America's agricultural markets. I believe this proposal would have taken a huge step toward ensuring the future prosperity of our farmers and ranchers.

One important aspect of the competition title would have provided farmers with options to resolve disputes with agribusinesses by providing farmers with a choice as to the forum for resolving disputes with agribusinesses.

I want to be clear about this. I think that alternative methods of dispute resolution such as arbitration can and often do serve a useful purpose in resolving disputes between parties.

I am extremely concerned about the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights in advance and agree to arbitrate any future disputes that may arise.

It has recently come to my attention that large agribusiness companies often present producers with what is basically take-it-or-leave-it contracts which increasingly include mandatory and binding arbitration clauses as a condition of initially entering into the contract. This practice forces farmers to submit their disputes with packers and processors to arbitration.

As a result, farmers are required to waive access completely to judicial or administrative forums, substantive contract rights, and to statutorily provided protection.

In short, this practice works and deprives dealers of their fundamental due process rights and runs directly counter to basic principles of fairness.

Arbitration is also billed as an inexpensive alternative to civil action, but this is often not actually the case. Filing fees and other expenses often can result in much higher fees than actually being in a civil action. Attorney's fees, whether hourly or contingency, can be similar regardless of the forum.

For example, in a recent Mississippi case filing, fees for a poultry grower to begin an arbitration proceeding were $11,000. This is far more than the $150 or $250 cost of filing a civil suit.

It makes no sense for a farmer to seek payment for wrongdoing when he or she has lost $1,000 when it costs $11,000 up front just to get the case into an arbitration proceeding.

The result of those mandatory arbitration clauses is that farmers often have no forum in which to bring their dispute against the company. Arbitration clauses often require farmers to waive their right to a jury trial. Since the arbitration itself is extremely costly, the farmer, who likely has a substantial debt due to low prices and a large mortgage on his farm, is basically left unable to access this costly arbitration process.

Since the litigation option is taken away by contract, and the arbitration forum can be taken away by its high cost, the grower has no forum in which to bring his dispute against the company.

If a poultry farmer suffers losses as a result of mis-weighed animals, the farmer should have the right to hold the company accountable. If farmers are hurt because they received bad feed, we must ensure that farmers have options to choose the forum through which they can resolve their concerns about this product they received.

If a farmer believes he or she has been provided a diseased animal from an agribusiness, the farmer should have at least a forum to address his or her concerns.

In short, we must give farmers a fair choice that both parties to an agricultural contract may willingly and knowingly select. This amendment, again, does not prohibit arbitration. It would ensure simply that the decision to arbitrate is truly voluntary and that

the rights and remedies provided by our judicial system are not waived under coercion.

Let me add that I believe two of the lead cosponsors of this amendment are the chairman of the committee, Senator HARKIN, and the distinguished senior Senator from Iowa, Mr. GRASSLEY. I am also pleased to inform the Chair and my colleagues that both the Farm Bureau and the Farmers Union support that. I am sure the Senator from Indiana knows that does not always happen. It is a good sign we are on the right track for America's farmers with this amendment.

I urge my colleagues to support this amendment and give farmers options to resolve disputes in the agricultural marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am wondering if I could ask for the yeas and nays on my amendment, and I ask unanimous consent that the vote on it follow the vote on the Bond amendment.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from South Dakota has the floor.

Mr. JOHNSON. Mr. President, I was unaware that the Senator from Wisconsin still had steps he needed to take relative to his amendment.

I withhold, at this point, my amendment and will allow the Senator from Wisconsin to proceed with his unanimous consent.

I ask unanimous consent that I then be in a position to offer my amendment upon the conclusion of the amendment by the Senator from Wisconsin.

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

Is there objection?

The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. WELLSTONE. I will take about 10 seconds.

Mr. President, I ask unanimous consent that after the Johnson amendment I be allowed to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, might I say to the two managers of the bill, I think we are now in a position to go to the original proposal to move to table the Bond amendment. So we would like to do that now.

Mr. LUGAR. Reserving the right to object, and I will not object, my objection immediately to the Senator from Minnesota was that perhaps, as opposed to having a stacking of amendments, all on the Democratic side—and admittedly yesterday we debated Republican amendments all day—is that there are a number of Republican amendments. Could we get perhaps some alternation?

Mr. REID. If the Senator will yield, our amendments are very quick. Yours are very long. We can complete a number of ours very quickly. During the time of the vote, we will talk about that.

Mr. LUGAR. Very well. We would like to hear the Senator from Minnesota speaking on his amendment, of course, but I, on behalf of our side, thought I ought to interject this comment at this point.

Mr. REID. We will be happy to work with the manager of the bill.

Mr. LUGAR. My reservation is managed and I will support the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. The amendment from the Senator from Wisconsin is pending.

Mr. REID. As soon as the debate is complete on that amendment, would we return to the Bond amendment?

The PRESIDING OFFICER. We would go to the Senator from South Dakota for an amendment under the previous order.

Mr. REID. Is there a unanimous consent agreement to that effect?

The PRESIDING OFFICER. Yes, there is.

Mr. REID. I say, we would ask, then, that that be changed because there are Senators waiting around. We believe we should get to the vote on the underlying amendment. We were back watching Osama bin Laden's tape and were not in the Chamber, as we probably should have been. So I ask unanimous consent—if those in the Chamber will allow us—to proceed to a vote on a motion to table the Bond amendment as soon as the debate is completed on the Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, could I raise the question: Would, then, the leader anticipate a vote on or in relation to the Feingold amendment following the rollcall vote on the Bond amendment, if it reached a conclusion at that point?

Mr. REID. That is true.

Mr. HARKIN. Yes.

Mr. LUGAR. I thank the Senators.

Mr. JOHNSON. If I may inquire, previously it was agreed to that the Johnson amendment would follow the Feingold amendment. Is that still the case? I assure my colleague from Indiana this is not a lengthy amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. My understanding is, following the conclusion of the Feingold debate, there will be a vote on the Bond amendment, followed by a vote on the Feingold amendment, and then the Senator from South Dakota, Mr. JOHNSON, would be recognized to offer an amendment at that time.

Mr. GRASSLEY. Am I going to have an opportunity to speak on the Feingold amendment?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. The understanding of the Senator from Indiana is correct, with the qualification that the votes will be with respect to the Bond amendment, not necessarily on the Bond amendment.

Mr. LUGAR. My understanding is there is still time to debate the Feingold amendment. The distinguished Senator from Iowa, Mr. GRASSLEY, wants to be heard on that amendment.

Mr. REID. When we go to the Bond amendment, which we are going to do, it is going to be a vote on that first. If the motion to table, of course, is not successful, then the Bond amendment is there naturally. All right. Everyone agrees to that. That is the parliamentary place we would be. And then we could not dispose of Feingold until we dispose of Bond.

Mr. LUGAR. May I ask a question of the distinguished Senator?

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. We would continue with debate on the Feingold amendment at this point, as I understand it, so the distinguished Senator from Wisconsin can be heard but, likewise, the Senator from Iowa could be heard, and others who may wish to debate that amendment.

Mr. REID. With respect to Feingold, that is true. And it is my understanding that debate is not going to take a long period of time. That is my understanding.

Mr. FEINGOLD. That is correct.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I am delighted the Senator from Iowa, Mr. GRASSLEY, is in the Chamber and is supportive of our amendment. I hope he will offer his remarks in support of our amendment at this point.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, our Nation's farmers and independent livestock producers are becoming increasingly subjected to vertical integration in their industry. I recall years past when family farmers had complete control over their livestock, from farrowing until marketing. Today, however, more than 80 percent of the hogs are either marketed under contract or are owned by the packer.

In my home State of Iowa, vertical integration has led to a situation in

which many farmers can't even get a bid on their livestock from packers. Instead, they are simply forced to accept a slot when they can deliver their livestock to packers at the packer's price. That kind of makes them a residual supplier of livestock, kind of puts them in the position of being last in line. It also puts them in a position economically, I believe, of getting a lower price.

When I was farming and raising pigs, it was as simple as calling up maybe an hour before you wanted to deliver your pigs, calling up the packing company in Waterloo, IA, and asking: What are you paying today for hogs? You might dicker a little bit, but you eventually reached agreement. When you wanted to sell a lot, you said: Well, I want to sell some. So you loaded up, backed up the pickup to the hog house, loaded a few pigs, and drove 15, 20 miles to deliver them. It was that simple. Today it is even worse for cattle in the sense that you might be able to have a half hour within a whole week of time to be able to sell something.

We have a terrible situation where the family farmer is kind of stuck in the sense of being a residual supplier. You can say that farmer has the option of contracting those sorts of things of which he can take advantage. There are some people who ought to have the same opportunity to get the same price other people get. We are in a position now where things are somewhat different.

Mr. JOHNSON. Will the Senator yield?

Mr. GRASSLEY. Of course, I will yield.

Mr. JOHNSON. The parliamentary circumstance under which we were taking up these amendments was a bit convoluted up until the moment the distinguished Senator from Iowa came onto the floor. I would observe that the amendment pending is the Feingold amendment.

Mr. GRASSLEY. That is the one I am speaking about, the Feingold amendment.

Mr. JOHNSON. The nature and the thrust of the comments, I thought, related to packer ownership of livestock.

Mr. GRASSLEY. It is applicable to your amendment. I will speak also to your amendment at another time.

Mr. JOHNSON. Very good. I look forward to the observations of my friend and colleague from Iowa.

Mr. GRASSLEY. Maybe my own personal experiences in the way of family farming compound this problem. I will just get to the issue and leave the personal experiences I have had out of this issue.

In the year 2001, there are farmers who are in the same situation of wanting to market the same way I did the years I had livestock, from 1959 to 1974, and again from 1984 to about 1987, even since I have been in the Senate. We have a situation where you can't deliver whenever you want to deliver. You become a residual supplier.

This is a problem Senator FEINGOLD is trying to correct. I hope I can help him. Many packers have arbitration clauses in their contracts with farmers. Arbitration clauses significantly reduce the small family farmer's ability to get a fair shot when a dispute with packers arises, such as misweighing of animals, bad feed cases, or wrongful termination of contracts.

When a dispute between a packer and a family farmer arises and the contract between the two includes an arbitration clause, the family farmer has no alternative but to accept arbitration to resolve the dispute.

I certainly recognize that arbitration has its benefits. I have promoted that as an alternative dispute resolution as a member of the Senate Judiciary Committee, and we have laws as a result of that. In certain cases, regardless of the advantage of arbitration, it can be less costly than other dispute settlement means. In certain other cases, it can remove some of the workload from our Nation's overburdened court system. For these reasons, arbitration must be an option, but it should be no more than an option.

In some cases, however, mandatory arbitration clauses create another level of litigation. State courts provide the ability for a party to challenge an arbitration clause on the basis of fraud, misrepresentation, or lack of knowing and voluntary waiver.

Farmers often must file civil actions seeking to invalidate the arbitration clauses after a dispute arises when they realize they would be placed at extreme disadvantage in arbitration in a particular case and because the arbitration fees are too high. We can learn from the experience of the poultry industry. Today nearly 100 percent of the Nation's poultry is captive. In recent years, poultry producers have been especially affected by mandatory arbitration clauses.

When one chooses arbitration, he then waives rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because a farmer must prove his case, the company has the relative information, and the farmer cannot prevail unless we can compel disclosure of relevant information.

Moreover, longstanding law states that a waiver of rights by a party must be knowing and voluntary. A farmer cannot waive such rights in a knowing and voluntary way when he is only bargaining about a processor-drafted contract about price and volume terms. He cannot make a knowing and voluntary waiver in a vacuum when a dispute does not exist and has not been contemplated.

I am pleased to join Senator FEINGOLD in support of this amendment to prohibit mandatory arbitration clauses from being included in contracts between packers and livestock producers. Our amendment will amend the Packers and Stockyards Act to provide that mandatory arbitration clauses in contracts between packers and livestock producers are not enforceable unless parties agree to binding arbitration after the dispute arises.

Our amendment will give farmers the opportunity to choose the best form of dispute settlement mechanism. Instead of binding arbitration, mediation or civil action may give family farmers a fighting chance to succeed in a dispute with a packer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the amendment offered by the distinguished Senator from Wisconsin is a thoughtful amendment, trying to bring equity between farmers who may be fairly small, quite apart from those who have substantial herds, in dealing with packers.

It is a close call as to where the best interests of farmers may lie. Let me suggest that it occurs, at least to this Senator, that it is usually to the advantage of a farmer, particularly a small farmer, to have an arbitration clause that at least settles the framework in which some justice might occur.

I make this point because, unfortunately, litigation tends to be expensive. There are possibilities in a court of law for discovery, for the mandating of information the distinguished Senator from Iowa has mentioned, that would be very helpful perhaps and illuminate the total field, but likewise, it is mostly the case that the company involved, the packer or whoever is the corporate dispute in this situation, is likely to have more resources, just as sometimes occurs when the resources are vastly unequal. Nevertheless, it is not something, it seems to me, the Senate ought to weigh in on.

In essence, my understanding of the Feingold amendment is that it would prohibit the use of mandatory, binding arbitrary clauses in agricultural contracts. But to adopt the language of the distinguished Senator from Iowa, this ought to be the option of the farmer or the rancher as he enters the type of contract he or she may find most desirable. In other words, the individual and the smaller entity ought not to be precluded from a means—in the event of a dispute, or if there has been a history of dispute—that could be less expensive and perhaps, therefore, more certain of a day in court.

Therefore, I won't belabor the issue because the distinguished Senator from Wisconsin and the distinguished Senator from Iowa have described the fact that arbitration is a frequently used means of resolving these disputes and, in fact, the amendment would not arise if this were not the case, and the belief on the part of the two previous speakers is that arbitration should not be a possibility in the contract.

I will argue that it ought to be a possibility, ought to be an option for the

farmer or rancher, and therefore, respectfully, I oppose the Feingold amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the remarks of the Senator from Indiana. I have always admired his manner, and specifically his candor when he indicated this was a close call. I will respond quickly because the keyword we have been using is we want to provide farmers with options. The problem is, under the mandatory arbitration regime, this is basically all the farmers are offered. That is the deal. You either agree to the mandatory arbitration provision of the contract, or you are not going to be part of the system.

We are suggesting that banning the mandatory arbitration provision is a genuine option. The farmer can still agree, of course, to a valid arbitration system—that can be in the contract—and he can go to alternative dispute resolution. And many times, as you suggested, that might be preferable. But what we are trying to do is preserve the right to also have the option, if necessary, to go to the court proceeding or administrative proceeding.

I accept the premise, which is that the farmer needs options, but the reality is that under the mandatory arbitration system that has grown so tremendously and has become so much a part of contracts, they effectively don't get any choice.

That is the spirit of the amendment. Rather than interfering, I believe it returns to us where we were a few years ago, where farmers actually had choices in these matters.

I appreciate the comments of the Senator from Indiana, and I urge my colleagues to support the Feingold-Grassley amendment.

Mr. HARKIN. Mr. President, I join my colleagues. I am a cosponsor of this amendment. I join my colleagues from Wisconsin and Iowa in supporting this amendment. This was part of the competition title we had offered in committee, which was not accepted in committee in its totality. The only part that was accepted was the country of origin labeling. So this is a part of the competition title. There will be another amendment by Senator JOHNSON, also, that will fill in the picture on competition.

This is a good amendment. In a nutshell, I think the Senator from Indiana kind of put his finger on it. Right now, more and more contracts between growers and producers have an arbitration clause in them. The grower is basically forced to accept that. Well, we had a recent case—to show how onerous this is—in Mississippi where a poultry grower, in order to file for arbitration, had to plunk down $11,000; that was his cost of the arbitration side. To take that case to civil court would cost him $150 to $250. If the amount in contest or in question is $10,000, it makes no sense for the producer to pay $11,000 to recover $10,000, so you just lose it.

The amendment really gives the grower the absolute right to choose. He can go to arbitration or to civil court, notwithstanding what the contract may say, and it gives that grower the right to do that. In a way, it levels the field a little between the grower and the retailer, or the processor, for example.

With that, I urge adoption of the amendment. I hope all time has expired.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding that debate on the Feingold amendment has ceased.

Mr. LUGAR. Reserving the right to object, I would like to make one additional comment, if I may.

Mr. President, this may not be a definitive situation, but this Senator simply notes that all 50 States of the Union have adopted contract arbitration statutes that allow a provision to be placed in a written contract. I have no idea if the occupant of the chair would have a better idea from his experience as Governor of our State as to how legislatures have dealt with this problem. But it is interesting that all 50 have, and we are on the threshold of displacing whatever judgments might have occurred in those situations. I think this is something that many Senators do not approach without some thought as to why such contract clauses may have been made an option.

I appreciate the point of the distinguished Senator from Wisconsin that he believes, as a practical matter, farmers or ranchers dealing in these contracts have no choice; that in order to sign up at least in something that appears to be favorable, because they really would not move in that direction otherwise, they must, of necessity, accept an arbitration clause. Perhaps that is so but not necessarily.

It would be the experience of this Senator, in at least a modest management of the family farm that I often describe in these debates, that I have approached or been approached by those who have offered contractual arrangements for purchase of my corn, for example. Now, I was free to either accept or reject the contract, and in most cases I have rejected the contracts. In some cases, I have accepted. I was still a free person to do this. I am not certain I see the mandatory aspects of the company that was dealing with me as having some predatory function here or ability to coerce me into this arrangement.

I get back once again to my options. We are doing this from the standpoint of the individual farmer and rancher. I accept the fact that perhaps in some markets, in some counties, and in some States this degree of freedom of choice may not, as a practical effect, be the same as it is in our State of Indiana. I caution Senators, before moving too stoutly in this direction, to examine this and think about it.

It is for these reasons I will vote against the Feingold amendment, even as I have admitted and acknowledged that it is a close call and that the arguments are reasonable on both sides.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I want our colleagues to know that what this amendment does is exactly the same as we are doing in the case of car dealerships. We have a bill, S. 1140, which has 47 cosponsors. I am not going to read the names of the cosponsors, but it is a very bipartisan group of people, Democrats and Republicans. I hope that staff listening to this debate or Members listening to this debate will look at S. 1140 and remind their Members, or the Members themselves will be reminded, that they are cosponsoring legislation that does away with arbitration in car dealership contracts with major manufacturers. If it is OK for nonagricultural businesses, it even has to be better for the family farmer that we don't have these sorts of requirements in these contracts. I ask my colleagues to take a look at S. 1140.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I know we want to wrap it up. I want to make two quick points. I strongly agree with the comments of the Senator from Iowa. He and I worked closely together on this same problem in the area of car dealerships. An overwhelming number of this body sees this kind of relationship between the car dealer and the manufacturer as unfair.

Even more importantly, I wish to respond to the remarks of the Senator from Indiana. He raised a new argument which is 50 States have laws about these kinds of arbitration agreements. That is true, but we are not today invading this area. This area has already been preempted by the Federal Arbitration Act (FAA). It is already the case that the States cannot under Federal law prohibit these agreements or make the rules for these agreements. It is already up to us.

This amendment does not enter a new field. This is already a field that is clearly Federal in nature, and we are merely setting the rules, as we must, under Federal law. I do not want anyone to think we are suddenly invading a new area of State authority. I have strong feelings about avoiding that wherever possible.

This is already preempted by Federal law. We need to make a decision. I think the right decision is to give the individual farmers the option they need and not be forced into a mandatory arbitration.

I yield the floor.

Mr. LEVIN. Mr. President, I have been reluctant to put the Federal Government in the position of judging the appropriateness of a binding arbitration clause in a private contract. However, I will support the amendment because I believe that in the case, the relative ability of parties to negotiate contract provisions are particularly uneven. My vote should not be interpreted as an indication of my position

on future legislation that may be offered on the subject of the Federal Government overriding binding arbitration clauses.

I would like to ask the sponsor of the amendment, my colleague from Wisconsin, whether, under this amendment, either party to a contract that contains a binding arbitration clause can choose alternatively to go to court to resolve the dispute.

Mr. FEINGOLD. Yes. Under my amendment, either party would have that option.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my understanding is all debate on the Feingold amendment has been completed; is that right?

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the Senator is correct.

AMENDMENT NO. 2513

Mr. REID. Mr. President, it is my understanding we are now on the Bond amendment; is that right?

The PRESIDING OFFICER. Under the order, we vote in relation to the Bond amendment at this time.

The majority leader.

Mr. DASCHLE. Mr. President, will the Chair inform us, are we under a time agreement at this time?

The PRESIDING OFFICER. We are not.

Mr. DASCHLE. Mr. President, I want to take a couple of minutes to speak to the Bond amendment. As I understand it, we are going to be voting on it shortly.

I heard Senator BOND describe his amendment a little while ago. My immediate reaction was that I was very supportive. I thought it sounded like a reasonable amendment. Certainly we have to be concerned about the frustrations that many of our farmers have experienced with regard to the regulatory problems they face, the frustrations they experience in attempting to participate in agriculture today, as complicated as it is. I am very sympathetic. I hear many of these complaints when I go home as well.

I think to whatever extent we can moderate their frustration by finding ways to reduce the regulatory anxiety, reduce the tremendous amount of paperwork they have to endure, we ought to do it. There have been efforts over the years to attempt to do it, and I think we have to continue to try to do it.

Looking carefully at the Bond amendment, what I have come to realize is this amendment really makes the President not just a friend of the farmer but king. I do not know if there is any other word for it. This would provide powers we do not give the President under any circumstances today. Only a monarch has the powers that the Senator intends to provide the President in situations such as this.

Basically, the Bond amendment grants the President authority to overturn any action by any Federal agency that he simply determines may harm producers. He can wipe out virtually any law of the land without question, without challenge. This is an extraordinary delegation of power, not only to a President but to anybody. This would make a monarch of the President.

This amendment, needless to say, is a real assault on the environmental laws of this country. It would allow the President to waive the Endangered Species Act completely, the Clean Air Act completely, and the Clean Water Act completely. Frankly, it would set this country back at least 30 years in environmental protection, but it goes way beyond environmental laws.

The definition of harm written into the Bond amendment is so vague that virtually any action by any Federal agency—it could even be a foreign action, for that matter—could be overturned by the President, but certainly efforts involving the USDA civil rights procedures, efforts involving laws protecting farm workers, actions to implement free trade agreements—all of those—without any consultation with Congress, without any respect for due process, without any appreciation of the protections we have built in for an appreciation of the real sensitivity we must show in regulatory and statutory frameworks, all are thrown out the window with this amendment.

As I said a moment ago, should we be sensitive to the needs of farmers and ranchers as we consider their frustration in dealing with the regulatory headaches they must address? The answer is absolutely yes. Absolutely we have to find ways of doing that. We have to continue to work with the President and with the Department of Agriculture to make sure this happens. But do we want, really, to give the President unbelievable constitutional and statutory authority in this context? Do we want to say to the President: Look, if you do not like a law, just repeal it unilaterally, no votes in the Congress, no consideration, no public comment. You just go do it. That is what the Bond amendment says we can do.

Frankly, we do not want to go that far. I hope people will think very carefully, as well intended as the Bond amendment is, about whether we are willing to make a President a monarch in this case, to give him the authority of fiat. Not in this democracy, not in this Republic, not in this Senate, not now, not ever. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I move to table the Bond amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), would each vote ''aye.''

Mr. NICKLES, I announce that the Senator from New Mexico (Mr. DOMENICI), is necessarily absent.

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—54

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Edwards	Nelson (FL)
Biden	Ensign	Nelson (NE)
Bingaman	Feingold	Reed
Boxer	Feinstein	Reid
Byrd	Graham	Rockefeller
Cantwell	Gregg	Sarbanes
Carper	Harkin	Schumer
Chafee	Hollings	Smith (NH)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kohl	Thompson
Corzine	Leahy	Torricelli
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
Dodd	McCain	Wyden

NAYS—43

Allard	Fitzgerald	McConnell
Allen	Frist	Miller
Bennett	Gramm	Murkowski
Bond	Grassley	Nickles
Breaux	Hagel	Roberts
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Burns	Hutchinson	Shelby
Campbell	Hutchison	Smith (OR)
Carnahan	Inhofe	Stevens
Cochran	Kyl	Thomas
Craig	Landrieu	Thurmond
Crapo	Lincoln	Voinovich
DeWine	Lott	
Enzi	Lugar	

NOT VOTING—3

Domenici	Kennedy	Kerry

The motion was agreed to.

Mr. DASCHLE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2522

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the question is on agreeing to the Feingold amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SMITH of Oregon (when his name was called). Present.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye.''

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 64, nays 31, as follows:

(Rollcall Vote No. 366 Leg.)

YEAS—64

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Boxer	Feingold	Reed
Breaux	Feinstein	Reid
Brownback	Graham	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Sarbanes
Campbell	Hagel	Schumer
Cantwell	Harkin	Shelby
Carnahan	Hatch	Snowe
Carper	Hollings	Specter
Chafee	Inouye	Stabenow
Clinton	Jeffords	Thomas
Collins	Johnson	Torricelli
Conrad	Kohl	Warner
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
DeWine	Lieberman	

NAYS—31

Allard	Gramm	Murkowski
Allen	Helms	Nickles
Bond	Hutchinson	Santorum
Bunning	Hutchison	Sessions
Cleland	Inhofe	Smith (NH)
Cochran	Kyl	Stevens
Craig	Lott	Thompson
Crapo	Lugar	Thurmond
Ensign	McCain	Voinovich
Fitzgerald	McConnell	
Frist	Miller	

ANSWERED ''PRESENT''—1

Smith (OR)

NOT VOTING—4

Bennett	Kennedy
Domenici	Kerry

The amendment (No. 2522) was agreed to.

Mr. DASCHLE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I have been in consultation this morning with the distinguished Republican leader, and we have reached an agreement with regard to how the Senate may proceed over the course of the next several days. I appreciate as always his cooperation and his interest in accommodating Senators. I would like to propound a unanimous consent request, but let me explain the request briefly to Senators and then I will specifically read the unanimous consent request.

Basically, what I am about to propose is that we have a cloture vote this afternoon at 4 o'clock. While it is not in this particular unanimous consent request, we will also attempt to take up the defense authorization conference report sometime later today. That is the subject of a separate request. We would then be in session on Friday, but we would not entertain any rollcall votes.

It would be my expectation that regardless of how the cloture vote turns out this afternoon, we would remain on agriculture.

On Monday, if we can, if our colleagues will agree, we will take up the conference report on education for the entire day and evening, whatever length of time it takes. We would have a vote on the conference report on education on Tuesday morning. There would be additional nominations to consider on Tuesday morning, and we would also have a cloture vote if it were required on the farm bill Tuesday morning as well.

That is the essence of the request I am about to read. I will do so at this time.

Mr. LOTT. Madam President, if Senator DASCHLE would yield before he propounds the request, I don't intend to object. I want to make the record clear, if he would yield.

Mr. DASCHLE. I am happy to yield to the Senator from Mississippi.

Mr. LOTT. So Senators understand what has happened here and that we have had a consultation, I have discussed this schedule with Senator LUGAR, the ranking member on Agriculture, and Senators COCHRAN and ROBERTS and others, to make sure there is agreement that we could and should go ahead and go forward with this vote on cloture at 4 o'clock. We could object and insist that it occur on Friday. We don't believe anything positive would be achieved by that. This would make it possible for us to go forward and deal with other issues, hopefully the defense authorization and intelligence authorization, and then next Monday do the education conference report. That is very important.

There is a time agreement included here about how we would get to a vote on that conference report with a vote scheduled at 11.

Mr. DASCHLE. The Senator is correct.

Mr. LOTT. We are obviously still very concerned about this bill. We want to have the opportunity to offer additional amendments and substitutes. We saw no reason not to have the cloture vote at this time. I wanted to get that in the RECORD before the UC was propounded.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. Under the agreement you are about to propound, we will have a cloture vote at 4 o'clock. I am assuming we will still consider agriculture-related amendments until 4 o'clock.

Mr. DASCHLE. The Senator is correct.

Mr. NICKLES. May we have an agreement that we will alternate? We only have 3 hours to do amendments. I don't know if cloture will be invoked, but if it is invoked, that will preclude a great number of amendments. May we have an understanding that we will alternate between Democrats and Republicans?

Mr. REID. Will the majority leader yield?

Mr. DASCHLE. Let me just say to the distinguished Senator from Oklahoma, I have no reservations about suggesting that we alternate Republican and Democratic amendments.

I am happy to yield to the Senator from Nevada.

Mr. REID. That was the decision made earlier—not the decision, but Senator LUGAR and Harkin and I entered into a dialog. That would be the case. The next amendment will be offered by the Senator from South Dakota. Then we would wait for someone on your side to offer an amendment, and then we would go back and forth. That was talked about earlier today.

Mr. NICKLES. Fair enough.

Mr. DASCHLE. I would also note that if cloture is invoked, this agreement also will provide that the Cochran-Roberts amendment still will be in order. It accommodates the germaneness question regarding Cochran-Roberts.

Mr. NICKLES. Before the majority leader propounds a request, would you also amend that to include the Dorgan amendment to make sure it would be available, if cloture is invoked?

Mr. DASCHLE. Senator DORGAN is not on the floor.

Mr. NICKLES. I am concerned if we get cloture, there are a lot of amendments that will fall. The Dorgan amendment happens to deal with payment limitations. I am concerned that it might fall. I have an amendment dealing with payment limitations. That is my concern. I am not a big fan of cloture, as I am sure the majority leader knows. But there may be others. I make mention of the Dorgan amendment because I am interested in that subject. If you include that, I would appreciate it.

Mr. DASCHLE. I am happy to include that.

Mr. NICKLES. I thank the majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. DASCHLE. Madam President, I ask unanimous consent that the cloture vote on the pending substitute amendment occur at 4 p.m. today; that Members have until 11 a.m. tomorrow to file second-degree amendments; that notwithstanding rule XXII, the alternate amendment by Senators COCHRAN and ROBERTS, and the amendment offered by Senator DORGAN regarding payment limits, still be in order if cloture is invoked on the substitute amendment; that following the cloture vote, regardless of the outcome, the Senate proceed to executive session to consider executive Calendar Nos. 589, 590, and 592; that upon the disposition

of those nominations, the President be immediately notified of the Senate's action; that any statements thereon appear in the RECORD, and the Senate return to legislative session.

I further ask unanimous consent that on Monday, December 17, at 1 p.m. the Senate proceed to the conference report on H.R. 1 for debate only, and that on Tuesday, December 18, there be 90 minutes remaining for debate, 60 minutes equally divided between the chairman and ranking member of the Health, Education, and Labor Committee, or their designees, and 15 minutes each for Senators WELLSTONE and JEFFORDS; that the Senate vote on the conference report at 11 o'clock on that day, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Oregon. Madam President, reserving the right to object, I don't intend to object, but I wonder if I may be included on two amendments that are very important in my State with respect to crop insurance and the Klamath Falls.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will accommodate the Senator from Oregon on his request and ask that they be included in the unanimous consent agreement.

Mr. SMITH of Oregon. I thank the leader.

The PRESIDING OFFICER. Would the Senator restate the subject matter of the amendments?

Mr. SMITH of Oregon. I have two amendments. One deals with a change in crop insurance to include farmers for coverage under crop insurance when the disaster is not natural, but Government-made.

The second one is just simply as to policy with respect to a long-term plan that Senator WYDEN and I are working on that includes as one of its goals the economic viability of the agricultural community of Klamath Falls.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized.

AMENDMENT NO. 2534

Mr. JOHNSON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. GRASSLEY, Mr. WELLSTONE, Mr. HARKIN, Mr. THOMAS, Mr. DORGAN, Mr. FEINGOLD, and Mr. DASCHLE, proposes an amendment numbered 2534.

Mr. JOHNSON. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make it unlawful for a packer to own, feed, or control livestock intended for slaughter)

On page 886, strike line 5 and insert the following:

Subtitle C—General Provisions

SEC. 1021. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

''(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

''(1) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter; or

''(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or''; and

(3) in subsection (h) (as so redesignated), by striking ''or (e)'' and inserting ''(e), or (f)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

Mr. JOHNSON. Madam President, the amendment pending aims to protect America's livestock producers from the overwhelming market domination of a few meatpackers.

My amendment is based upon bipartisan legislation I introduced earlier this year, S. 142, which strengthens the Packers and Stockyards Act of 1921, by prohibiting large meatpackers from owning livestock prior to slaughter.

This amendment is cosponsored by my friend Senator GRASSLEY, as well as Senator WELLSTONE, the Agriculture Committee chairman, Senator HARKIN, Senator THOMAS, Senator DASCHLE, and Senator DORGAN. All of these Senators have cosponsored my bill, which enjoys bipartisan support. I applaud my colleagues for their leadership on this issue, and especially thank Senator WELLSTONE for offering this amendment in the Agriculture Committee. Unfortunately, it was defeated, but with more information about what our amendment does, and doesn't do, I believe we'll gain much more support here on the floor.

Mr. President, let me address specifically what our amendment does; First, it bans large meatpackers from owning slaughter cattle, hogs, and lambs for more than 14 days prior to the time in which these livestock are slaughtered. Second, it exempts producer-owned cooperatives engaged in slaughter and meatpacking. Therefore, many of the innovative, start-up projects operating and being formed to give producers greater bargaining power in the market will not be affected by our amendment. There are a number of these cooperative projects Mr. President, that I would like to highlight as examples;

For instance, our amendment would exempt the United States Premium Beef packing plant. U.S. Premium Beef is located in Kansas and is the first value-added meatpacking plant owned by a farmer-controlled cooperative in the nation. U.S. Premium Beef works with Farmland Industries in this project. The facility processes cattle owned by ranchers. In a value-added-twist, the ranchers also own the processing facility itself, in conjunction with Farmland Industries, a cooperative. This is the kind of innovative project that our amendment does not impact.

The amendment also looks forward to many similar projects breaking ground in the future, and exempts any farmer-owned co-op aiming to process cattle in South Dakota, North Dakota, Iowa, and other portions of the country. Our amendment also exempts the ''Pork America'' cooperative working to finalize plans for the Nation's first major pork packing cooperative, and the amendment exempts a number of modest-sized co-op lamb slaughtering projects in the Northern Plains and West. But co-ops are not the only businesses exempt from the ownership ban. Small, producer owned packing and processing facilities handling less than 2 percent of the national, annual slaughter are also exempt under our amendment, whether or not they are a co-op.

Therefore, if a farmer rancher owned facility slaughters less than 1,960,000 hogs, 724,000 beef cattle, or 69,200 lambs, they are exempt from the ownership ban under our amendment. For instance, ''Harris Ranch'' in California is a producer-owned beef packing plant, not formed as a cooperative, which handles less than 724,000 head of beef cattle per year. As a partnership of cattlemen who own a packing plant, this facility will be exempt according to my amendment. We don't want to stifle or inhibit these new ventures from making a real, bottom-line difference for American livestock producers, so my amendment exempts ''Harris Ranch'' and all other non-cooperative, producer owned processing and packing plants that slaughter less than 2 percent of the overall domestic slaughter of beef cattle, lamb, and hogs.

That's the substance of our amendment. Here is why we need our amendment. Our amendment would take on a growing problem in livestock marketing—that of packer ownership of livestock and captive supplies of livestock that allow packers to manipulate cash prices paid to producers. This amendment would strengthen the 80 year-old Packers and Stockyards Act, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Our amendment also addresses a glaring deficiency in the Packers and Stockyards Act of 1921, because it has failed to prevent packers from squeezing independent producers out of the market.

Here are a few cases in point where current law—written 80 some years ago—has failed to promote competition in livestock markets. The poultry industry has been almost entirely vertically integrated for many years, and the pork industry is becoming more so. The hog industry especially has been consolidating rapidly in recent years. At the packer level, the 4 largest firms' share of hog slaughter reached 56 percent in 1999, compared with 40 percent in 1990. In 1997, 64 percent of all hogs were marketed through some form of forward sales arrangement between producers and packers, and approximately 10 percent of all market hogs involved entire or partial packer ownership.

According to USDA's Economic Research Service, larger producers—5,000+ head—most often aligned with large integrators and meatpackers currently account for nearly three-fourths of the hog production, compared with just over one-fourth in 1994. In the cattle sector, the 4 largest beef packers accounted for 80 percent of all steers and heifers—beef cattle—slaughtered in 1999, compared with 36 percent in 1980. According to the Federal Reserve Bank of Kansas City, the number of U.S. packing houses for beef cattle and hogs has declined by two-thirds since 1980.

Smithfield Foods has made 17 acquisitions during this time, giving Smithfield 20 percent of the domestic processing market for pork. A recent column in the ''Economist'' stated Smithfield would like to increase that share to 30 percent, and hopes its hiring of former Clinton administration DOJ Anti-Trust Chief Joel Klein as a Smithfield attorney may help them in that process. These are the facts about consolidation land market power. These are the hard cold facts that frustrate every independent farmer and rancher in the United States. The frustration grows when one considers recent profits made by agribusinesses:

Cargill increased profits by 67 percent in the last quarter, Hormel increased profits by 57 percent, and Smithfield increased profits nearly 30 percent. Finally, Tyson, now the single largest meat processor in the world with its purchase of IBP, tripled profits in its most recent quarter. Conversely, crop prices took a nose dive so severe in September that it marked the worst one-month drop in crop prices since USDA has been keeping records over the past 90 years. We must inject some real competition, access, transparency, and fairness into the marketplace if we are to see these tragic circumstances change. Instead, agribusiness is vigorously lobbying Congress to ensure the market is noncompetitive, closed off, veiled, and unfair.

Packer ownership of livestock is a function of captive supplies. Captive supplies are livestock that are controlled by packers either through contractual arrangements with producers or outright ownership. In other words, captive supplies are all cattle and swine that are not negotiated and priced within seven days of slaughter. The trend towards captive supplies and packer ownership has dramatically increased the market power of meat packers far beyond the control they previously had in the marketplace even 10 years ago.

Banning major meatpackers from owning livestock prior to slaughter is not a radical idea, there is a basis for what we are trying to do. The Packers and Stockyards Act, and its regulations, currently prohibit sale barns or auction markets from vertically integrating. Specifically, stockyards may not own or control buying stations, packing plants, or livestock feeding operations. The rationale is that such ownership or control creates conflicts of interest, access problems for other producers, and opportunities for self-dealing which distort the market.

Because meatpackers are similarly situated to stockyards as a market creator and market forum, the same rules should apply to them, but, unfortunately, the rules do not apply to the packers. Moreover, similar marketplace protections exist in other industries. For example, film production and movie companies cannot own local movie theaters by law. Broadcasting companies are prohibited from owning local television and radio stations. Why can't similar protections apply to the family farmers and ranchers raising livestock in the United States?

Here are some of the harmful effects of the packer ownership/captive supply trend: A stark increase of packer market power by allowing packers to stay out of the cash market for extended periods of time, thus reducing farm gate demand and driving down price; a severe reduction, or even elimination, of the ability of small and medium-sized producers to even access the market. An increase of packer market power by allowing packers to go to the cash market only during narrow ''bid windows'' or time periods each week rather than bidding all week, thus resulting in panic selling by producers; a distortion of public markets because captive supply livestock are not priced at the time of the commitment to deliver them. Rather they are priced after delivery.

This means that transactions concerning these packer-owned livestock are not part of the publicly reported daily cash market. Narrowing the volume in the market makes it more subject to manipulation. Less cash market volume also increases the likelihood for reduced competition, fewer competitors, and a lower price.

In conclusion, not only must we strengthen the law, but we must also call on USDA and the Department of Justice to better enforce it. Enforcement of the Packers and Stockyards Act has been dismal, no matter who sits at the Secretary of Agriculture's desk. We must call upon USDA and DOJ to better enforce our laws. Yet, ensuring free and fair markets is not a one-way street. The fault is not solely with USDA. We must pass stronger laws in Congress as well. Therefore, while Congress has not been successful in trying to urge our Cabinet leaders, regardless of party, to protect the market, I believe we must enact stronger laws to prevent further erosion of competition in livestock markets.

Our amendment would essentially update and strengthen the Packers and Stockyards Act, which is supposed to prevent any preference and Stockyards Act, which is supposed to prevent any preference in packer procurements of livestock. The 80-year-old act was also supposed to guarantee a well functioning marketplace on fair terms for all farmers and all ranchers. Packer ownership of livestock is inherently preferential and anticompetitive. But with USDA either asleep or in the packers' pockets, this bill is desperately needed. Considering where the industry currently stands, with the world's largest poultry processor buying the world's largest beef packer, as well as a number of other proposed mergers in the last year, I believe this amendment is critically important to halt what is an unfair move toward vertical integration.

A ban on packer ownership of livestock would not drive packers out of business because most of their earnings are generated from branded products and companies marketing directly to consumers. Conversely, livestock ownership by packers and further concentration in the livestock industry could drive independent livestock producers out of business because they are at the mercy of these large corporations.

Our Nation's farmers and ranchers want competition in the marketplace, but when a meatpacker owns livestock, that actually reduces competition. If allowed to grow unchecked, packer ownership of livestock will put a stranglehold on the Nation's family farmers and ranchers and eventually will drive those operations out of business. This farm bill needs to combat marketplace concentration so that family-size farmers and ranchers are not squeezed out of business by multinational corporations.

I urge all of my colleagues to support this very important amendment that will preserve family farmers and ranchers by putting a stop to concentration

in the livestock industry and preserve the level of competition that has made our free market economy over the years the greatest success story economically in the world.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I rise to support my colleague from South Dakota. Before I continue, it is my understanding that after this amendment, we will go to the Smith amendment on the Republican side. Senators WYDEN and BROWNBACK have an amendment they say will be accepted. I ask unanimous consent I then be allowed to offer my amendment after that.

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

Mr. WELLSTONE. Mr. President, I say to my colleague from South Dakota, I so appreciate his work. What we are saying with this amendment—and it is hard for people not in farm country to understand. The truth is, this is vitally important to consumers. We are saying a packer cannot own a supply of livestock during the 14 days prior to slaughter. Why? Because what is happening is these big packers are buying when prices are low, and then they hold on to the livestock which is ready for slaughter for the purpose of dumping it on the market when prices start to go up.

The IBPs or Tysons of this world are basically controlling the market. Frankly, they are jacking the independent producers around. That is exactly what is happening, I say to Senator JOHNSON. I am very proud to join him with this amendment.

Minnesota family farmers tell me the issue they are most in agreement on—whether it is Farm Bureau or Farmers Union—is this whole problem of concentration, these conglomerates that have muscled their way to the dinner table and are shoving family farmers off the land.

There was a recent poll done by the Nebraska Institute of Agriculture: 72 percent of farm households agree that packer ownership should be prohibited.

To save time, because there are other Senators who want to offer amendments and they are worried about this cloture vote, although I certainly hope we will get cloture, I will not go through the statistics on concentration. Whether it is pork, whether it is beef packers, whether it is turkey processors, chicken broilers, over and over, Economics 101, we have at best an oligopoly—three or four firms that dominate 50 percent of the market—and at worst we have a monopoly.

Everywhere farmers work, whether they buy from or sell to, they are up against large conglomerates. It is like an auction: If you have a lot of buyers, you are going to get a decent price. If you have just two people you can bid to, you are not likely to do very well.

So what this amendment is all about is trying to give some opportunities to our independent producers. These packers practice acquiring captive supplies through contracts, and then they use their ownership to reduce the number of opportunities for the small and medium-sized farmers to sell their hogs. With fewer buyers and more captive supply, there is less competition for independent farmers' hogs, and, frankly, it is a scam. This is all about lower prices.

My colleague from South Dakota already said this, but what we are seeing is a breathtaking amount of consolidation taking place in the food industry. We learned this summer that Tyson's Foods has finalized its agreement to purchase IBP. The deal has merged the country's largest poultry producer with the country's largest processor of red meat.

We asked the Department of Justice to investigate, but I do not think the laws are strong enough, and I do not expect this Department of Justice to really take this on.

We can at least say: Look, we do not want to have these packers acting to stifle competition, and that is exactly what this amendment is all about. Some are saying we are trying to stifle competition. This amendment does precisely the opposite. We want to restore competition in the livestock markets, and we want to put some freedom back into the free market system. We want to put free enterprise back into the free enterprise system. That is what this amendment is all about.

Some say this concentration leads to cheaper prices for consumers, but, frankly, the farm retail spread grows wider and wider. That is the difference between what our producers make and what consumers actually pay at the grocery store.

This amendment has the support of a broad base of family farm organizations. This amendment sides with family farmers and ranchers over these agriculture conglomerates, and it boils down to whether or not we want to have independent livestock producers in agriculture or we are going to yield to concentration and see farmers and ranchers become low-wage employees on their own land.

That is the trend. That is where we are going. This amendment is an effort to try to fight that. If we continue to stand idle and watch control of the world's food supply fall into the hands of the few, consumers are going to be the real losers. So I say to my colleague from Indiana, I really could talk for hours on this, but I am trying to be brief because I know other Senators have amendments.

I will simply say two things: No. 1, this is all about assuring competition. This is an amendment for our independent livestock producers. It is a question of whether we side with them or whether we side with these huge conglomerates who have a tremendous amount of power. This whole manipulation of the market is, from my point of view, outrageous. These conglomerates buy when prices are low and then they dump—basically they keep the prices low by going back to the slaughterhouse and dumping it on the market. It is absolutely outrageous, and I think that is why there is so much support for this amendment in the countryside.

Let me say one final thing. Since so many Senators are trying to bring amendments before cloture, I certainly hope we will vote cloture. I do not think this farm bill ought to be stopped. We are talking about a $3 billion increase of net income for our producers in this country. Time is not neutral. I think the Freedom to Farm bill became the ''freedom to fail'' bill. It is time to change this farm policy, and I hope Senators will vote for cloture and we will not see a filibuster and a blocking of this bill.

People in the countryside are pretty impatient about this. Time is not on their side. They would like to see a change in agriculture policy.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, may I inquire of the distinguished Senator from Minnesota, I understand the Senator asked unanimous consent that his amendment might be debated immediately following the Johnson amendment.

Mr. WELLSTONE. No, not at all. I heard the Senator from Indiana earlier. I said my understanding was that following the Johnson amendment, we would move to the Republican side and that Senator SMITH would then submit an amendment. I was trying to accommodate the Senator from Oregon. My understanding is Senator WYDEN and Senator BROWNBACK had an amendment that was going to be taken up and they needed just a few minutes, and then I asked to follow that. That is all.

Mr. LUGAR. I thank the Senator, and I apologize for my misunderstanding because I recall we had a colloquy in which the Senator was involved earlier on.

Mr. WELLSTONE. I say to my colleague from Indiana, would I ever do that?

Mr. LUGAR. No, and the Senator has not. I appreciate it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there any objection to setting aside the pending amendment?

Mr. SMITH of New Hampshire. I ask unanimous consent that the Johnson amendment be set aside for the purpose of offering an additional amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Reserving the right to object, if there is no further debate on the Johnson amendment, I ask for the yeas and nays on the amendment and that we proceed to the Smith amendment.

Mr. SMITH of New Hampshire. Mr. President, I did not realize there were Members who wished to speak in opposition to the Johnson amendment, so I will withdraw my request at this time.

The PRESIDING OFFICER. The Senator has the right to do that.

Mr. LUGAR. Reserving the right to object, what was the request from the distinguished Senator from South Dakota?

The PRESIDING OFFICER. The Senator from South Dakota called for the yeas and nays to be in order prior to setting aside the amendment.

Mr. JOHNSON. I withdraw that request if there is additional debate pro or con on the amendment.

Mr. LUGAR. Mr. President, there is a request for further debate.

Mr. JOHNSON. I was simply suggesting we take care of the Johnson amendment before we moved on to the Smith amendment. That was my only goal.

Mr. LUGAR. In response to the distinguished Senator, we have additional debaters.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. Are we on the Johnson amendment now?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Is there a time limit on the Johnson amendment?

The PRESIDING OFFICER. There is not.

Mr. HARKIN. Mr. President, how long have we debated the Johnson amendment to this point? I ask that there be one half-hour remaining on the Johnson amendment divided evenly.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. Is there any time limit the Senator will agree on?

Mr. LUGAR. Not until Senator BURNS, who wishes to be heard, comes to the Chamber to speak.

Mr. HARKIN. I think it is becoming clear what is going on.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in opposition to the Johnson amendment. There may be some understandable sympathy with respect to the amendment of Senator JOHNSON and Senator GRASSLEY. We all claim concern for the small farm and for reducing consumer prices. We are in the process of voting on numerous amendments to protect the viability of the family farm and the farmer's ability to provide for his or her family.

Personally, Virginians have been working on a peanut provision to protect small Virginia peanut farmers from the untenable, devastating, and radical changes proposed in this farm bill. I have heard the statistics that have been quoted by the Agriculture Committee ranking member, Senator LUGAR, in which Senator LUGAR pointed out that a large percentage of Federal farm subsidies go to a relatively small percentage of our farms. These are oftentimes larger farms, and I certainly understand his concern.

The situation being addressed by this amendment is not the same type of issue. The Johnson amendment will actually harm the small farm it intends to protect.

This amendment will prevent entrepreneurial and creative companies from achieving operational quality, efficiency, and economies of scale. This amendment will drive up consumer prices. This amendment will make the U.S. products less competitive in world markets. This amendment will drive small farmers out of the market. Here is how.

If packers are prohibited from growing their own livestock, they will see an immediate decline in futures prices. Packers who currently run both operations will have to sell their livestock, thereby, of course, driving down market prices. When prices for hogs or cattle go down, we know what the return will be. It will shrink, making it—especially for the farmer—much tougher or difficult for especially the smaller farmers with less profitmaking room to continue in business.

Now, this is obviously not the way to protect the small family farm. When prices go down, it will be too late in the longer run—say, the season or two after. The small farms will not have been able to withstand an immediate and drastic fall in prices, and they will already have been shut down and will hardly be in a position to buy more livestock.

Excessive Federal Government regulations already threaten our farming community's declining profit margins due to more Federal interference in the marketplace, and that will hurt our hard-working farmers.

Now, the long-term effect of this amendment would be to drive up costs for the processors and packers and ultimately drive up the costs for consumers. Our American farmers and packers would lose market share to international competition that isn't restricted by their foreign governments. Indeed, many foreign governments greatly subsidize and protect their agricultural interests.

In the economic wealth of Virginia, we hold an inventory in the private sector of about 500,000 heads of hogs and pigs, making it a significant producer. We are also a large producer of cattle and calves. We enjoy a great mix of traditional farms that sell their livestock to processors and packers who also grow their own livestock. The predictability of supply experienced by these multifaceted packers results in an efficiency that is achieved by larger operations. These well-managed pork processing companies are able to offer high-quality, specialized items, quality, low-priced products to consumers as a result of this efficiency, as well as quality assurance of the methods of raising the hogs and cattle. We understand that in some of the specialized parts of the marketplace, in the way cattle are fed, they will then be able to label that as kosher or some other method of product that some consumers may desire.

We are eager to finish the business of the Senate and go home to visit our families for the holiday season. Many will get a Virginia ham. They may get pork loin. They may get some beef roast or who knows what. But this amendment, unfortunately, will limit the ability of the efficient companies to offer these high-quality, competitively priced products.

While I applaud the intent of this amendment to protect both the family farm and the consumer, I disagree with the methods of achieving this goal. Efficient companies that offer high-quality and low-priced products to consumers ought to be applauded and encouraged in their efforts. Congress should be saying yes to high-quality, U.S.-produced consumer goods. We ought to be saying yes to enabling long-term viability of family farms, and we ought to be saying yes to allowing strong and efficient businesses to succeed in the United States as well as internationally.

I will conclude by saying I cannot see the logic of the Federal Government telling a legitimate company in this country or even a hometown butcher shop that you can't own a pig or you can't own a hog or you can't own a cow. I don't think it is the business of the Federal Government to tell someone who can own a pig, a cow, or a calf. Therefore, I oppose this amendment and hope my colleagues will as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, simply stated, this amendment would curtail the ability of packers to ensure a continuous supply of meat products. Without a certain supply, packers cannot operate, as the Senator from Virginia has pointed out, in a most efficient way. Margins for packers are already tight. They would be forced to run fewer shifts and close processing lines. This would force meat prices for consumers to rise, adversely affecting the poorest Americans who spend a higher percentage of income on food.

We could amplify each of these points, but they are, I believe, essential to the debate. The reason that packers attempt to make certain they have a certain supply through control of that supply is to make certain that a continuous flow of production occurs.

I appreciate the point being made by the sponsor of this amendment because, clearly, in years gone by competition in the stockyards of America made for a very lively market.

My family was involved in that business. My dad was a livestock commission man at the Indianapolis stockyards, handling the hogs while my

grandfather handled the cattle. At 4:30 in the morning he went to the yards and did the best he could for the farmers he represented. Those stockyards long since have left our city, as they have left almost all cities of my State. It is in large part because those who are hog farmers and cattle farmers arrive at contractual arrangements that are favorable to them.

The intent of this amendment, well meaning as it may be, is to roll back two decades of history in the business. The rollback will not necessarily be helpful to most Americans. It certainly will not be helpful for the price of meat or jobs of those employed by the meatpackers. These considerations have to be weighed as we evaluate the Johnson amendment.

It is for these reasons, recognizing the point my colleague is making, that I oppose his amendment. I am hopeful Senators will carefully consider each of these factors as they come to a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the parliamentary procedure at this time?

The PRESIDING OFFICER. The pending business is the Johnson amendment No. 2534.

Mr. MCCAIN. Are there amendments made in order following the disposition of the Johnson amendment?

The PRESIDING OFFICER. Yes. In order are the Smith amendment, a Wyden-Brownback amendment, and a Wellstone amendment —in that order at the present time.

Mr. MCCAIN. I ask unanimous consent that the McCain amendment be made in order after the last amendment.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I join my colleagues today in offering this amendment to help increase smart competition in the livestock sector. I think for a number of years we have observed changes that have taken place in agriculture.

In my State, agriculture is largely livestock, beef, and we feel strongly about that. We have more producers and fewer processing. This can cause problems. Increasingly apparent is the difference between the cost the producers receive and the retail costs. There is a great differential. One wonders if some of the prices that go to producers from processors are where they ought to be.

Additional regulation becomes necessary because of a loophole that has been there for some time. My colleagues and I have been concerned about that. The Packers and Stockyards Act of 1921 does not clearly define or address packers owning livestock for slaughter.

This amendment would prohibit packers, meatpacking companies, from owning and feeding livestock—with the exception of producer-owned cooperatives and small meatpacking companies. An exemption for cooperatives is included as recognition and reward to producers who have invested their resources to enhance their own market niche. I think we will see more of this—I hope that, indeed, we do—where producers are more involved in processing and moving their products on to the retail area.

By placing a prohibition on meatpacking companies, our efforts today will be branded as anticompetitive, in support of big Government versus free market. The intentions are obviously just the opposite. Our goal is to restore competition in livestock markets. Reform, I believe, is long overdue.

Livestock markets have become increasingly concentrated. Producers have fewer options for selling their products. Four top meatpacking firms control roughly 80 percent of today's slaughter market. Less than 20 years ago, four top firms controlled only 36 percent of the market. So times have changed. Some of the rules need to change. This is an opportunity to look at that.

We saw examples where the on-farm price of commodities goes down at the same time retail prices go up or remain constant. The problem of price disparity, I believe, is somewhat, at least, attributable to market concentration and that is what this amendment addresses. This amendment should be our first step toward making fair markets for our producers.

I certainly urge support for this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my ranking member on the Agriculture Committee for protecting me for just a little time here. I will not take too much time on this particular issue. I do have a couple of questions, though, for the Senator from South Dakota.

How does this deal with contracts? In other words, there are some people who forward-contract, under a pricing system, on a grid or whatever. How does this affect that?

Mr. JOHNSON. I appreciate the inquiry from my friend from Montana. This legislation does not prohibit forward contracts at all. There are some who suggest maybe we should, but we chose not to go down that road. So forward-contracting remains an option for both the producers and the livestock packers.

Mr. BURNS. Do you deal with futures and options?

Mr. JOHNSON. This legislation does not deal with futures and options.

Mr. BURNS. Mr. President, I am supportive of what the Senator from South Dakota is trying to do. I associate myself with the remarks made by my good friend from Wyoming. Unless we deal with contracts, this matters not because, in other words, they will just contract the cattle. They will contract the cattle right from the cow/calf producer before they even go into the feedlot.

I don't want to get caught in the same quagmire we have had with market reporting. That has turned out to be a beast. I do not know if it has helped out in any way. But what our intent was on market reporting was that the infrastructure of the USDA Market Reporting Service was already there and sales had to be reported. But OMB got in the middle of it and said, if only one guy was bidding on the livestock, then they can't report that because that is a violation of privacy in business or—I don't know, lawyers have some fancy word for it. I am not a lawyer. I have never been hinged with that title. So the OMB got in the middle of it, and they had a working sheet on why we could not have true transparency in the livestock marketing business. It was that thick. It was just—it would just blind you.

I have nothing against cooperatives either, but I have yet to see one that is managed all that well. What they are trying to do with prime beef is a venture—and we have producers in Montana who have cattle on feed in that program. But we must not take away a producer's right to do business with whomever he wants to do business, if he wants to do it on a private party basis. So I have some reservations about this amendment.

I appreciate the work that has been done. I don't know of any other way. We have not been able to attract any kind of sympathy or notice from the Justice Department when it comes to antitrust in the agricultural markets, other than ADM. That is about the only one, over in soybeans.

So if we do not do anything about contracts nor the use of futures to hedge your cattle or hogs—the same is not true in sheep. I have been looking at the sheep industry. I am still very much interested in it because we have a situation there that is completely intolerable to the lamb industry in this country. The excuses they give for a market that dips so fast—I mean it went down something like $20, $30 per hundredweight on lambs in less than 2 weeks, and there was no reason for it other than the principal processor and slaughterer and importer in this country has that big lever and they can do it.

So I haven't made up my mind on this, but I did want to say if there is no treatment of contracts or futures or options, then I don't know how we close all the loopholes of packer-owned cattle. Right now packers can't own stockyards, and there was a good reason for that. That law is being enforced. But one of these days I think those of us who have a interest in the livestock industry—and there are a lot of us in this body who do and some probably know more about it than I

do—we are going to have to take a look at packers and stockyards and maybe do some reforms in that respect. I think the total law will probably need redoing.

I just wanted to bring that to the attention of the Senator from South Dakota and to the attention of others in this body. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, just so Members understand, we are going to arrange a vote on this at about 1:50, so everyone should be advised. When the Senator completes his statement, I will be back and propound a unanimous consent request.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I think we have had a good debate on this legislation. I think Senator BURNS, my colleague from Montana, is correct on our issues about foreign contracting and markets that need examination. You can only do so much at one time, however. This addresses the most egregious of the concentration issues. That is the outright ownership of livestock on the part of the packers. That is our attempt here.

There are some who say this bill goes too far. There are some who say the bill doesn't go far enough. I appreciate that. But I think it is a very solid piece of legislation. I hope it will go forward.

The only other observation I have is it was noted we should not be in the business of telling someone whether or not they can own a pig. This legislation doesn't tell anybody whether or not they can own a pig. It does place some limitations on some kinds of packing companies that wish to own 2 million pigs. But it does not tell anybody whether or not they can own a pig. I think it is solid, bipartisan legislation, and I urge my colleagues to support it.

I will ask, consistent with the request made by the Senator from Nevada, the ayes and nays at the appropriate time. I believe he indicated at about 10 minutes until 2. I will ask at that time for the yeas and nays.

Mr. LUGAR. Mr. President, I rise to raise a question with the distinguished Senator from Nevada. As I understand it, the debate is concluded. My question to the Senator is, as we do not have a vote ordered, what can we do between now and 10 minutes until 2?

Mr. REID. We have 10 minutes. I am sure you and Senator HARKIN can talk about the bill. I am sure we can do a little more talking.

We are going to vote on the Johnson amendment at 10 until 2.

Mr. HARKIN. Mr. President, I believe Senator SMITH has an amendment. Maybe we could take up his amendment.

Mr. REID. That is fine. We now have less than 10 minutes.

Mr. President, have the yeas and nays been requested by the Senator?

The PRESIDING OFFICER. No. They have not.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, will that vote begin at 10 until 2 o'clock today?

The PRESIDING OFFICER. That is correct.

Mr. REID. 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. JOHNSON. 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. JOHNSON. Mr. President, we have before the Senate today the Senate farm bill. It is certainly my hope that a cloture vote will be reached at 4 o'clock so that we may wind down the debate and go to final passage. I think this is an incredible urgency that the Senate pass the farm bill during these closing days of the first session of the 107th Congress for a number of reasons.

One is the abject failure of the existing underlying farm bill. It needs replacement.

Second, our farmers, our lenders, and our rural communities all want to know what the underlying rules are going to be in this coming crop-year.

Third, there is concern about whether there will be an erosion of the budget baseline currently afforded for agriculture.

I applaud my colleague, Senator HARKIN, for his extraordinary leadership on this farm bill. It was taken up during the tumultuous times of the 107th Congress when we had a change of power midyear from one party to the other—a change of all the chairmen and a change of leadership. Under those circumstances, Senator HARKIN took up this issue. I think he has put together an excellent bill. I think there is a need to go forward.

The bill contains several provisions that are of particular importance to me. One is that unlike the bill in the House of Representatives, and the bill on the other side, this legislation contains a bioenergy title. I think that is essential.

As a member of the Energy Committee, I want to do all that I can in the coming year to move energy legislation which would incorporate incentives for greater utilization of agriculturally based renewable fuels. But it is also important that the farm bill, as well, contain efforts in that direction.

I am pleased that Senator HARKIN's farm bill, unlike the House bill, contains incentives for ethanol, for soybean-based biodiesel, and places agriculture at the center of our energy debate that this Nation needs to have.

Second, the bill contains my legislation on country of origin labeling of meat, as well as fruit and vegetables.

I think for too long the American consumers have been denied the ability to know the origins of the products they feed their families. I believe it is an outrage at a time when consumers have the opportunity to know the origins of most items they buy that for some reason they have been denied the ability to know the origin of the meat, fruit, and vegetables they serve their families.

This is not a trade limitation. If people choose to buy foreign meat products or food products, it is certainly their prerogative. But this would make those decisions a knowing decision.

I think this is helpful to a lot of American agricultural producers because I happen to believe a lot of Americans, if they have the choice, will choose an American product. It is more of a consumer issue than a producer issue because the consumers ultimately are the greatest in need of this additional information.

I applaud Senator HARKIN for including the competition title in the farm bill. Although that title was stricken in committee, it is my hope that at least components of it will find its way back into the farm bill as we engage in these debates today and this week.

This bill provides significant benefits for producers. It is not perfect legislation. No legislation we ever consider on this floor is perfect. There are amendments that I would add. There is going to be one coming up not long from now having to do with the targeting of farm program payments—one that I will support, with Senator DORGAN and others—that I think is bipartisan; that I think will allow us to better utilize and more carefully target the benefits that flow from the farm legislation.

But I think the biggest error of all would be for us to be allowed to be bogged down to the point where we cannot reach a final conclusion of this farm bill. I know there are those who want to delay this debate into next year. It would be well into the springtime before we would be able to get back and finish this, no doubt. I think that would be a mistake. I think there is a real urgency.

I applaud Senator HARKIN for his extraordinary leadership and for bringing this along as quickly as he has.

But it is certainly my hope that later on today we will be able to reach cloture so that an adequate number of amendments are allowed to be considered, but that the bill is not, frankly, talked to death to the point where we are unable to give our producers, our rural communities, our lenders, or anyone else reliable knowledge about the shape of next year's agricultural economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in behalf of the distinguished Senator from Arizona, Mr. MCCAIN, I request unanimous consent that in the event cloture is invoked and Senator MCCAIN has not

been able to offer his amendment before that time, he be allowed to go ahead and offer his amendment, and that it be considered germane.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Senator MCCAIN wants an exemption from the cloture in case cloture is invoked?

Mr. LUGAR. Yes. Senator MCCAIN has requested essentially the same privilege that was accorded to Senators ROBERTS and COCHRAN and to Senator GORDON SMITH by the majority leader when he made his original unanimous consent request.

Mr. HARKIN. Reserving the right to object, I am going to object for right now. I may OK it later. But for right now, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, in the moments before our rollcall vote, let me respond briefly to the distinguished Senator from South Dakota.

I observed during the past 48 hours that Senators have had an opportunity to offer amendments to the farm bill. I believe all witnesses to the debate would understand it has been spirited and vigorous. As a matter of fact, all of the amendments offered have been very relevant to agriculture. There were obviously many more amendments that Senators wished to offer that would be relevant to agriculture. We have compiled a list of 44 such amendments.

In relation to the colloquy I just enjoyed with the distinguished chairman, two of those amendments—one to be offered by Senators COCHRAN and ROBERTS, and one to be offered by Senator GORDON SMITH—have been deemed germane by the majority leader's unanimous consent request, even if cloture is invoked. Those Senators have asked for this privilege simply because cloture would mean the possibility that very relevant amendments would be deemed nongermane.

The problem for many Senators is that the agriculture bill has gone through several rewritings, including the bill offered by the distinguished chairman, Senator HARKIN, but then supplanted by a complete substitute offered by the distinguished majority leader, Senator DASCHLE, with over 1,000 pages. Many Senators have found this situation difficult, although they are researching precisely where their amendments are, in a parliamentary situation, in order. In any event, they would like to have the opportunity to offer them.

Very clearly, the invoking of cloture today would limit those Senators' ability to offer the pertinent amendments and, in some cases, completely eliminate it. Therefore, knowing there are many Senators on both sides of the aisle who have those amendments that we believe would perfect this bill, I am very hopeful that cloture will not be invoked when that time of vote comes at about 4 o'clock this afternoon.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The hour of 1:50 having arrived, the question now is on agreeing to the Johnson amendment No. 2534. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), would each vote ''aye.''

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), is necessarily absent.

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—51

Akaka	Craig	Johnson
Baucus	Crapo	Kohl
Biden	Daschle	Landrieu
Bingaman	Dayton	Leahy
Boxer	DeWine	Levin
Breaux	Dodd	Lieberman
Burns	Dorgan	Mikulski
Byrd	Enzi	Murray
Campbell	Feingold	Nelson (FL)
Cantwell	Feinstein	Nelson (NE)
Carnahan	Graham	Reed
Carper	Grassley	Reid
Chafee	Hagel	Rockefeller
Cleland	Harkin	Sarbanes
Clinton	Hollings	Thomas
Collins	Inouye	Wellstone
Conrad	Jeffords	Wyden

NAYS—46

Allard	Hatch	Schumer
Allen	Helms	Sessions
Bayh	Hutchinson	Shelby
Bennett	Hutchison	Smith (NH)
Bond	Inhofe	Smith (OR)
Brownback	Kyl	Snowe
Bunning	Lincoln	Specter
Cochran	Lott	Stabenow
Corzine	Lugar	Stevens
Durbin	McCain	Thompson
Edwards	McConnell	Thurmond
Ensign	Miller	Torricelli
Fitzgerald	Murkowski	Voinovich
Frist	Nickles	Warner
Gramm	Roberts	
Gregg	Santorum	

NOT VOTING—3

Domenici	Kennedy	Kerry

The amendment (No. 2534) was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

NOMINATIONS

Executive nominations received by the Senate December 13, 2001:

DEPARTMENT OF TRANSPORTATION

JOHN MAGAW, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY FOR A TERM OF FIVE YEARS. (NEW POSITION)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND, III, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE MICHAEL MAREK, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

ANDREA G. BARTHWELL, OF ILLINOIS, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA, RESIGNED.

DEPARTMENT OF JUSTICE

NEHEMIAH FLOWERS, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE EISENHOWER DURR.

ARTHUR JEFFREY HEDDEN, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE, FOR THE TERM OF FOUR YEARS, VICE JOSEPH CLYDE FOWLER, JR.

DAVID GLENN JOLLEY, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE WESLEY JOE WOOD.

DENNIS CLUFF MERRILL, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE REGINALD B. MADSEN, RESIGNED.

MICHAEL WADE ROACH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE PATRICK J. WILKERSON.

ERIC EUGENE ROBERTSON, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ROSA MARIA MELENDEZ, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 2001:

THE JUDICIARY

WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.

EXTENSIONS OF REMARKS

CONGRATULATING ERIC CROUCH ON WINNING THE HEISMAN TROPHY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BEREUTER. Mr. Speaker, This Member would like to congratulate Nebraska Cornhusker quarterback Eric Crouch for winning the Heisman Trophy. Throughout his career, and especially this year, Crouch proved that he deserves this recognition as the nation's top college football player.

The numbers are indeed impressive. In 2001, Crouch became just the 13th Division I–A quarterback to rush and pass for more than 1,000 yards in the same season. He also ran for 18 touchdowns, passed for seven more, and even caught a touchdown pass while leading the Huskers to an 11–1 record and a trip to the Rose Bowl for the national championship. During his career, Crouch scored 59 rushing touchdowns, more than any other Division 1–A quarterback in history.

As impressive as the statistics are, however, they only tell part of the story. Crouch is a true leader and a winner both on and off the field. Despite playing through pain much of his career, Crouch never missed a snap in his final three seasons due to injury.

Crouch, a native Nebraskan, has set a powerful example through his hard work and steadfast determination to overcome obstacles. He has matched a fierce will to win with humility and strong character.

In addition to winning the Heisman Trophy, Crouch was also recently named the winner of the Walter Camp Award, given to the collegiate player of the year, and the Davey O'Brien National Quarterback Award, given to the nation's top college quarterback.

This Member joins all Nebraskans and football fans across the nation in congratulating Eric Crouch on his success and the prestigious awards he has won.

IN SUPPORT OF AMERICA'S VETERANS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FORBES. Mr. Speaker, last week, we commemorated the 60th anniversary of the attack on Pearl Harbor. That single event changed the history of the world, and altered the paths of all Americans. No one was more affected, however, than the World War II veterans who picked up arms in response to that attack. Ceremonies all across the nation honored them for their sacrifices last Friday, including one in which I was proud to participate on the U.S.S. *Enterprise.*

There can be no greater exhibition of gratitude, however, than passage of legislation that improves the lives of those veterans and expands upon the benefits that they have richly earned. For months now, several bills passed by the House to help our veterans have awaited action by the other chamber. Today, I am pleased to join my colleagues in finally passing some of them and sending them to the President for his signature into law.

The first bill sets a high, but I think attainable goal, of ending chronic homelessness among veterans. Far too many of the brave men and women who fought to provide us with freedom spend their days and nights on the streets and in shelters. They returned from the battlefield but were unable to make the transition back to their civilian lives. Given the great sacrifices they have made on our behalf, we should be able to make a real effort to help them find their place in our society where they can feel welcome and comfortable. As many as 300,000 veterans sleep on the streets on any given night. The $1 billion authorized by this legislation over the next five years will go far to help them find peace and shelter.

The second bill provides a 2.6 percent cost-of-living adjustment for veterans disability compensation. For 100 percent disabled veterans, this translates into an average of $738 each year. These men and women sacrificed their ability to do many routine tasks, including work, when they put on the uniform and were wounded. This legislation merely helps them keep pace with inflation, so that they can pay their bills and live their lives. It is a modest increase compared to what they have given.

The final bill consolidates several bills considered by the House that increase education, housing, burial, and disability benefits for veterans by $3.1 billion over the next five years. Specifically, the bill increases the popular and successful Montgomery GI Bill college education benefit by 51 percent over current levels, increases the veterans home loan guaranty by nearly $10,000, and increases grants for disabled veterans' implements. Furthermore this bill expands the list of illnesses for which veterans can qualify for disability compensation and will repeal the 30-year presumptive period for respiratory cancers associated with exposure to Agent Orange and other herbicides.

Together, these bills are a fitting way to thank our veterans and to extend a promise to the millions of American soldiers, sailors, airmen, and marines that are now serving in uniform. Without these men and women, the world would be far less secure and the future would be bleak. I am proud to be a part of the effort to show our thanks.

TRIBUTE TO STATE SENATOR KEN DEBEAUSSAERT CLINTON TOWNSHIP DEMOCRATIC CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BONIOR. Mr. Speaker, this year the Clinton Township Democratic Club will host its biennial Awards Banquet, where members come together to celebrate the achievements of two of its members with food, laughter and fun. Honoring distinguished individuals who have shown outstanding dedication and service to the club as well as their local communities, this year they chose to honor two very special people, State Senator Ken DeBeaussaert and Clinton Township Democratic Club President Christine Koch. Over the course of my career in Congress, I have had the honor of recognizing individuals from all over my District and State. Today, however, I have the distinct pleasure of honoring my two good friends, Ken and Chris.

First elected in 1992 and reelected in 1998, Ken has represented the Eleventh State Senate District and his community well for years. Serving on State Senate committees that include Appropriations, Environmental Quality, Natural Resources, Reapportionment, and Local, Urban, and State Affairs, Ken has shown outstanding dedication and commitment to his constituents and this state. An active and enthusiastic supporter of the environment and conservation efforts in Michigan, Ken also served ten years in the Michigan House of Representatives prior to his State Senate terms, where he served on the Conservation, Recreation, and Environment Committee as well as chaired the Consumers Committee and Marine Affairs and Port Development Committee. Between his House and Senate terms he worked in 1992 for Congressman Sander Levin as District Administrator, and finally, I had the pleasure of working with Ken where he began as a member of my Congressional District Staff as a constituent service representative in 1977.

Faithfully committed to his community as well, Ken is a member of a long list of community organizations, including the New Baltimore Historical Society, the Mount Clemens Art Center, and Creating a Healthier Macomb, and serves on the advisory boards of Comprehensive Youth Services and the Retired Senior Volunteer Program, to name a few. Finally, as an elected official member of the Clinton Township Democratic Club, Ken has devoted his time serving as a panelist for the club's annual student government luncheons as well as presenting a legislative update each fall for the past several years.

It gives me great pleasure to honor one of my district's most tireless advocates for the Democratic way of life, State Senator Ken DeBeaussaert, for his leadership and commitment, and I urge my colleagues to join me in saluting him for his exemplary years of service.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 483, 484, and 485. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''aye'' on all three measures.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. RUSH. Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Response Act of 2001, H.R. 3448. Since the September 11 terrorist and the subsequent anthrax attacks, we in this country have become acutely aware of our vulnerability to bioterrorism, and I particularly became a cosponsor of this legislation because of those concerns.

One of my major concerns has been the unique vulnerability of medically underserved populations to a bioterrorist attack. Many of the residents of these areas do not have access to even basic health services, much less comprehensive health insurance or preventive and specialty care. In addition, state and local governments which provide many of the health services to these communities are finding their resources depleted due to the recent recession and terrorist attacks.

This legislation goes a long way towards protecting medically underserved communities and strengthening state and local health departments. Specifically, I thank Chairman TAUZIN and Mr. DINGELL for agreeing to work with me to include a provision in this bill which investigates the unique needs of medically underserved areas in case of a bloterrorist attack.

Also, the bill strengthens state and local public health infrastructure through a series of grants, which include funding for: the purchases or upgrades of equipment, supplies, pharmaceuticals or other countermeasures; the training and education of health care professionals where there are shortages; and laboratory services and poison centers.

In regards to funding for poison centers, these entities are critical first responders, particularly to urban and rural underserved areas. In my home state of Illinois, the Metropolitan Chicago Healthcare Council operates the Illinois Poison Center which provides 24-hour poison prevention and treatment advice statewide. The center acts as a liaison to federal, state & local agencies and serves as a resource for information on weapons of mass destruction, including chemical & biological agents. The Center is the preeminent center in Illinois dedicated to the treatment of incidents of pediatric poisoning. If a bioterrorist attack occurred in Illinois, undoubtedly the Illinois Poison Center would play an invaluable role in alerting the community.

For far too long our public health infrastructure has been divided between those with access to services and those without access to services. This legislation will help close the gap between these two groups where bioterrorism is concerned.

PUBLIC HEALTH SECURITY AND BIOTERRISM RESPONSE ACT OF 2001

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of H.R. 3488, the Public Health Security and Bioterrorism Response Act of 2001.

On September 11, our way of life changed. Something that has been on everyone's minds since the beginning of the anthrax scare in the United States is the state of our public health system. Everyone wants to know if the United States is equipped for a possible chemical or biological attack, and I'm proud to say we are working to ensure our readiness.

Before September 11, it was important for the United States to allocate money for improvements to our public health system. After September 11, it became a necessity. Congress is taking a step in the right direction by passing the Public Health Security and Bioterrorism Response Act of 200l. Since our public health infrastructure is spread among different agencies and departments, this $2.96 billion package addresses a variety of funding necessities to infuse our public health system with desperately needed funds to protect the American people in case of chemical or biological attacks.

My colleagues and I realize the important role played by state and local offices of the public health system. Often, it is our local health officials who are deeply embroiled with the day-today assistance for those involved in chemical and biological attacks. This legislation allocates almost $2.7 billion across a variety of agencies that prepare for public health emergencies such as bioterrorism attacks. $1 billion will be given to states, local governments, and public and private health care facilities in the form of grants. It allows them to improve planning and preparedness for attacks, enhance their laboratories, educate and train their health care personnel, and develop new treatments and vaccines.

$1 billion is earmarked for the Secretary of Health and Human Services to expand our current national stockpile of antibiotics and vaccines, including those for smallpox. Since the Centers for Disease Control play an important role when it comes to bioterrorism, $450 million will go to it for bioterror program expansion. It is crucial they renovate their facilities and improve lab security. The package also calls for the creation of a national database of hazardous pathogens and establishes registration, safety and security requirements on the 36 most deadly biological agents and toxins.

Congress is finally addressing some major deficiencies in our food inspection process, and water supply security. This bill gives $100 million to the Food and Drug Administration, which will allow them to better protect our food supply by hiring more border inspectors and finding new methods to detect contaminated food. An additional $100 million will be distributed specifically to safeguard our drinking water by increasing vulnerability analyses and emergency response plans.

I applaud my colleagues' hard work on this legislation, and I'm glad we were able to address this issue before the holidays.

BASIC PILOT EXTENSION ACT OF 2001

SPEECH OF

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. OSBORNE. Mr. Speaker, I am pleased to be a cosponsor of H.R. 3030, the Basic Pilot Extension Act of 2001, which passed the House by voice vote on December 11, 2001. The Basic Pilot is a joint pilot conducted by the Immigration and Naturalization Service (INS) and the Social Security Administration (SSA) in my home state of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the INS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program was scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. For the most part, I believe that employers across my district want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simple visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the INS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 3030 will extend the Basic Pilot program for employers in Nebraska for two years. I thank my colleague, Representative LATHAM, for introducing this much needed extension, and I am pleased it passed the House on December 11, 2001.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 483, H. Con. Res. 281, honoring the ultimate sacrifice made by Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan, and pledging continued support for members of the Armed Forces. Had I been present I would have voted ''yea.''

I was also unavoidably detained for Rollcall No. 484, H.R. 3282, to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse.'' Had I been present I would have voted ''yea.''

I was also unavoidably detained for Rollcall No. 485, H.R. 10, the Railroad Retirement Act. Had I been present I would have voted ''yea.''

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CLAYTON. Mr. Speaker, on Thursday morning December 6, 2001, I was unavoidably detained and as a result missed 1 rollcall vote.

Had I been present, the following is how I would have voted: Rollcall No. 476—''Nay.''

(On agreeing to the resolution H. Res. 305—Providing for consideration of motions to suspend the rules)

TRIBUTE TO CHRISTINE KOCH, CLINTON TOWNSHIP DEMOCRATIC CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BONIOR. Mr. Speaker, this year the Clinton Township Democratic Club will host its biennial Awards Banquet, where members come together to celebrate the achievements of two of its members with food, laughter and fun. Honoring distinguished individuals who have shown outstanding dedication and service to the club as well as their local communities, this year they chose to honor two very special people, State Senator Ken DeBeaussaert and Clinton Township Democratic Club President Christine Koch. Over the course of my career in Congress, I have had the honor of recognizing individuals from all over my District and State. Today, however, I have the distinct pleasure of honoring my two good friends, Ken and Chris.

I have had the great honor of knowing and working with Chris for over 25 years, beginning in 1972 when Chris and I joined forces in a community action group called Locofocos. Entering public service in 1977 as a member of my Congressional District Staff, Chris dedicated so much of her time and effort to serving her community. In her role as administrative aide, Chris represented the 10th Congressional District well, serving on more community boards and volunteer organizations than I could possibly name. Among the many visionary projects Chris sponsored as her personal mission, one of the closest to her heart has been the development of a district-wide bike path. Even today, she continues her dedication as President of Comprehensive Youth Services, Inc., Secretary of the Salvation Army Advisory Council, Secretary of the Mount Clemens Downtown Development Authority, and Secretary of Michigan Housing Counselors.

Faithfully committed to the Clinton Township Democratic Club, Chris has been a member since its inception, serving as club secretary and later, as President since the mid 1990's. Dedicating her time to organizing club picnics and banquets, facilitating the Democratic Club's annual student luncheons, and serving as liaison to the Tenth District and the Michigan Democratic Party, few have shown the outstanding leadership and dedication to an organization as Chris has for so many years.

It gives me great pleasure to honor one of my district's most tireless advocates for the Democratic way of life, Christine Koch, for her leadership and commitment, and I urge my colleagues to join me in saluting her for her exemplary years of service.

TEACHERS: DO NOT BLAME ''AMERICA FIRST''

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOEHNER. Mr. Speaker, since the eleventh of September, our nation has demonstrated a genuine solidarity and an enthusiastic sense of patriotism. In the process, many parents have struggled to find the right way to tell their young children about the horrific nature of the terrorist attacks on our nation. Indeed, the events of September 11 brought to the fore unsettling questions about the problem of human evil and hatred.

As parents have sought to instill patriotism in their children—telling them about the decent values that America represents and the civilized traditions our nation carries on—it seems that some teachers are sending young students the ''Blame America First'' message. Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, a senior fellow at the Manhattan Institute, and a former assistant secretary of education, has observed that the curricular guidance coming from state and local education leaders suggests that the United States brought the September 11 attack on itself—through its ''imperial'' foreign policy and ''ignorance'' of other cultures.

Nothing could be further from the truth; this is not the kind of overly politicized message students should be hearing. I'd like to commend Mr. Finn for exposing this activity. I'd also like to commend former Education Secretary William Bennett for developing an alternative to this kind of anti-Americanism. Mr. Bennett's education firm K12 has creating an instructional resource for parents and teachers to use in teaching children about patriotism. Available on the K12 website and geared for most ages, the lessons—ranging from civics, history, and geography to singalongs and storybooks—emphasize the principles that make America the beacon of liberty it is today.

The September 11 terrorist attacks may prove to be the largest, most significant event in our lives. We need to ensure that our children understand what caused it; we need to make sure the truth is not lost in a fog of political correctness.

INTRODUCTION OF H. CON. RES. 287

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOEHLERT Mr. Speaker, Earlier this year, while on a visit to South Africa, I had the chance to learn about a fascinating partnership between governments and conservationists. The Peace Park movement is a great success story and one that the world can learn from, particularly in our present world, which is beset of conflict, turmoil and uncertainty.

In 1997, Dr. Anton Rupert and His Royal Highness Prince Bernhard of the Netherlands formed the Peace Parks Foundation of South Africa, a not-for-profit organization, to establish and develop transfrontier conversation areas straddling international borders. Countries participation in a ''Peace Parks'' do not concede any national sovereignty but do allow the free movement of people and animals across the borders within the park. The goal of these parks are to create jobs, sustainable economic development and peace and understanding between the countries themselves as well as an appreciation of the importance of conservation.

Today eight separate peace parks either exist or are under development. These transfrontier conservation areas parks encompass a total area of 232,000 square miles and straddle borders from Tanzania in the north to South Africa in the south. One of the most ambitious plan of the Peace Parks Foundation is the consolidation of the land and its resources of the South Africa Kruger National Park, Mozambican Coutada 16 conservation area and the Zimbabwean Gonarezhou National Park into the Great Limpopo Transfrontier Park—the largest conservation area in the world.

In October 2001, the Great Limpopo Transfrontier Park was inaugurated when forty elephants from South Africa were released into Mozambique. Less than ten years ago this border symbolized the division and conflict between these countries and their peoples. For example, the apartheid-era South Africa government erected an electric fence along its border areas. Today the electric fence, which led to much acrimony and conflict between South Africa and Mozambique, is being dismantled, and the land mines are being removed and destroyed. The Great Limpopo Peace Park has helped replace gunfire, land mines and death with peace, understanding and life.

In addition to advocating for and facilitating the creation of more parks, the Peace Parks Foundation also plays a crucial role in community development. The Foundation encourages new ways to utilize the natural resources on a sustainable basis and the development of tourism facilities. Last year the Foundation through its partnership with the Southern African Wildlife College and other supports secured scholarships for 29 students drawn from wildlife departments and field programs in nine Southern African countries. These scholarships allow the students to attend the Southern African Wildlife College and train to become conservation managers.

I applaud the courage and vision of the Heads of State of the Southern African Development Community, who are patrons of the

Peace Park Foundation. These leaders are rewriting the textbooks on political border conflicts and helping to bring about sustainable peace and alleviate poverty in these rural areas. It is clear that peace parks go well beyond the conservation of biodiversity and play a major role in confidence building between countries and within regions.

Today I am introducing a Concurrent Resolution to honor the Peace Parks Foundation. I want to thank the 12 Representatives who are joining me today in introducing this Resolution. I urge all of my colleagues to join us in honoring a truly visionary organization.

I close with the remarks of Nelson Mandela who said: ''I know of no political movement, no philosophy, no ideology, which does not agree with the peace parks concept as we see it going into fruition today. It is a concept that can be embraced by all.''

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. TIAHRT. Mr. Speaker, on December 11, I was unavoidably detained and missed rollcall votes numbered 483, 484, and 485.

Rollcall vote 483 was on passage of H. Con. Res. 281, legislation which honors Johnny Micheal Spann, a paramilitary officer in the Central Intelligence Agency, who was the first American killed in combat during the war against terrorism in Afghanistan, and recognizes him for his bravery and sacrifice.

Rollcall vote 484 was on passage of H.R. 3282, legislation which designates the federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse.''

Rollcall vote 485 was on passage of the Railroad Retirement and Survivors' Improvement Act of 2001.

Had I been present, I would have voted ''yea'' on Rollcall vote 483, ''yea'' on Rollcall vote 484, and ''yea'' on Rollcall vote 485.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. BALDACCI. Mr. Speaker, the tragic events of September 11 and the Anthrax scares that followed demonstrated the level of neglect under which our public health infrastructure has been operating. We no longer have the luxury of debating the ''what ifs'' in regards to bioterrorism. The threat remains very real. Our constituents demand that we take action to offer adequate domestic defense against bioterrorism. We must begin the process of improving and expanding our public health system, and can do so today with passage of this bipartisan legislation developed by the Committee on Energy and Commerce.

There are a number of very important provisions in this bill which will ensure that a national stockpile of medications is maintained, our food and water are protected, and toxic substances are carefully tracked. While we continue to develop improvements to our national response system, we have a responsibility to provide the resources to our state and local health officials and facilities to improve their ability to respond to bioterrorism. This bill is a downpayment to the states and local communities. It recognizes that each of our communities has distinct needs and that they require not only the funding to improve their systems, but the flexibility to address their public health concerns.

Like many of my colleagues following the terrorist attacks, I met with public health officials in my state. Common themes expressed centered on the lack of coordination and communications from federal officials, and the need for additional resources to expand planning and preparedness for future events. Enhancing the health workforce, laboratory and hospital bed capacities also were cited as needed improvements. I am happy to say that this bill begins to address these important issues.

As a critical piece to strengthening our domestic defense, the Public Health Security and Bioterrorism Response Act will enable state and local governments and health care facilities to immediately address the protection of the health and welfare of our citizens. I urge my colleagues to support this important legislation.

IN HONOR OF RETIRING REDONDO BEACH POLICE CHIEF MEL NICHOLS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, Mel Nichols, who retires later this month after eight years as Chief of the Redondo Beach Police Department. My district office is located in Redondo Beach, and Mel and his department have kept my staff and local residents well protected.

I met Mel as he was leaving the San Diego County Sheriff's Department, where over three decades he rose from Sergeant to Assistant Sheriff. Mel accompanied me on a visit to the Mexican border, where we observed the value of technology in the fight against illegal immigration. I was pleased, subsequently, to help obtain night vision goggles for Mel's department.

Mr. Speaker, of particular value to me has been Mel's involvement in the South Bay Chiefs' Association, of which he served as Chairman from 1996–1998. This organization encompasses nine South Bay cities most of which lie completely in my district, California's 36th Congressional District. Although no longer the Chairman, Mel continues to be heavily involved in this association, which has been a helpful outlet for me to communicate with the chiefs in my district.

In the wake of the September 11 terrorist attacks, Mel took it upon himself to launch within the South Bay Chiefs Association a Terrorism Response Advisory Group, and tasked one of his staff to pull it together. This Advisory Group, comprised of select experts in a variety of law enforcement disciplines from agencies throughout the greater South Bay area, is already working to explore and identify the appropriate local law enforcement response to the possibility of increased terrorist activity in our region. This includes training, contingency planning, threat assessments, liaison with federal and military agencies, resource availability, and intelligence.

Mr. Speaker, this could not be more important. The group hopes that its findings and recommendations will become a model for other regions across the nation in how our local law enforcement agencies can best work in concert with county, state and federal agencies.

This vitally important advisory group will be Mel's legacy. I know Mel will not forget this community that he loves, and I wish him and his family well in their future endeavors.

THE CLAN CURRIE SOCIETY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FERGUSON. Mr. Speaker, today I wish to honor the Clan Currie Society of New Jersey.

For more than 15 years, the Society has promoted Scottish heritage and culture through their community-based arts programs and education outreach efforts.

Mr. Speaker, the Clan Currie Society encourages both Scots and also those of non-Scottish roots, to embrace this great culture's values, art forms and sense of civic responsibility.

Mr. Speaker, I am honored to have been invited to join the Society for their Pipes of Christmas musical celebration. I thank Mr. Robert Currie for that kind invitation, and look forward to next Sunday, December 16, when I'll have the opportunity to enjoy bagpipe music and share the holiday spirit with good friends and good neighbors.

Mr. Speaker, this Christmas season in particular, when so many of us are facing tough questions about the world we live in, I think it's important to look back and remember where we come from. I believe looking toward our roots and better learning about our past is the best way to face the future.

Mr. Speaker, the fine men and women of the Clan Currie Society, through their hard work and dedication, make it easier for us all to learn about ourselves. For that, I thank them and wish them continued success, a Merry Christmas and best wishes for the New Year.

ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Mr. UDALL. Mr. Speaker, today the House will be voting on H.R. 3323, the Administrative Simplification Compliance Act, under suspension of the Rules. This legislation allows

health plans and providers to delay compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) until October 2003.

HIPAA was designed to improve administrative efficiency in the health care industry by facilitating electronic transactions between health plans and health care providers. The Department of Health and Human Services estimates these administrative simplifications will result in net savings (i.e., savings after accounting for implementation costs) of $29.9 billion over ten years. The first phase of these simplifications is scheduled to go into effect in October 2002.

Some sectors of the health industry and state government's argue, however, that they need extra time to make the technical and procedural changes necessary to achieve compliance.

H.R. 3323 allows these health plans and providers that will be unable to comply by the original deadline, to delay HIPAA compliance until October 2003, provided that they submit a compliance plan to the Secretary of Health and Human Services. This document must summarize the entity's budget, schedule, work plan, and implementation strategy for becoming compliant by October 2003.

Mr. Speaker, I support the effort to allow delay for those plans and providers that will not be compliant by October 2002, provided that they do, in fact, have a plan to be compliant by October of the following year. Because H.R. 3323 requires plans and providers who wish to delay to submit a plan for compliance to the Secretary, I support this legislation.

I would like to take this opportunity, however, to voice my concerns over the fact that some plans, providers, and other types of companies affected by the HIPAA rules have gone to great lengths to be compliant by the original deadline, and now stand to face financial losses as a result of the delay.

One example of this is a company run by a Dr. Jacob Kuriyan, a constituent who resides in the district I represent. Dr. Kuriyan's company has developed software that helps facilitate the submission and receipt of HIPAA required electronic transactions for health plans and providers. Some health plans and providers have already purchased and installed this software in anticipation of the rapidly approaching HIPAA deadline.

Should H.R. 3323 pass, and allow some organizations to delay compliance, Dr. Kuriyan's company will have to foot the bill for removing this software from those providers who have installed it so that organizations can still accept paper transactions from the organizations who are not ready for HIPAA compliance.

Therefore, Mr. Speaker, while I do support the effort to allow responsible delay for compliance, I believe that Congress should do our best to reward, not penalize the organizations and companies, like Dr. Kuriyan's, that have invested the resources and made an effort to be HIPAA compliant by the original deadline of October 2002.

FISHERIES CONSERVATION ACT OF 2001

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of this legislation which includes reauthorization of the Striped Bass Conservation Act.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and over-fishing. Harvests had plummeted so far, so fast—by over 10 million pounds over the preceding 10 years—that there was legitimate fear for the literal future of the species.

If the problem was clear, the solution was not. Striped bass are highly migratory, and move primarily along the three-mile coastal zone which is under the combined jurisdictions of 12 states and the District of Columbia. Balancing the needs of the fish, the fishermen, and the regulators, Congressman Studds and his colleagues crafted a unique and, as it turned out, highly effective scheme to bolster state management efforts to restore the stocks.

By all measures, the results of this cooperation among the states, and between the state and federal governments, have been astonishingly successful. Today, the fish are found in impressive numbers, up and down the coast. The federal-state partnership embodied in the Striped Bass Act has restored the species to its former, considerable glory as one of the most important sport and commercial fisheries on the east coast.

These strides for conservation also have direct economic consequences. In my area, healthy striped bass stocks mean business for campgrounds in Truro or tackle shops in Edgartown—and striped bass fishing has even returned to Boston Harbor. It's a classic case of doing well by doing good.

GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Ms. MILLENDER-McDONALD. Madam Speaker, I rise in strong support of H.R. 2069, a bill that I co-sponsored in order to help raise awareness of the need to promote prevention of HIV/AIDS. There can be no more pressing issue than tackling this pandemic that is so ruthlessly killing millions of people across the globe.

It has already reduced the population of the African continent by almost 20 million lives alone. It has created a generation of orphans that will never know the warmth and meaning of family. It is a relentless plague that destroys our universal productivity, labor and health. It affects each and every one of us.

Mr. Speaker, we must do all that is in our power to resolve this multi-dimensional global crisis. In particular, I would like to highlight a portion of this bill's important provision that employs language from a free standing bill that I introduced which addresses the prevention of the transmission of HIV/AIDS from mother to child. This transmission is the largest source of HIV infection in children under age 15 and the only source for transmission to infants.

According to recent findings, the total number of births to HIV-infected pregnant women each year in developing countries is approximately 700,000. Funding under this bill will greatly contribute to decreasing this number by providing counseling and voluntary testing to infected women. With this information, mothers-to-be, who are aware of their status, can make informed decisions about treatment, replacement feeding to reduce risks to their unborn babies and future child-bearing.

This act of prevention is only one first step, Mr. Speaker, but an essential one in our battle being waged against this devastating enemy. I therefore join my colleagues in supporting urgent passage of H.R. 2069.

TRIBUTE TO THE PEOPLE OF LEON COUNTY, FL

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOYD. Mr. Speaker, today I rise to pay tribute to the people of Leon County, Florida. In a sincere motion of recognition, the citizens of Leon made a declaration of gratitude to all of those soldiers who are fighting overseas due to the horrible events of September 11th. I believe this decree shows that not only were all parts of this great country affected by the terrorist acts, but that the American people's support for the campaign to eliminate terrorism has not wavered.

Leon County's Declaration is as follows:

Whereas, the American experiment of government of the people, by the people and for the people stands as a beacon of freedom throughout the world; and

Whereas, the government and people of the United States of America are dedicated to the principles of freedom and individual liberty for all of the world's citizens; and

Whereas, on September 11, 2001, citizens of the United States and of the world were murdered in a dastardly campaign of inhuman atrocities, simply because they dared to live free; and

Whereas, the United States now finds itself at war both at home and abroad for the first time in its history; and

Whereas, the men and women of the United States Armed Services are tasked with the responsibility to defend the people and constitution of the United States of America; and

Whereas, many men and women of Leon County, Florida have answered the call to duty during this crisis.

Now, Therefore, Be It Resolved By The Board of County Commissioners of Leon County, Florida, that the men and women of Leon County who serve in the United States armed services are recognized as our ambassadors of freedom, and that they are further designated, along with their colleagues from every community in the United States, by the citizens of Leon County, Florida, as our emissaries of peace, and the best hope for

peace and security for all the free peoples of the Earth. Let it be known that, as the elected representatives of the people of this community, the Leon County Board of County Commissioners declares no compromise possible on the principles of freedom, the requirements of security, and the natural right of every person to live free from the fear of terrorist assault. As such, we once again look to the men and women of our armed services, the finest in the world, to defend our lives, our freedom, and the sacred right of every person to life, liberty and the pursuit of happiness.

Dated this 20th day of November, 2001.

It gives me great pleasure to share with my colleagues the generosity of the exceptional people in my district. I hope that we can all stand behind declaration such as this one, and pray for the speedy return of the many soldiers that are putting their lives on the line in the name of freedom. They truly represent the very essence of the red, white and blue.

PATIENT CARE INNOVATION ACT OF 2001

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. MURTHA. Mr. Speaker, The United States is facing a serious, long-term, shortage of health care professionals. For example, the demand for nurses will exceed the supply by 2010, when the first of the 78 million Baby Boomers begin to retire and enroll in the Medicare program. Across the board, working in patient care has become more stressful and care givers are leaving their profession as more sicker and elderly patients are entering our hospitals and nursing facilities. The future therefore, will require new models of patient care and the efficient use of the skills of our increasingly scarce nurses and other health care professionals.

Care giving has always been a demanding profession. Those men and women who go into it—like those who go into teaching—do so out of commitment. Unfortunately, conditions in the work environment are making it virtually impossible for them to fulfill that commitment.

The nursing shortage has set off the alarm and the concern is appropriate. But before effective responses and solutions can be devised, policy makers need to realize that nursing and the health system have been at this crossroads before. Over the past several decades, nursing has found itself caught in a perpetual cycle of workforce shortages and shortsighted solutions that, over the long term, have failed. The result has been more demanding workloads for care-givers with sicker and more older patients and a weakened infrastructure to support patient care.

Nurses are increasingly spending more of their time away from direct medical care. From lifting and moving patients and providing hygienic care to increasing administrative support, over 40 percent of a nurse's hours are spent meeting non health related support activities. This inefficient use of nursing care has directly reduced the level and quality of patient care. Unfortunately, with operating margins the tightest they have ever been, hospitals have scaled back the number of skilled care givers and reduced the mix of qualified nursing personnel to a level where staffing ratios are inconsistent and mandatory overtime has become the necessity.

The ''Patient Care Innovation Act of 2001'' will lead to the establishment of new, more efficient, postures of patient care.

The legislation establishes a federally funded program of planning grants for the design, and demonstration grants for the implementation and evaluation of new innovative models of patient care delivery that provides quality patient care, recognizes and utilizes the professional competencies of nurses, and creates workplace environments conducive to nurse retention and recruitment, including care giver to patient ratios.

This is an important step. Health care providers need to fundamentally rethink the way in which they organize and deliver patient care to determine if there is a better way to deliver care for both the patient and the care giver. Nurses, health care providers and other direct care givers need to be involved in designing, testing and evaluating new and innovative models of patient care.

The development and testing of new and innovative models of patient care delivery must involve changes in organizational structures and processes; new management practices; greater nurse autonomy and involvement in patient care decision-making; more effective use of support staff; greater interdisciplinary collaboration and the expanded use of technology to reduce manual documentation and repetitive administrative tasks.

Obviously, one solution will not fit all environments. All the more reason for passage of the ''Patient Care Innovation Act of 2001''. A broad band of responses must be developed if we are to maintain quality patient care and stop the exodus of care givers from the health care profession.

Planning grants will be used to bring together multi disciplinary clinical and administrative teams to assess current patient care delivery systems, collect data, define work and care environment problems, evaluate new approaches and develop innovative models for delivering efficient safe and quality patient care.

Demonstration grants will be used to implement and evaluate innovative models of care to demonstrate and determine their effectiveness in providing quality patient care and increasing the professional satisfaction of nurses within various health care settings.

Health care providers are already struggling to maintain day-to-day operations under restrained payments by Medicare, Medicaid and insurance companies. Grant funding will enable providers to move forward more expeditiously to implement new methods of care while addressing the shortage of health care professionals before it reaches the crisis stage.

Patient care must remain the primary focus of our health care system. The nursing shortage will affect the health care of all Americans unless we act now to create and implement the means to ensure the highest quality of care for all patients. Ultimately, success will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades.

Can the emerging shortage of health care professionals be turned around? To do so, policy makers and planners must go beyond discussing recruitment and increasing the size of educational programs. It will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades. It requires that we engage in a reevaluation of how health care professionals are educated, credentialed and employed. In particular, employers need to create professional work environments that promotes and ensures high-quality, cost effective patient care and that recognizes and rewards the contributions that nurses and other health care professionals make to the very well-being of hospitals and our health care system.

Therefore, I strongly urge all Members of Congress to join with me and sponsor passage of this critical piece of patient health care legislation.

HONORING TWO ESTEEMED RAILROAD INDUSTRY LEADERS, WILLIAM J. DRUNSIC AND ANTHONY M. LINN, FOR CONTRIBUTIONS TO THE STATE OF TENNESSE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CLEMENT. Mr. Speaker, as the State of Tennessee embarks upon an initiative to create a commuter railroad system, it is most appropriate that members of the U.S. House of Representatives recognize two esteemed leaders in the railroad industry. I am speaking of William J. Drunsic and Anthony M. Linn, whose personal involvement in the concept and planning of this project have had a tremendous impact and have caused this great effort to stay on course and move forward at a constant and deliberate pace.

Mr. Drunsic and Mr. Linn began their involvement in the railroad industry in Tennessee nearly twenty years ago in March 1983. They have been recognized as leaders in the short line railroad industry for a long while. Today there are some 400 members of the American Short Line and Regional Railroad Association. In Tennessee alone there are 17 short line railroads in operation. Mr. Drunsic and Mr. Linn are either principals or share affiliations with five of the 17 short line operations in the Volunteer State.

Mr. Drunsic, a resident of Manchester Center, Vermont, and Mr. Linn, a resident of Closter, New Jersey, have indeed registered a mark on the railroad industry in Tennessee and in the United States, worthy of this recognition. As Middle Tennessee, and specifically the 5th & 6th Congressional Districts, begin to explore the opportunities of a commuter rail system, these two men will certainly be hailed for their vision and their service toward making this long standing proposition a matter of reality.

Today we congratulate and thank Mr. Drunsic and Mr. Linn for their many contributions to the railroad industry, to the nation, and to the entire State of Tennessee.

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

EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Ms. McCOLLUM. Mr. Speaker, I rise today in support of House Concurrent Resolution 280. This resolution expresses solidarity with Israel in its fight against terrorism following the recent attacks in Haifa and Jerusalem during the weekend of December 1–2, 2001. This resolution also urges the President to ensure that Palestinian leader Yasir Arafat carries out a sustained campaign against terrorism.

In the latest attacks in this troubled region, Palestinian terrorists took the lives of 26 innocent Israeli citizens and wounded at least 175 others. Those who are responsible for these attacks have committed brutal acts of murder, and no cause can justify their actions. I wish to express my deepest condolences to all of those who have been affected by these tragic events.

As we mourn for the thousands of Americans who lost their lives in the terrorist attacks of September 11th, we also mourn for the innumerable men, women, and children of Israel who have suffered at the hands of terrorists for decades. Now more than ever, the United States and Israel are bound together in the common fight for freedom, security, and tolerance for all.

During the past 15 months of violence in the Middle East, the Palestinian leadership has turned a blind eye to terrorist activity within the Palestinian territories. Terrorist groups have actively recruited new members, planned attacks and carried out violent acts against innocent citizens with little or no fear of punishment by the Palestinian Authority.

Despite numerous commitments made by Mr. Arafat to take action against these terrorists, the violence has continued. The time has come to call on Chairman Arafat and the Palestinian leadership to demonstrate a true commitment to the eradication of terrorism in all its forms. We must insist that Mr. Arafat validate his words with real actions and a demonstrable effort to arrest, prosecute and punish perpetrators of terrorist attacks. We must make clear that we will not tolerate terrorism!

Mr. Speaker, it is clear that the current challenges to the Middle East peace process are monumental. The prospect for peace is not only contingent on the ability of the Palestinian Authority to combat terrorism, but it is also dependent on the level of commitment from the Israeli leadership. Both sides of this conflict must accept certain compromises, or peace efforts will be in vain. However, we must not abandon our vision of peace, security, and opportunity for all Israelis and Palestinians.

IN MEMORY OF MICHAEL J. BURKE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of Michael Burke, a community leader, a friend and a constituent who passed away on December 6.

Mike was a managing partner of the Cincinnati law firm of Keating Muething and Klekamp, PLL, and Chairman of the Board and Chief Executive Officer of KMK Consulting Company, LLC. He was dedicated, giving, and generous. One of the founders of the law firm, John Muething, said of Mike, ''He was a true leader . . . and a constant source of energy and inspiration to others . . .'' Don Klekamp, a partner of Mike's for 33 years, recalled that ''Mike was an outstanding entrepreneurial business lawyer, but he was more than a lawyer to clients. He was a confidant and trusted advisor.''

Very active in his community, Mike was President of Our Lord Christ the King Parish Council, President of the Education Committee, and co-chaired its Capital Campaign to build a parish center. At Ursuline Academy of Cincinnati, Mike was Chairman of the Board of Trustees, Chairman of the Long Tenn Planning Committee, and Chairman of the first Capital Campaign. In 1998, I had the honor of helping to present Mike with the Heart of Gold Award by Boys Hope/Girls Hope. He was also honored as Man of the Year by the Cincinnati Club of the University of Notre Dame.

A graduate of Newport Central Catholic High School, Mike received his B.B.A. from the University of Notre Dame and his J.D. from the University of Cincinnati, where he was a member of the Order of the Coif. He was devoted to his wife, Marcia, and their five children: Tricia, Jennifer, Michael, Brian and Anne.

A close friend, Jim McGraw, managing partner of KMK Consulting, said, ''While his journey was cut short, [Mike's] incredible spirit is forever ingrained in the lives of all who worked beside him.'' All of us who were so enriched by Mike's energy, courage and faith will miss him.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

SPEECH OF

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STENHOLM. Mr. Speaker, I rise in strong disappointment with the rhetoric coming from both sides of the aisle on this resolution. We do a disservice to our constituents and to future generations when we bury our heads in the sand and ignore the very real financial challenges facing the Social Security system.

Everyone who has examined the financial outlook of the Social Security system understands that we need to take action to make sure that Social Security remains strong for future generations. The Commission to Strengthen Social Security is to be commended for presenting proposals which deal with the financial deficits facing the Social Security system in a responsible and forthright manner.

Those who cry foul on the Commission's recommendations have a moral obligation to tell the American people how they would address these challenges. While it is easy to criticize those who try to deal with this issue, it is far more difficult to put together a plan that can hold up under a thorough actuarial and budgetary analysis. I would say to my colleagues who have come to the floor to criticize the efforts of the Commission that I look forward to seeing your plan to strengthen Social Security.

There is no way to eliminate the $20 trillion unfunded liability facing Social Security without making some tough choices somewhere. Folks who insist that we must preserve benefits exactly as promised under current law must explain where the money will come from to fund these promises.

We can either make some tough choices today to honestly deal with the challenges facing Social Security or we can leave a fiscal time bomb for our children and grandchildren. I, for one, do not want my grandchildren to look back sixty-five years from now and say that if only our granddad had done what he knew in his heart had to be done when he had the chance, we wouldn't be in the mess we are in today.

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 10, the Railroad Retirement and Survivors' Improvements Act of 2001. This critical legislation makes important improvements in the benefit structure for retired railroad workers, especially for widows and widowers.

In the early 1900's, the rail industry was the nation's largest employer. With record levels of unemployment, the Federal Government decided to provide economic incentives to encourage the retirement of older employees, thereby creating more jobs for younger workers.

''Railroad Retirement'' was created to provide retirement benefits beginning in 1936 creating retirement incentive for many older railroad employees who otherwise would not have received Social Security benefits until 1942. This program replaced the private railroad pension plans and began to pay benefits in 1936, based on up to 30 years of past untaxed rail service.

The system is now $40 billion short of what would be required to pay benefits to all the workers who have yet to retire and their survivors.

Congress has a responsibility to provide railroad retirees and their survivors with increased benefits, as well as making necessary changes to update and modernize the railroad employee benefit system.

To that end, I urge my colleagues to join me in support of H.R. 10. More than 670,000 retirees and dependents and 245,000 active rail employees will benefit from the improvements made by the Railroad Retirement and Survivors' Improvement Act of 2001. Please support our nation's railroad workers, rail retirees and spouses by supporting this critical reform package. Vote yes on H.R. 10.

HONORING THE SACRIFICE MADE BY JOHNNY MICHAEL SPANN

SPEECH OF

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. EVERETT. Mr. Speaker, I join with my colleagues in the House and with the residents of my home state of Alabama in paying tribute to an American who gave his life in service to freedom.

Johnny Micheal Spann, a native of Winfield, Alabama and graduate of Auburn University, was the first American killed in the ongoing war against terrorism in Afghanistan.

Spann, who served his country for eight years in the U.S. Marine Corps before working as an intelligence officer in the Central Intelligence Agency, gave his life on November 25 at the young age of 32, leaving behind a wife and three children.

On Monday, he was laid to rest among our country's heroes in Arlington National Cemetery in a service that touched the hearts of all gathered along those hallowed hills overlooking our nation's capital.

''Mike is a hero not because of the way he died, but rather the way he lived,'' his widow noted. ''Mike was prepared to give his life in Afghanistan because he was prepared to give his life every day at home.''

I was pleased to join my colleagues in support of H. Con. Res. 281, which passed the House Tuesday, honoring Johnny Micheal Spann. I would like to extend my personal condolences to his wife, Shannon, and his family. America shares both the personal sorrow of your loss and the sense of pride for Mike's courageous and dutiful service to the nation he so loved. May God bless you all.

PAYING TRIBUTE TO SHARON BANKS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Sharon Banks, Superintendent of the Lansing School District, for being named Michigan's Superintendent of the Year. She was selected by the Michigan Association of School Administration from our state's 600 superintendents for her energy and dedication to the district.

Hired only sixteen months ago to improve the District's substandard test scores and declining enrollment, Ms. Banks has spearheaded significant progress throughout the District. The District lost more than 3,300 students in the 1990's and has struggled to raise their Michigan Educational Assessment Program test scores.

Since arriving, Ms. Banks has launched sweeping initiatives ranging from bolstering literacy programs to keeping kids in school. Enrollment has declined much less than expected with only 30 students leaving the district between 2000–01 and 2001–02, the smallest decrease in more than a decade.

As a result of earning this distinguished award, which will be formally presented at a ceremony in January, Ms. Banks is nominated for the National Superintendent of the Year Award.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Sharon Banks for earning Michigan's Superintendent of the Year.

IN HONOR OF MARGARET FELDER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Margaret Felder in recognition of her commitment to her church and women's leadership activities.

Margaret Felder was born in Lexington County, South Carolina. She is the oldest of six children. At the age of 12, her family moved to Brooklyn. Margaret is a product of the New York City Public School System. She graduated from Clara Barton Vocational High School with a major in nursing. After a short period in the nursing profession, Margaret decided to give up nursing and turn to a career in business. She has worked at Sullivan, Papain, Block, McGarath, and Cannavo P.C. for the past thirty-three years as an Administrative Assistant.

Margaret is a devoted mother to Stephanie, Claude, Monique, Ebony, her late son, Eliot, daughter-in-law Grace and grandchildren Jean-Pierre and Rayquan. She gives her loving mother, Elaine, a great deal of credit for helping her in this regard. She gives leadership to her family and is aware of the support and love from each of them.

Margaret has been a devoted member of the Berean Baptist Missionary Baptist Church. She is currently active in the Ladies Usher Board, Sunday School secretary, Youth Church Leader, Sisterhood, Summer Day Camp, American Baptist Women ministry, the Bible Institute and the Drama Ministry.

One of her favorite scriptures is Psalm 37:7 ''be still before the Lord and wait patiently for him''.

Mr. Speaker, Margaret Felder is a loving mother, grandmother and devoted member of the Berean Baptist Missionary Church. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable spiritual woman.

STATEMENT ON BASIC PILOT EXTENSION ACT OF 2001

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3030, the Basic Pilot Extension Act of 2001. This Member would like to thank the distinguished gentleman from Iowa (Mr. LATHAM) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing this measure to the Floor. Additionally, this Member would note that he agreed to co-sponsor H.R. 3030 but was unable to do so under House Rules as the bill had been reported out of the Committee very expeditiously.

Under H.R. 3030, the Basic Pilot Program, which is an employment verification program, would be extended through 2003, as the original authorization expired on November 30, 2001.

Mr. Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act. For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Mr. Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the State and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Mr. Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 3030.

H.R. 3005, TRADE PROMOTION AUTHORITY

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. QUINN. Mr. Speaker, I would like to convey my opposition to H.R. 3005, the Trade Promotion Authority Act of 2001. Had I been present, I would have voted ''no''.

American workers have felt the repercussions of fast track authority since the passage of NAFTA. Millions of American jobs have been lost since then. Over 20,000 workers in New York State have lost their jobs since 1994. My district in Buffalo, New York has been hit particularly hard. The passage of TPA will only exacerbate the dire situation the working people of Western New York are facing. Hard working Americans need trade policy that will protect U.S. jobs and stimulate the economy. This bill will not do that.

I voted against Fast Track in 1997 and 1998. I have been clear in my opposition to TPA in 2001. Unfortunately, I did not know this bill would be brought to the floor during my absence. Although I did not have the opportunity to vote, I remain steadfastly opposed to this measure and assure you that had I been able-bodied at the time, my vote on H.R. 3005 would have been ''no''.

TRIBUTE TO ST. CAMILLUS ACADEMY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, today I want to recognize, and offer my congratulations to, St. Camillus Academy of Corbin, Kentucky. This fall, the President's Council on Physical Fitness and Sports announced the state champions of the President's Challenge program for the 2000-2001 school year. And, for the second consecutive year, St. Camillus Academy has earned the distinguished State Champion Award for category one schools in Kentucky. I was exceedingly glad to learn of this award and want to take this time to recognize the students of St. Camillus for their outstanding achievement.

The President's Challenge is a physical fitness program designed to test the fitness of public school children in several activities, including sit-ups, pull-ups, and a long-distance running. Students that score at the 85th percentile or above in all categories of the Challenge earn the Presidential Physical Fitness Award. Schools statewide are recognized by the number of students that have achieved this distinction, and St. Camillus won over all other category one schools in Kentucky. Fifty percent of its students scored at or about the 85th percentile.

Mr. Speaker, this in no small accomplishment. It takes a lot of hard work and effort on the part of children today to reach a certain level of fitness and the importance of fitness as a health benefit cannot be over-emphasized. In announcing state champions, the president's council noted that there is a ''growing epidemic of physical inactivity among our nation's youth.'' Many of our children are suffering from obesity and other ailments as a result of a lack of exercise. We must recognize that physical fitness, in addition to good grades and scholastic achievement, is an equally important component of a good education.

Mr. Speaker, it is fortunate that we, as a nation, can look to many role models for inspiration and encouragement. Of course, we can find several in athletes, professional and amateur, who have striven to achieve and overcome what seem at the time impossible odds. I believe we can include the students of St. Camillus in that category as well. As category one state champion for the State of Kentucky, St. Camillus has proven itself a model school and is deserving of our praise and recognition. Again, I wish to salute the students of St. Camillus for this wonderftil achievement. Thank you.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

SPEECH OF

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. FORBES. Mr. Speaker, I rise in strong support of H. Con. Res. 282, which reiterates Congress' commitment to our seniors to keep the promise of Social Security.

For years now, Congress and the public have known that Social Security would soon be facing serious financial challenges due to shifting demographics. With the aging of the baby boom generation, the number of retiring Americans receiving benefits is beginning to overwhelm the number of working Americans paying into the Social Security system. In addition, thanks to important medical advances and healthy behavioral changes, Americans are living longer. The result of these factors is that beginning in 2016, Social Security payments will exceed worker contributions into the trust funds.

This is a scary prospect for the millions of Americans who receive Social Security benefits. Many of those individuals depend upon their monthly Social Security checks to survive. As we fight our global war on terrorism, we must not lose sight of the fact that terror can come in many forms. It is every bit as frightening to an elderly man or woman that the Social Security check might be late—and far more real. Too many of these people are living from one check to the next and balancing food against medicine. As their Representatives in Congress, we should at least provide them with the security of the promise of Social Security.

It is also a scary prospect, Mr. Speaker, for the millions of Americans who are approaching retirement. They have been paying into the Social Security trust funds because they have to, not because they believe in Social Security. In fact, numerous studies have shown that more young Americans believe in UFOs than in their future Social Security checks.

It is clear that Social Security in its current form—the form it has had since the Great Depression—is unsustainable. If we are to keep the promise that so many seniors and working Americans have relied upon for years, we must reform this program. There are many possibilities for reform, including adding personal investment options. The President appointed a commission of experts from business, think tanks, and government to explore these alternatives and to make recommendations to Congress for change. They are expected to vote on their final report today, and Congress should consider their recommendations with due deliberative speed. We must act quickly, but more importantly, we must act right.

But throughout our deliberations, Mr. Speaker, we must maintain our steadfastness to keep the promise of Social Security. We should not raise Social Security taxes and we should not cut benefits. We must use the innovative spirit that is America's hallmark to meet this challenge and find a way to strengthen and improve Social Security.

Building upon the Social Security lock box legislation that this body has already approved, this resolution lays the groundwork for our coming debate, reaffirming our commitment to Social Security's beneficiaries, in particular, the most vulnerable beneficiaries—the low-income, the women, and the minorities. I look forward to reviewing these issues with my colleagues and developing a real solution to this challenge.

I urge all my colleagues to support H. Con. Res. 282.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, on Tuesday, December 11, 2001, I was detained and therefore missed rollcall votes #483, #484, and #485. Had I been present, I would have voted ''Aye'' on rollcall #483, ''Aye'' on rollcall #484, and ''Aye'' on rollcall #485.

A PROCLAMATION HONORING WWVA RADIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. NEY. Mr. Speaker, Whereas, on December 13, 2001 WWVA Radio in Wheeling, West Virginia celebrates its 75th anniversary; and,

Whereas, WWVA Radio began with a 50 watt transmitter in the home of John Stroebel

and has now grown to a 50,000 watt transmitter serving 18 states and six Canadian provinces; and,

Whereas, in January 1933, WWVA made country music history when Jamboree went live on the air. It is the second oldest live radio broadcast; and,

Whereas, for the past 75 years, WWVA has received numerous awards and has brought country music, news, and talk radio to people across the nation: and,

Whereas, from the Great Flood of 1936 to continuous news coverage of the September 11th terrorist attacks, WWVA takes pride in serving the public and looks forward to the next 75 years.

Therefore, I invite my colleagues to join with me and the citizens of the United States in thanking and recognizing WWVA for its 75 years of commendable service.

TRIBUTE TO HOLZ ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Holz Elementary in recognition of their achievement as an ''exemplary'' school.

Holz Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Holz Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Holz Elementary.

TRIBUTE TO ADMIRAL VERN CLARK

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as ''a date which will live in infamy,'' Pearl Harbor Day has taken on added significance since September 11, when America was again ''suddenly and deliberately attacked.''

Last week, I had the opportunity to participate in the 60th anniversary memorial services at Pearl Harbor. Admiral Vern Clark, Chief of Naval Operations for the Navy, gave a particularly moving speech at the USS Arizona Memorial in which he honored both the survivors of that terrible day and those serving our country today around the world.

I have known Admiral Clark for many years, and his service in defense of freedom is exemplary. He could not have known when he became CNO less than two years ago that he would soon lead our navy in a difficult conflict of uncertain length. However, he is the right man for the job, and with his dedication and that of so many of his brave sailors and pilots, we are certain to prevail in this war against terror.

Mr. Speaker, I am deeply grateful for Admiral Clark's service to our country, and I ask unanimous consent that his Pearl Harbor Day remarks be inserted into the RECORD.

ADMIRAL VERN CLARK REMARKS

Thank you Admiral Conway, Chairman Young, Congressman Abercrombie, Congressman Frelinghuysen, Secretary Higgins, Admiral Blair, Secretary Morales, flag and general officers, distinguished guests, honored survivors of the attack on Pearl Harbor, fellow Sailors, ladies and gentlemen—Good morning.

Pearl Harbor is a special place to this Nation and to the United States Navy. For 60 years now we have remembered this day.

Our ships come and go, and every ship that comes by this site renders honors to USS *Arizona*, paying tribute to this ship and the Sailors our Nation lost that day.

In the peaceful, quiet calm that enfolds this memorial this morning, it is difficult for me to imagine the shock, the chaos, the violence, the death that gripped this beautiful harbor sixty years ago—and several wars ago.

Imagine the smoke, the flames, the shattering noises, the screaming bombs, the rush of torpedoes, the broken ships and planes, and our men running to their battle stations, running to fight, and broken lives. For most of us, these things are simply beyond comprehension.

Relatively few Americans today have come face-to-face with the horrors of war. A diminishing number fought in the global war that—for the United States—began here.

There are very few, indeed, who can say, ''I was at Pearl Harbor.'' Yet such men are among us here today, and they honor us with their presence—the Pearl Harbor Survivors.

By my best count there are 21 of you here today—representing the hundreds who will be in Hawaii for this commemorative event. I want to thank you for coming. But even more so, I want to thank you for your great service to our country. I want you to know that I am very proud to be part of a generation that simply followed you. Collectively, we all salute you this morning.

There are few phrases in the English language that evoke awe, that connote a truly special meaning. But, such is the case with the phrase, ''I was at Pearl Harbor.''

There is no need for a survivor to say the date—it is branded forever in our national memory. As our President at the time said, it is a date that ''lives in infamy.''

For those of us who lived in the last half of the 20th Century, it is a date that stands out in American history. it is unique. ''Before Pearl Harbor'' was quite literally a different era than ''after Pearl Harbor.'' Every American learns the Pledge of Allegiance—every American is taught about George Washington—every American knows about Pearl Harbor. What happened here profoundly altered our national experience. It is part of who we are as a people.

This morning, we come to this place—again. We gather to pay homage to the heroes of a war long over. As we come this time, we are at war again—our homeland attacked.

As we pause to commemorate the bravery and sacrifices of these shipmates, we draw strength from the world-changing events of Sunday, December 7th, 1941—especially here at USS *Arizona* where so many Sailors and Marines are entombed. In this solemn memorial, I am reminded of the words spoken during an earlier war, a terrible civil war. President Lincoln said, ''From these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion.''

Freedom—Government of the people, by the people, for the people—these are the most important treasures for those who live in the land of the free.

Freedom and democracy are an inheritance, hard-won by past generations for us to enjoy.

But freedom and democracy are also the unfinished work that is left for us to defend, to carry forward, and to hand down to future generations. Now we are at war with enemies who hate freedom and democracy. They want a society of coercion. They want a political order of force. Their brand of tyranny is willing to resort to terror, and the slaughter of innocents.

The Americans of 1941 answered the call. Today, Americans are doing so again. It's our turn. It is time for us to rededicate our lives to the cause of freedom, so that children in our nation and others will enjoy the fruits of freedom.

We citizens of the United States have a profound responsibility to protect this Nation, the self-evident truths on which it was founded and the Constitution under which it has flourished. In this mission, we act not only for ourselves and our society, but in the concert of many nations—including our now close ally, Japan, and the community of nations that recognize the free world must stop the threat posed by this recent version of terror. Together let us stay the course.

In 1941, the attack on Pearl Harbor was followed by grim months of defeat and frustration in the Pacific until the Battle of Midway in June 1942. It was more than three tough years before victory was sealed onboard USS *Missouri*, moored just a few hundred yards away.

As with that struggle, this new war is likely to be long and challenging. To win, we must show the same dedication and fortitude that our forefathers displayed during the Second World War. I have every confidence that we will do so.

On 11 September, your Navy and Marine Corps team was ready. Your Fleet was ready to respond to the orders of the President and the whole Congress. We were ready to fight and we are winning today.

Today's young Americans, young Sailors, young Marines—along with their comrades in the Army, and Air Force and Coast Guard—they are as dedicated, as brave, and as determined as their predecessors. They are as equipped, with the example of fortitude and determination that grew from Pearl Harbor. They are motivated by your examples of service and heroism. They cherish the stories of the greatest generation. They, like you, are carrying the banner of freedom throughout this world.

Many of them are over there right now, afloat and ashore, taking the fight to our enemies. Many are on watch elsewhere in other distant parts of the world. Many are getting ready to go, as their President asked them to do. These young people, of whom I am so proud, are all doing a magnificent job.

With the steadfast support of the American people and our friends around the world, the Soldiers, Sailors, Airmen, Marines and Coast Guardsmen of this generation will do their part to win this war, to secure the blessings of liberty for ourselves and our children and generations of Americans yet to come—just like you did.

To the memory and legacy of those who made the ultimate sacrifice, to those resting

in this hallowed place, we extend again the thanks of a grateful nation. We extend the promise that their sacrifice will be honored. All of us who serve and wear the cloth of the nation today—we commit, we promise anew to do our duty so that America will remain the beacon of hope, the lighthouse of freedom, and the bastion of liberty. We make this promise in the memory of those who served and gave their lives in this place.

TRIBUTE TO JERRELL NORWOOD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROSS. Mr. Speaker, I was saddened recently to learn of the death of a respected and admired individual in my congressional district, Mr. Jerrell Norwood, of Malvern, Arkansas, who lost a courageous battle with cancer at age 64. Today, I wish to pay tribute to his life and achievements.

Jerrell Norwood spent much of his adult life serving his fellow citizens, and his accomplishments were numerous. For over a decade and a half, Jerrell served as County Fire Coordinator and Director of the Office of Emergency Management for Hot Spring County in Arkansas. He was a long-time volunteer and board member with the local Red Cross. For twenty-one years, he served as the first and only Ouachita Fire Chief, and he spent many years on the Resource Organization Service Excellence (R.O.S.E.) Board, a group dedicated to helping needy citizens.

During his career, Jerrell was responsible for building or improving nearly all of the bridges in Hot Spring County, and in 1994, he helped establish a water rescue for users of the nearby Ouachita River. His accolades include being a two-time Volunteer of the Year for Hot Spring County as well as being named Emergency Coordinator of the Year in 2000.

Jerrell Norwood was regarded with esteem and appreciation by all those who knew him well. His friends, neighbors and co-workers alike praised not only his ability to quickly assess and tackle an emergency situation, but more importantly his energy, dedication, common sense and genuine compassion for helping others. He was truly a man of integrity who gave himself to his work and his community. While his passing is a tremendous loss to the Malvern community and our state, his life and legacy of public service will be remembered for years to come.

I extend my deepest sympathies to his wife, Carolyn, his children, and all his family and friends during this difficult time.

TRIBUTE TO WEBERWOOD ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Weberwood Elementary in recognition of their achievement as an ''exemplary'' school.

Weberwood Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Weberwood Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities.

Mr. Speaker, I urge my colleagues to Join me in honoring Weberwood Elementary.

TRIBUTE TO DR. STERLING ALEXANDER ROAF, SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and accomplishments of a constituent and friend, Dr. Sterling Alexander Roaf, Sr. who passed away recently in Pine Bluff, Arkansas.

A native of Pine Bluff, Sterling Roaf, Sr. was one of nine children born to Rev. Arthur Roaf and Charlotte Boughton Roaf. After graduating from Southeast Senior High School in 1962, he spent two years working on the Cotton Belt Railroad. In 1966, he graduated with honors from the University of Arkansas at Pine Bluff. He obtained his medical degree from Meharry Medical College in Nashville, Tennessee, in 1972 and moved to Los Angeles to complete his residency at Martin Luther King Hospital.

Following his residency, Sterling returned to Pine Bluff in 1976 where he established the Roaf Clinic with his brother Clinton Roaf, a dentist, and practiced obstetrics-gynecology until his death. In 1998, he was recognized by the Arkansas Times as one of Arkansas' Best Physicians in gynecology, obstetrics, and oncology. According to his brother, Sterling delivered some 600 infants a year. He truly brought into the world an entire generation of children and touched the lives of countless others in the Pine Bluff area, and he will be greatly missed by the thousands of patients and families who were impacted by his caring and dedicated work.

Sterling Roaf Sr. was not just a great doctor. He was an active and giving member of his community, a devoted member of the church, and a loving father and grandfather. My heart goes out to his children, his brother and five sisters, and all of his friends and relatives in their loss.

TRIBUTE TO ROBIN HIGGINS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as ''a date which will live in infamy,'' Pearl Harbor Day has taken on added significance since September 11, when America was again ''suddenly and deliberately attacked.''

Last week, I had the opportunity to participate in the 60th anniversary memorial services at Pearl Harbor. I was particularly struck by a moving speech given at the National Memorial Cemetery of the Pacific by Robin Higgins, Undersecretary for Memorial Affairs in the Department of Veterans Affairs. Secretary Higgins, from my home state of Florida, was herself a victim of terrorism when her husband, Marine Colonel Rich Higgins was murdered in Lebanon 13 years ago. She and her husband have dedicated their lives in service of this country, and they are two true American heroes.

Mr. Speaker, as we remember the brave survivors of Pearl Harbor and the men and women serving in our military around the world, I salute Rich and Robin Higgins, and I ask unanimous consent that Secretary Higgins speech be inserted into the RECORD.

The Honorable Robin Higgins, Under Secretary for Memorial Affairs, U.S Department of Veterans Affairs

KEYNOTE ADDRESS PEARL HARBOR SURVIVORS, 60TH ANNIVERSARY

DECEMBER 7, 2001 THE NATIONAL MEMORIAL CEMETERY OF THE PACIFIC

Medal of Honor recipients Mr. Hayashi, Mr. Kellogg and Mr. Firin; Congressman Bill Young from my great state of Florida; Congressman Neil Abercrombie from the great state of Hawaii; Congressman Rodney Frelinghuysen, from the great state of New Jersey; Chairman Myers; distinguished military arid civilian guests; most honored members of the Pearl Harbor Survivors Association; World War II veterans; and all fellow veterans and their families . . . Good morning, and thank you Gene for that kind introduction.

I want to add a special acknowledgement of some special visitors with us today from New York who are here as guests of the State of Hawaii—325 family members of men and women who were lost in the World Trade Center on September 11.

Secretary of Veterans Affairs, Anthony Principi, had very much hoped to be here—and were it not for extraordinary events in Washington, he would have. But he asked me to send you his best wishes. I appreciate and am humbled by the opportunity to represent him and the more than 219,000 men and women of the Department of Veterans' Affairs who stand ready to honor your service to America.

Few occasions merit words like ''horrific,'' ''devastating,'' and ''tragic.'' Fewer still cause a speaker to follow those superlatives with words like ''magnificent,'' ''awesome,'' or ''heroic.'' Yet today—as I stand here in this most sacred of places, this shrine to the sacrifices of so many honorable men and women—I am struck by the notion that what happened on this morning 60 years ago brings into play all those words and probably more.

Let me say that I do not believe we need to replay the events of that morning; I am convinced that no movie, no documentary made today, no well-meaning attempt to recreate for today's generation the horrific events of December 7, 1941, can ever do justice to what you as survivors already know . . . already lived through . . . already redeemed through your own selfless service to America.

I take my cue from the words of Abraham Lincoln who stood on the soil of a great battlefield in 1863 and said, ''. . .we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and

dead, who struggled here, have consecrated it far above our poor power to add or detract.''

Here on the gentle slopes and broad fields of Puowaina, rest the heroes of another tumultuous conflict. As magnificent as any National Cemetery could be, it is but a humble gift from a grateful nation to honor those of you who stood for—and those who fell for—freedom that Sunday morning. But it does not pay the full tribute due to the sacrifices offered up on December 7th.

Pearl Harbor . . . NAS Kaneohe . . . Ford Island . . . Battleship Row . . . Hickam Field . . . Wheeler Field . . . Scofield Barracks . . . the Arizona . . .; these were the grounds that were truly hallowed by your sacrifices, consecrated by your blood, and dedicated to your bravery and to the bravery of your friends and countrymen.

Your lives were forever changed by an event so devastating that it would not be for another 60 years—September 11, 2001—that America would again feel the tragic shockwaves of an attack on our home soil.

Perhaps the events of September 11 resonated in your lives in ways that did not resonate among other, younger Americans. Having lost my husband, Marine Colonel Rich Higgins, to a violent act of terrorism 13 years ago in Lebanon, I felt the old wounds . . . still pink from healing . . . open up again when I saw the Trade Center in flames, and the Pentagon—my former duty station—torn asunder.

It is possible, then, that on September 11th, old scars of the heart and mind were once again exposed among your generation of soldiers, Marines, sailors, airmen and coastguardsmen.

But I know and you know this: these two seminal events—December 7th and September 11th—struck America hard but they did not bring her down. No terrorist—no early morning raiding party—has the power to overcome the will and determination of the American serviceman or woman.

I am reminded of a recent editorial cartoon of the Statue of Liberty in which a stern-faced Lady Liberty is cradling a child in her arms. The caption reads, ''No one comes between a mother and her children.'' How true that is for our Nation and for the men and women who, for 225 years, have risen in her defense in the face of the greatest personal risk.

Today is a good day to take a clear look at both our past and our future. It is a day when we acknowledge the debt we owe to those men and women who—because they so cherished peace—chose to live as warriors.

Could anything be more contradictory than a warrior's life? Warriors love America, but they spend years on foreign soil far from home. They revere freedom, but they sacrifice their own. They defend our right to live as individuals, yet yield their individuality for the cause. They value life, yet so bravely ready themselves to die in the service of our country.

But why are some Americans so seemingly willing to fight and, it need be, to die? We fight because we believe. Not that war is good, but that sometimes it is necessary. Our soldiers fight and die not for the glory of war, but for the prize of freedom.

On that December morning, many of you took up a torch that you would not put down for four long years. You valued freedom, and you were willing to sacrifice for it.

And through your selfless sacrifices, you guaranteed a lifetime of liberty to your families, your communities, and your Nation.

It is fitting and proper, then, that those of us who've worn the uniform remember our brothers and sisters, mothers and fathers, sons and daughters—but it is crucial that we share what we feel today with those who have never taken that special risk for their country—so that they may understand.

Soldiers, Marines, sailors, airmen, coastguardsmen, World War Two Merchant Mariners and veterans understand the duty to country that causes a man or woman to risk his or her life to try to make a difference. There is nothing that can take the, place of that selfless devotion.

My husband used to have a small plaque on his desk; it's on nine now and it says: ''War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight, nothing he cares about more than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.''

There is a fabric that weaves people of conscience through the ages and around the world. That fabric is bound with the moral and spiritual lineage of men and women of honor, courage and integrity; those who value something more than their own personal safety.

Bound into this fabric are the lives and loves of soldiers and their families from all times, those who came home and those who didn't and those whose fate remains unknown.

The Courts of the Missing here at the National Memorial Cemetery of the Pacific are inscribed With the names of more than 28,000 missing soldiers, Marines, sailors, airmen and coastguardsmen whose names are held in honor along with the more than 38,000 servicemen and women who lie at sacred rest among us today.

Heroes all, they speak to us of patriots' hopes and patriots' dreams, of lives lived to the fullest measure, lives nobly offered as payment for the fabric of a free society.

It is popular today to speak of the Greatest Generation—your generation, the generation of my father, who also served in World War II—but I think the phrase ignores a basic truth about Americans.

I believe every generation of Americans has been, is, and will be, great. We all have the potential for greatness, if by greatness it is meant that in ties of trial, we will meet the challenges.of the times with honor, dignity, arid sacrifice.

But make no mistake; let those who would terrorize us today remember the fate of those who violated our shares once before. And let the 9–11 generation carry the torch of courage and determination you carried in order to rid the world of the evil of the 21st century.

The colonists who fought for liberty in 1776, the citizens who defend a new nation in 1812, the families torn apart by Civil War, the green troops of the Allied Expeditionary Force, the 16 million men and women who wrested freedom from evil during World War II, the Korean War soldiers and their Vietnam colleagues, the young men and women of Desert Storm and, today, the troops fighting to bring terrorist to justice and justice to terrorists.

If we consider that each of these generations of Americans stood firm against the whirlwinds of tyranny to secure liberty for their times and their posterity we must call them all great.

But the generation of the men and women who survived here 60 years ago does merit a special measure of thanks for your contributions to America.

You returned from the battlefield, put aside the tools of war, and took up the tools of industry and technology, of medicine, of science and education, an of community service, In return for all you had accomplished in war—a many of you carried the evidence of sacrifice still fresh on your bodies—you asked only to return to the peace, to the lives and loved ones you left.

And by your humble example you inspired our Nation to move forward on its path to a righteous destiny. Your contribution will not be forgotten. Your generation's greatness will be treasured and remembered,

Such a contribution should be sufficient for one generation—but I don't believe your contribution is yet complete. The next generation will need guidance . . . the next generation will undoubtedly face new challenges and they will wonder how to face those challenges with the courage and strength of character that is the hallmark of your generation.

I encourage our beloved World War II generation, and all our veterans, to share with your children and your grandchildren—with students and scholars and historians—the experiences of your service to America. You have a story to tell . . . you have thousands of stories to tell . . . and in the telling will be the inspiration for the next generation's response to tomorrow's challenges.

Pearl Harbor survivors specifically—have a unique perspective on this kind of brutal assault an America. You can help the rest of us better understand and come to terms with the values that are threatened and the resolve we must have to overcome our fears.

I am honored to share this day with you . . . and to be here in a place that speaks of the Nation's commitment to recognize the sacrifices of those patriots who were ready to give the last full measure of devotion so that we could gather in peace.

May God continue to bless our Pearl Harbor survivors, our World War II veterans, their families, indeed all our Nation's veterans and—especially today those in harm's way. And though I might conclude by asking God to bless America, I need not. Because of you, he already has.

Thank you.

TRIBUTE TO CHAMBERLAIN ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Chamberlain Elementary in recognition of their achievement as an ''exemplary'' school.

Chamberlain Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Chamberlain Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to Join me in honoring Chamberlain Elementary

COMMEMORATING WORLD HUMAN RIGHTS DAY AND CONGRATULATING TAIWAN'S ELECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. LANTOS. Mr. Speaker, on December 10th this nation and the global community will observe World Human Rights Day 2001.

World Human Rights Day provides an opportunity to focus the attention of the international community on the most fundamental issue to all of mankind. It is a day of celebration for those, like me, who were liberated and a day of remembrance for those who still live under oppression. Human rights and democracy are like two sides of the same coin—it is impossible to have one without the other. The Republic of China on Taiwan is an example of a democratic nation which fully observes human rights for all of its people. On December 1, Taiwan held a major round of free and fair elections in which every office was contested and competition was fierce. With the strengthening of Taiwanese democracy comes the strengthening of Human Rights for the people of Taiwan.

On the eve of last years World Human Rights Day, President Chen Shui-bian of Taiwan attended a ceremony at the human rights memorial on Green Island, Taiwan. President Chen pledged then to observe the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights as well as the guidelines from the World Conference on Human Rights in Vienna. President Chen's remarks indicate a serious movement to bring Taiwan back into the international community of human rights observers by recognizing the sanctity and universality of human rights.

Earlier this year, Taiwan's Minister of Foreign Affairs, Dr. Hung-mao Tien elaborated on Taiwan's ''Human Rights Diplomacy'' announcing to the International Conference on National Human Rights Commission held in Taipei that it is Taiwan's intention to fully participate in international human rights activities such as the Asia-Pacific Forum of National Human Rights Institutions. Moreover, Taiwan wisely recognizes poverty and lack of access to basic social services as violations of fundamental human rights. Minister Tien said in his speech in Taipei that Taiwan is generously using its economic strength to put together an effective set of international cooperation programs designed to help developing nations overcome problems associated with poverty and underdevelopment.

On World Human Rights Day 2001, I applaud Taiwan's achievements and continuing efforts to observe human rights. I hope that other countries will follow Taiwan's excellent example by committing their resources to democratization and improvement of human rights.

NATIVE AMERICAN CULTURAL CENTER AND MUSEUM AUTHORIZATION ACT

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in support of the development and construction of the Native American Cultural Center and Museum in Oklahoma City, Oklahoma. The Great State of Oklahoma is home to 39 tribal governments. According to the 2000 Census, Oklahoma is home to a population of more than 380,000 tribal members.

Historically, prior to its becoming Indian Territory, Oklahoma was home to five tribes that are considered indigenous to Oklahoma—the Osage, Caddo, Kiowa, Comanche, and Wichita. All other tribes were removed from their ancestral homelands to Oklahoma during the period referred to as the ''Indian Removal''. The most noted removal was that involving the Cherokees, which is referred to as the ''Trail of Tears''.

The 39 Indian nations of Oklahoma each have their own distinct culture, traditions, history, and language. This uniqueness should be celebrated. By passing H.R. 2742, we will be able to properly honor and preserve the rich history, culture, and legacy of the American Indian.

I urge my colleagues to join me in supporting the passage of this very important piece of legislation.

IN MEMORY OF JEFFREY THOMAS CLAPPER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. REGULA. Mr. Speaker, on behalf of the members of the 107th United States Congress, I wish to offer heartfelt condolences to the family and friends of Jeffrey Thomas Clapper.

He was an outstanding member of his community, a much loved son and friend. He will be truly missed by all who knew and loved him.

His generosity and profound sense of duty left a lasting impression on all those who knew him, and his personal sacrifices of time and energy to his country, his community, his family, and his friends stand as testament of an exceptional human being.

Jeffrey Thomas Clapper was bom on June 28, 1967, the son of Thomas and Judith Clapper. A graduate of Hoover High School and Walsh University, Clapper served his country as an Orthotic Specialist in the United States Air Force and his community as a registered nurse and as an EMT with the Greentown Volunteer Fire Department. In each of these roles, Clapper embodied civic virtues we should all strive to meet.

In light of the tragic loss of this outstanding citizen, I offer my deepest sympathy to his family and friends.

TRIBUTE TO WINFIELD H.S.

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Winfield High School in recognition of their achievement as an ''exemplary'' school.

Winfield High School has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Winfield High School for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities.

Mr. Speaker, I urge my colleagues to join me in honoring Winfield High School.

IN MEMORY OF THE HONORABLE ROBERT HYDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Robert Hyder, former mayor of Jefferson City, Missouri. He was 91.

Robert Hyder was born on February 26, 1910, in West Plains, Missouri, a son of L. M. and Mae Hyder. He was married May 18, 1957, to Ruth Lockwood. Robert graduated from Drury College with a degree in geological engineering and from the University of Texas with a law degree. During World War II he served in the Navy as a frogman.

After graduation from law school, Robert served as assistant state attorney general in Missouri and as assistant U.S. attorney general. He then went to work for the Missouri Highway Commission retiring as chief legal council after 23 years of service. Robert then started a private law practice in Jefferson City before deciding to run for mayor.

Robert Hyder served as mayor of Jefferson City for four years, beginning in 1975. His colleagues remember Robert as, ''one of the finest mayors I ever worked with'' and ''a real people person.'' After leaving office, Robert served on the Cole County Industrial Development Authority board. He was also head of the V.F.W. and the American Legion in West Plains. As a commemoration to his work as mayor, the Jefferson City Housing Authority dedicated the Robert Hyder Apartments and Addition.

Mr. Speaker, Robert was a valuable leader in his community and will be missed. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Ruth, and his children, Robert and Mary.

PERSONAL EXPLANATIONS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CAPUANO. Mr. Speaker, on Tuesday, December 11, 2001, due to an illness I was unable to travel to Washington and was therefore unable to cast votes on rollcall Nos. 483 through 485. Had I been present, I would have voted in the following manner: ''yea'' on rollcall No. 483; ''yea'' on rollcall No. 484; ''yea'' on rollcall No. 485.

I ask unanimous consent that the CONGRESSIONAL RECORD reflect my intended votes. Furthermore, Mr. Speaker, I ask that record reflect that I am a cosponsor and strong supporter of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FOSSELLA. Mr. Speaker, on rollcall Nos. 483, 484 and 485. I was in the hospital with my son.

Had I been present, I would have voted ''yes'' on all three.

TRIBUTE TO HIGHLAWN ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Highlawn Elementary in recognition of their achievement as an ''exemplary'' school.

Highlawn Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Highlawn Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Highlawn Elementary.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STARK. Mr. Speaker, I rise today in favor of House Concurrent Resolution 282, Keeping the Social Security Promise Initiative.

I support this resolution because I believe that Congress needs to pass a Social Security reform plan that protects the current program. That means I will support reform plans that protect Social Security's guaranteed lifetime benefits, maintain its yearly COLAs, strengthen its important anti-poverty role and improve its protections for low-income earners, minorities and women.

This resolution is very timely. Yesterday, the President's self-appointed Commission to Strengthen Social Security released its final report on Social Security reform. It recommended three plans all of which reduce Social Security benefits in order to divert money to create individual accounts.

Today's Resolution puts this Congress on record as rejecting the President's Commission to Strengthen Social Security recommendations—which include benefit reductions—and hopefully provides the Congress with starting point for reform.

If President Bush and the House Majority are serious about reforming Social Security, they should sit down and engage in an honest debate with representative of all parties to arrive at an outcome that makes the current Social Security system solvent for generations to come while not cutting Social Security benefits.

As Congress acts on Social Security reform, I urge Republicans to keep their ''Social Security Promise'' by protecting Americans' Social Security benefits for current and future retirees.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CROWLEY. Mr. Speaker, I would like to speak out of order on Rollcall Nos. 483, 484, and 485, which occurred yesterday on December 11, 2001. Unfortunately, due to circumstances beyond my control I was unable to be here to vote on the following bills. I would like to take this opportunity to record for the record that I would have voted yes on:

H.R. 10, the Railroad Retirement and Survivors' Improvement Act of 2001 which will provide benefits to railroad employees and their beneficiaries;

H.R. 3282, honoring former Senator Mike Mansfield by designating a Federal Building and U.S. Courthouse in his honor; and

H. Con. Res 281, honoring the great sacrifice of Johnny Michael Spann, the first American killed in combat in the war against terrorism.

SIEMENS WESTINGHOUSE SCIENCE AND TECHNOLOGY COMPETITION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Shira Billet and Dora Sosnowik, two seniors from Stella K. Abraham High School for Girls in the Fourth Congressional district of New York.

These two teens have accomplished an amazing feat. On December 4, they were awarded the top team prize of $100,000 in the Siemens Westinghouse Science and Technology Competitions. Their ingenious project was the development of a Viscometer to measure the consistency of ultra-thin lubricants. Their achievement is bound to affect the fields of micro-electronics and medical therapy, specifically in the treatment of arthritis patients.

The Westinghouse Competition is administered by The College Board and funded by the Siemens Foundation. It recognizes achievement and invention in the fields of science and technology, and allows high school students to receive national recognition for their research projects. Awards are given to individual and team projects in scholarship amounts ranging from $10,000 to $100,000.

I admire Shira and Dora for many reasons, the first of which is their ability to research, develop and apply such a spectacular invention at the ages of 16 and 17. The two girls have shown high levels of intelligence balanced with concern and dedication to the betterment of their community. Their participation in the Westinghouse research program was just a small part of their busy schedule. Both Orthodox Jews who observe the Saturday Sabbath, Shira and Dora maintain a packed academic and extra-curricular schedule. Attendance at the Abraham School is from 8:30 a.m. to 5:00 p.m., where emphasis is placed on a combination of academic and religious studies. The girls are also co-editors of the school yearbook.

The research program at the Abraham School is relatively new, created just two years ago. Shira and Dora were advised by their chemistry teacher, Rebecca Isseroff, and supervised by Professor Miriam Rafailovich, director of the Garcia Center for Polymers at Engineered Interfaces at SUNY Stony Brook.

I know this prestigious honor is a precursor of things to come. Long Island can expect great things from Shira Billet and Dora Sosnowlk. I congratulate and thank them for what they have done and will continue to do for our community.

TRIBUTE CONNER STREET ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Conner Street Elementary in recognition of their achievement as an ''exemplary'' school.

Conner Street Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Conner Street Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Conner Street Elementary.

AMEND TITLE 49 OF THE UNITED STATES CODE SO AIRPORT SCREENING PERSONNEL CAN BE U.S. CITIZENS OR NATIONALS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to amend Title 49 of the United States Code so that the airport security screening personnel referred to in Section 44935 of that Title can be U.S. citizens or nationals.

American Samoa is the only place in the United States in which persons born of non-U.S. citizen parents acquire the political status of U.S. national, as opposed to that of U.S. citizen. According to the most recent data available, only 5.7 percent of American Samoa's population are U.S. citizens, with the vast majority being U.S. nationals.

Enactment of the Aviation and Transportation Security Act into law last month added a requirement that all security screening personnel at airports be U.S. citizens. While I understand and strongly support Congressional intent to improve the quality of the security screening of baggage being put aboard commercial aircraft, I do believe the issue of U.S. nationals should be considered as part of the recent change.

The U.S. nationals from American Samoa have a 100-year history of service to the United States. Just like citizens, these Americans owe their allegiance to the United States and have repeatedly demonstrated their allegiance in important ways. They are not foreign nationals, yet because of this one criterion placed on the hiring of security screening personnel, they will be treated as foreigners if this new requirement added in the Aviation and Transportation Security Act is not amended.

With such a small number of U.S. citizens available in the American Samoa work force, the requirement in the Aviation and Transportation Security Act that security screening personnel be U.S. citizens also greatly reduces the pool of prospective employees. As a practical matter, this will be to the detriment of airline security on all flights within the region, thereby reducing, rather than increasing, security of the traveling public.

Mr. Speaker, I see this amendment as a technical change to the law, and look forward to prompt passage so that security at the airport in American Samoa will remain strong.

HOMELESS VETERANS COMPREHENSIVE ASSISTANCE ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of H.R. 2716, the Homeless Veterans Comprehensive Assistance Act. Homelessness remains a prevalent problem among veterans, with roughly one-third of the total homeless population consisting of veterans. With this legislation, we will take a needed step in addressing this problem as we are all aware that more needs to be done to help these men and women get back on their feet.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there will yet be even more homeless veterans as we experience this economic downturn.

This bill sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes 2000 additional Housing and Urban Development (HUD) Section 8 low-income housing vouchers over four years for homeless veterans in need of permanent housing and who are enrolled in health care provided by the Veterans Affairs Department. The bill contains funding increases for a number of existing veterans homeless programs. It will establish a demonstration program to provide information, including referral and counseling services, to incarcerated veterans and veterans in long-term institutional confinement to assist in their reintegration into their communities.

As we continue to address the needs of our Nation's veterans we should heed the words of President Lincoln who called on all Americans ''to care for him who shall have borne the battle.'' I urge my colleagues to support this important legislation.

TRIBUTE TO CONFIDENCE ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mrs. Speaker, I rise today in honor of Confidence Elementary in recognition of their achievement as an ''exemplary'' school.

Confidence Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Confidence Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Confidence Elementary.

BILL OF RIGHTS CANNOT BE THE NEXT VICTIM OF TERRORISM

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. WOOLSEY. Mr. Speaker, the terrorist attacks on September 11 struck fear in the heart of every American. Today, we continue to fight a war against terrorism on two fronts—in the mountains of Afghanistan and on the main streets of the United States. The first is a more traditional war against soldiers and war machinery; the second, a war against domestic terrorism.

Within days of the attacks, Congress passed a Homeland Security Bill that included the so-called ''Patriot Act.'' The Patriot Act allows the government to increase its use of wiretaps and surveillance, and enhances its ability to trace e-mail and Internet usage. I voted against the Patriot Act because it intrudes unnecessarily on our civil liberties. We had adequate police and intelligence systems available to prevent 9/11, but they were not used effectively. The inadequate use of these resources is no reason to trample our freedoms.

The Bill of Rights, civil rights and civil liberties must not be the ''other victim'' of terrorism. As the domestic war against terrorism continues, my concern is that ''increased police power'' will encroach on our liberties.

In the past month, Attorney General John Ashcroft issued rules to allow the FBI to eavesdrop on communications between attorneys and their clients who are suspected terrorists, ordered prosecutors to interview over 5,000 young, mostly Middle Eastern men in the United States, and supported a system of secret military tribunals that could be used to try alleged accomplices in the September 11 attacks.

Members of Congress and eight former high-ranking FBI officials have questioned the effectiveness of Attorney General Ashcroft's plan to fight terrorism. The tactics that he is proposing are not new. By interviewing over 5,000 mostly Middle Eastern men to gather information about terrorists, he is merely recycling the same ''preventive'' intelligence-gathering techniques that were rejected in the late 1970s because they did not prevent terrorism and in fact, led to abuses of civil liberties.

In the 1950's and 1960's, FBI Director J. Edgar Hoover used ''Red Squads'' to collect massive amounts of ''preventive'' intelligence to deter terrorist attacks. The ''Squads'' were criticized for abusing civil liberties and they were seldom effective. Because the majority of preventive intelligence investigations did not lead to criminal cases, most terrorist activities went unsolved and most of the terrorists were not apprehended. There is no reason to return to a system that didn't work and has a track record of failure and abuse.

Attorney General Ashcroft wants terrorist suspects to be tried by secret military tribunals. Conducting the tribunals in secret with the possibility of imposing capital punishment by a mere two-thirds vote, is an infringement of our civil liberties. It also undermines our system of checks and balances. Our Democracy retains its integrity in large part because no single branch of government overwhelms another. The military tribunals circumvent the

role of oversight control granted to Congress in the Constitution, and allow too much power to the Executive branch.

The strength of the United States does not rest entirely on our overwhelming military superiority. Our country's strength lies in its moral authority, its reliance on the rule of law, and its belief in democracy. The ideals stated in our Constitution and Bill of Rights resonate throughout the world. It is our strength as a just, fair and transparent society that has made us a superpower, and these are the ideals that will ensure our world preeminence in the future.

Just as we cannot win the battle against terrorism in Afghanistan with purely military options, we cannot improve homeland security by infringing on our freedoms. The Bill of Rights cannot be the next victim of terrorism. We will eventually win the military intervention against terrorism, but we cannot lose our national character in the meantime. Fear should not guide our decisions or cloud our judgment. Fear must not muffle the voice of freedom.

THIS WEEK WE COMMEMORATE HUMAN RIGHTS WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, this week, we commemorate Human Rights Week. On December 10, 1945, haunted by the cruelties uncovered throughout the Second World War, a group of U.N. delegates, including first lady Eleanor Roosevelt, joined together in San Francisco to write what has become the internationally recognized standard for the protection of human rights, the Universal Declaration of Human Rights.

The opening paragraph of the Universal Declaration of Human Rights refers to the ''inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.'' These words are a reminder to us all that when one people suffer, we all suffer. When one group is oppressed, it erodes the fabric of humanity and, thus, endangers the freedom and liberty of all. These words are a call for vigilance and action.

The struggle for the protection of universal freedoms has always been an arduous one and this year has presented new challenges and hardships, but also opportunities, for those of us in the human rights community, which have only served to strengthen our resolve.

A truly disappointing turn of events was the exclusion of the United States from the United Nations Commission on Human Rights aggravated by the participation of such abominable human rights violators as China, Sudan, Libya, Cuba, and Vietnam. This increased concerns that the continual imprisonment of human rights defenders would go unnoticed despite international pressure for their release.

In the aftermath of the September 11th attacks, as the U.S.'s values of liberty and democracy came under attack, the world once again recognized the need to focus on the plight of oppressed people everywhere. It is my hope that we are ushering in a new era in the human rights struggle marked by a renewed commitment and understanding.

Noting the overwhelming support given to the Afghan people in their battle to free themselves from the shackles the Taliban imposed on them, I am filled with hope and optimism about the future.

As a refugee from an oppressive regime, the struggle for freedom is central to my commitment to human rights. I stand today during Human Rights Week, in admiration and gratitude of those who have perished and currently languish in suffering because they choose to fight for the values of freedom and democracy in their own country. Today we honor them. For them we celebrate Human Rights Week.

HONORING THE CONTRIBUTIONS OF DENIS P. GALVIN TO OUR NATIONAL PARKS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. RAHALL. Mr. Speaker, this month marks the end of a 38-year career in government service for National Park Service Deputy Director Denis Galvin.

For many people, both within and outside of the National Park Service (NPS), Denny is ''Mr. Park Service.'' The breadth and scope of his knowledge of national park issues is tremendous as evidenced by the wide range of NPS leadership positions with which Denny has been entrusted. Beginning as a civil engineer at Sequoia National Park in 1963, Denny rose through the ranks of the National Park Service to hold such positions as Deputy Regional Director, Manager of the Denver Service Center, and Associate Director for Planning and Development. At two different points in his career, Denny has served as Deputy Director of the National Park Service and on a number of occasions he has been the Acting NPS Director.

Denis is well known as a strong advocate for the National Park Service, defending both NPS employees and the work of the agency itself. It is heartening to see a civil servant who has exhibited such a love for his work and for the agency for which he works.

The National Park Service administers many of our Nation's greatest natural and historical resources. We in West Virginia are blessed to have some of these resources within our borders and I am proud of the work of the National Park Service in preserving and interpreting these resources for the benefit of present and future generations. This work is made possible because of the efforts of people like Denis Galvin.

On Thursday, December 13, 2001 Denny is being honored by his friends and colleagues at a retirement dinner. I join Denny's many friends and colleagues in saluting him for all his efforts on behalf of the National Park System and wish Denny and his family the best in his retirement.

TRIBUTE TO EVANS ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Evans Elementary in recognition of their achievement as an ''exemplary'' school.

Evans Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Evans Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Evans Elementary.

INTRODUCTION OF MILITARY TRIBUNALS LEGISLATION

HON. JANE HARMAN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, Today my colleague Zoe Lofgren and I are introducing legislation to authorize the President to use military tribunals to try foreign terrorists captured abroad.

Today's Washington Post details the likelihood that up to 10,000 Taliban fighters and others could be detained in Afghanistan as a conclusion to the military campaign there. The Administration's intention is to interview those who could provide information, and to prosecute the senior leadership—possibly by using several military tribunals set up pursuant to the President's November 13 military order.

This is a good strategy, and I support it.

But to execute that strategy consistent with Constitutional requirements, the use of those tribunals needs specific authorization from Congress.

Our bill provides that authorization and, we believe, important limitations on the use of military tribunals consistent with the Administration's intent.

We hope the Administration will embrace our concepts, and that members of Congress on a bipartisan basis will join us. As attorneys, we believe our bill represents mainstream legal doctrine.

First, we authorize military tribunals to try foreign nationals in venues like military bases or aircraft carriers outside the United States. Our federal courts and courts martial operated pursuant to the Uniform Code of Military Justice are capable of trying U.S. citizens, legal residents, and others within the United States. In this regard, we applaud yesterday's news that Zacarias Moussaoui has been indicted and will be tried in Federal Court on conspiracy charges.

Second, our bill ties those who are tried by military tribunals to actions specifically enumerated by Congress in the Joint Resolution

authorizing the use of force following September 11.

Third, we include the same sunset clause contained in the PATRIOT Act: December 31, 2005.

Fourth, we make clear that *habeas corpus* is not waived. Article 1, Section 9 of the Constitution requires action by Congress to suspend this right: a President cannot waive it by military order.

Congressional action will contribute to public and international acceptance of the use of military tribunals by making sure they are done right.

In our nation's history, military tribunals have had an important place in our prosecution of war criminals, but always in conjunction with Congressional action. Our legislation ensures the right balance between protecting our Constitutional principles and taking strong action against terrorists, and I urge all of my colleagues to support it.

TRIBUTE TO KATHY NGUYEN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Kathy Nguyen, a dedicated hospital worker and resident of the Bronx for over 20 years. Ms. Nguyen became an innocent victim of unfortunate circumstances on October 31, 2001 at the age of 61.

Ms. Nguyen has been described as a loyal and caring woman who was well-known and well-loved in her South Bronx community. Like most Americans, I was shocked and saddened to hear of Ms. Nguyen's passing. I had remained hopeful that she would recover when it was determined that she had contracted Anthrax. Ms. Nguyen was a victim of horrible circumstance and while no family members could be located, she continues to be mourned by a host of friends and neighbors who miss her deeply. Ms. Nguyen will be remembered by the entire nation. While each of the lives lost in the past few months have reminded us of exactly how precious life is, Kathy Nguyen's passing brought home the reality of how vulnerable we all are, whether we are members of Congress, TV personalities, or hospital workers. That is one of the reasons that she will be remembered by the nation for years to come. Mr. Speaker, it is important that she be remembered more than as the first mysterious Anthrax victim, but as a unique and well-loved individual whose presence is missed by many. I am truly grateful for this opportunity to honor her memory.

Mr. Speaker, Ms. Nguyen had encountered adversity more than once in her life. She escaped a war-torn Vietnam in 1975 in search of solace in the United States. She left behind her slain family and friends and began a new life, on her own, in a new country. Ms. Nguyen had been a business woman in her native country, owning and operating a bar in Saigon. The strength and courage this woman must have possessed in order to successfully overcome obstacles in her life are worthy of admiration. Besides Ms. Nguyen's quiet strength, she will be most remembered by her friends and neighbors for being a dear friend. Her friend Gina Ramjassigh was quoted as saying, ''Everyone that she touched loved her. She was an aunt to my children and she was the best friend I ever had.'' Other people who knew Ms. Nguyen have said that she was always reaching out to others.

I ask my colleagues to join me today in honoring a life that was needlessly cut short and in memorializing Ms. Kathy Nguyen.

THE FOREIGN TERRORIST MILITARY TRIBUNAL AUTHORIZATION ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. LOFGREN. Mr. Speaker, Congresswoman JANE HARMAN and I support our Commander-in-Chief in the fight against terrorism. We agree that we may need to convene military tribunals and the bill that we are introducing today would specifically authorize that.

Article 1, Section 8 of our Constitution provides that Congress shall constitute tribunals inferior to the Supreme Court and that Congress shall make rules concerning captures on land and water in time of war.

On September 11th, international criminals terrorized and killed many innocent Americans. These murderers must face swift and unyielding justice if they are not killed in combat and, if we are going to try combatants on Afghan soil, it is likely that a military tribunal is the right forum.

Congress needs to act so that there will be no question that this is legal.

But, as the Supreme Court pointed out in Ex Parte Milligan, 71 U.S. 2, 18 L. Ed. 281 (1866), when courts are operational here in America they need to be used for the trial of criminals. That's why this bill limits tribunals to those being prosecuted abroad. If Osama bin Laden is captured overseas, he will face a military tribunal. If your neighbor is arrested tomorrow in San Jose, he will go to court like any other accused person in America. It is important to note that American law already provides for the safekeeping of classified information and the security of trials. The Classified Information Procedures Act (CIPA) has been part of American law for two decades. It rightly insures that criminal prosecution won't jeopardize national security.

The President's recent military order also appeared to suspend the right of the accused to appeal to courts. In essence, this would suspend the Writ of Habeas Corpus. The Order stated that any individual subject to a military tribunal ''shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on the individual's behalf, in (i) any court of the United States, or any State thereof, (ii) any court of any foreign nation, or (iii) any international tribunal.''

We are a nation of laws. The most important, our original law, is our Constitution.

Article 1, Section 9 provides that the writ of Habeas Corpus may only be suspended when the public safety may require it and then only in cases of rebellion or invasion. Suspension require Congress to act. It is not the President's prerogative. Even President Lincoln, who felt the need to suspend Habeas during the civil war, had to seek and obtain approval from Congress to do so. We have expressly preserved habeas corpus in our bill.

We have also required the President to report to the Congress about the use of these tribunals and on a classified basis if necessary.

There is a sunset provision for these extraordinary procedures. The use of military tribunals expires on December 31, 2005 with the use of force authorization that Congress granted the President. As with the Use of Force authorization itself, if it is necessary to take further military action, Congress will need to act to extend the war as well as the war tribunals.

We need to make this bill the law so that there will be no question that military tribunals are valid.

We also need to once again mobilize America behind our Commander in Chief in the prosecution of the war against terrorists.

I believe this bill would receive overwhelming support in Congress and we hope it can be swiftly considered.

TRIBUTE TO OVERBROOK ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Overbrook Elementary in recognition of their achievement as an ''exemplary'' school.

Overbrook Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Overbrook Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Overbrook Elementary.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STRICKLAND. Mr. Speaker, I would like to thank Chairman Tauzin and Ranking Member Dingell for their hard work on a significant step towards this country's ability to strongly defend itself against bioterrorist threats. The Public Health Security and Bioterrorism Response Act of 2001 makes important progress toward effective planning and preparedness by our public health system for a bioterrorist attack and the security of our food and water supplies.

I am pleased that the bill includes direct funding of giants that will help our state and

local public health departments implement emergency response plans, educate health care personnel, and equip the first responders in our emergency rooms and police and fire departments. The bill will do much to make sure our food supply is protected from attempts at contamination by increasing inspection and tightening port security; it also ensures that we have the tools to investigate any suspected contamination of the food supply by the increasing record keeping and requiring registration by the food industry.

While I support the legislation we are considering today, I look forward to future work on bioterrorism legislation that will expand on this bill. We must require country of origin labeling at the retail level so that consumers can know the source of retail food offerings and consider that knowledge when selecting their purchases. We should ensure that we enact common sense requirements to protect our food supply that are responsible, not overly burdensome. We must expand on provisions in this bill to facilitate the development, production, and distribution of vaccinations that could protect our population against either an intentional bioterrorist attack or the devastating spread of an infectious disease. I believe we should create a national vaccine authority, as recommended by the National Academy of Sciences, to coordinate and aid in these efforts. Finally, we must continue to listen to those who will be on the front lines of any bioterrorist attack, including the doctors and nurses in emergency rooms, hospitals, and health centers and the members of fire and other emergency rescue teams, and help their local communities to meet their needs, restricting federal programs to coordination of these crucial local resources.

Again, I support this legislation and thank my colleagues for their work in crafting it.

STOP CANNED HUNTING, THE RESPONSIBLE THING TO DO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FARR of California. Mr. Speaker, Tooday I am introducing the ''Captive Exotic Animal Protection Act of 2001'' It is a bill to combat the unfair and inhumane practice of ''canned hunting.''

At more than 1,000 commercial ''canned hunt'' operations across the country, trophy hunters pay a fee to shoot captive exotic animals—from African lions to giraffes to blackbuck antelope—in fenced enclosures in which the animals have no reasonable chance of escape. Most of the hunts are guaranteed—in that the ranch owner assures the ''client'' that he will secure an exotic trophy. It's a ''no kill, no pay'' arrangement. The animals on hunting ranches—procured from exotic animal dealers—have often lived a life being fed by hand and have little or no fear of humans; that fact, coupled with their confinement in a fenced area, all but assure a successful ''hunt.''

This bill will complement the efforts undertaken by states to restrict this practice. California and other states already outlaw this practice. In November 2000, voters in Montana approved a ballot initiative to ban the practice of shooting animals in fenced enclosures. The individuals who spearheaded this campaign were, it is important to note, lifelong hunters. They were members of groups such as the Rocky Mountain Elk Foundation, the Montana Wildlife Federation, and the Montana Bowhunters' Association—all of which avidly support hunting, but oppose canned hunts. This is a strong indicator that ''canned hunts'' are out of step with common principles governing responsible hunting.

The regulation of the transport and treatment of exotic mammals on shooting preserves, however, falls outside the traditional domains of state agriculture departments and state fish and game agencies. In short, these animals often fall into regulatory limbo at the state level. In order to address this problem, which directly involves an issue of interstate commerce, since exotic mammals are those which typically are sold across state lines or imported because they are not native to the United States, I am introducing the ''Captive Exotic Animal Protection Act.''

This bill will halt the interstate shipment of exotic mammals for the purpose of being shot in a fenced enclosure for entertainment or a trophy. It is sensible legislation that is backed by responsible hunters, animal protection advocates, wildlife scientists, environmentalists, and zoological professionals. The Senate has the same bill before it for consideration.

This bill will not limit the licensed hunting of any native mammals or any native or exotic birds. The state fish and game agencies regulate and license the hunting of native species. A federal remedy is needed, however, to deal with the purely commercial interstate movement of exotics destined to be killed at ''canned hunting'' ranches.

This bill supports responsible hunting, while curbing something so out-of-bounds with hunting norms that hunters and animal advocates alike view it as unfair and inhumane.

TRIBUTE TO SHOALS ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Shoals Elementary in recognition of their achievement as an ''exemplary'' school.

Shoals Elementary has been selected as one of the top 50 schools of West Virginia. ''Exemplary'' status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Shoals Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Shoals Elementary.

ANALYSIS OF SECTION II OF H.R. 2887

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the ''Best Pharmaceuticals for Children Act.'' I commend the Committee for its great work to reauthorize legislation to promote labeling of prescription drugs for use in children. However, I am concerned that a section of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation. Attached are legal memoranda by Professor Laurence Tribe of Harvard University that validate my concerns:

MEMORANDUM TO THE UNITED STATES CONGRESS—CONSTITUTIONAL ANALYSIS OF H.R. 2887'S PROPOSED AMENDMENT TO HATCH-WAXMAN ACT ELIMINATING THREE-YEAR CLINICAL STUDIES EXCLUSIVITY PERIOD

(By Laurence H. Tribe)

I have been asked to address the implications under the Fifth Amendment Just Compensation Clause (sometimes called the Takings Clause) of H.R. 2887, which proposes to eliminate the three-year clinical studies exclusivity period under the Hatch-Waxman Act. Section 11(a) of the reported version of H.R. 2887 provides that a generic drug may be approved under the Federal Food, Drug and Cosmetic Act (''FDCA'') even when its labeling omits a pediatric use that is protected by patent or marketing exclusivity under Section 505(j)(5)(D)(iii) and (iv). Section 11(b) of H.R. 2887 implies that Section 11(a) applies to already running three-year exclusivity periods.

The FDCA establishes a quid pro quo that H.R. 2887 would retroactively abrogate. In order to gain regulatory approval from the FDA, a pharmaceutical company must invest enormous time, money, and human resources to develop extensive clinical data regarding its drug. At the end of a three-year period, the protected data is opened to the public and may be used by competitors. In exchange, Section 505(j)(5)(D)(iii) and (iv) provide that the FDA ''may not make the approval of [a competitor application]. . .for three years.'' H.R. 2887 now proposes to undo the bargain struck by current law.

Under the Supreme Court's decision in Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984), and related precedent, the retroactive elimination of the exclusivity period qualifies as a taking of private property for public use and therefore triggers the right to just compensation.

ANALYSIS

1. The Ruckelshaus Decision.

Fifth Amendment analysis must begin with the text of the Clause: ''nor shall private property be taken for public use, without just compensation.'' The meaning of that text as most authoritatively set forth in the Supreme Court's decision in Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984), which held

that the government's use of private proprietary research data for public regulatory purposes constituted a compensable taking. Ruckelshaus is highly instructive because the statutory change at issue in that case was the elimination of an exclusive pesticide marketing scheme, closely analogous to the change effected by H.R. 2887. The fact that Ruckelshaus concerned pesticides, while the instant controversy involves pharmaceuticals, obviously is not material to the constitutional analysis.

The Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA'') at issue in Ruckelshaus originally limited an agency's use of studies submitted by an initial applicant to support later applicants' efforts to obtain approval of similar formulations. In 1978, FIFRA was amended to weaken that restriction. The 1978 amendments were then challenged in court, and the Supreme Court held in Ruckelshaus that they worked a taking and triggered the right to just compensation.

The Supreme Court noted that, with respect to trade secrets submitted by Monsanto under FIFRA between 1972 and 1978, ''the Federal Government had explicitly guaranteed to Monsanto and other registration applicants an extensive measure of confidentiality and exclusive use. This explicit governmental guarantee formed the basis of a reasonable investment-backed expectation.'' 467 U.S. at 1011 (emphasis added). The Court then explained that ''[i]f EPA, consistent with the authority granted it by the 1978 FIFRA amendments, were now . . . to consider those data in evaluating the application of a subsequent applicant in a manner not authorized by the version of FIFRA in effect between 1972 and 1978, EPA's actions would frustrate Monsanto's reasonable investment-backed expectation with respect to its control over the use and dissemination of the data it had submitted.'' Id.

Plainly, the Supreme Court's decision in Ruckelshaus provides strong support for the conclusion that the elimination of the three-year clinical studies exclusivity period would effect a compensable taking.

2. There is a Protectable Property Right.

I understand that proponents of H.R. 2887 take the position that the elimination of the three-year clinical studies exclusivity period does not work a taking because it does not implicate any property rights at all. I find this surprising, to say the least, because the Government did not even dispute in the Ruckelshaus case that ''Monsanto has certain property rights in its information, research and test data that it has submitted under FIFRA to EPA and its predecessor agencies which may be protected by the Fifth Amendment to the Constitution.'' 467 U.S. at 1001.

Indeed, in Tri-BiO Laboratories, Inc. v. United States, 836 F.2d 135 (3d Cir. 1987), the court upheld the refusal of the FDA to allow a generic animal drug manufacturer to incorporate in its application the research and testing data submitted by another manufacturer which had earlier obtained approval to market the predecessor brand name drug. The FDA insisted that such testing data was proprietary and confidential and that its use ''to review generic drug applications would constitute expropriation.'' Id. At 138. The court agreed that the FDA's rules ''provided pioneer animal drug manufacturers with [a] reasonable investment-backed expectation that the FDA would refrain from nonconsensual use of research material.'' Id. at 140–41. ''Use of that material in processing the [competitor's] application, therefore, would constitute a Fifth Amendment taking, requiring payment of compensation by the government.'' Id. at 141.

The Supreme Court has long held that intangible property rights are protected under the Fifth Amendment's Just Compensation Clause. See. e.g., Armstrong v. United States, 364 U.S. 40, 44 (1960) (materialman's lien protected); Louisville Joint Stock Land Bank v. Radford, 295 U.S. 555, 596–602 (1935) (real estate lien protected); Lynch v. United States, 292 U.S. 571, 579 (1934) (contracts protected). See also Laurence H. Tribe, AMERICAN CONSTITUTIONAL LAW §9–2, p. 591 n.11 (2d ed. 1988) (observing that the Supreme Court has tended toward ''a broadened conception of 'property' in takings analysis,'' ''incorporating wholly intangible forms of property'').

By the same token, the Court has also opened that the retroactive alteration of the terms on which a patent is granted would work a compensable taking of private property. See, e.g., Richmond Screw Anchor Co. v. United States, 275 U.S.C 331, 345 (1928) (elimination of patent infringement action ''is an attempt to take away from a private citizen his lawful claim for damage to his property by another private person, which but for this act he would have against the private wrongdoer. This result . . . would seem to raise a serious question . . . under the fifth Amendment to the Federal Constitution.''); William Cramp & Sons Ship & Engine Bldg C. v. International Curtis Marine Turbine Co., 246 U.S. 28, 39–40 (1918) (''rights secured under the grant of letters patent by the United States [a]re property and protected by the guarantees of the Constitution and not subject therefore to be appropriated even for public use without adequate compensation'').

Under these principles, the exclusivity guaranteed by Section 505(j)(5)(D) (iii) and (iv), which is mirrored in FDA regulations, see 21 CFR §314.127(a)(7), is a prototypical property right. As the Supreme Court has explained, the right to exclude ''is central to the very definition of the property interest,'' Ruckelshaus, 467 U.S. at 1011, for it is ''one of the most essential sticks in the bundle of rights that are commonly characterized as property.'' Kaiser Aetna v. United Sates, 444 U.S. 164, 176 (1979); see also Nollan v. California Coastal Comm'n, 483 U.S. 825, 830–32 (1987) (same); Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 435 (1982) (''The power to exclude has traditionally been considered one of the most treasured strands in an owner's bundle of property rights.''). See generally Thomas W. Merrill & Henry E. Smith, What Happened to Property in Law & Economics?, 111 Yale L.J. 357, 360 (Nov. 2001) (''property rights attach to persons insofar as they have a particular relationship to some thing and confer on those persons the right to exclude a large and indefinite class of other persons ('the world') from the thing'').

As the Court explained in Ruckelshaus, ''[W]ith respect to a trade secret, the right to exclude others is central to the very definition of the property interest. Once . . . others are allowed to use those data, the holder of the trade secret has lost his property interest in the data.'' 467 U.S. at 1011. ''[T]he value of a trade secret lies in the competitive advantage it gives its owner over competitors. Thus, it is the fact that operation of the [statutory change] will allow a competitor to register more easily its product or to use the disclosed data to improve its own technology that may constitute a taking.' Id. at 1011 n.15.

The three-year exclusively period is enforceable by means of a suit against the FDA under 21 C.F.R. §§10.30, 10.35. It is also transferable. See 59 Fed. Reg. 50338, 50339 (Oct. 3, 1994) (''an applicant may purchase an application or rights of data and information in an application (i.e., exclusive rights to a new clinical investigation), from which exclusively would flow'').

Thus, the three-year exclusivity period—acquired at great expense and heretofore protected by law—is the very essence of an ''investment-backed expectation'' that is fully protected by the Fifth Amendment from any taking without just compensation. Penn Central Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978).

Moreover, the confidential and proprietary research submitted by drug manufacturers—which under H.R. 2887 would be used by the FDA in order to approve generic versions of the same pharmaceuticals—also qualifies as a ''trade secret'' under applicable state law. ''A trade secret is any information that canbe used in the operation of a business or other enterprise and that is sufficiently valuable and secret to afford an actual or potential economic advantage over others.'' Restatement (Third) of Unfair Competition §39 (1995). The Uniform Trade Secrets Act, §1(4), promulgated in 1979 by the National Conference of Commissioners on Uniform State Laws, contains the equivalent definition of ''trade secret.'' Tellingly, confidential information regarding the production of pharmaceuticals is the very first illustrative example of a trade secret provided by the Restatement. See Restatement (Third) of Unfair Competition at §39, Illustration 1. See also MILGRIM ON TRADE SECRETS §1.09 (2001) (providing numerous examples where pharmaceutical information has been classified as a trade secret).

CONCLUSION

The retroactive elimination of the three-year clinical studies exclusivity period would undoubtedly effect a ''taking'' of ''private property'' within the meaning of the Fifth Amendment. Any public purposes that may be advanced in favor of H.R. 2887 bear only on whether the taking is altogether void—which it is if the property is not put to a ''public use,'' equated by the Supreme Court with ''public purpose.'' See Hawaii Housing Auth. v. Midkiff, 465 U.S. 229, 239–41 (1984). If property is taken for a ''private use''—i.e., a purely private purpose—then the taking violates substantive due process and cannot be saved by an amount of compensation. See, e.g., Thompson v. Consolidated Gas Utilities Corp., 300 U.S. 55, 77–79 (1937).

A ''purpose purpose,'' however compelling, has no bearing whatsover on whether just compensation is required in order to make the taking valid. Compensation for a taking of private property is invariably required precisely when that taking is for a public purpose or use. See, e.g., Jed Rubenfeld, Usings, 102 Yale L.J. 1077 (1993). The Just Compensation Clause is concerned not with the question whether a given taking was substantially justifiable but solely with the question of who should pay for presumptively justifiable takings. As the Supreme Court has often put it, one of the principal purposes of the Just Compensation Clause is '''to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole,''' Dolan v. City of Tigard, 512 U.S. 374, 384 (1994) (quoting Armstrong v. United States, 364 U.S. 40, 49 (1960)).

From the fact that just compensation would be required, and the further fact that the Just Compensation Clause is self-executing, see First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 482 U.S. 304, 315, 316 n.9 (1987), it follows that H.R. 2887 would represent an enormous tax lien automatically levied by the measure's proponents upon the rest of the nation. It would, despite protestations of its proponents that no tax expenditure would be required and thus that no added appropriation or tax levy would be needed, have to be

funded either by new or higher taxes or by an equivalent cut in spending on military or other discretionary budget items. H.R. 2887, therefore, cannot be evaluated as though it would provide some sort of pharmaceutical free lunch. Someone's ox, to mix metaphors just a bit, would plainly have to be gored to pay for whatever public benefits the measure might provide. That the cost could quietly and painlessly be laid at the feet of private investors in pharmaceutical companies is a pure mirage. Those investors know their rights, and they know the address of the U.S. Court of Federal Claims.

DIETARY SUPPLEMENT TAX FAIRNESS ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to be reintroducing this legislation in the Congress. It represents an important and critical step forward to improving our healthcare system. Throughout my career in Congress, I have always led efforts to examine and support complementary and alternative healthcare. In chairing the House Committee on Government Reform, we have learned a great deal about healthcare that represents a marketplace of over $30 billion dollars and is utilized by one out of every four Americans.

One critical item we have discovered is the inequities that exist within the Internal Revenue Code that discourage good health and wellness. For example, many consumers often ask why there are no insurance benefits for dietary supplements, which are used primarily to maintain good health and wellness. Some dietary supplements, like Folic Acid, can help prevent disease or disease risks like birth defects. Many insurance companies would like to offer coverage to their beneficiaries who continually demand this type of coverage. Unfortunately, the tax code does not allow an insurer to offer this coverage without incurring tax liabilities to consumers and higher administration costs. This powerful disincentive needs to be removed so health insurers can begin developing meaningful and cost effective benefits for their beneficiaries and assist them in maintaining good health longer.

I am pleased to be joined by five of my colleagues on the reintroduction of this bill. I am pleased that Mr. CANNON of Utah, Mr. ISTOOK of Oklahoma, Mr. PAUL of Texas, and Mr. HORN of California have joined as cosponsors in this bill. I am also pleased to be joined by the Gentleman from New Jersey, Mr. PALLONE in reintroducing this legislation. It emphasizes two other important things for my colleagues. This legislation is bipartisan and should be supported by members on both sides of the aisle.

I also note last week the White House Commission on Complementary and Alternative Medicine Policy convened for one of its final meetings. This Commission will be issuing an important report and recommendations for the Congress and the Administration in March 2002. One of the several key recommendations that is likely to be made by the Commission is that the Congress begin reforming the Internal Revenue Code to support and encourage health insurance coverage for complementary health care. The federal government should be actively working to remove barriers to coverage and access to complementary health care. I look forward to reviewing that report when it is released next year and work with the Administration to implement the recommendations.

COMMENDING MR. JAMES D. RUTH, CITY MANAGER OF ANAHEIM, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. COX of California. Mr. Speaker, I rise today to commend Mr. James D. Ruth, City Manager of Anaheim, California, who is ending his 45 year career in public service at the end of this year.

After serving in several California municipalities, Jim came to Orange County in 1976 to serve the City of Anaheim as the Parks, Recreation, and Community Services Director. He later served as Deputy City Manager, Assistant City Manager, and, finally, as City Manager. Jim's outstanding services in all of these positions has earned him numerous awards, including being named ''Orange County Manager of the Year'' and ''Anaheim Rotarian of the Decade.''

With almost twelve years of dedicated service as the City Manager for Anaheim, which is the tenth largest city in California, Jim Ruth has invigorated Anaheim into an internationally renowned tourist community. Under his leadership, the City of Anaheim became a major contributor to California's booming tourism and entertainment industry.

Most recently, Jim successfully led the city's efforts to establish the Anaheim Resort District, including a multi-million dollar expansion of the Anaheim Convention Center and the creation of the new Disney ''California Adventure'' theme park. Jim also served as the city's chief negotiator in the construction of the Arrowhead Pond, home of the National Hockey League's Anaheim Mighty Ducks and hundreds of other special events. This concert and sports venue is now second only to Madison Square Garden in New York City in number of events. And, just across the street, Jim paved the way for the renovation of Edison Field, home of Major League Baseball's Anaheim Angels.

Jim's expertise on city issues was invaluable. He improved the quality of life and standard of conducting business in Anaheim. His contributions to numerous industry, civic, and social organizations throughout Orange County will benefit its residents for years to come.

Today, I join my fellow California colleagues to thank Jim for all of his hard work and dedication. I also wish to thank Jim's wife, Linda, who is a public servant in her own right. In behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Jim Ruth on his successful term as the City Manager of Anaheim, and best wishes for a well-deserved retirement.

TRIBUTE TO MAJORITY LEADER DICK ARMEY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. HASTERT. Mr. Speaker, DICK ARMEY has been one of my closest friends in the Congress, and his contributions to the House of Representatives have been enormous.

DICK ARMEY is not a natural politician, but he is a natural leader. DICK came to the Congress with the idea that this institution could work better for the American people; that it could be more responsive to the people's wishes; that it could be more responsible with the taxpayer's money; and that it could be play a more balanced role in the lives of the American people.

He will leave at the end of his term with the knowledge that he has made this Congress a better place.

I am proud of DICK ARMEY; I am proud of his ideas; and, I am proud of his achievements.

I know that he will continue to fight for his constituents and for the American people every day that he remains in this institution.

IN MEMORIAM OF DONALD GLOVER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Donald Glover, who passed away yesterday, December 11th. Donald Glover was a remarkable man who was committed to his community, his country, and above all, his family.

Donald was concerned about Southeast Texas and the people who lived there. He was a long time civic and community leader. He followed me as the Chair of the Jefferson County Democrats and helped thousands of citizens register to vote.

Always a man who believed in equality and justice, he fought hard for working men and women, for senior citizens and for children. His impact on the community could be felt everywhere, he was a positive force in Southeast Texas.

Donald and his wife Helen were a team like Lyndon B. Johnson and Lady Bird. Their ''matching AMC pacers'' became a sign at any political or community event that the Glovers had arrived and it would not be ''business as usual.''

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Donald Glover was a man who served his community with great pride and devotion. He often thought outside the box to make sure that everyone got a fair shake in life.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great activist, but as a Congressman I have lost a friend.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 13, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 14

9:30 a.m.

Finance

To continue markup of H. R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart, III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board, both of the Social Security Administration.

SD–215

Commerce, Science, and Transportation

To hold hearings on the nomination of John Magaw, to be Under Secretary of Transportation for Security (pending receipt by the Senate).

SR–253

DECEMBER 18

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine issues surrounding the collapse of Enron Corporation.

SR–253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination.

SD–106

2:30 p.m.

Foreign Relations

International Operations and Terrorism Subcommittee

To hold hearings to examine the global outreach of Al-Qaeda.

SD–419

Daily Digest

HIGHLIGHTS

Senate and House agreed to the Conference Report to accompany S. 1438, Department of Defense Authorization Act.

Senate agreed to the Conference Report to accompany H.R. 2883, Intelligence Authorization Act.

The House passed H.J. Res. 76, making further continuing appropriations through December 21.

The House agreed to the Conference Report on H.R. 1, No Child Left Behind Act.

Senate

Chamber Action

Routine Proceedings, pages S13079–13099

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 1815–1828, S. Res. 191, and S. Con. Res. 93. **(See next issue.)**

Measures Reported:

S. 990, to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, with an amendment in the nature of a substitute. (S. Rept. No. 107–123)

S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households. (S. Rept. No . 107–124)

H.R. 861, to make technical amendments to section 10 of title 9, United States Code.

H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, with an amendment.

H.R. 2048, to require a report on the operations of the State Justice Institute.

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

S.J. Res. 8, designating 2002 as the ''Year of the Rose''.

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

(See next issue.)

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 288, to provide for a technical correction in the enrollment of S. 1438, Department of Defense Authorization. **(See next issue.)**

Commending Afghan Interim Administration: Senate agreed to S. Res. 191, to express the sense of the Senate to commend the inclusion of women in

the Afghan Interim Administration and commending those who met at the historic Afghan Women's Summit for Democracy in Brussels.

(See next issue.)

Women's Participation in Afghanistan: Senate agreed to S. Con. Res. 86, expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan. **(See next issue.)**

Promoting Safe and Stable Families Amendments: Senate passed H.R. 2873, to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, clearing the measure for the President. **(See next issue.)**

Indian Trust Lands: Committee on Indian Affairs was discharged from further consideration of H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, and the bill was then passed, clearing the measure for the President.

(See next issue.)

Honoring the National Guard: Senate agreed to S. Con. Res. 93, to recognize and honor the National Guard on the occasion of the 365th anniversary of its historic beginning with the founding of the militia of the Massachusetts Bay Colony. **(See next issue.)**

Federal Farm Bill: Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, taking action on the following amendments proposed thereto: **Pages S13079 (continued next issue)**

Adopted:

By 64 yeas to 31 nays, and 1 responding present (Vote No. 366), Feingold/Grassley/Harkin Amendment No. 2522 (to Amendment No. 2471), to reform certain mandatory arbitration clauses.

Pages S13087–91, S13091–92

By 51 yeas to 46 nays (Vote No. 367), Johnson Amendment No. 2534 (to Amendment No. 2471), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Pages S13093–99

Wyden/Brownback Amendment No. 2546 (to Amendment No. 2471), to provide for forest carbon sequestration and carbon trading by farmer-owned cooperatives. **(See next issue.)**

Rejected:

Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers. (By 54 yeas to 43 nays (Vote No. 365), Senate tabled the Amendment)

Pages S13080–87, S13091

Withdrawn:

McCain/Gramm/Kerry Amendment No. 2598 (to the text of the bill proposed to be stricken), to provide for the market name for catfish. **(See next issue.)**

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Pages S13080 (continued next issue)

Smith (NH) Amendment No. 2596 (to Amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba. **(See next issue.)**

Torricelli Amendment No. 2597 (to Amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective. **(See next issue.)**

Daschle motion to reconsider the vote (Vote 368) by which the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above) failed. **(See next issue.)**

During consideration of this measure today, Senate also took the following actions:

By 53 yeas to 45 nays (Vote No. 368), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above).

(See next issue.)

A unanimous-consent agreement was reached providing for the filing of second degree amendments to Daschle (for Harkin) Amendment No. 2471 (listed above), until 11 a.m., on Friday, December 14, 2001. **(See next issue.)**

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, December 14, 2001, that the pending Smith (NH) and Torricelli amendments (listed above) be laid aside, and that Senators Wellstone and McCain be recognized to offer certain amendments.

(See next issue.)

Department of Defense Authorization Act Conference Report: By 96 yeas to 2 nays (Vote No. 369), Senate agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, clearing the measure for the President.

(See next issue.)

Intelligence Authorization Act Conference Report: By unanimous consent, Senate agreed to the conference report on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, clearing the measure for the President. (See next issue.)

21st Century Montgomery GI Bill Enhancement Act: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 1291, to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill, clearing the measure for the President. (See next issue.)

Education Reform Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, at 1 p.m., on Monday, December 17, 2001, and on Tuesday, December 18, 2001, with a vote on adoption of the conference report to occur on Tuesday at 11 a.m. (See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. EX. 370), Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

Clay D. Land, of Georgia, to be United States District Judge for the Middle District of Georgia.

Page S13099

Nominations Received: Senate received the following nominations:

John Magaw, of Maryland, to be Under Secretary of Transportation for Security for a term of five years. (New Position)

Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

Andrea G. Barthwell, of Illinois, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Nehemiah Flowers, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Arthur Jeffrey Hedden, of Tennessee, to be United States Marshal for the Eastern District of Tennessee, for the term of four years.

David Glenn Jolley, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Michael Wade Roach, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Eric Eugene Robertson, of Washington, to be United States Marshal for the Western District of Washington for the term of four years. Page S13099

Messages From the House: (See next issue.)

Executive Reports of Committees: (See next issue.)

Additional Cosponsors: (See next issue.)

Statements on Introduced Bills/Resolutions: (See next issue.)

Additional Statements: (See next issue.)

Amendments Submitted: (See next issue.)

Authority for Committees to Meet: (See next issue.)

Record Votes: Six record votes were taken today. (Total—370)

Pages S13091, S13092, S13099 (continued next issue)

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:08 p.m., until 9:30 a.m., on Friday, December 14, 2001. (For Senate's program, see the

remarks of the Acting Majority Leader in today's Record on page S.)

Committee Meetings

(Committees not listed did not meet)

NUCLEAR WEAPONS

Committee on Armed Services: Subcommittee on Strategic concluded open and closed hearings to examine the security of United States nuclear weapons and nuclear weapons facilities, focusing on effective intelligence gathering, system vulnerability assessments, and responsive improvement programs and communication, after receiving testimony from Maj. Gen. Franklin J. Blaisdell, USAF, Director, Nuclear Operations and Counterproliferation Office of the Deputy Chief of Staff for Air and Space Operations; Brig. Gen. Ronald Haeckel, USAF, Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration; Rear Adm. Dennis M. Dwyer, USN, Director, Strategic Systems Programs Office; and Linton Wells II, Principal Deputy Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

COMMUNITY DEVELOPMENT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine housing and community development needs in America, focusing on providing a mortgage cut rate for National Guardsmen and Reservists called to active duty, relief on FHA insured mortgages for the victims families of the September 11, 2001 attacks, and for New York City's economic recovery, after receiving testimony from Mel Martinez, Secretary of Housing and Urban Development.

CAMPAIGN AGAINST TERRORISM

Committee on Foreign Relations: Subcommittee on Central Asia and South Caucasus concluded hearings to examine contributions of central Asian nations to the campaign against terrorism, including basing facilities for U.S. and allied forces, over-flight rights, intelligence sharing, and use of airports for military and humanitarian activities in Afghanistan, after receiving testimony from Elizabeth A. Jones, Assistant Secretary of State for European Affairs; and S. Frederick Starr, Johns Hopkins University Nitze School of Advanced International Studies Central Asia and Caucasus Institute, and Fiona Hill, Brookings Institution, both of Washington, D.C.

RAILROAD SAFETY

Committee on Governmental Affairs: Committee concluded hearings to examine the security status of U.S. passenger and transit rail infrastructure, focusing on counter-terrorism equipment, security related training programs, and technologies capable of detecting chemical and biological agents on transit systems, after receiving testimony from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; Ernest R. Fraizer, Sr., National Railroad Passenger Corporation (Amtrak); Dorothy W. Dugger, San Francisco Bay Area Rapid Transit District, San Francisco, California; Jeffrey A. Warsh, New Jersey Transit Corporation, Newark; Richard A. White, Washington Metropolitan Area Transit Authority, Washington, D.C.; and Trixie Johnson, San Jose State University Mineta Transportation Institute, San Jose, California.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, with an amendment;

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors;

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States;

H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees;

H.R. 861, to make technical amendments to section 10 of title 9, United States Code;

H.R. 2048, to require a report on the operations of the State Justice Institute;

S.J. Res. 8, designating 2002 as the "Year of the Rose";

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; and

The nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Michael A. Battle, to be United States Attorney for the Western District of New York, Christopher James Christie, to be United States Attorney for the District of New Jersey, Harry E. Cummins III, to be United States Attorney for the Eastern District of Arkansas, David Preston York, to be United States Attorney for the Southern District of Alabama, Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, and Dwight MacKay, of Montana, to be United States Marshal for the District of Montana, all of the Department of Justice.

HOMELAND DEFENSE

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine the protection of our homeland against terror, focusing on policy, planning, and resource allocation responsibilities coordination, future operational solutions which balance apportionment of forces nationally and abroad, and local, state, and federal interagency cooperation improvement, after receiving testimony from Senator Bond; Lt. Gen. Frank G. Libutti, USMC (Ret.), Special Assistant to the Interim Department of Defense Executive Agent for Homeland Security; Lt. Gen. Russell C. Davis, USAF, Chief, National Guard Bureau; Maj. Gen. Richard C. Alexander, NGAUS (Ret.), Executive Director, National Guard Association of the United States; and Maj. Gen. Paul D. Monroe, Jr., Adjutant General, California National Guard.

House of Representatives

Chamber Action

Measures Introduced: 28 public bills, H.R. 3476–3503; and 2 resolutions, H. Con. Res. 288–289, were introduced. **Pages H10065–66**

Reports Filed: Reports were filed today as follows:

H.R. 3084, to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002 (H. Rept. 107–338). **Page H10065**

Making Further Continuing Appropriations Through December 21: The House passed H.J. Res. 78, making further continuing appropriations for the fiscal year 2002. The joint resolution was considered pursuant to the order of the House of Wednesday, Dec. 12. **Pages H10061–64**

Department of Defense Authorization Conference Report: The House agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a yea-and-nay vote of 382 yeas to 40 nays, Roll No. 495. **(See next issue.)**

Earlier the House agreed to H. Res. 316, the rule that waived points of order against the conference report by voice vote. **(See next issue.)**

Technical Correction in Enrollment of DOD Authorization Act: The House agreed to H. Con. Res. 288, directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1438, National Defense Authorization Act for Fiscal Year 2002. **(See next issue.)**

No Child Left Behind Act: The House agreed to the conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind by a recorded vote of 381 ayes to 41 noes, Roll No. 497. **(See next issue.)**

Earlier the House agreed to H. Res. 315, the rule that waived points of order against the conference report by voice vote. **(See next issue.)**

Technical Correction in Enrollment of No Child Left Behind Act: The House agreed to H. Con. Res. 289, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 1, No Child Left Behind Act. **(See next issue.)**

Consideration of Suspensions on Dec. 19, 2001: The House agreed to H. Res. 314, the rule providing for the consideration of motions to suspend the rules on Wednesday, Dec. 19, 2001 by a recorded vote of 306 ayes to 100 nays, Roll No. 498. **(See next issue.)**

Legislative Program: The Majority Leader announced the legislative program for the week of Dec. 17. **(See next issue.)**

Meeting Hour—Monday, Dec. 17: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Dec. 17 in pro forma session. **(See next issue.)**

Meeting Hour—Tuesday, Dec. 18: Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, Dec. 18 for morning hour debate. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Dec. 19. **(See next issue.)**

Victims of Terrorism Relief Act: The House agreed to the Senate amendments to H.R. 2884, to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001, with an amendment. The motion to concur in the Senate amendments with an amendment was considered pursuant to an earlier unanimous consent order (the Senate amended the title so as to read: An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States). **(See next issue.)**

Senate Messages: Messages received from the Senate will appear in the next issue.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and will appear in the next issue. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:54 p.m.

Committee Meetings

ELECTRIC SUPPLY AND TRANSMISSION ACT

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality concluded hearings on H.R. 3406, Electric Supply and Transmission Act of 2001. Testimony was heard from Isaac Hunt, Commissioner, SEC; and public witnesses.

FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON

Committee on Government Reform: Held a hearing on "The FBI's Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?" Testimony was heard from the following officials of the Department of Justice: Michael Horowitz, Chief of Staff, Criminal Division; and Edward Whelan, Principal Deputy, Assistant Attorney General.

DIGITAL MILLENNIUM COPYRIGHT ACT SECTION 104 REPORT

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property concluded oversight hearings on "The Digital Millennium Copyright Act Section 104 Report." Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2748, National War Permanent Tribute Historical Database Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; and H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the "Golden Chain Highway," as a National Heritage Corridor. Testimony was heard from Representatives Dreier, Meek of Florida and Hastings of Florida; Vincent L. Barile, Deputy Under Secretary, Management, National Cemetery Administration, Central Office, Department of Veterans Affairs; David Mihalic, Superintendent, Yosemite National Park, National Park Service, Department of the Interior; and public witnesses.

GENERAL AVIATION INDUSTRY REPARATIONS ACT

Committee on Transportation and Infrastructure, Subcommittee on Aviation approved for full Committee action, as amended, H.R. 3347, General Aviation Industry Reparations Act of 2001.

NATIONAL CEMETERY ELIGIBILITY

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 3423, to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery.

Prior to this action, the Committee held a hearing on this legislation. Testimony was heard from John C. Metzler, Superintendent, Arlington National Cemetery, Department of the Army; and representatives of various veterans organizations.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 14, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: to continue markup of H.R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board, both of the Social Security Administration, 9:30 a.m., SD–215.

House

Committee on Government Reform, Subcommittee on Technology and Procurement Policy, hearing on Battling Bioterrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health, 10 a.m., 2247 Rayburn.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *of December 7, 2001, p. D1226)*

S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse". Signed on December 12, 2001. (Public Law 107–80)

S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan. Signed on December 12, 2001. (Public Law 107–81)

Next Meeting of the SENATE

9:30 a.m., Friday, December 14

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1731, Federal Farm Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, December 17

House Chamber

Program for Monday: Pro forma session.

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(Senate and House proceedings for today will be continued in the next issue of the Record.)

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