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House of Representatives

The House met at 10 a.m.

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

O Lord, our guardian and our refuge, in times of war it is difficult to pray. When living under the threat of attack, anxieties and fear can steal Your abiding presence.

At such times, there is so much to pray about. To lift up to You all the names of the victims of war is in itself a heavy task. To remember them in prayer keeps our love alive and unveils our mourning until we see them in Your eternal presence. Your spirit of prayer moves us to strengthen our compassion for all those orphaned and widowed by war. We pray for all who serve in the Armed Forces, those servants of security and defenders of freedom around the world. We pray for their safety and their families.

At such times, all leaders in our government, especially these Members of Congress, are in need of Your supreme guidance, Lord. May leaders of all nations be with them as they search for the ways to secure peace, to protect homelands and reconstruct those places torn apart by war's violence.

Lord, in moments like now when it is difficult to pray, perhaps it is because we cannot see Your face, for You are the author of life and love, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT 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.

CONGRATULATING JENNIE WEISS BLOCK FOR HER NEW BOOK EXPLORING THEOLOGY AND THE DISABILITY MOVEMENT

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

Ms. ROS-LEHTINEN. Mr. Speaker, it is estimated that there are 43 million Americans with one or more physical or mental disabilities. And while Congress attempts to empower them through legislation such as the Americans with Disabilities Act, it is often other facets of our communities, like churches and synagogues, that provide them with the support they need to achieve economic self-sufficiency, independent living, and, most importantly, inclusion and integration into all aspects of society.

My constituent, Jennie Weiss Block, a Barry University Ph.D. candidate in theology, is the author of a new book, ''Copious Hosting,'' which explores theology and the disability movement. I proudly congratulate my constituent and dear friend, Jennie Weiss Block, for her insightful views into the lives of the disabled as portrayed in her book ''Copious Hosting'' and for her dedication to enabling them to make significant contributions to our society.

Felicidades, Jennie.

WE MUST BRING OUR CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, every day for a year I spoke out on international child abduction. Today I will focus on one case, that of Ludwig Koons, who is being illegally kept in Rome, Italy. Until Ludwig is returned to the United States, I will speak with outrage at the injustice that is being done to this family, an example of what thousands of American parents and their children face every day.

Ludwig Koons was born in New York and was abducted from the family residence to Rome by his mother, Ilona Staller. Mr. Koons was awarded custody in the United States, but the Italian courts have refused to accept any American jurisdiction. The father has been deemed the fit parent by the courts, and U.S. and Italian psychologists have stated that Ludwig is in grave danger and must be returned to Mr. Koons. Yet he remains captive in Italy, being held by the Italian Government and by his mother, a porn star living in a pornographic compound.

Mr. Speaker, every day Members of this body and administration speak out on family values. I can think of no better way to demonstrate our commitment to family values than to return Ludwig Koons to his father now. Mr. Speaker, we must bring our children home.

VICTIMS OF TERRORISM

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

Mr. TIAHRT. Mr. Speaker, before terrorism literally hit home on September 11, two fellow Kansans, two fellow Americans, had already been held hostage by Muslim terrorists for over 3 months. On May 27, 2001, Martin and Gracia Burnham were snatched out of bed in a Philippine vacation resort and taken hostage by Muslim terrorists, the Abu Sayaff group, which has al

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Qaeda ties and a brutal disregard for human life. A third American, Guillermo Sobero of California, was also taken hostage and subsequently beheaded in June by the terrorists.

Martin and Gracia are all that remains of the group of 21 hostages taken in May. It has been 8 long months for them and their family, especially their three young children, Jeff, Mindy and Zach. The Burnhams have lost considerable weight and have suffered from malaria, artillery wounds, eye infections and numerous sores and cuts.

I ask my fellow Members of Congress and my fellow Americans to pray for the safe and swift release of Martin and Gracia Burnham from this endless nightmare.

CALLING FOR A FREEZE ON FURTHER TAX CUTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, there will be a unique opportunity today to do more than pass a birthday resolution for President Reagan. Students of history will remember that massive tax cuts passed in the first year of President Ronald Reagan's term. Just 1 year later, as deficits began to grow, President Reagan showed his mettle by joining with a Republican Senate and a Democratic House to pass into law the Tax Equity and Fiscal Responsibility Act of 1982, raising taxes in the face of a deficit. And then he signed into law several other tax increases, including the Deficit Reduction Act of 1984.

But today the Republican President and the Republican House leaders do not have the vision and the gumption of the former President. The same day that they will pass his birthday resolution, they are going to also pass a resolution saying despite the huge and mounting deficits just like in the first term of President Reagan, they are going to hold steady to the huge tax increases tilted toward the wealthiest in this country.

It would be more appropriate and more fitting to recognize the spirit and the leadership of Ronald Reagan by admitting you were wrong and rescinding or freezing further tax cuts and dealing with the deficit honestly in this House.

CONGRESSIONAL SPENDING

(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, keeping the American people safe is our government's most important duty. We are spending billions of dollars to fight terrorism and to keep the homeland secure. In addition, the recession has cost the government billions more in lost revenue. These things are unavoidable. And it looks like, after passing four balanced budgets in a row, the first time in 40 years, that we will again run a budget deficit this next year.

But even with all of this necessary spending, we should put plans in place now to return to a balanced budget as soon as we can. We have worked too hard to start paying off the debt to give up now.

In his State of the Union Address, President Bush urged us to limit spending so we can return to surpluses in a year or 2.

So let us fully fund the war on terrorism, let us make sure our airports and power plants are secure, and if the other body ever passes the stimulus package, let us make it law right away. But when it comes to other things, we need to tighten our belt and rein in spending. That is the only way we will stay on track and pay off the public debt. We have paid down over half a trillion dollars in debt already. Let us pay off the rest as soon as we can.

WELFARE BILL REAUTHORIZATION

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

Ms. WOOLSEY. Over 30 years ago, Mr. Speaker, I was a single mom with three small children, and even though I was working, I needed AFDC, welfare, to add to my income for health care, child care and food stamps.

When Congress passed welfare reform in 1996, I warned that getting women off the welfare rolls and into dead-end jobs would not be enough, especially if we had a downturn in the economy. The goal of welfare must be to break the cycle of poverty, not just get women jobs that pay slightly above minimum wage.

Under the welfare reauthorization that is before us this year, education must count as work so we can help recipients gain access to training and education so that they can improve their economic future and the future for their children. But without skills, the skills needed for a job, a job that pays a livable wage, and the knowledge that their children are getting good child care while they are away at work, moms will have a hard time succeeding.

THE PRESIDENT'S BUDGET—MEETING THE GOALS OF OUR TIME

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

Mr. STEARNS. Mr. Speaker, America faces a unique moment in history. Our Nation is at war, our homeland was attacked, and our economy is in recession. The President's budget meets the requirements of victory and the test of responsibility. The President's budget holds government accountable for results that address these priorities of the American people: Winning the war on terrorism, strengthening protections of our homeland, and revitalizing our economy and creating jobs.

What his budget does is increase spending, nearly doubles homeland security spending, and provides immediate assistance to workers who have lost their jobs, while holding the growth in spending for programs outside of defense and homeland security to the cost of living. His budget provides significant funding increases for important priorities like health care, prescription drugs, education, the environment, agriculture and retirement security, and returns to budget surpluses within 2 to 3 years, if Congress adheres to the President's call for fiscal responsibility.

Mr. Speaker, this budget is an important step forward to protect this country.

TANF REAUTHORIZATION

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

Mrs. MINK of Hawaii. Mr. Speaker, this year we will be working on the reauthorization of the Temporary Assistance for Needy Families, known as TANF. It was a rewrite of the welfare law that we had previously enacted called Aid to Dependent Children. One of the major differences of the two concepts was in the old bill we cared about what happened to the families and to the children. That was our primary purpose. Under TANF it is a 5-year restricted cash assistance to families with the primary emphasis on going to work.

What has happened is that the rolls of welfare have dropped, but poverty has remained the same. What we are trying to do in the bill that I have introduced which has 57 sponsors is to put the emphasis on caregiving. It has always been the high principle of Congress to say families count first, the responsibilities of families to nurture their own children. We want to put that at the top, as the emphasis of this new reauthorization: caring for children, allowing parents to stay home to care for their small children and giving them support to build their families' economic future through education. Education must count and be equivalent to work.

PRESIDENT REAGAN'S LEGACY

(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, mark your calendar. It is official. I have, in fact, as of this date and this hour heard everything: President Ronald Wilson Reagan on the occasion of his 91st birthday used as an example in the House of Representatives as a tax increaser in America and as an example of someone who believed in the virtue of tax increases.

It is a privilege to rise on the 91st birthday of President Ronald Wilson Reagan. I had the privilege of meeting him in person. I did not know then what we would all come to know, how he would bestride history as few men who have occupied the Presidency would do; how he would rebuild our economy through tax cuts, believing in American entrepreneurism and ingenuity; how he would rebuild the military after years of reckless cutbacks and bring the godless Soviet Union to its knees.

Mr. Speaker, though he cannot hear these words today or even yet remember what he did for America, I believe that soon, with eyes again young, Ronald Reagan will see what his courage has wrought and will hear those words, ''Well done, good and faithful servant.''

□ 1015

REDUCING POVERTY ALONG WITH WELFARE

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

Mr. CLAY. Mr. Speaker, I join my colleagues today as an original cosponsor of H.R. 3113, the TANF Reauthorization Act of 2001. This bill recognizes the need to build on the framework of the 1996 law and refocus our efforts to truly fight poverty in our country.

Although welfare reform ''ended welfare as we knew it,'' it did not reduce family poverty. In many cases, it merely moved families off of welfare rolls and into the class of working poor.

As a result, despite a strong economy and a 50 percent decrease in welfare caseloads over the last 5 years, family poverty has declined by less than 13 percent, and overall poverty has fallen by less than 2 percent. Families cannot be economically secure without employment that pays a living wage.

As we work on TANF reauthorization, we also need to ensure access to Medicaid, food stamps, child care and other transitional work supports for those families leaving welfare.

I support the TANF Reauthorization Act, because it recognizes the need to shift the emphasis from reducing welfare rolls to reducing child and family poverty.

A SAD DAY FOR THE WORKERS OF AMERICA

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

Mr. KINGSTON. Mr. Speaker, prior to serving in the United States Congress, I served in the Georgia legislature. We were a bicameral body. We had a House and Senate; and when the Georgia House passed a bill, the Georgia Senate would take it up for debate. They would vote it up or down.

When I became a Member of the United States House of Representatives, a similar bicameral body, I thought that is the way it works. But not so. Here we in this House with Republican control have passed a trade promotion bill, we have passed a farm bill, we have passed an energy bill. We have even passed a terrorism insurance bill and, most recently, a jobs creation bill.

And what has happened on the way to the President for signature? I do not know. I do not know. I know that there are some huge tax folks over here; and on Ronald Reagan's 91st birthday, they are going to celebrate by burying the job-creating bill which we need back in the heartland of America so desperately so that people can get to work again. They are going to celebrate Ronald Reagan's birthday by burying the stimulus package.

Well, it must be a great day in the liberal Democratic establishments, Mr. Speaker; but it is a sad day for the workers of the United States of America.

A BALANCED WARTIME BUDGET

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

Ms. HARMAN. Mr. Speaker, we have seen this movie before. Federal budget deficits as far as the eye can see; ''constraints'' on Federal spending as realistic as pie in the sky; heavy borrowing from Social Security and Medicare trust funds to pay for day-to-day spending.

In the early nineties, this behavior by the Federal Government retarded economic growth. The annual Federal deficit was $300 billion a year; post-Cold War defense spending cuts sent unemployment in my congressional district into double digits; long-term interest rates stayed high, putting business borrowing and home mortgages out of reach.

Only after a series of hard-fought battles and the enactment of the Balanced Budget Act of 1997 did budget surpluses begin to emerge and to spur economic growth and millions of jobs.

With the release of Monday's budget, Mr. Speaker, it may be ''deja vu all over again.''

Mr. Speaker, we need a wartime budget which recognizes that defense and homeland security are our top priorities, protects Social Security, and puts everything else, spending and future tax cuts, back on the table.

We need to return to a balanced budget.

Homeland security, Mr. Speaker, must also mean economic security.

PHILIPPINE PEOPLE SUPPORT AMERICA

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

Mr. CUNNINGHAM. Mr. Speaker, I do not believe that the people in Iraq support Saddam Hussein. I do not believe that people in Iran support the religious mullahs that force terrorism all over their country.

But the issue I would like to bring to the floor today is that for generations, for 100 years, the Filipino people have supported the United States; not just in thought, but in blood. I spent a lot of time in the Philippines and I know the people. I have lived there and been with them. Over 90 percent of the Filipinos support the United States presence there and the war against terrorism.

I have heard some negative things about the Filipinos, and I would like to let this House know that they are loyal, they support the United States, they support democracy.

REMEMBERING SUSAN CLYNE

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

Mr. ISRAEL. Mr. Speaker, today I am joined in the gallery by Mr. Charlie Clyne of Lindenhurst, who lost his wife in the World Trade Center on September 11.

Mr. Clyne and I have just met with special master Ken Feinberg to work towards a victim's compensation fund that is fair and just, and I just wanted to share with my colleagues Mr. Clyne's comments and recollections and remembrances about his wife Susan.

She loved her job at Marsh and loved her view from her 96th floor office. She loved computers; and since computer law was not very popular at the time, she chose to stay in insurance where she carved her niche, first as a programmer and then rose through the ranks.

But her greatest love was her children, and she shared that love with her kids. She juggled work, family and studying. Her children were her treasures. She adored them, and they worshipped her. Her office was filled with pictures. She developed a family Web site with pictures, slide shows, and, most recently, streaming video.

As Mr. Clyne wrote in a note to me, ''They were truly her angels. Sue got up every morning at 4:45 and was on the 6 a.m. train to the city. We never saw her that morning. We never even had a chance to say good-bye. In an instant, some radical religious moron decided it was her time.''

Mr. Speaker, I know that this entire House expresses our condolences and best wishes to Mr. Charlie Clyne and all of the families of victims of that horrible day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair must remind Members that during a session of the House, it shall not be in order for a

Member, Delegate, or Resident Commissioner to introduce to or bring to the attention of the House an occupant of the galleries of the House.

STOP THE RAID ON SOCIAL SECURITY AND MEDICARE TRUST FUNDS

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

Mr. DOGGETT. Mr. Speaker, the Administration's new budget is wrapped in the flag. Literally. It has a beautiful red, white and blue cover. But the fine print inside should be written mostly in red ink. Contrary to one pledge after another, from one Administration official after another, this plan rejects a balanced budget in favor of a ''borrow and spend'' approach.

The central principle on which this budget relies is to take payroll taxes right out of the pocket of employees around this country—on their hard-earned wages that they paid in, thinking it was going for Social Security and Medicare—and uses them for something other than Social Security and Medicare.

This raid on Social Security is not only fiscally irresponsible, it not only shifts the cost of what we are doing now to our children and our grandchildren, but it could well produce a direct cut in Social Security and Medicare benefits. It is wrong; it is misguided. This ''borrow and spend'' approach should be rejected.

REDUCE POVERTY ALONG WITH WELFARE ROLLS

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

Mr. DAVIS of Illinois. Mr. Speaker, as we move towards reauthorization of TANF, I am pleased to join with my colleagues this morning in a discussion of welfare reform. We must focus on reducing poverty as well as reducing the welfare rolls.

Although welfare rolls are down nearly 50 percent in 5 years, many former recipients have been pushed into low-wage jobs that keep them in poverty. Families cannot be economically secure without work that pays a living wage.

We need to reduce poverty, not just caseloads, by focusing on employment that will lift families out of poverty and really make work pay. Therefore, one of the best ways to reduce poverty is to raise the minimum wage to a livable wage. Let us make this a part of welfare reform.

WELFARE REAUTHORIZATION

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

Mrs. MEEK of Florida. Mr. Speaker, as Congress takes up the reauthorization of the welfare law this year, we must fashion a truly successful welfare system, one which does not abandon people who need help.

Most families who have worked their way off welfare are far from achieving self-sufficiency and are still living in poverty. We must return to making poverty reduction an explicit goal of welfare reform.

Many ex-welfare recipients have been unable to pay rent, buy food or afford medical care. In 1999, even in the midst of an economic boom, ex-welfare recipients who worked earn an average of nearly $7,200 a year, approximately $6,000 below the poverty line for a family of three. The success or failure of welfare reform cannot be measured solely by whether caseloads decline; lower welfare case leads must reflect the integration of former welfare recipients into our economic system.

If, on the other hand, lower caseloads only reflect a benefit cutoff in which people disappear from the system without help, an adequate safety net, then welfare reform must be viewed as a failure.

I commend my good friend, the gentlewoman from Hawaii (Mrs. MINK), for introducing H.R. 3113.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That it shall be in order at any time on the legislative day of Wednesday, February 6, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The concurrent resolution (H. Con. Res. 312) expressing the sense of the House of Representatives that the scheduled tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should not be suspended or repealed.

(2) The joint resolution (H.J. Res. 82) recognizing the 91st birthday of Ronald Reagan.

(3) The resolution (H. Res. 340) recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this resolution provides that it shall be in order at any time on the legislative day of Wednesday, February 6, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: the concurrent resolution, H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001, passed by a bipartisan majority in Congress, should not be suspended or repealed;

Second, the joint resolution, H.J. Res. 82, recognizing the 91st birthday of our 40th President, Ronald Reagan; and,

Three, the resolution, H. Res. 340, recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life.

Mr. Speaker, following the adoption of this rule, the House will take up H. Con. Res. 312, expressing our collective will that the bipartisan tax relief plan passed by the Congress and signed into law by President Bush should take effect as scheduled.

Recently, several Members of Congress have proposed that key provisions of the Economic Growth and Tax Relief Reconciliation Act should be repealed, delayed, or postponed. H. Con. Res. 312 reiterates our full commitment to all tax relief provisions in this act, including the across-the-board tax cuts, the marriage penalty relief, the elimination of the death tax, doubling of the per-child tax credit and IRA expansion.

Further, H. Con. Res. 312 states that repealing or delaying provisions of President Bush's tax relief plan would in fact constitute a tax increase; that increasing taxes during a recession would hurt the economy and American workers; and that Congress should work with the President to promote long-term economic growth through a fair Tax Code that puts the least possible burden on taxpayers.

□ 1030

Mr. Speaker, last June when the President signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001, it provided millions of American taxpayers with the first meaningful tax relief they had had since 1981.

All Americans who pay Federal income taxes have benefited from the act and will benefit from our vote today, making it clear that we have no intention of weakening or softening in any way our commitment to provide the relief that they were promised, especially not now, when to do so would weaken the economy and further endanger the well-being of millions of lower- and middle-income American workers and their families.

Therefore, Mr. Speaker, I encourage my colleagues to support this rule so

that we may proceed with H. Con. Res. 312, as well as additional measures honoring former President Ronald Reagan and the late Olympian Jack Shea.

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

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

Mr. Speaker, I hope the reporter is not confused with these two Hastings this year. This is a first for the gentleman from Washington (Mr. HASTINGS), my good friend and colleague, and I thank him for yielding the time. Let me assure the gentleman that we will try to make this debate more friendly than the last Battle of Hastings in 1066.

Mr. Speaker, as the gentleman from Washington (Mr. HASTINGS) has already explained, under rule XV of the House rules, bills may be considered on the House floor under suspension of the rules only on Mondays and Tuesdays. Therefore, this resolution is required in order to consider the bills on today's schedule.

The gentleman has done an adequate job of explaining why, in the leadership's opinion, these bills must come to the floor today and in this manner. Mr. Speaker, I respectfully disagree and oppose adoption of this rule.

There is no need to rush to judgment on these bills. There is simply no good reason to handle these bills outside the normal parameters of the way the House should conduct its business. Moreover, when the House does operate this way, it effectively curtails our rights, and I am talking about the Members, and responsibilities as serious legislators. Members should be very wary of allowing this leadership or any leadership to usurp our rights.

There are Members of this body who have serious concerns with at least one of the resolutions we may consider today, and I think that we may hear quite a bit in due time from several distinguished members of the House Committee on Ways and Means regarding their concerns, in addition to other fiscally responsible Members.

Mr. Speaker, it was shocking to me today to read on the front page of today's Washington Post about the deaths of six people in this city yesterday because of the cold weather. It strains credulity that we still have people freezing to death in this great country. So what is Congress going to do to help these people? Well, unfortunately, the answer from the administration is nothing more. Sorry, they say. No money for additional heating is available.

In my home of Broward County in the State of Florida, we are facing millions of dollars of shortfalls to deal with serious human needs, from sheltering the homeless to feeding the hungry to administering medical care, and I spent a lot of time studying that particular problem during the last month in my area. To the infirm persons who are not to receive assistance, to paving roads and, most importantly, in leaving no child behind, we are getting ready to leave some behind in my home county because we do not have the funds to modernize the schools; we have already dropped the summer school program that is proposed, and cuts are everywhere, which means that there are serious problems. The people of south Florida and throughout this country have serious human needs which the President's budget neglects.

As a member of the Permanent Select Committee on Intelligence, I am keenly aware of what our domestic and national security needs are. I do not quibble with the President's request for this funding. What I do take umbrage with is the insistence that the administration does not have enough cash or proposed same for the other serious needs in our country.

At the same time I remain committed to homeland security, I also remain committed to security in folks' homes and in their families. We need to realize that September 11 was not just an attack on the World Trade Center and the Pentagon; rather, it was an attack against America's economy, America's values, and all of the American people.

As we fund the war on terrorism abroad and within our own borders, we cannot and will not forget our casualties here at home. And, Mr. Speaker, I am not just talking about the significant number of Americans, nearly 3,000 or more, who died on September 11 or in the subsequent anthrax attacks. I am also talking about the more than 1.8 million hard-working Americans who are jobless as a result of our recession. Every day we pick up the paper and another company is firing or laying off thousands of workers.

I am glad to see that the President includes a 13-week extension of unemployment benefits for those who lost their job as a result of the attacks on our Nation. This extension is a move that I, for one, along with several of my colleagues, in a bipartisan fashion have been pushing for since I first introduced my plan to extend unemployment and job training benefits, as well as health care benefits, to the unemployed, when I offered an amendment to the Airline Stabilization Act on September 21. My plan currently has more than 150 bipartisan cosponsors, the most of any plan in the House at this time.

But while the budget extends unemployment, it cuts 20 out of 48 job training programs the Federal Government currently offers to those who wish to improve their on the job skills. In addition, the budget does nothing to extend the health care benefits to displaced workers.

The bottom line, Mr. Speaker, is that in less than 1 year, the health care benefits for the 1.3 million already displaced workers and their families is going to expire. Although the recession may be slowing, we nonetheless remain in a recession. Just because unemployment levels may only be increasing by .1 percent every month and not the 1.5 percent as we saw a few months ago, we are in no way re-creating the jobs that we have already lost. It is going to be a long time until the economy will recover enough to the point that we can actually re-create jobs instead of losing them. Until then, we need to protect the unemployed because times are not getting any easier for them.

As I mentioned at the outset, and for the reasons just explained, I oppose adoption of this rule.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), my good friend.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I very much oppose this resolution and H. Con. Res. 312 that would be brought up under it. Mr. Speaker, H. Cons. Res. 312 is nothing but a smoke screen. It is to try to hide the fact that the Social Security and Medicare surplus is going up in smoke, going up in smoke, because of the way this administration and this House have handled the economy and the budget. It is an effort to hide the fact that the lockbox of Social Security and Medicare is not only being unlocked, but it is being thrown into the scrap heap.

On five occasions this House voted on lockboxes for Social Security and Medicare: On May 26, 1999; June 20, 2000; September 18, 2000; September 19, 2000; and February 13, 2000. But what has happened? The lockbox is essentially gone.

President Bush just a year ago said this: ''To make sure the retirement savings of America's seniors are not diverted to any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.''

But look at this chart, what has happened. A surplus of $5.6 trillion will be down this year to less than $1 trillion, and probably less than that; a loss of $5 trillion in 1 year, much of it Social Security and Medicare.

The L.A. Times yesterday in the headlines said, ''Budget Sells Social Security Down Red Ink River,'' critics say. How true. How true that is.

Let me just read the implications of that from the Director of the budget office, and I quote: ''Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We will have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of the government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman,

and these next 10 years will only be the beginning.''

Here we face a resolution trying to hide these facts. The President's budget diverts all of the Medicare surplus, all of the Medicare surplus and $1.5 trillion of the Social Security Trust Fund surplus, and instead of paying down the debt, which is essential to meeting our Social Security needs and Medicare, what we are doing is increasing the debt.

One other chart. Mr. Speaker, one result of this irresponsibility is not only to divert Social Security and Medicare funds, but to increase interest costs over this 10-year period by $1 trillion. What a waste. Baby boomers are going to turn 62 in 2008. This resolution is an effort to hide the fact that this administration has turned their back on the Social Security and Medicare needs of baby boomers. I oppose this resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, today our House has an opportunity, an opportunity to go on the RECORD and speak clearly of whether or not we should continue lowering taxes for American workers. Today we are at war. The war on terrorism, our efforts to strengthen our homeland security, and the current recession have caused a fiscal deficit in our budget. In fact, according to the Congressional Budget Office, they point out that the recession, combined with the war on terrorism and our efforts to protect our homeland security, account for 72 percent of our current deficit.

□ 1045

So almost three-quarters of our deficit has been caused by the economy as well as the war. Some on the other side are saying we need to raise taxes in order to eliminate that deficit. And the way they want to raise taxes is they are calling for the repeal of the Economic Growth and Tax Relief Reconciliation Act, something we commonly know as the Bush tax cut which will give them more money to spend here in Washington.

Well, today we have a choice, a choice of higher taxes or getting this economy growing again. Let us remember that when President Bush became President he inherited a weakening economy. At that time the President proposed taking one-fifth, 20 percent of the budget surplus that resulted from the fiscal responsibilities of this good Congress, and giving it back to the American worker so the American worker can spend it at home for their families and get the economy moving again. And we succeeded with bipartisan support in passing the Bush tax cut, helping our economy.

We lowered rates for small business and entrepreneurs. And we have to remember it is small business and entrepreneurs that are the engines of economic growths. In fact, 80 percent of those who filed taxes under the top two tax brackets are small business people and entrepreneurs who have shops and businesses on Liberty Street, the downtown in my home town of Morris, Illinois, as well as on Main Street all over America. We also passed efforts to wipe out the marriage tax penalty, to wipe out the death tax which helps small business and family farmers, to increase contributions and incentives for retirement savings and to double the child tax credit.

If we repeal the Bush tax cut, that is all gone. It is a tax increase on the American worker. And there is no real-world economist today who says that in a time of war and recession that you should increase taxes. But if you repeal or stall the Bush tax cut, we know it is a tax increase.

Well, the Bush tax cut was working. Economists were telling us that late August around Labor Day that the economy was beginning to grow again. Then the terrible tragedy of September 11 occurred, costing thousands of Americans their lives, terrible tragedy, put us into a war; and unfortunately the psychological blow of that terrorist attack also impacted the confidence of American consumers as well as American investors. And over a million Americans have since lost their jobs since the terrorist attack on the World Trade Center, Pennsylvania, and here in Washington at the Pentagon.

Today we are at work. We are strengthening our homeland security. And unfortunately we are also in an economic recession. Again, no real-world economists says that we should increase taxes during a recession. Tax increases hurt our economy, they hurt the confidence of our investors, and they take money out of the pocketbooks of American workers who can better spend that at home taking care of their families' needs.

We must keep spending under control. True fiscal responsibility is keeping spending under control. Fiscal responsibility is not increasing taxes, as my friends on the other side of the aisle today will be advocating. Repealing the Bush tax cut is a tax increase. Simple.

Today we will have the opportunity for the House to go on the record for every Member of this House, Republican and Democrat, to say they want to increase taxes or we protect the tax cut for the American worker and get this economy moving again. Let us remember, repealing the Bush tax cut is a tax increase. I ask this House to vote aye on this rule, and I urge Members of both parties to vote against a tax increase and vote aye in favor of maintaining the full implementation of the Bush tax cut, helping the American worker and let us get this economy moving again.

Mr. HASTINGS of Florida. Mr. Speaker, could I please be advised as to the amount of time remaining on both sides?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 18 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 22 minutes remaining.

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

My distinguished friend and colleague, the gentleman from Illinois (Mr. WELLER), I would like to advise the gentleman that I know of no Democrat that has signified that he or she is in favor of tax increases. The gentleman's analogy is a false analogy. Repealing these tax cuts would not be a tax increase.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Speaker, according to the Congressional Budget Office, repealing the Bush tax cut will increase tax revenue by about $360 billion. Now, when we increase tax revenue when people are already making plans based upon that tax cut, real-world economists call that a tax increase.

Mr. HASTINGS of Florida. Reclaiming my time, I would like the gentleman to understand that last year's tax cut, if made permanent as proposed in the President's budget, would cost approximately over $2 trillion over the next 10 years when debt service costs are taken into account. That cost is almost exactly the same as the total raids on Social Security and Medicare that will occur over the next 10 years. There is a future and that is what I do not think anybody is saying, and there are human needs and they need to be addressed in a meaningful way. If we had no tax cut, we would be able to address them.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this resolution to suspend reality. The only purpose of this resolution is to allow the House to debate a resolution that really does suspend reality.

It was just a few short months ago that the same people who are here today urging adoption of this proposal were telling us that we could have it all: We could save Social Security; We could preserve Medicare and extend a prescription drug benefit to seniors; We could balance the budget; We could have more spending; We could pay down the debt. Indeed, we could do all of that with huge tax breaks for the richest people in our society. We could do all of that, they told us; and they even had the audacity to come to the House and say we need more tax breaks because if we do not get them, we will be paying down the debt too far and that might jeopardize the economic future of our country.

Well, these same folks today are bringing up what is really a resolution to have a straw man about a tax increase. There is no one on the floor today that has a bill or proposal to raise taxes or even to repeal any of the taxes that were changed last year, many of which were outrageously skewed to those at the top of the economic ladder, rather than reaching those hardworking Americans, who needed tax relief the most.

No, what we have is a resolution that is designed to disguise all of the red ink that is in this budget that has been proposed this week and to distract attention from what is really occurring here—a raid on Social Security and Medicare.

How does all of this work? Well, in order to finance these tax breaks, our colleagues on the Republican side are not only picking the padlock on the Social Security and Medicare lock box that they voted for five times; rather, within months of having approved this phony lock box, they are throwing the whole box away. They are saying to the people of America that when you work hard and you contribute your wages and you get taxed at work and your employer gets taxed to forward those monies up to Washington to protect and preserve Social Security and Medicare, that they are not going to use them for that purpose. They are going to give Social Security and Medicare an IOU, and they will redirect those same dollars and apply them to finance these tax breaks way into the future.

It is not just the tax breaks that have already been proposed. Yesterday we have heard Republicans are already seeking about a trillion dollars more to extend these tax breaks and add to them. As if that was not enough damage to the fiscal strength and sanity of this country, the Secretary of the Treasury, Mr. Paul O'Neill, indicated that his ultimate objective which he had shared with the President, and with which the President indicated he was intrigued, is to eliminate all taxation on corporations and businesses in this country. So we will face, one year after another, more reaching into our pockets to take those payroll taxes and use them to advance the Republican Party's agenda.

The reality that they want to suspend is that under their proposed budget, they are going to take $1.5 trillion of Social Security payroll taxes and use them elsewhere. They will take $500 billion, in excess of $500 billion of Medicare payroll taxes and use them elsewhere. In addition to all that, they propose piling on almost a trillion dollars of additional tax breaks. That makes no fiscal sense. It means shifting more and more of the responsibility for what we are doing today to our children and our grandchildren, and it also means we will not be able to fulfill our Social Security and Medicare obligations. It means direct benefit cuts as a result of this kind of phony resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, it is obvious that the Members in the minority do not have any problem debating this issue. They do not mind talking about postponing or delaying the tax cuts. They do not mind speaking out and blaming the tax cuts for all sorts of evil, but they do not want to vote. They do not want to take a position. That is all we are going to do, just take a vote and let everybody be counted.

Now, last night in a kind of bomb blast against this resolution, there was a Member of the minority that said this country ran a surplus for 200 years and now we are in a deficit and it is no time to reduce taxes. Well, let me remind all of the Members that this country, while it was running a surplus, had a tax rate of half of what it is today. We have actually increased taxes by a greater extent than when we had a surplus. And all those tax increases have only resulted in more spending, that is what they have resulted in. They did not get us to a surplus until we cut spending; and we went into a surplus not by raising taxes but by cutting the rate of spending. And if Members are opposed to, if Members want to delay these tax cuts, if Members want to postpone these tax cuts, then vote no on this resolution. But as far as I am concerned, when Congress makes a commitment to give American people tax relief, they ought to honor that commitment. To put it plainly, the American people should get the tax cuts they were promised. Americans should have the relief they need now.

Passage of President Bush's tax cuts, and the ink is barely dry on them. It has just been a few months. And that was a historic bipartisan effort, a historic bipartisan effort. Only three times since World War II has this Congress passed across-the-board tax cuts. The first time was President Kennedy in the 60's. The second time was President Reagan in the '80's, and now George W. Bush's tax cut that we just passed. And already, already we are saying we are blaming those tax cuts on the disappearance of the surplus. We are blaming them for that. And as the gentleman from Illinois (Mr. WELLER) said, spending accounts for 16 percent of it; 72 percent of it was caused by economic conditions.

We need to stimulate the economy. We need tax cuts to stimulate the economy, to cause growth, to increase tax revenues. We do not need to be increasing taxes.

Now, someone said we are just postponing and delaying the tax cuts. That does not result in a tax increase to anyone. Why, obviously, it does. The American people know that it does. When we postpone marriage penalty relief, people continue to pay a marriage penalty. Their taxes are more because the marriage penalty continues to be paid.

Now, most of us in this body think that the marriage penalty is unfair, that we ought to repeal it. We voted to do just that. Yet, now Members are saying, well, we ought to delay the marriage penalty relief. Across-the-board income tax reduction. People got $300 and they got $600 back, and they said, this is great. The government trusts us to spend our own money. Instead of them spending it, we are getting to spend it.

Now there are some in this body that said we should not do that. We should not continue that. They are saying we can spend this money. We can make better decisions than the American people.

□ 1100

I say put that money in the pockets of hardworking Americans; let them spend that money, whether it is $300 or $600. Actually it is $1,700 when these tax cuts take effect.

How about doubling of the per child tax credit? If we delay that, then people do not get that, and their taxes go back up where they would have gone down. We are talking about hundreds of dollars per American family. I call that a tax increase.

If we want to vote to postpone, if we want to delay these tax cuts, get out here and vote for it. The American people deserve to know how every Member of the House and every Senator feels on this issue. Let us quit obstructing this.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 20 seconds.

Would the gentleman from Alabama (Mr. BACHUS) stay at the stand for he and I to have an exchange?

Am I correct that the surplus in the Social Security, and that we voted five times in the House of Representatives to have a lockbox so that Social Security surplus would not be utilized; can you answer both those questions yes or no?

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

Mr. HASTINGS of Florida. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, we can curtail spending. We do not have to rob Social Security.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for his response.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MATSUI), my good friend.

Mr. MATSUI. Mr. Speaker, I would like to thank the distinguished gentleman from Florida (Mr. HASTINGS) for yielding me the time.

Here we go again. The gentleman from Illinois (Mr. WELLER) and the gentleman who just spoke said that 70 plus percent of the surplus has been eliminated because of the war effort and because of the recession. If you only take it in a snapshot of the last 12 months, that may be true, but over the next 10 years, we have to look at it over the next 10 years because the tax cut phases in over 10 years. What really

happens is because the CBO made bad projections and because of the recession, the surplus is eliminated by 42 percent by the change in economic conditions.

Secondly, the tax cut once 10 years have passed is 41 percent of the loss of the surplus, 41 percent of the loss of the surplus. The defense spending, the defense spending and the war effort, the total over the next 10 years only comes to 9 percent of the loss of the surplus. It is the tax cut, 400 times the cost of the defense bill, that is the reason that we are losing the surplus and running deficits and the reason we are going to dip into the Social Security Trust Fund.

What is ironic is the fact that the Social Security Trust Fund under the President's budget over the next 10 years will be tapped into in the sum of $1.4 trillion. Some might smirk at that. The problem is that what we have is a unique situation. The elevator operator, the waitress in the House dining room that feeds us and makes sure we have our meals, their payroll tax is going to pay for this tax cut that was passed last May.

The tax cut that was passed last May, it comes to $1.7 trillion once we add it all up with the interest lost, $1.7 trillion, and that comes from the Social Security surplus that is now being taken out to pay for the tax cut.

The payroll tax is the most regressive tax in America. So we are asking people that make $20,000 a year, $2,000 they pay into the Social Security Trust Fund every year, and we are going to ask them to pay for tax cuts for people who make $1.1 million because the top 1 percent get 40 percent of this tax cut.

Somebody is going to have to tell me about the equities in this. We are not like the Greeks, we are not like Aristotle so we do not talk about ethics, but there is something immoral about this, something immoral about asking the waitress on her payroll taxes to pay for people that make $1 million a year.

What we have is a little resolution that we would like to add on to the gentleman from Washington's (Mr. HASTINGS) resolution. It would basically say that we want to preserve the Social Security and Medicare Trust Fund. We want to put that in a separate account. My colleagues voted on it five times in the last 24 months. In fact, only one Republican Member in the entire body, the gentleman from New York (Mr. HOUGHTON), voted against it, and he only did that once or twice. So they all support taking the Social Security and Medicare money, putting it aside so that we do not spend it on anything, including tax cuts and other government programs. All we want to do is add that on as an amendment so we can put a little equity in this so we can make sure the American public understand what the priorities are.

I have to the say this: If my colleagues vote for this rule and deny us the opportunity to offer an amendment to create a lockbox that protects Social Security and Medicare, we are jeopardizing the senior citizens of America. We are putting them at risk. We are putting them in a situation where they are putting their payroll taxes into a trust fund thinking it is for their retirement, and instead, it goes to people like Ken Lay of Enron Corporation. That is the most outrageous thing I can imagine on the floor of the House.

Let me just conclude by making one other observation about this, if I may. If this resolution fails, and I really hope it fails, it means nothing. The tax cut still goes into effect. So we are wondering, the American public is saying, well, if it fails, it still goes into effect, why is that? Well, that is because we are playing games. Instead of doing the public's business, instead of trying to make sure the economy is working, instead of making sure that we have a balanced budget, instead we are playing games.

This is absolutely a meaningless day. We are going to spend 3 hours on this, debate it, vote on it, and it is going to be totally meaningless because no matter what we do, that tax cut is still going to occur. So we have to ask ourselves what is really the intention of the authors of this amendment? Why are they doing this? Well, because they want to play politics. They talk about partisanship. That is exactly what they are into.

Vote for a motion upon the previous question. Vote against the rule and vote against this resolution which is a very bad resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on this side of the aisle are not evil. Matter of fact, I spoke to the gentleman from New York's (Mr. RANGEL) staffer just yesterday. He informed me that only about 9 percent of the population that he represents own their own home, and it is difficult to think that people with tax relief in that district could help themselves more than government, but neither my district nor the gentleman from New York's (Mr. RANGEL) district I think represents mid-America, and tax relief does help those individuals with money in their own pockets.

I would say to my colleagues, the issue of the Social Security Trust Fund is not on this floor because in 1993, when the Democrats controlled the White House, the House and the Senate, they claimed that they wanted tax relief for the middle class. What did they do? They could not help themselves. They raised the tax on the middle class. They took every dime out of the Social Security Trust Fund for domestic spending. They increased taxes, and they increased spending, and what we are saying is that we believe that for all America that tax relief, marriage penalty, death tax, more money in education IRAs benefits most of the people in America.

I understand why the gentleman from New York (Mr. RANGEL) wants more government support. He is not evil. It helps his district, but in my district and I think the majority of districts, it does not, and that is what we are fighting for is across the board middle America.

I would say that when we increased taxes on Social Security in 1993, when we take increased gas taxes, that hurts Americans. Look at the truckers that we had demonstrating on the lawn because it increased just in gas tax and the high cost of fuel. That is wrong, and it hurts jobs. Why are people laying off people today, over 700,000 people since September 11, and before that, we had started into a recession? Because they are not making margins.

Remember in Los Angeles when we had the riots, all those businesses that were burned out, how much revenue was coming to the United States Government? Zero. But yet Jack Kemp's type law for an enterprise zone gave low-interest loans. We put money in there. We started those businesses. People started working, and the more people that worked, the more revenue we had in government. That is what we believe in, and then we can help these domestic programs.

This country is at war, both domestically and overseas. Most Americans do not mind reducing the amount of growth. We will set a number, my colleagues will set a higher number. Because we do not reach their higher number, they will say we are cutting when we are actually increasing domestic programs. I understand my colleagues on the other side, but government does not do it better than people themselves.

Mr. HASTINGS of Florida. Mr. Speaker, would the Speaker give an account of the amount of time remaining for both sides?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 7¼ minutes remaining, and the gentleman from Washington (Mr. HASTINGS) has 14 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, my friend from California was exactly right when he said a moment ago that Social Security is not on the floor today, but it should be.

The reason I rise to strongly oppose this rule and strongly oppose the previous question is that I believe that we ought to have an amendment allowed that would preserve the lockbox for Social Security. What our friends on this side of the aisle are saying clearly to the American people today, it is much more important to preserve the tax

cuts in 2004, 2005, 2006, 2007, 2008, 2009, and 2010 than it is to protect Social Security and the ability of our young people and the baby boomers to draw it in 2007.

That is the choice today, and do I mind voting on this? Not at all. To those that continue to say we are talking about raising taxes on this side of the aisle, no one on this side of the aisle has said one word about raising taxes on anybody in the past several days or in the days ahead.

My friends on the other side of the aisle will point out the primary reason we face a deficit this year is because of the war on terrorism and the economic downturn, and they are right, this year, but we are talking about a 10-year proposal. We are talking about setting into concrete a budget resolution that was passed before the war, before September 11, and saying we cannot touch any of that. We are going to borrow all of the Social Security Trust Fund moneys for the next 10 years. That is what my colleagues are saying. When they vote for this rule and for the previous question, they are saying absolutely unequivocally we are going to go back into Social Security, and we are going to justify it.

What I would ask my friends, those who have said, as the gentleman from Alabama (Mr. BACHUS) said a moment ago, we are going to cut spending, bring your budget out, give us a chance to work with you. You will find there will be considerable support on this side of the aisle for cutting spending. Bring it out. You will have a chance to do that.

Last year the Blue Dogs warned it was dangerous to make long-term budgetary commitments based on 10-year surplus projections when 70 percent of the projected surplus was in year 2006 to 2010. We suggested it would be much more responsible to make budget decisions based on 5-year projections. Now I read that the Office of Management and Budget has proposed using 5-year budget projections because they have decided that 10-year projections are not reliable, yet here we are arguing on the 10-year projection. The OMB says, no, we should not do that. If it was a mistake to make budget decisions based on 10-year projections, as the administration is telling us now, then why are we blindly making decisions based on a 10-year budget forecast that turned out to be $5 trillion wrong?

What bothers me about the game plan we are now in is what it means to the future of Social Security and Medicare. We should be saving the Social Security and Medicare surpluses to prepare for the retirement of the baby boom generation and working on reforms to strengthen Social Security and Medicare for our children and grandchildren. That is what we should be debating on this floor today, tomorrow and the days ahead.

I would say to my colleagues that if they are looking forward to voting to increase the limit on our national debt to $6.7 trillion to borrow the money that they are insisting in their economic game plan, that they voted on, that they are insisting on, if they are looking forward to that, then vote for this previous question and rule, because they are going to get a chance to vote to borrow, and the American people are soon to begin to understand that we are talking about borrowing the money to spend.

□ 1115

We are fighting a war, and we are borrowing on our children and grandchildren's future in order to satisfy a theoretic game plan that is already shown to be off by $5 trillion within 12 months. If we look at the massive increases in the national debt and the budget that was submitted this week, and the tremendous unfunded liabilities facing the Social Security system and the Medicare system, and worry about the legacy we are leaving for our grandchildren, then perhaps this resolution does not feel so good.

I hope there is a few of my colleagues on that side that share that commitment because I certainly do. It is time to set aside these pure partisan comments and start working on the real problem, and that is solving the Social Security problem before it is too late.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to bring up one point that people continue to forget. It certainly is not emphasized in the media. And that is that as we estimated what our budget surplus would be over the last few years, we predicted that over 10 years it would be $5.6 trillion. We are still looking at a budget surplus over 10 years. It has dropped because of recession and the war on terrorism and spending that we continue to do to $1.6 trillion, but, in fact, at the end of 10 years, we will have a surplus, according to today's number, of $1.6 trillion.

So let us not imply we are going to have years and years of deficits; that we are going to do as the other party did for 40 years and spend our government into a huger and huger national debt. It is simply not true.

I want to thank the gentleman from Illinois (Mr. WELLER) and the gentleman from Alabama (Mr. BACHUS) for sponsoring this resolution. I rise today on the 91st birthday of Ronald Reagan, our Nation's 40th President, to call upon Congress to make our historic tax bill permanent. Under President Reagan's leadership, we experienced economic expansion and peace and prosperity in the midst of a Cold War. He believed that cutting taxes would increase, not shrink the Federal tax revenues, and he was right. We also know that spending did not decrease during those years because Congress did not keep its commitment.

I believe as far as this permanency resolution is concerned, Mr. Speaker, that workers should not face financial uncertainty just because we fail to make their tax cut permanent. It is very important to tell the American public about the consequences of inaction.

If we do not make the tax bill permanent, working Americans, teachers, small-business people, small-business owners, truck drivers will all see a tremendous tax increase. No matter what anybody says about it, if we do not make this permanent, and this tax situation comes back after 10 years to be exactly the way it was before the President signed the bill last June, that is a tax increase.

Specifically, in 2011, a middle-income couple making $50,000 a year would see their tax burden rise by over $1,200 a year just because of the phaseout of the provision that now relieves married couples from the marriage penalty.

I also want to point out the two central myths that are promoted by our opponents. First of all, tax relief made the recession worse. False. In fact, the tax cut had the opposite effect by putting more money in people's pockets and by creating incentives to encourage companies to invest and create jobs. The economic data indicate that consumer spending kept us from falling into an even deeper recession.

Secondly, the myth that suspending the tax relief is not a tax increase. False. Make no mistake about it, rescinding tax relief would be raising taxes. That very strange item in the Senate that requires that any kind of tax decrease sunset after 10 years has already had some perverse effects. Under current law, people will have to die during 9 particular months, from January 1 to October 1 in 2010, to avoid the death tax. For anybody who passes away in 2011, however, their estate would face the punishing 55 percent rate again that we had in 2001. The resurrection of the death tax ensures that family businesses will continue to pay estate planners and buy expensive insurance policies. It is just as if repeal never existed.

The lack of permanency, the lack of predictability has real consequences. And I would say, Mr. Speaker, I think it is especially symbolic that we offer this resolution today on President Reagan's birthday. We all know what a champion he was for tax relief, and we honor his legacy by supporting this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume to advise my colleague that the Governor of the State of Florida, the President's brother, just scaled back his own tax cut in Florida. And I ask, did Governor Bush just raise the taxes of all Floridians? He is not calling it a tax increase.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means and my good friend.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, let me join with the gentlewoman from Washington in wishing President Reagan a happy birthday and in saying that, as most people should know, that this is a tax policy bill, but because it deals with more politics than policy, it did not go through the Committee on Ways and Means. True, we have a lot of Members here trying to protect our jurisdiction, but it went through the Committee on Rules. That means it is supposed to be noncontroversial. It means that what some of the people are projecting here is not only do we accelerate the tax cuts, which the Committee on Ways and Means has seen with their majority to enact and to pass into law, but they even are talking about making it permanent, which not only costs trillions of dollars, but at a time where we find that 40 or 50 million people will become eligible for Social Security.

I think this is not noncontroversial. I think it is something that should go through the Committee on Ways and Means. And I kind of think that since all of this was enacted at a time when we did not have a recession and we did not have war, that we really are tying up the hands of the Congress to project what is going to happen in the future.

There was a time before the State of the Union message that I thought Osama bin Laden was what was the threat to the United States. The President says there are 10,000 terrorists walking the streets throughout the United States of America. The President says it is not Osama bin Laden, because he never mentioned his name, but we have the three-country axis, where we have Iran, Iraq, even North Korea. But, who knows, Somalia; who knows, Libya; who knows, Cuba.

So we do not know, really, the true extent of where this war may take us. And since we have the responsibility, I think, if we retained it, to declare the war, we should have the responsibility in determining how we pay for it. This is the only time, during a time of war, where we are saying let us accelerate tax cuts and make them permanent; when during a time of war, our great Republic always said, let there be sacrifices, let us protect the poor, let us protect our men and women, giving them what they need, let us protect Medicare, let us protect Social Security, and let us protect our country.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, we are having the traditional debate today, and that is, when spending is a little tight, do we raise taxes, or do we bring spending under control? Our friends on the other side of the aisle are using their traditional argument to raise taxes, and we are saying that we should keep spending under control.

We are in a recession; world war. Clearly, we do have a deficit. We all admit to that. And every time we have been in a recession, we have had a deficit. Every time we have been at war, we have had a deficit. As the Congressional Budget Office has stated, 72 percent of the deficit is a result of the economy and the war against terrorism.

Clearly, if we want to get this economy moving again, we need to bring spending under control and continue to lower taxes for American workers. And not one real-world economist has said that we should increase taxes during a recession. They all say, including Alan Greenspan, that we should lower taxes.

I would note that if our friends are successful in stalling or repealing the Bush tax cut, this is what they will do: They will increase taxes on married couples. Our friends would increase taxes on the death tax for small-business people and family farmers. They would increase taxes on small-business people and entrepreneurs. They would also increase taxes on parents who have children, because they would stop the implementation of doubling the child tax credit.

As Secretary O'Neill has said, ''Any delay or repeal of the Bush tax cut is clearly a tax increase.'' And he also said, and I can quote him from his testimony before the House Committee on Ways and Means, ''Raising taxes would stifle the process of getting Americans back to work. This is a bad idea as our recovery is struggling to take hold.''

My colleagues, over a million Americans are out of work. We do not need a tax increase. We need to get this economy moving again. Vote aye on the previous question, aye on the rule, and aye for the resolution to maintain the tax cut.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of the time.

I ask my colleagues on the other side, what part of $1½ trillion raid on Social Security do you not understand about the next 10 years? What we are going to do is unlock the lockbox and box up the economy of America.

Mr. Speaker, I urge a ''no'' vote on the previous question. If the previous question is defeated, I am going to offer an amendment to the rule to remove from the suspension calendar H. Con. Res. 312, the sense of the House that the tax cuts enacted last year should go forward. I will replace it with legislation that will provide for a Social Security and Medicare lockbox for the sixth time in the House of Representatives.

Mr. Speaker, regardless of how Members feel about last year's tax cuts, it is critical that we first work to protect and preserve Social Security and Medicare. Under the new budget resolution presented by the President this week, there will be, over the next 10 years, a nearly $1.5 trillion raid on the Social Security Trust Fund and over $.5 trillion from the Medicare Trust Fund. It is absolutely critical that we keep promises we have made to our Nation's senior citizens and protect their future. This bill is virtually identical to H.R. 2, which was passed nearly unanimously by the House last year.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question immediately prior to the vote, and urge my colleagues once again to vote ''no'' on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS) on the issue the gentleman just raised about Social Security.

Mr. BACHUS. Mr. Speaker, there they go again. They are talking about Social Security and throwing out all these things, throwing out numbers. The bottom line is this: If my colleagues want a tax increase, then submit a bill, submit legislation, and tell the American people where they stand.

What I have done, what the gentleman from Illinois (Mr. WELLER) has done, we have submitted legislation to let the American people know where we stand, where everyone in this House and the Senate stands. Be honest. Submit legislation and increase taxes. We will have a vote on that.

The best way to ensure that we protect Social Security, which is what we all want, is to stimulate the economy. OMB Director Mitch Daniels testified yesterday before the House Committee on the Budget, and that is what he said. The sooner we return to economic growth, the better we can protect Social Security. That was his message. A few hours later, the Senate killed the stimulus package.

The way to get economic growth is to stick with President Bush's tax relief. Raising taxes or postponing or delaying the President's tax relief is a sure way to destroy this economy, that and obstructing an economic stimulus bill. That is how we will destroy Social Security, by driving up taxes and keeping spending high.

We have made a commitment to the American people to give them tax relief they need. We must keep that commitment. Cutting taxes is the right thing to do. It is the fair thing to do. It is the compassionate thing to do for families who are struggling from paycheck to paycheck.

We need to get this economy going. We need to create jobs. They do not want unemployment checks. They would much rather have a payroll check. Let us give them tax relief, let us resurrect that economic stimulus package. We lost 300,000 jobs last month through inactivity and 800,000 jobs since this House passed an economic stimulus package.

□ 1130

Mr. Speaker, let us give the American people relief. Let us stimulate this economy.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. ____

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

At the appropriate place in the resolution strike ''(1)'' and all that follows through ''repealed.'' and insert in lieu thereof:

''(1) A bill to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds printed in section 2 of this resolution.''

At the end of the resolution insert the following new section:

''SEC. 2. The text of the bill is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security and Medicare Lock-Box Act of 2002''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal pressures will mount as an aging population increases the Government's obligations to provide retirement income and health services;

(2) social security and medicare hospital insurance surpluses should be used to reduce the debt held by the public until legislation is enacted that reforms social security and medicare;

(3) preserving the social security and medicare hospital insurance surpluses would restore confidence in the long-term financial integrity of social security and medicare; and

(4) strengthening the Government's fiscal position through debt reduction would increase national savings, promote economic growth, and reduce its interest payments.

(b) PURPOSE.—It is the purpose of this Act to—

(1) prevent the surpluses of the social security and medicare hospital insurance trust funds from being used for any purpose other than providing retirement and health security; and

(2) use such surpluses to pay down the national debt until such time as medicare and social security reform legislation is enacted.

SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES

''SEC. 316. (a) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET—

''(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or an amendment thereto or conference report thereon, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

''(B) EXCEPTION.—(i) Subparagraph (A) shall not apply to the extent that a violation of such subparagraph would result from an assumption in the resolution, amendment, or conference report, as applicable, of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year.

''(ii) If a concurrent resolution on the budget, or an amendment thereto or conference report thereon, would be in violation of subparagraph (A) because of an assumption of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year, then that resolution shall include a statement identifying any such increase in outlays or decrease in revenue.

''(2) SPENDING AND TAX LEGISLATION.—

''(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(i) the enactment of that bill or resolution, as reported;

''(ii) the adoption and enactment of that amendment; or

''(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the surplus for any fiscal year covered by the most recently agreed to concurrent resolution on the budget to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation.

''(b) ENFORCEMENT.—

''(1) BUDGETARY LEVELS WITH RESPECT TO CONCURRENT RESOLUTIONS ON THE BUDGET.—For purposes of enforcing any point of order under subsection (a)(1), the surplus for any fiscal year shall be—

''(A) the levels set forth in the later of the concurrent resolution on the budget, as reported, or in the conference report on the concurrent resolution on the budget; and

''(B) adjusted to the maximum extent allowable under all procedures that allow budgetary aggregates to be adjusted for legislation that would cause a decrease in the surplus for any fiscal year covered by the concurrent resolution on the budget (other than procedures described in paragraph (2)(A)(ii)).

''(2) CURRENT LEVELS WITH RESPECT TO SPENDING AND TAX LEGISLATION.—

''(A) IN GENERAL.—For purposes of enforcing subsection (a)(2), the current levels of the surplus for any fiscal year shall be—

''(i) calculated using the following assumptions—

''(I) direct spending and revenue levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

''(II) for the budget year, discretionary spending levels at current law levels and, for outyears, discretionary spending levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

''(ii) adjusted for changes in the surplus levels set forth in the most recently agreed to concurrent resolution on the budget pursuant to procedures in such resolution that authorize adjustments in budgetary aggregates for updated economic and technical assumptions in the mid-session report of the Director of the Congressional Budget Office.

Such revisions shall be included in the first current level report on the congressional budget submitted for publication in the Congressional Record after the release of such mid-session report.

''(B) BUDGETARY TREATMENT.—Outlays (or receipts) for any fiscal year resulting from social security or medicare reform legislation in excess of the amount of outlays (or less than the amount of receipts) for that fiscal year set forth in the most recently agreed to concurrent resolution on the budget or the section 302(a) allocation for such legislation, as applicable, shall not be taken into account for purposes of enforcing any point of order under subsection (a)(2)

''(3) DISCLOSURE OF HI SURPLUS.—For purposes of enforcing any point of order under subsection (a), the surplus of the Federal Hospital Insurance Trust Fund for a fiscal year shall be the levels set forth in the later of the report accompanying the concurrent resolution on the budget (or, in the absence of such a report, placed in the Congressional Record prior to the consideration of such resolution) or in the joint explanatory statement of managers accompanying such resolution.

''(c) ADDITIONAL CONTENT OF REPORTS ACCOMPANYING BUDGET RESOLUTIONS AND OF JOINT EXPLANATORY STATEMENTS.—The report accompanying any concurrent resolution on the budget and the joint explanatory statement accompanying the conference report on each such resolution shall include the levels of the surplus in the budget for each fiscal year set forth in such resolution and of the surplus or deficit in the Federal Hospital Insurance Trust Fund, calculated using the assumptions set forth in subsection (b)(2)(A).

''(d) DEFINITIONS.—As used in this section:

''(1) The term 'medicare reform legislation' means a bill or a joint resolution to save Medicare that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes medicare reform legislation.'.

''2) The term 'social security reform legislation' means a bill or a joint resolution to save social security that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes social security reform legislation.'.

''(e) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

''(f) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.''.

(b) CONFORMING AMENDMENT.—The item relating to section 316 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control act of 1974 is amended to read as follows:

''Sec. 316. Lock-box for social security and hospital insurance surpluses.''.

SEC. 4. PRESIDENTS' BUDGET.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include a detailed proposal for social security reform legislation or medicare reform legislation.

(b) EFFECTIVE DATE.—Subsection (a) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 316(d) of the Congressional Budget Act of 1974.

Mr. HASTINGS of Washington. Mr. Speaker, I encourage Members to vote

''yes'' on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and then on the motion to suspend the rules on S. 1888 postponed from yesterday.

The vote was taken by electronic device, and there were—yeas 212, nays 204, not voting 19, as follows:

[Roll No. 8]

YEAS—212

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—19

Blagojevich
Bono
Cooksey
Cubin
Frelinghuysen
Hastert
Hoyer
Luther
McDermott
Oxley
Riley
Roukema
Ryan (WI)
Shaw
Slaughter
Stupak
Traficant
Wynn
Young (AK)

□ 1157

Ms. SANCHEZ, Mrs. MEEK of Florida, Ms. BROWN of Florida, and Messrs. MEEHAN, McINTYRE, REYES, OWENS, GORDON and LIPINSKI changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that the House RECORD reflect that I was unavoidably delayed on rollcall No. 8. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTION OF ERROR IN THE CODIFICATION OF TITLE 36

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1888.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1888, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 22, as follows:

[Roll No. 9]

YEAS—413

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

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

NOT VOTING—22

Blagojevich
Bono
Cooksey
Cubin
Frelinghuysen
Hastert
Hoyer
Lampson
Luther
McDermott
Oxley
Riley
Roukema
Ryan (WI)
Shaw
Sherman
Slaughter
Traficant
Velazquez
Wamp
Wynn
Young (AK)

□ 1208

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on certain motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6, rule XX.

Record votes may be taken in two groups, the first occurring after debate has concluded on House Concurrent Resolution 312, and the second following the remainder of legislative business today.

EXPRESSING SENSE OF HOUSE THAT SCHEDULED TAX RELIEF SHOULD NOT BE SUSPENDED OR REPEALED

Mr. WELLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 312) expressing the sense of the House of Representatives that the scheduled tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should not be suspended or repealed.

The Clerk read as follows:

H. CON. RES. 312

Whereas on June 7, 2001, President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides millions of taxpayers with the largest tax relief since 1981;

Whereas all Americans who pay Federal income taxes will benefit from the Act, which includes across-the-board income tax reductions, reduction of the marriage penalty, elimination of the death tax, tax rebate checks, doubling of the per-child tax credit, increasing tax-free contributions to Individual Retirement Accounts and a broad range of other beneficial provisions;

Whereas the Act was passed by a bipartisan majority in Congress of 211 House Republicans, 28 House Democrats, 1 House Independent, 46 Senate Republicans and 12 Senate Democrats, making the Act an important bipartisan achievement; and

Whereas several Members of Congress have recently called for repealing or delaying tax relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that—

(1) the scheduled tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001, passed by a bipartisan majority in Congress, should not be suspended or repealed;

(2) suspending, repealing or delaying provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 is a tax increase;

(3) increasing taxes in the midst of a recession would not be helpful to the Nation's economy or American workers; and

(4) instead of increasing taxes, Congress should be working with the President to promote long-term economic growth through a fair tax code that puts the least possible burden on taxpayers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. WELLER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

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

Mr. Speaker, today our House of Representatives has the opportunity to speak very clearly on whether or not we should continue to lower taxes for American workers or to raise taxes on American workers.

The war on terrorism, homeland security, and economic recession has caused a fiscal deficit in our budget. Some are now calling for repeal of the Economic Growth and Tax Relief Reconciliation Act, something commonly know as the Bush tax cut, and they argue that higher taxes will give Washington more money to spend here in Washington. So today before us we have a choice: higher taxes or getting the economy moving again.

Let us remember at the beginning of last year: when President Bush became President, he inherited a weakening economy. The President proposed taking 20 percent of the budget surplus resulting from our Congress' fiscal responsibility and giving it back to the American worker so they could spend it at home for their own families.

We passed the President's tax cut in June, it was signed into law, and the President succeeded in lowering rates for small business and entrepreneurs, the engines of economic growth. We wiped out the marriage tax penalty, we wiped out the death tax, we increased opportunities for retirement savings, and we doubled the child tax credit. And our tax cut was working. Economists were telling us in late August and by Labor Day that the economy was beginning to recover.

Then the tragedy of September 11 occurred, a terrorist attack that cost thousands of Americans their lives and caused a psychological blow to the confidence of business investors as well as consumers. Today we have seen as a result of that terrorist attack on our economy that over 1 million Americans have lost their jobs.

Mr. Speaker, today we are at war against terrorism, we are building our homeland security, and we are in an economic recession. We must get this economy moving again. We must create jobs for those who lack work.

Today, no real-world economists have called for a tax increase in time

of recession. They point out that tax increases hurt our economy and that tax increases take money out of the pockets of America's workers and consumers, making it harder for them to meet the needs of their families. We must keep spending under control, and true fiscal responsibility is keeping spending under control. Fiscal responsibility is not increasing taxes.

This House has the opportunity to go on the record for higher taxes, or to maintain the Bush plan to lower taxes, which will be implemented over the rest of this decade. Repealing the Bush tax cut is a tax increase. Vote ''aye'' to not impose higher taxes and to keep the Bush tax cut in place.

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

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

Mr. Speaker, I am going to be trying to find out where this resolution came from. I will be asking the gentleman from Illinois (Mr. WELLER), I will be asking the chairman of the Committee on Ways and Means. I sit on this committee. I am proud to be a member of this committee.

Mr. Speaker, this concerns tax policy. This bill should not be coming out of the Committee on Rules, and it should have had a hearing and we should have had input in it. That has not happened, and in these 40 minutes I am going to try to find out how this political resolution reached the floor.

Mr. Speaker, I am pleased and honored to yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote ''no'' on this resolution. I am disappointed that the majority prevented us from offering a bill that would protect Social Security from further raids on the trust fund.

This is not a vote about taxes; it is a vote about protecting Social Security. It is about honoring our commitments to the American people who have paid their hard-earned dollars into the Social Security trust fund. It is about ensuring security and retirement for every citizen.

The resolution before us has no binding effect. It is an effort to divert attention from Republican mismanagement of the budget. Less than one year after passage of the Republican tax bill, an economic plan, more than $4 trillion of the surplus has miraculously vanished, wiped out, gone, finished; and the Social Security trust fund will be attacked every year for the next 10 years.

One might say, what is happening, what is going on? Both parties repeatedly voted to safeguard the trust funds.

□ 1215

We voted for lockboxes. We said that they would be inviolate, that they could not be picked. For years we have been promising the American people, the baby boomers, that the trust funds would only be used to strengthen Social Security and pay down the national debt. In fact, the Republican leadership insisted many times on bringing lockbox bills to the floor. Now we know that they were not serious about those bills. They were ploys. They were ruses. And the votes that were taken were not serious, and they were not honest.

We have had an historic reversal. Instead of talking about surpluses for as far as the eye can see, now we are again talking about deficits for as far as the eye can see. Instead of shoring up Social Security and Medicare, we are facing a situation where the trust fund will be tapped for other functions of government. Instead of preparing for the baby boomers and their retirement, instead of adding a prescription drug program to Medicare, we are faced with a debate about saving Social Security without resources and how to dig ourselves out of the deficit ditch. The Republican slogan seems to be: Save Social Security last, not first.

This resolution has a simple purpose. It is to hide the fact that Republicans are breaking their promises, going back on their commitments. This is an effort to change the subject. The American people should not and will not be fooled by this transparent ploy, and they should be reminded that the problem is that we are operating under a Republican economic policy and Republican budget priorities.

We need to invest in people. We need to pass tax cuts that promote long-term economic growth and opportunity, and we need to keep our commitments to the baby boomers who paid their money responsibly into the Social Security Trust Fund. That is our challenge, and that is what the American people want us to do. That is what we need to do this year, and we should do it together, not in a partisan manner.

Mr. Speaker, let us get about doing what we need to make the budget whole and to invest in the priorities that the American people want us to be investing in. This resolution is nonsense. Let us get about saving Social Security first.

Mr. WELLER. Mr. Speaker, before I yield some time here, I yield myself such time as I may consume to remind my good friends on the other side of the aisle that we are at war against terrorism, that we are in an economic recession, and that a ''no'' vote on this resolution is a vote for a tax increase during an economic recession.

Mr. Speaker, it is a pleasure to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a leader in the effort to help working families in her home State of New Mexico.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the gentleman from Illinois. I have revised a little bit of what I will say based on what we have just heard from the minority leader, because I think it shows a very clear contrast in what we are about in this House.

He talks about honesty and keeping promises. I take those things very seriously, and I take my own integrity very seriously. There has been an historic reversal, as the minority leader says. That historic reversal is that we are in a recession and that America has been attacked, and we are at war.

I believe there are two things this country must do now. We have to win the war on terrorism, and we have to create jobs. I think we are united, we are together on the first, and we are resolved we are going to win this war on terrorism, and we will spend what it takes to win it. But the worst thing we could do in a recession is to raise taxes. All of those little small businesses out there who are worrying about whether they are going to have to lay off more people because they cannot make the rent payment on their shop this month need the reassurance that we are with them, that we understand, that we are not going to raise their taxes.

Most of this tax relief that is going to be phasing in is for middle-income Americans and particularly for families. We eliminate the marriage penalty and, as a result, 43 million Americans are not going to be paying more just because they are married. It is about time that we started honoring marriage in this country and stop taxing it.

When the President of the United States came to New Mexico in August, he went with me to Griegos Elementary School in the north valley of Albuquerque, New Mexico, and as we were going down this little lane to get there, there was a sheet hung on a fence and in handwritten letters it said, Mr. President, thank you for my new bed. It cost $300.

Maybe $1,700 in the pocket of an American family is not a whole lot in Washington terms, but it is in New Mexico terms. It is a lot for a New Mexico family. I think we should let them keep their own money and give small businesses the confidence to be able to hire workers this next year and create jobs and not abandon them in their time of need.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM), a voice that is respected on both sides of the aisle.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, this is an amazing debate. In listening to the gentlewoman from New Mexico talking about the recession, surely she does not mean that the economic game plan that was voted in last year is going to last us in a recession until 2004 or 2005. That is when the next part of the tax cuts that everybody is talking about is going to kick in. I believe we are going to be out of the recession before then, but obviously, the gentlewoman believes that we are not.

What we are talking about today is, are we going to borrow $1.6 trillion of Social Security Trust Funds in order to finance an economic game plan that this side still thinks is a good one. I do not understand the logic there.

I do not care how many times the gentleman from Illinois (Mr. WELLER) stands on the floor and says we are raising taxes; no one on this side is raising taxes. In fact, I voted for more of a tax cut last year for the economy than the gentleman did. I did.

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

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I seem to recall a few years ago, my friends on the other side of the aisle, when we talked.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman's time has expired.

Mr. STENHOLM. Mr. Speaker, would the gentleman from Illinois (Mr. WELLER) yield 30 seconds additional to me so that we can continue?

Mr. WELLER. Mr. Speaker, we have additional speakers.

Mr. STENHOLM. Mr. Speaker, I yielded to the gentleman. Will the gentleman give me 30 seconds so that we can continue whatever point the gentleman was wanting to make?

Mr. WELLER. Mr. Speaker, I will yield myself some time.

Mr. RANGEL. I cannot believe this, Mr. Speaker.

Mr. WELLER. Mr. Speaker, I will yield myself some time.

Mr. RANGEL. To yield to the gentleman from Texas. The gentleman from Illinois (Mr. WELLER) asked the gentleman to yield for a question.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM) to use himself, since he was courteous enough to yield to the gentleman from Illinois (Mr. WELLER), but I will give him 30 seconds to see whether or not the gentleman would like to respond, to get a response to his question.

The SPEAKER pro tempore. The gentleman from Texas (Mr. STENHOLM) is recognized for an additional 30 seconds.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I will make my question quick.

A few years ago my friends on the other side of the aisle said when we wanted to slow the rate of growth and increase some funding for Medicare, that was called a cut. So the same definition would apply. If the gentleman wants to repeal the Bush tax cut, that is a tax increase.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, no one is talking about repealing anything that has gone into effect. No one. The gentleman keeps saying this is a tax increase.

Mr. WELLER. Mr. Speaker, the Bush tax cut is already law, so it is already in effect.

Mr. STENHOLM. Mr. Speaker, it does not take effect until 2004. The logic that the gentleman from Illinois is following today, that means that he voted for the largest single tax increase in history in 2010 when the bill the gentleman voted for last year expires. The gentleman voted for the biggest tax raise in history. That is what he did by his own logic. I do not understand that logic.

Mr. WELLER. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), a real leader in helping bring jobs back to the great State of Alabama, as some of the American workers have been laid off by the terrorist attacks of September 11.

Mr. BACHUS. Mr. Speaker, we made a commitment to the American people to give them tax relief. Let us honor that commitment. The American people should get the tax cuts that they have been promised. We should not postpone them, we should not delay them. We are all going to have an opportunity in a few minutes to affirm those tax cuts. The gentleman from Texas says no one in this body has proposed delaying them, no one has proposed postponing them. We will get an opportunity to vote, yes or no. I say the American people should get the tax relief they need.

Now, the gentleman from New York who is rising said, tax matters are before the Committee on Ways and Means. They ought to have jurisdiction in that. They ought to have an interest in that. They ought to decide that.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

Mr. BACHUS. Mr. Speaker, I say that the Congress ought to decide.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Alabama yield for a parliamentary inquiry?

Mr. BACHUS. No, Mr. Speaker.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. RANGEL. Mr. Speaker, I cannot read the chart that is there.

Mr. BACHUS. Now, Mr. Speaker, the passage of President Bush's tax cut.

The SPEAKER pro tempore. The gentleman from Alabama has the time.

Mr. BACHUS. Mr. Speaker, the passage of President Bush's tax cut was an historic bipartisan achievement.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. WELLER. Regular order, Mr. Speaker.

Mr. RANGEL. Mr. Speaker, do I have to get permission from the gentleman in the well to make a parliamentary inquiry of the Speaker, of the Chair?

The SPEAKER pro tempore. While that gentleman is under recognition, yes.

Mr. RANGEL. I thank the Speaker. I apologize.

The SPEAKER pro tempore. The gentleman from Alabama is recognized.

Mr. BACHUS. Mr. Speaker, I hope my time will be extended.

The SPEAKER pro tempore. The gentleman's time will not be curtailed by the interruption.

Mr. BACHUS. Mr. Speaker, President Bush's historic tax cut was a bipartisan achievement. Only three times since World War II have we had an across-the-board tax cut. The first one was in 1960 under President Kennedy, then under President Reagan in 1980, and finally, last fall, under President Bush. Yes, people are talking about delaying that. People are talking about postponing that. This is a joint resolution. Hopefully, the Members will support those tax cuts we gave, and among them are marriage penalty relief, the elimination of the death tax, and across-the-board income tax cuts. We left no one out. We doubled the per-child tax credit.

Hopefully, we will all stand up and be recorded, because the American people deserve to know where each and every Member of this House and this Senate stands. They deserve a recorded vote.

I say this: This resolution is plain and simple. It affirms our support for the tax cut. It says that it should not be repealed or delayed. If my colleagues want to repeal them, if they want to delay them, if they want to raise taxes, vote against the resolution.

The second thing, we have to revitalize our economy. Now, there has been a lot of talk about Social Security. Well, let me state this: The best way to ensure and to protect Social Security, which we all want, is to stimulate our economy. OMB Director Mitch Daniels said to the Committee on the Budget, the best way to protect the baby boomer generation and Social Security retirement is economic growth. We have to get the economy going. Couple that with Social Security system reforms. If we are serious about Social Security, let us reform Social Security. Let us get the economy growing.

We have had lost 800,000 jobs in the last 4 months because we had not passed an economic stimulus plan. Now, some in Congress have tried to maneuver and scheme for political advantage by blaming the President's tax relief plan for the deficit and recession. I am glad that the gentleman from Texas finally acknowledged that the tax cuts had nothing to do with deficits. Those that say they do are not telling the truth. These tax supporters try to sell the myth that we must increase taxes just 6 months after we started giving Americans rebate checks. The ink on this new tax relief bill is hardly dry, and now people are talking about repealing it.

Mr. RANGEL. Mr. Speaker, would the gentleman yield?

Mr. BACHUS. They would like to delay or postpone it.

Mr. RANGEL. Mr. Speaker, would the gentleman yield?

Mr. BACHUS. I will yield on the gentleman's time.

Mr. RANGEL. Mr. Speaker, I was just wondering if the gentleman has charts to pass out, because while those charts are good for television, we cannot read them.

Mr. BACHUS. Well, this is from CBO, and what it says is that 87 percent of the deficit is because of the economic conditions are spending, spending, only 13 percent as a result of tax relief.

Mr. RANGEL. Mr. Speaker, does it say where that information came from?

Mr. BACHUS. From CBO, Congressional Budget Office.

Mr. RANGEL. I see. Does the gentleman have the date on that?

Mr. BACHUS. Yes. I will be glad to supply the gentleman with all of that information.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELLER. Mr. Speaker, I yield an additional 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman. As I said, we have got to revitalize this economy. Tax cuts stimulate the economy, get the economy moving. They create jobs. President Bush said it best when he said, the bottom line is jobs, creating good jobs.

□ 1230

Baby boomers, to protect their retirement, they need to be working; they need to be paying into their retirement accounts, not drawing unemployment checks. We have got a delay over in the Senate of the economic stimulus package that is being obstructed. Now it has actually been killed. We lost 300,000 jobs this last month while the Senate failed to act. Now these same people who killed the economic stimulus package want to kill the tax cut.

We know in Washington that if you want to kill something, you simply postpone it or delay it. That is Washington-talk for kill it.

We all know that if these taxes do not go into effect that taxpayers, American people will be paying more out of their pay check.

I will close simply by saying this. There will be a vote in a few minutes on whether we preserve the tax cuts, whether that money stays in the pocket of hardworking Americans or whether we bring it up here and spend it. We will all have a say. We will all take a position.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would admonish Members that they should refrain from improper references to the Senate such as characterizing their actions.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), a distinguished member of the Committee of Ways and Means.

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, I came here and asked the people in Tennessee to send me here in 1988 because I knew from my business and personal life that this country, not my business, not me personally and my wife could continue to borrow money every year, which is what we were doing then and pile up more and more debt without jeopardizing the future of this country.

Now, here we are in 2002. Everybody knows from the budget presented yesterday that the country has physically deteriorated in a breathtaking way in the last year. We do not have the money that we thought we were going to have, that we were told we were going to have last year. And now we are in a position as the budget was presented by the Secretary of the Treasury to committee yesterday to be in the next 10 years never in a surplus position from an on-budget surplus number. That is to say, we are going to borrow money every year for the next 10 years. It is going to cost another trillion dollars.

Let me state why deficits matter. Deficits matter because it is money you owe. And when you owe money, you have got to pay interest on it. Right now 13 cents out of every dollar that comes here goes to pay interest. They say we are paying for war. We are not paying for anything. We are borrowing for the war. That is wrong. We ask the young men and women in this country in uniform to go overseas and fight for us. We say no price is too high for you. We will protect you, give you everything you need; but we will not pay for it. We will borrow it from our kids. They are the ones making the sacrifice. This is a generational mugging, that is what is going on. It is like a heavyweight fight except that the kids are getting mugged and are paying for this because we are borrowing the money to pay for war. We are borrowing the money to pay for tax cuts. We are not paying for anything, nothing for the next 10 years, and that is absolutely wrong.

Mr. WELLER. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) has 8½ minutes remaining. The gentleman from New York (Mr. RANGEL) has 14 minutes remaining.

Mr. WELLER. Mr. Speaker, I would once again remind my colleagues on the other sides that today's vote is whether or not we maintain the Bush tax cut or increase taxes.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON), an advocate of helping working families go back to work by getting this economy moving again.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding me time.

Mr. Speaker, it is interesting to watch the liberal psyche in this town. When they do not like something, they do not come out and say, I like bigger taxes. I like bigger government. Instead they nitpick things. It is like getting a great novel like ''War and Peace'' and saying I just did not like the novel because there is a grammatical error on page 352. I just could not accept it. It is like not liking the Superbowl because New England called the wrong play in the third quarter. I just could not possibly support them. It is that kind of mad-at-the-world, sour puss, liberal approach to issues; and it is always the nitpicking. Just come out and say, I am a liberal. As a liberal I like to spend money. I like the government to grow. And I want control of people from cradle to grave because that creates government dependency. And when the government controls you and you are dependent on the government, you have to keep coming back to Washington year after year and you have to beg for a new program or new relief or new regulations or a change that creates constituency groups, and that keeps me, a liberal, in power.

Now, conservatives on the other hand say, I want less government. I do not want people who have to come groveling to Washington year after year for relief, for regulatory relief for more freedom. Less government creates more freedom. When you have money in your pocket you have more choices. The working man can go out there and buy more hamburgers, take his family out to eat on a Friday night. He can buy more clothes, a set of tires for the car. He can go on a few more vacations. He can send his kids to college. Creating freedom for the working family.

What happens when the American people have more money in their pockets and they are buying more hamburgers and more clothes and more CDs? Businesses have to expand. Small businesses react by saying I have to increase my inventory.

When they do that, jobs are created. Small businesses say, I have to hire new employees to help me handle this new demand, and there are more opportunities and there is more upward mobility in society. It is an economic truth. More people are working, more revenues come in and then we have more revenues to address this deficit. That is why conservatives want to have permanent tax relief for the American people.

It is interesting. Al Gore wanted higher taxes. The American people said no. Dukakis wanted higher taxes. The American people said no. Bill Clinton said, I will give you a middle-class tax cut. He wins. Maybe there is a lesson there.

The ruling elite hates it when the working people get it right. They cannot stand it. Well, the working folks want this tax relief. They want it permanently. And I proudly support the effort of the gentleman from Illinois (Mr. WELLER).

I hope that my colleagues will show some independence and do the same thing for the working people of America.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a leader in our party and a spokesperson.

Ms. DELAURO. Mr. Speaker, when it comes to the state of the budget, so much has changed in the last several months. Our economy is struggling, unemployment is up, and we are fighting a war against terrorism. But with the President's budget released this weekend, now with this resolution it is clear one thing has not changed, and I am sorry that my colleague, the gentleman from Georgia (Mr. KINGSTON), left the floor, because what this resolution is about, what this budget is about is that, in fact, the other side of the aisle, that the Republican majority in this House will stop at nothing to raid Social Security and raid Medicare.

Despite their protestations over the last couple of years, they fundamentally do not believe in Social Security and Medicare. They take every opportunity to dismantle the current system which plays such a role in the lives of working families today.

Social Security has been a lifeline and Medicare is a lifeline to health care for seniors and for people who have worked all their lives, who, in fact, will need that retirement security. The Republican majority would deny that retirement security. They would move to privatizing Social Security. They would talk about investing in the stock market. And, my God, look at what has happened in recent times with the stock market and with Enron and with a variety of other companies. But that is the direction this majority would like to go.

Mr. WELLER. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) has 5½ minutes. The gentleman from New York (Mr. RANGEL) has 12½ minutes.

Mr. WELLER. Mr. Speaker, it looks like they have a few more speakers than we do. I will reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a distinguished member of the Committee on Ways and Means.

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

Mr. Speaker, it is hard to believe that today as the Senate moves to vote to help workers left unemployed by September 11, this House chooses to vote to reaffirm last year's massive and imprudent tax cut bill. Knowing what we know today, how can we vote for tax cuts that are tilted towards big business and the well-to-do?

Last year we were told in 2001 that we would have a surplus of $300 billion into the year 2002. Now what do we know? That there is a deficit of $100 billion in the President's budget.

Last year we were told that Social Security would be protected. We all voted for the so-called lock box. What do we know today? The President's budget raids Social Security over 10 years of $1.5 trillion. Last year we were promised that we would pay down the national debt of $3.5 trillion. What do we know today? The Bush budget increases the debt.

Last year we were told prescription drug benefits would be available for all seniors. What do we know today? Only some seniors will get it. Last year we were promised we would support public education. Today what do we know? The Bush budget eliminates all funding for class-size reduction. It eliminates all funding for school construction. It cuts drug prevention programs. It cuts money for drop-out prevention programs.

Education came first?

Today we also know that September 11 left us with the need to fund homeland security and to address our terrorism needs. By the way, the President said it is costing us about $1 billion a month, $12 billion a year to fight terrorism. Extended out for 10 years, that is $120 billion. Why are you taking $1.5 trillion from Social Security? Stop showing those charts.

We also know today that we have lay-offs and unemployment as a result of September 11. American workers in need. We know today the corruption and greed of big business commands the attention of the American public because of companies like Enron inflicting real and heavy hits on our American workers and their pensions.

We also know that the Enrons of the world and the executives like Kenneth Lay who used to run Enron are the ones that would benefit from these tax cuts more than any of Enron's workers.

You cannot claim innocence. You cannot claim ignorance. You know what you are doing if you vote for this. Vote against it. Help the Senate in doing the heavy lifting in helping American workers, not this.

Mr. WELLER. Mr. Speaker, I continue to reserve my time.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), a veteran legislator.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, as we honor President Regan's birthday today, it is fitting that we remember one of his most famous lines, ''There you go again.'' Well, tragically, there you go again and here we go again.

In the early 1980's President Reagan forced through a massive tax cut and military spending hikes that resulted in budget deficits over the next 12 years. The American tax payers paid trillions of dollars in additional interest costs. Long-term interest rates remained high. The penalty was on workers, on their families, on their children and on the poor of this Nation. Sounds familiar? There he goes again. President Bush's budget priorities.

In spite of everything we have learned, as the previous speaker said, the world has changed since September 11. Everything has changed, the President said. Everything but this tax cut that was considered in an entirely different time.

What do we see? We see Governors all over the country postponing tax cuts because the reality of their State budgets is they cannot continue to provide tax cuts and provide the services that their States need, whether it is education or highways or infrastructure repairs.

What do we see now? Republican Governors postponing tax cuts. I do not think they think they are raising taxes. They think they are doing prudent economics on behalf of the citizens of their State. We should reject this proposal.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank our ranking member for yielding me time.

Mr. Speaker, I must rise in opposition to this senseless sense of the Congress resolution.

I support tax cuts, and I even voted for last year's tax package because I believe hardworking Americans deserve tax relief. But in the year since we passed the tax cut, America's economic conditions have drastically worsened. We now face a future of budget deficits that threaten Social Security and Medicare. That is why yesterday I submitted an amendment to the Committee on Rules that would have added a trigger mechanism to the tax cut.

My amendment would have ensured that the tax cuts passed last year continue as planned as long as future cuts are not paid for with Social Security and Medicare money. Unfortunately, the rule does not allow me to offer this amendment.

It is simply irresponsible for Congress to jeopardize Social Security and its promise of a secure future. That is why I urge my colleagues on both sides of the aisle to vote no on this senseless resolution and let us get back to work.

□ 1245

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

The question we are debating today could not be simpler. In a time of a $6 trillion national debt and a growing deficit, a recession and a war, do we provide hundreds of billions of dollars in tax breaks to the wealthiest 1 percent of the population, people with a minimum income of $375,000 a year, and in the process raid the Social Security Trust Fund and endanger that system? Further, do we cut back on Medicare and other important needs in order to

make the richest people in this country even richer?

Mr. Speaker, the answer is pretty obvious. According to an L.A. Times poll published yesterday, 81 percent of the American people think that the President's tax breaks should not go through if it means taking money out of Social Security; 81 percent of the American people believe that. I believe that, and I hope the United States Congress has the guts to stand up to the wealthy campaign contributors and believe it also.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. RANGEL) has 7 minutes remaining. The gentleman from Illinois (Mr. WELLER) has 5½ minutes remaining.

Mr. WELLER. Mr. Speaker, I understand I have the right to close.

The SPEAKER pro tempore. The gentleman is correct.

Mr. WELLER. Mr. Speaker, I have one additional speaker.

I yield 2½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a leader in the fight to get the economy moving again.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for the time.

I rise in strong support of H. Con. Res. 312 in support of the Economic Growth and Tax Relief Reconciliation Act we passed last year.

It seems to me one of the most important questions that we can be asking ourselves and should be asking is what do we do to get this economy moving again. Unfortunately several of my colleagues, and we have heard them just recently, have suggested exactly what we should not do. They are openly advocating that we raise taxes during a recession.

Some like to spin this proposal as not a tax hike really, but rather a repeal of future tax cuts. I am afraid that is a distinction without a difference. The fact is, current law establishes a specific declining series of tax rates that are known to all and on which people are planning and making their investment decisions. To replace that existing law with a new series of higher tax rates is simply a tax increase. There is no doubt about it.

The fact is this is a reckless plan, and it will endanger our economy, and that is just Economics 101. I mean, economists of all political parties, all stripes, people everywhere understand when we raise taxes, we slow the economy down, and when we slow an economy down, it results in job losses. Federal taxes right now are still a near postwar record high level, and we are in the midst of a recession that has cost hundreds of thousands of jobs.

If we were to adopt the irresponsible idea of repealing or delaying part of this tax plan that we adopted last year, it can only result in a slower economy and more job losses.

Instead of proposing that we raise taxes, frankly I think we should be following the example of a certain very prominent Kennedy. In 1962, with a Federal tax burden lower than it is today, President John F. Kennedy observed, and I will quote, ''The largest single barrier to full employment and a higher rate of economic growth is the unrealistically heavy drag of Federal income taxes.'' He said that when the tax burden was lower than it is today.

President Kennedy then went on to lower Federal taxes dramatically and sparked 7 years of robust economic growth and job creation. Despite the lower rates, the government took in more revenue than before the tax cut, and the budget deficits were significantly reduced.

The fact is every time that the Federal Government has significantly cut taxes in the last century, the Mellon tax cuts of the 1920s, the Kennedy cuts of the 1960s, the Reagan tax cuts of the 1980s, the fact is the economy responded, jobs were created and tax revenue grew. And we just heard an allegation that the Reagan tax cuts of the 1980s caused deficits. When will we acknowledge the truth? The fact is after Ronald Reagan lowered taxes in the 1980s, Federal tax revenue nearly doubled. The problem was that spending tripled. Sure, we had deficits, but it was not because of the tax relief.

I urge my colleagues to support this resolution, support the American economy, support the people who are looking to get back to work.

Mr. RANGEL. Mr. Speaker, is it our understanding that the majority intend to reserve the balance of their time to close?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) has 3 minutes remaining and one additional speaker, and the gentleman from New York (Mr. RANGEL) has 7 minutes remaining. That is correct.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

I rise in strong opposition to this measure. This resolution is nothing more than an effort to divert attention from the Enron-like scandal in the Republican economic plan.

The Republicans are robbing Social Security and Medicare in order to guarantee additional future tax breaks to the richest Americans. In order to mask this irresponsible, risky and cynical behavior, they fall back on their old discredited mantra, that putting future tax cuts for the rich on hold equals a tax increase. They will say it over and over, but it will never be true.

Everyone in this House is for middle- and lower-income tax cuts, which, by the way, benefit the wealthy as well as the economy, but now that this administration has presided over the disappearance of a $5 trillion surplus, they want to go after Social Security.

Ask the American people the real question. Should we sacrifice Social Security and Medicare in order to give tax cuts to make the rich even richer? Actually the Los Angeles Times did ask the question, and 80 percent said stop the tax cut. We should vote no on this shameless resolution.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, we have not allocated a full hour in our short workweek to consider a resolution that would ensure the richest 1 percent of Americans receive their tax cut on time.

When it comes to policies that would benefit the mass of middle- and working-class Americans, the administration does not seem particularly punctual. After killing OSHA's ergonomics rules, the administration promised a new set of ergonomic standards. Nearly a year later thousands of American workers injured on the job are still waiting.

The administration has long promised a meaningful prescription drug benefit for the elderly. The people are still waiting.

Shunning the Kyoto Global Warming Protocol, the administration promised to develop a new plan to reduce greenhouse gas emissions. The people are still waiting.

Despite promising to control energy costs, the administration dragged its feet in imposing Federal price caps on electricity, allowing Enron and others to gouge California consumers to the tune of $6.8 billion. Californians waited 6 months for relief.

After bailing out the airline industry post-September 11, the majority in the House promised legislation to help thousands of furloughed airline employees. They are still waiting.

The people should not have to wait anymore for help, and I tell my colleagues, the richest 1 percent in this country, they can wait their turn.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, one of the previous speakers noted the Kennedy tax cuts as a measure of achievement, but what he failed to note was that part of the revenue, at least one-third of the revenue generated on that occasion, came from closing tax loopholes, which this Congress has been reluctant to address, but let me speak specifically to this issue.

The hot movie in 1981 was Smokey and the Bandit, the cool band was Blondie, and the prevailing fiscal theory was trickle down economics. While 1981 is a distant memory for most of us, we should learn from that experience and not repeat the mistakes of the past.

The meaningless resolution we are considering today would unfortunately do just that. The budget released this

week says that the way to climb out of this deficit is with more tax cuts, exploding tax cuts that we all know are going to be drawn from Social Security and Medicare Trust Funds, just when the baby boomers begin to retire.

Mr. Speaker, we cannot afford these tax cuts now, and everybody knows it, so why do we think we can afford them when the baby boom generation begins to retire? Apparently the taxpayers agree with us. The Los Angeles Times poll is clear that the American people dispute the priority that the majority in this House is about to undertake. These tax cuts are not only skewed toward the wealthy, but they disproportionately go to the superwealthy.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), in whose district the Twin Towers once stood and was the target of this vicious attack against the United States of America.

Mr. NADLER. Mr. Speaker, this resolution is a joke. I have been a Member of Congress for almost 10 years, and I cannot remember any resolution that simply supports current law. To not repeal or roll back tax cuts, we do not need this resolution. Nothing is coming to the floor. Nothing is threatened. We do not have to do anything.

The fact of the matter is that it was the Clinton budget's deficit reduction package, which the Republicans called the greatest tax increase in history in 1993, which they predicted, and I remember the gentleman from Texas (Mr. ARMEY) on the floor saying this will lead to a depression, this will lead to hair-curling depression, instead led to the greatest economic boom in the history of this country, led to the lowest unemployment, lowest inflation, greatest job growth.

It led to reversing the $5 trillion in debt that we incurred during the Reagan, Bush Senior, years. Instead, we got what we predicted a year ago after 8 years of the Clinton economics was going to be $5.5 trillion of surplus, and 1 year with this tax cut and with the economic recession partially brought about by this tax cut, we now have $4 trillion of that wiped out.

Now they say we should not have a tax increase in a recession. Of course we should not. No one is proposing that unless they think the recession is going to last another 4 or 5 years, but the real point here is that with a $4 trillion in surplus wiped out, this country is going to face choices a couple of years down the road.

Do we want another tax cut for the richest people in our country, or do we want prescription drugs coverage for seniors on Medicare? How are we going to pay for that? There is not enough money in the Bush budget for it. There is not enough money that we see in the next 10 years for prescription drugs under Medicare, not if we give more tax cuts to the richest people in our society.

If we want to fully fund the education bill that we passed, we are not going to be able carry on this current economics. So we have to leave ourselves some adjustment room so we can make decisions in the future when we see do we want prescription drugs for seniors or a little more help for the billionaires among us.

Mr. RANGEL. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 3 minutes remaining.

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

I have been waiting for an answer from the other side as to how this tax policy provision could come out without ever coming before the Committee on Ways and Means. They refuse to answer. It did not come out of the Committee on the Budget. They refused to answer. It must have come out of the Republican campaign to reelect the Congress because it is a political issue and should not be on this floor.

Mr. WELLER. Mr. Speaker, if the gentleman would yield, I would like to provide an answer.

Mr. RANGEL. Well, it is too late now. My colleague sure had his chance, and he will get another chance to answer.

Mr. Speaker, the remaining time that I have I yield to the gentleman from North Dakota (Mr. POMEROY), an outstanding member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time, and I thank the gentleman from Alabama (Mr. BACHUS) for bringing this motion to the floor. I think it is very helpful.

When we passed the tax bill in May, we all agreed that Social Security and Medicare funds would be held inviolate. In fact, that was the terms of the consideration of the tax bill as put forward by the President. He said, to make sure the retirement savings of American seniors are not diverted to any other program, my budget protects all $2.6 million.

This was elaborated on by members of the majority as they advanced the budget, including the tax plan. In fact, the gentleman from Texas (Mr. ARMEY) said we must understand that it is inviolate to intrude against either Social Security or Medicare, and if that means foregoing or, as it were, paying for the tax cuts, then we will do that.

Now we know, however, that the actual budget plan this year involves all future phase-ins of this tax cut coming out of Social Security funds. If we look at the green line on this chart, we will note that for each of the next 10 years, we are into Social Security funds to fund any future dimension of this tax cut. So it is a very different picture than we had when we passed the bill in May. It is not funded from general funds. This is a raid on Social Security. In fact, the President's budget reveals that up to $2 trillion will be diverted from Social Security and Medicare in order to fund all future aspects of the tax cut.

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So the question before us today is really a restatement of May's tax cut vote, but done in light of what we now know. In May, we voted saying it would not touch Social Security. Today, we know in light of the President's budget plan that it raids Social Security to the tune of $2 trillion. Under those circumstances, Mr. Speaker, I cannot support this resolution.

I could support this resolution if there were a credible budget plan advanced by the majority that showed we were not touching Social Security and we were not touching Medicare. But to over the next 10 years, and not just in this period of war and recession, as the majority says, but over the next 10 years launch us on a plan that diverts $2 trillion of funds coming in for Social Security and Medicare jeopardizes our Nation, jeopardizes a future commitment to our seniors, and jeopardizes those in the work force today paying for the retirement.

It is wrong to use Social Security monies in this way. They ought to put a plan forward that holds harmless Social Security. The vote today is whether we want to use Social Security on all future aspects of the tax cut.

The SPEAKER pro tempore (Mr. SIMPSON). The time of gentleman from New York (Mr. RANGEL) has expired. The gentleman from Illinois (Mr. WELLER) has 3½ minutes remaining.

Mr. WELLER. The time of the gentleman from New York has fully expired, Mr. Speaker?

The SPEAKER pro tempore. The gentleman's time has expired.

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

In conclusion, I would say to my colleagues that it is clear to me that we have an ideological divide. Our friends on the other side of the aisle are proposing a tax increase as their solution to our current situation. And if we look at the facts today, we are at war, a war against terrorism, we are rebuilding our homeland security, we are in an economic recession, and all those who are students of history know that whenever we are in a war, we have a deficit, and whenever we have an economic recession, we have a deficit. Of course, my hope is we can bring spending under control and eliminate that this year.

Our friends on the other side of the aisle propose a tax increase. They say we should repeal the tax cut that President Bush proposed last year, and that by doing so, raise tax revenue that they could spend here in Washington.

Well, let us look at what it is they propose repealing. First, I will mention the marriage tax penalty. Twenty-eight million married couples pay an average of $1,400 more in higher taxes. We, of course, passed legislation to wipe out the marriage tax penalty. A married couple making $60,000, a middle-class married couple in the district I represent, the south suburbs, pays on average $1,400 taxes under the marriage

tax penalty. They are middle class. They would see higher taxes under the Democrat tax increase.

They also propose wiping out the elimination of the death tax, and they propose wiping out the doubling of the child's tax credit. Working moms and working families who have children will be able to get up to a $1,000 tax credit. It is $500 under the current law that is in place. They want to raise taxes on those parents with children.

We also provide an opportunity for families to put more tax-free contributions into their retirement accounts. If we go along with the Democrat proposal, we wipe out that opportunity and increase taxes on those who want to save for education and retirement.

If we care about economic growth, we have to remember that it is the small-business person, the entrepreneur who is in the top two tax brackets, the people they call rich. And 80 percent of those who pay taxes under the top two tax brackets are the small-business people, the entrepreneurs, the people who have shops and businesses on Liberty Street in my hometown, our main street, and main streets all across America. We know small businesses and the entrepreneurs are going to create jobs and get our economy moving again.

So, again, a world war, we are rebuilding our homeland security, and we are in a recession. And there is not one real world economist who has said that now is the time to increase taxes. In fact, economists tell us it is best to lower taxes in a recession so people have more money to invest and spend in the creation of jobs.

Yesterday, Secretary O'Neill, someone who is known for his frankness and independent thought, was asked the question: ''Is a repeal of the Bush tax cut a tax increase?'' And the Secretary said yes. And he noted that raising taxes would stifle the process of getting Americans back to work. This is a bad idea as our recovery is struggling to take hold.

My colleagues, this is a simple vote. We are in a recession, we are at war. Do we want to increase taxes? Those who want to increase taxes vote ''no.'' Those who want to make sure the Bush tax cut is fully implemented and we get this economy moving again vote ''aye.''

I urge an ''aye'' vote and ask for bipartisan support for this sense of House resolution and preserve the President's tax cut.

Mr. HOLT. Mr. Speaker, I rise to offer a few comments on the House's consideration of H. Con. Res. 312.

Today our nation is at war, both here and abroad. Congress is considering a budget plan that is likely to spend money out of the Social Security Trust Fund. Our economy is trying to find its footing in the wake of the ongoing recession. And many central New Jerseyans have questions about the security of their 401K retirement plans in the wake of the Enron bankruptcy. Looking at that list of issues, I imagine most Americans feel Congress has plenty of work to do.

But instead of coming together in a bipartisan way to deal with these important matters, the House is wasting time today debating a symbolic and politically slanted resolution that has one and only one purpose: To try to make it seem like some Members oppose tax cuts so that it can be used against them in political campaigns. That this is a purely political exercise is underscored by the fact that the Congressional Leadership rejected all attempts to modify this resolution to include the protection of Social Security.

I support tax cuts. My record on that is clear. I have consistently voted—sometimes even against my own party—to support responsible tax cuts for families, be it in the estate tax, the marriage penalty tax, or other tax cuts. Despite that, I will vote on this resolution. It is the type of silly political ''gotcha'' game that Americans hate about Washington. And it glosses over the real budget challenges we face.

Last year, the Congressional Budget Office projected over $5.6 trillion in surpluses over the next ten years. Now, based on the President's budget presented this week, the surplus will be about $600 billion—a difference of $5 trillion lost in less than one year.

That budget will force the government to dip into Social Security and Medicare every year for the next ten years, and because it fails to pay off the debt, will cost the country an additional $1 trillion. That is one trillion dollars that won't be available for families to meet their needs or for the government to help with schools, energy research, prescription medicine, or anything else. That's a one trillion debt that will rest on our children.

As many of us warned last year, Congress simply left no cushion in the budget resolution. Last year, no one predicted that we would enter a recession, and no one knew we would be at war. But many of us warned that unforeseen occurrences always arise and carry expenses with them. Set aside more of the budget, we said, and that will put us in a better position for the future—whatever comes.

There is no doubt that the recession and the war on terrorism have contributed to the disappearance of the surplus. But the single largest contributor to that disappearance over the next decade is the President's tax package. This resolution will be presented as a litmus test of who wants to raise taxes. I won't raise taxes. Americans can rest assured that no one here is proposing to raise taxes, certainly not at a time of economic weakness.

We'll see this resolution in only two places: On the House floor today and in campaign commercials this fall. We shouldn't be wasting time on finger pointing and political games. We should be working together to find solutions to the problems that are waiting out on the horizon.

Mr. PASTOR. Mr. Speaker, President Bush recently delivered his budget proposals for Fiscal Year 2003 to Congress. I was hopeful that all Americans would be a part of the American dream, but he has woefully put almost 60 percent of us in jeopardy. The most pressing question in Washington this year is will we support a budget that makes the wealthiest 15 percent of Americans wealthier, or will we pursue policies that will keep 60 percent of the people from becoming worse off.

I wholeheartedly support the President in his efforts to improve homeland security and to further strengthen our military. We have finally adjusted to the post cold war world, and after the terrorist attacks of September 11, we now have an even better understanding of the world and those who threaten us. I fully support the President's efforts to strengthen our military forces through modern equipment and facilities and highly trained and compensated personnel.

I also applaud the President for his efforts to strengthen our security at home. The concept of ''Homeland Security'' holds special meaning to the people of our nation for the first time in more than 50 years. The images of that fateful day in September will haunt each of us for the rest of our lives. But we are a strong and proud people and we will not forsake our responsibilities to guard the privileges of freedom for which so many of our forefathers shed their own blood. We all support our President in his efforts to protect us and will go the extra mile to meet our security needs.

Yet, we must not neglect the other principles that have made our nation the strongest and most productive in the history of civilization. We are a nation of over-achievers who strive to reach the top and to win. But, we are also a nation of compassion, kindness and giving and we have always been willing to reach down and help those who need assistance.

I am fearful that the domestic side of President Bush's budget plan will neglect not only those who are least fortunate among us, but also a good many of us who are working to reach the top, but have yet to fulfill the dream.

The Congressional Budget Office (CBO) recently issued a report that said the single biggest factor in the elimination of the estimated $5.6 trillion surplus was last year's Economic Growth and Tax Relief Reconciliation Act which cut taxes by $1.35 trillion, most of which went to the wealthiest individuals and businesses. I strongly supported using this surplus to improve the lives of all Americans. I believed it best to divide the surplus into thirds, with one third for tax cuts, one third for additional funding on national priorities like education, Social Security, and infrastructure improvements, and one third toward eliminating the national debt. President Bush's tax cut was too much and, once hit by the recession and the attacks of September 11, it is clear that this huge tax cut has knocked our fiscal house into a heap of rubble.

For the first time since 1997, the budget of the United States Government will experience a deficit. We must pay for the war on terrorism and we must protect the Homeland. But, we should not put domestic programs at jeopardy, go into further debt, and raid the Social Security and Medicare Trust Funds in order to give the wealthiest Americans large tax cuts.

In fact, even though last year's tax cuts are scheduled to expire in 2010, the President's new budget has proposed making these tax cuts permanent. This is estimated to cost an additional $675 billion over the next ten years. This means domestic programs will be cut by almost five percent below the levels necessary to maintain current services. This means that we will be using Social Security and Medicare funds to pay for these tax cuts. It means we will be forced to eliminate 28 elementary and secondary education programs. It means we will cut rural health care activities by 42 percent. It means we must freeze the Child Care and Development Fund. It means we must cut

funds for critical repairs to public housing. It means our federal highway program will be cut a drastic 29 percent.

In my view, the price we are being asked to pay for these huge tax cuts is too high. I do not believe it is in the best interest of our nation as a whole to return to deficit spending just so the wealthiest 15 percent of our people can become even wealthier.

I am opposing the domestic portions of the President's budget and call on decision makers to join me in a common sense approach to meeting the priorities of America. We should continue to fight the war on terrorism. We should continue to protect the Homeland against attack. But we must not continue the ill-fated principles that drive us further and further into economic insecurity and debt. Let's be sure all Americans are given an opportunity to strive for the American dream.

Mr. STARK. Mr. Speaker, I oppose H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled tax relief provided for by H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, should not be suspended or repealed.

I oppose the resolution before us today for the same reasons I opposed H.R. 1836 last summer. It's the wrong tax cut at the wrong time. The wealthiest ten percent of U.S. taxpayers reap the greatest benefit from the tax cut. The tax cut is so costly that the President is willing to imperil Social Security and Medicare by using revenue from the Trust Funds to pay for the tax cut.

I am not willing to weaken the foundations of retirement security in order to pay for a bloated tax cut that benefits the wealthy. Nor am I willing to compromise on a Medicare prescription drug benefit. The bottom line is, there is only a limited amount of revenue coming into the federal government. By passing last year's tax cut, the Republican Congress put a premium on tax cuts for the wealthy while making retirement security, seniors, education, and our children, a lower priority.

Last January, the 10-year surplus (2002–2011) estimate was $5.6 trillion. In one year, that surplus decreased $4 trillion. Certainly the events of September 11 and the fledgling economy contributed to some of this decrease. However, forty percent of that decrease can be attributed to the Republican income tax cut passed last summer. Last February, Treasury Secretary Paul O'Neill stated before the Ways and Means Committee:

''If we lock box Social Security, that the President said we should do, effectively use it to pay down the public debt and you all want to do Medicare too, that is fine. We still have got after implementation of the President's proposal $1.5 trillion available, or more than 25 percent of the total projected surplus available as a cushion against the prospect of running ourselves back into a deficit ditch.''

Secretary O'Neill was wrong. Using the ''on-budget'' or non-Social Security baseline budget from the Administration's own budget tables, there is now a $298 billion deficit over 5 years from 2003–2007. This means that all of those Republican-promoted Congressional resolutions last year promising to put the Social Security and Medicare trust funds in a ''lockbox'' were nothing more than dog and pony shows for America's retirees. Sadly, the days of fiscal responsibility are over.

Although Democrats noted last year that the figures used to calculate the size of the tax cut were unrealistic and too conservative, the Republicans ignored our warnings and proceeded full speed ahead. Then, to make the bloated tax cut fit into their rosy budget scenario, the Republicans used budget gimmicks to make their tax cut expire in 2011. Now, appallingly, the President has called to make these tax cuts permanent in the budget he released on Monday. Apparently the rich aren't rich enough. Meanwhile, seniors who cannot afford prescription drugs are reminded by this resolution, and the President's budget, that their concerns are not a priority.

The Congressional Budget Office just reported that making the Bush tax cut permanent would decrease revenues by $569 billion resulting in debt service payment increases of $58 billion. This leads to a total cost of $627 billion in FY 2003–2012. To do a real Medicare prescription drug benefit will cost some $600 billion over ten years. We should scrap the additional tax cuts called for in the President's budget and instead provide a Medicare prescription drug benefit to all beneficiaries.

This resolution is an insult to every American worker who expects to receive an adequate Social Security check at retirement. It is also an insult to every senior who has been anticipating a meaningful Medicare prescription drug benefit. I urge my colleagues to vote ''no'' on H. Con. Res. 312.

Mr. UDALL of Colorado. Mr. Speaker, this resolution is not real legislation intended to meet a national need or resolve a national problem. Instead, it is a political game. Everyone in this Chamber knows that—and by bringing it forward under this extraordinary procedure, the Republican leadership is doing us the favor of making it clear to everyone in the country.

In simplest terms, the point of this resolution is to try to make the House again express support for last year's tax bill—a bill based on economic projections that were very doubtful then and that now have been shown to have been wildly over-optimistic.

When the bill was passed, the economic weather seemed bright—we did not yet know that we already were in recession—and sponsors of the bill claimed that we could rely on that to continue not just for a matter of months but for a full decade. And now, despite the dramatic change in economic conditions, despite the need for increased resources to fight terrorism and for homeland defense, the sponsors of this resolution are calling on us to say that nothing has changed.

With storm clouds looming and the wind shifting sharply, they are saying that instead of considering whether to shorten sail we should act as if the sun was still shining and the seas were calm—instead of considering adjustments, we should swear allegiance to stay the course—even if it was plotted in error. And that's not all. The resolution asks that the House insist that ''suspending, repealing or delaying'' any part of last year's bill ''is a tax increase.'' I guess that they subscribe to the theory that if you say something often enough and loudly enough you can get people to believe it.

Of course, the problem is that saying something is so doesn't make it so. It simply is not true that changing something scheduled for the future is the same thing as doing something today—any more than revising next year's baseball schedule would be the same as adding an exhibition game tomorrow. I do not think that makes sense, and I cannot support this resolution any more than I could support last year's tax bill.

I am not opposed to cutting taxes. I have supported—and still support—a substantial reduction in income taxes and the elimination of the ''marriage penalty.'' I have supported—and still support—including the child credit and making it refundable so that it will benefit more lower-income families. And I have supported—and still support—reforming, but not repealing, the estate tax.

But the affordability of last year's tax bill depended on uncertain projections of continuing budget surpluses that now may inspire nostalgia but are otherwise meaningless. As I said last year, the tax bill was a riverboat gamble. It put at risk our economic stability, the future of Medicare and Social Security, and our ability to make needed investments in health and education. For me, the stakes were too high and the odds were too long, and I had to vote against it. This resolution does not correct those problems—merely insists that they don't exist. That may make its sponsors feel better, but it does not deserve the support of the House.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the tax relief law as Congress passed it and as the President signed it. Even in the middle of a recession, some lawmakers have chosen to resurrect a hatred of tax relief—this time giving speeches and making statements in support of delaying or repealing the promise we made to the American people last year. But a promise made should be a promise kept. Yanking cash out of the wallets and pocketbooks of hardworking taxpayers is not good policy. Their elected officials told them they would have more money to spend on their families and needs—and that's the commitment we ought to honor.

Creating jobs and letting people keep more of the money they earn is the recipe for getting our economy back on track. Raising taxes would send the wrong message, set the wrong precedent and take the wrong action during a national recession.

Mr. Speaker, let me remind my colleagues exactly what it is we are talking about: eliminating the death tax, reducing the marriage penalty, doubling the child credit and offering across-the-board income tax relief. This is not about ''tax cuts for the rich.'' This is not about special breaks for only the wealthy. Under the tax relief law, anyone who pays taxes pay less. These are initiatives that should be permanent, not delayed or repealed.

Today's vote will put the House on record. Are we keeping our word or breaking our word? Mr. Speaker, I urge my colleagues to stand behind our promise to hardworking taxpayers around the country and vote for this resolution in support of economic growth and tax relief. Our constituents are counting on us.

Mr. RODRIGUEZ. Mr. Speaker, the resolution on the House floor is a sham. Rather than accept responsibility for their reckless budget policies, they try to hide behind a feel-good resolution that does nothing to balance the budget, and does nothing to protect our national obligations to senior citizens or veterans.

Yes, we are in a war, and we face new challenges that require a strong response. I support that effort 100 percent. But given that reality, we face a choice. One year ago, our new President told us that we need huge

across-the-board tax cuts because the surpluses were so large. Now he says we need them even though the surplus is gone and deficits are back. He promised us that we would meet our national priorities first, before cutting revenues in a way that overwhelmingly benefit the most well-off in our society. But his budget leaves key priorities unmet.

This week the administration sent us a budget that breaks the promise not to use Medicare and Social Security funds to fund government operations. Now we have a deficit with no end in sight. And we all know, we all know, that the deficit numbers will end up much worse once we work through all the budget gimmicks and tricks. This resolution champions fiscal irresponsibility. Let's do what the President said we would do: meet our national priorities first. That means we take care of Social Security and Medicare, that means we expand quality health care access for those who still find themselves outside the system, that means we fulfill our promises to veterans, not just next year, but five years from now, that means we invest in our national infrastructure and protect our environment so that we leave our children a world of clean, expanding commerce.

The tax cuts enacted last year—especially now—are simply unfair and unwarranted. They help the very few at the expense of the many. Americans loved the $300 rebate they got last year; we could offer all Americans that rebate for years and years to come if we simply did not purse the most irresponsible aspects of the majority's tax policies. Instead, we will likely face rising interest rates, the most unkind tax hike on American consumers and a true drag on our economy. We face a choice. Blindly adhere to a doctrine of tax cuts first and always, or adopt a balanced approach that offers tax cuts to all Americans while still meeting our national obligations. Let's make the right choice and put the interests of America's working families first.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to H. Con Res. 312, expressing the sense of the House of Representatives that the scheduled tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should not be suspended or repealed.

Since January, 2001, we have seen a 10-year estimated $5.6 trillion surplus completely dissolve. Today, Congressional Budget Office estimates show a meager $600 billion surplus, and this is after every dollar has been raided from the Social Security and Medicare trust funds. Instead of insisting on more tax cuts that will drive us further into debt and raise our long term interest rates, let us consider other options.

Last year's tax cuts have already provided income tax relief to most working Americans, and the lowest individual income tax rate has fallen from 15 percent to 10 percent. By waiting to enact additional tax cuts until we can afford it, we can again work towards a balanced budget and ensure the solvency of Social Security and Medicare. In my 25 years of public service, I have worked under the constraints of a President who sought to spend outside of our means, and I had the pleasure of working with a President committed to paying down the debt and balancing the budget. It was this second strategy that allowed America to have the longest sustained period of economic growth in the history of the world. We should follow the lessons we learned then and maintain fiscal responsibility and balanced budgets.

Our priority should be to retire the debt so we do not put America's economy at risk. I am for tax relief, but we need to do it the right way at the right time. It is a travesty that the Republican leadership did not allow us to vote on the Social Security lockbox bill that would have maintained continued support for fiscally responsible tax relief that does not take money away from Social Security. A similar bill passed the House last year by a margin of 407–2.

Mr. Speaker, I ask my colleagues to join me in opposing H. Con. Res. 312, as it threatens Social Security and Medicare funds.

Mr. HOEFFEL. Mr. Speaker, this resolution before us today is a sham. This resolution is a political tool, not an economic tool.

If this resolution was really about improving our economy, it would proclaim the need to protect Social Security and Medicare and not ill conceived tax cuts that are plunging this country back into deficit spending.

If it was about improving the economy, it would seek to explain how a projected $5.6 trillion in surpluses over 10 years have been reduced to $661 billion in just eight months.

If it was about improving the economy, it would explain to the American people how we can afford $2 trillion in tax cuts, while our budget is in deficit.

If it was truly about improving the economy, it would explain how three-quarters of that $2 trillion will be borrowed from Social Security, and the other 25 percent ($550 billion) will be borrowed form Medicare, which, by the way, is all of the projected surplus in Medicare.

I am one of the fiscally responsible members of this body that apparently caused the tax-cut-all-all-cost sponsors of this resolution to draft it. I called for a freeze of still-to-be-enacted tax cuts that would allow us to determine how much the war on terrorism, recession and the already enacted tax cuts will cost us. I have not called for a tax increase. I have not called for a rollback of taxes. I have called for a common sense breather to assess our situation. Anyone calling this tax freeze a tax increase is suffering from a brain freeze.

The President's budget, which includes many laudable items, includes about $80 billion in tax cuts next year. Not coincidentally, about $80 billion is expected to be borrowed form Social Security and Medicare next year, according to his budget. What good does it do for the federal government to give money to American taxpayers with one hand, and take it away with the other?

If corporate America treated pension funds like Congress treats Social Security, someone would be in jail. We can't steal from the future to pay for today's unwise fiscal policies.

I urge my colleagues who support this resolution to stop playing ''gotcha'', because the American people ''get it''. They understand that it is wrong to borrow from Social Security and Medicare. They understand that it is wrong to prolong deficit spending. They understand that every additional dollar we pay in interest on our national debt is a dollar that we don't use to pay down our debt.

And because they do understand, I wholeheartedly vote against this ill-conceived, petty resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312.

The question was taken.

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

Mr. WELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 235, nays 181, not voting 19, as follows:

[Roll No. 10]

YEAS—235

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns

Stump
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Blagojevich
Bono
Cooksey
Cubin
Fossella
Frelinghuysen
Hastert
Luther
McDermott
Napolitano
Oxley
Riley
Roukema
Ryan (WI)
Shaw
Slaughter
Sununu
Traficant
Young (AK)

□ 1327

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of H. Con. Res. 312, the concurrent resolution just considered.

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

There was no objection.

□ 1330

RECOGNIZING THE 91ST BIRTHDAY OF RONALD REAGAN

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 82) recognizing the 91st birthday of Ronald Reagan.

The Clerk read as follows:

H.J. RES. 82

Whereas February 6, 2002, is the 91st birthday of Ronald Wilson Reagan;

Whereas Ronald Reagan is the first former President ever to attain the age of 91;

Whereas both Ronald Reagan and his wife Nancy Reagan have distinguished records of public service to the United States, the American people, and the international community;

Whereas Ronald Reagan was twice elected by overwhelming margins as President of the United States;

Whereas Ronald Reagan fulfilled his pledge to help restore ''the great, confident roar of American progress, growth, and optimism'' and ensure renewed economic prosperity;

Whereas Ronald Reagan's leadership was instrumental in extending freedom and democracy around the globe and uniting a world divided by the Cold War;

Whereas Ronald Reagan is loved and admired by millions of Americans, and by countless others around the world;

Whereas Ronald Reagan's eloquence united Americans in times of triumph and tragedy;

Whereas Nancy Reagan not only served as a gracious First Lady but also led a national crusade against illegal drug use;

Whereas, together Ronald and Nancy Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world; and

Whereas the thoughts and prayers of the Congress and the country are with Ronald Reagan in his courageous battle with Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress, on behalf of the American people, extends its birthday greetings and best wishes to Ronald Reagan on his 91st birthday.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 82.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Joint Resolution 82, and I commend the gentleman from California (Mr. COX) for introducing it. This resolution extends birthday greetings and the best wishes of a grateful Nation to Ronald Reagan on his 91st birthday.

Ronald Reagan is among the greatest of statesmen ever to serve in the Oval Office, or indeed to have served the American people in any capacity. He is loved and admired by millions of Americans and by countless others around the world. Twice elected by overwhelming margins as President of the United States, Ronald Reagan built a record of public service to our Nation and to the American people. He was an eloquent and forceful champion of all freedom-loving people, especially those enslaved by the former Soviet Union and its satellites.

Ronald Reagan pledged to restore ''the great, confident roar of American progress, growth and optimism.'' And Ronald Reagan pledged to ensure economic prosperity. He kept that pledge. Ronald Reagan inherited a moribund economy mired in recession and wracked by rampant inflation. But his wisdom, his confidence in the American people, his sound economic policies and his courage in the face of fierce opposition led us out of that recession and defeated inflation. President Reagan's policies laid the groundwork for an unprecedented period of prosperity. He put us back to work and unleashed the genius of American entrepreneurs. He inherited a hollow military and a Nation unsure of itself. He rebuilt our Armed Forces into the finest fighting force in the world, and he lifted our spirits and strengthened our resolve. Ronald Reagan's leadership and courage paved the way for the ultimate demise of the Soviet Union and the extension of freedom and democracy around the globe.

Ronald Reagan's commitment to our men and women in uniform earned him a high accolade last spring when the USS *Ronald Reagan* was christened in Newport News, Virginia. His devoted wife Nancy stood in his behalf to christen and accept this evidence of America's esteem and gratitude for Ronald Reagan's unstinting service to our Nation. During the ceremony, President Bush noted that ''when we send her off to sea, it is certain that the *Ronald Reagan* will meet with rough waters and smooth waters, with headwinds as well as fair, but she will sail tall and strong like the man we have known.''

Mr. Speaker, we continue to benefit today from Ronald Reagan's foresight and courage. There can be no better or more dramatic example than our improving relations with the Russian Republic. Once the heart of our fiercest adversary, our relations with Russia are now marked far more by cooperation than confrontation. I do not discount for 1 minute the importance of the diplomatic skills and courage of President Bush in building that relationship, but it simply could not have

happened had President Reagan not persevered in the face of the constant and often vehement criticism of the so-called experts as he confronted what he correctly labeled the ''Evil Empire.''

Indeed, I had the privilege of visiting with Anatoly Sharansky when I was in Israel several years ago who was in jail in the Soviet Union at the time that Ronald Reagan gave that speech. He said those words labeling the Soviet Union the Evil Empire not only reverberated throughout the jail he was in, but throughout the entire Soviet Union, because the people themselves knew that Ronald Reagan's words were true.

Ronald Reagan is an American hero on many fronts. He and Mrs. Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world. Mrs. Reagan's years as a gracious First Lady were spent leading a national crusade against illegal drug use and the mission that became known as ''Just Say No.''

Mr. Speaker, the thoughts and prayers of the Congress and the country are with Ronald Reagan in his courageous battle with Alzheimer's disease. On behalf of all Americans, it is fitting that we honor this great American President on his 91st birthday. I urge all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in consideration of this resolution. A bigger-than-life screen actor and television personality, Ronald Reagan moved from being Governor of California in the 1960s to President of the United States and dominated American politics in the 1980s. He was the first President to be reelected to a second term since General Dwight D. Eisenhower.

Media-made and media-presented, President Reagan got millions of Americans to feel proud of their Nation. America's 40-year Cold War with the Soviet Union cooled considerably, and perhaps actually ended, during the Reagan Presidency. Many Americans credit him with having achieved that significant outcome.

Born the son of a shoe salesman in small-town Illinois, a great State, Reagan's impoverished but loving parents instilled in him a sense of optimism that carried him through college as an average student. After graduation, he worked for a few years as a sports broadcaster in Midwestern radio before landing a film contract with Warner Brothers which took him to Hollywood in 1936. Over the next 30 years, he made scores of films, including Army films produced during World War II. He hosted two popular television series, and he actively engaged in politics as president of the Screen Actors Guild.

In the 1950s, President Reagan changed from being a Roosevelt New Deal Democrat to a conservative Republican. In 1966, he became Governor of California. He was reelected in 1970. Using his popularity in California, he unsuccessfully challenged President Gerald Ford for the Republican nomination in 1976. He tried again and won the nomination in 1980 and thereafter defeated the incumbent Democrat, President Jimmy Carter. With his 1984 reelection victory, Mr. Reagan became the most politically successful Republican President since President Eisenhower.

Today, we celebrate former President of the United States Ronald Reagan's 91st birthday. We wish him a happy birthday and a debt of gratitude to him and his family for their many years of public service.

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

Mr. WELDON of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the author of this resolution, the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman from Florida (Mr. WELDON) for yielding me this time. I also want to thank the gentleman from Illinois (Mr. DAVIS) who just spoke very eloquently about an Illinois native son. I think you can see a lot of the same traits of Ronald Reagan in the gentleman from Illinois (Mr. DAVIS), in our Speaker, and in our Speaker pro tem, all sons of Illinois.

The sons and daughters of Illinois have a great deal to be proud of as we recognize once again President Reagan on his birthday. He has had a lot of them. At 91, he is America's oldest President ever. No President has lived to the age of 91. The record was set by John Adams. As you know, John Adams died on the Fourth of July, the same day as Thomas Jefferson. They died on the 50th anniversary of the Declaration of Independence. I hope that Ronald Reagan will be able someday to see the end of his days in as noteworthy a fashion. Already, however, he has left such a legacy that it is appropriate that we are here to honor him.

His career, any of his careers, would be remarkable in and of themselves. He was a successful sports announcer. Of course, he had a career in pictures. He was a very successful two-term Governor of California and a very successful two-term President of the United States, winning election twice in landslides. If he were here with us today, President Reagan would presumably humbly acknowledge that he appreciated the birthday wishes on the 52nd anniversary of his 39th birthday. That is what it is today.

When President Clinton was running for office, he once said that America needed a President for the 1990s. Hope springs eternal. Perhaps now we could, if we would only repeal the 27th amendment, get a President in his 1990s. We would welcome, I think, Ronald Reagan back to Washington were it possible.

When he became President, we had endured, unhappily for all of us, an era of national malaise, bereft of any sense of moral direction. Throughout his term of office, throughout 8 of the fastest moving years in history, President Reagan brought us back. That Irish twinkle, that homespun style of his, seemed never to change, and it brought a new assurance to America.

He was not only America's President, but the leader of the free world. With a toughness that we had not seen for a long time, he stood toe to toe with what he unabashedly termed ''the Evil Empire.'' And when he said, ''Mr. Gorbachev, tear down this wall,'' he was widely criticized. It was thought that this was not constructive, it was not going to work, because realists among us knew the Soviet Union was going to be there forever, and we should accommodate it. He saw a different future, and he worked hard to bring it about. As a result, hundreds of millions of people not just in the Soviet Union, but throughout Eastern and Central Europe, were liberated.

He was called the great communicator in part because he spent so much time on television explaining his policies, and he was quite good at it. But it was more than communication skill, it was that he had a message to communicate. Lady Thatcher, then Prime Minister Thatcher, compared him to Winston Churchill. She said, ''Like Winston Churchill, he made words fight like soldiers and lived the spirit of a Nation.''

If the events of September 11 have taught us anything, it is that America still requires a strong national defense that acts as a vanguard against enemies who would destroy freedom and democracy. Ronald Reagan cared about these things very deeply and carried forward the ideals of freedom and the defense of freedom throughout the 8 years of his Presidency. President Reagan's foreign policy and his strength of character will not be forgotten.

A recent book, ''Reagan: In His Own Hand,'' details the writings of the President that we are just now discovering, even late in his life, that we never knew when he was President. Another book, ''When Character Was King,'' by Peggy Noonan, includes writings from Ronald Reagan when he was a teenager. He was a remarkable individual, the first labor union president to become President of the United States.

I say with all of us here, as he said at the end of his D-Day speech in Normandy, we will always remember, Mr. President, and we will always be proud. Happy birthday.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California for his kind remarks as well as for the introduction of this resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to join with my friends and colleagues

on both sides of the aisle in recognizing the 91st birthday of former President Ronald Reagan and paying tribute to him. I particularly want to associate myself with the remarks which were made a few moments ago by the gentleman from Illinois.

This is also an opportunity for us as we recognize former President Reagan to reflect for a few moments on his policies and to see if we can find within them some instructions for us in the present context.

□ 1345

Having done so, I do find some instruction, and I think it could be helpful to the Members of the House as we approach some of the important issues which are before us today and for the rest of this 107th Congress.

One of the first things that President Reagan did when he came into office was to offer a major tax cut, the effects of which were to cut taxes for the most affluent people in the country, the most financially successful people. He also proposed at the same time a very substantial increase in the military budget.

We find ourselves at this moment facing a very similar situation: a President having proposed and succeeded in passing a massive tax cut last year, the primary benefits of which went to the richest people in the Nation, and also proposing a massive increase in military spending.

Now, what were the effects of the Reagan economic policies, the tax cut and increase in military spending? In regard to taxes, the impact was to pass the tax-bearing responsibility in our country from the most affluent people to middle-income and lower-middle-income Americans. In other words, middle-income and lower-middle-income working people assumed a larger portion of the tax burden as a result of the initial Reagan tax cuts, some of which were changed and rescinded later on in the Reagan administration.

Also the effect was to deny States of substantial amounts of revenue. States then passed taxing responsibilities on to the localities and increases in local property taxes occurred across America, in my State, New York, included along with many, many, if not all other States.

We are about to see something very, very similar here as a result of the economic policies of the present administration. The effect of the tax cut which was passed by this Congress and signed into law by President Bush is having the same and will have increasingly that same impact. It will cause the tax responsibility and increasingly larger burdens to be borne by middle-income and lower-middle-income people as the wealthiest people are relieved of having to pay taxes.

Furthermore, the effect of the tax cuts which were passed by this Congress last year are going to deny States of their ability to pay for the things that they need to do in order to provide for the health, safety, and welfare of the people in those States, so we will see similarly responsibilities passed on to local governments and increases in local real property taxes.

There is a very outstanding American philosopher named George Santayana, who once made the observation that those who fail to recognize the mistakes of the past will be doomed to repeat them. That admonition is particularly applicable to all of us in this Congress as we face these present economic conditions, a condition where we have gone from anticipated record budget surpluses at the Federal level to now anticipating substantial and increasing budget deficits.

So as we pay tribute to President Reagan, let us also recognize the effect of the policies that he adopted in taxation and apply those lessons to our present condition today.

Mr. WELDON of Florida. Mr. Speaker, I yield myself 30 seconds just to say that the period during which Ronald Reagan was President during the 1980s, the Congress engaged in a dramatic increase in social spending. It is not totally correct to attribute the deficits of the 1980s purely to the defense buildup, but indeed can equally be attributed to the actions of the Democratic Congress at the time which engaged in a dramatic increase in social spending. The Reagan defense buildup was essential for our winning the Gulf War, it was the right thing to do, and the tax cut was instrumental in lifting us out of a recession.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I really cannot believe this. Today is Ronald Reagan's 91st birthday. He is one of the most revered individuals to have ever lived. He is the person who brought down the Soviet Union, brought back this amazing sense of patriotism which we once again are enjoying here in the United States, and he focused on what was very important, and that was getting the economy going. And we have people who now want to re-debate and completely rewrite the history of what took place during the 1980s.

Let us look at what happened. When President Reagan came into office, taking over for Jimmy Carter, this country was, according to Jimmy Carter, in a state of malaise; and Ronald Reagan almost single-handedly turned it around.

Until 1994, when we won the Republican majority in the United States Congress, we had not had control of this place since 1981. You can say in 1981 the Democrats still controlled this institution, but the fact of the matter is Ronald Reagan was able to maintain working control of the United States Congress and put into place the Economic Recovery Tax Act. I am very proud to have voted for that measure, which nearly tripled the flow of revenues to the Federal Treasury.

Our friend, the gentleman from Florida (Mr. WELDON) is absolutely right. We saw a dramatic increase in social spending take place. And, yes, we did see the military buildup; and we all know how essential that was following the demise of our military during the Carter years.

And what did it bring us? It brought us, again, the demise of the Evil Empire, and I am pleased to see George Bush using that Reaganistic term once again; and we were able to sustain the economic recovery for now literally decades. And it all started with Ronald Reagan's vision of reducing that tax burden on working Americans, realizing that marginal tax rate reduction in fact increases the flow of revenues to the Federal Treasury.

Happy birthday, Mr. President. We are very, very privileged to be standing on your shoulders as we try to pursue the policies which you successfully implemented.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, even before Ronald Reagan was elected Governor of California, I think one of the other contributions that he made was to cause Americans to take a different look at individuals in the entertainment industry. I think as a result of Ronald Reagan, many entertainers have developed far more interest in public policy decision-making and are more actively engaged and more actively involved in those processes than before his time. So in addition to the service he provided as an elected official, I think we have to give him some credit for the movement away from certain kinds of perceptions relative to entertainers.

Mr. Speaker I reserve the balance of my time.

Mr. WELDON of Florida. Mr. Speaker, it is a privilege for me to yield 3½ minutes to the gentleman from coastal Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time, and I thank the gentleman from the other side, the gentleman from Illinois (Mr. DAVIS), for supporting this resolution, in that this is not a bipartisan Republican birthday. It is an American birthday, which we all have reverence for the office of the Presidency.

As we celebrate Ronald Reagan's 91st birthday, we ask ourselves, what is the essence of Reagan? Why is this man, so many years out of office, still so special and still so exciting to so many of us?

Was it the fact that he lived the American dream, starting out from a very humble beginning, even a broken home? He started out as a radio announcer, an athlete, an actor, and then went on to be a businessman, ultimately a Governor, and President of

the United States. Is that the essence of Ronald Reagan?

Or was it the fact that when he became President, it was the policies that we conservatives have wanted for so many years: lower taxes, beating inflation, less government regulations, creating more jobs? Was that it?

Or was it the fact that he made our men and women in uniform proud once more to have that American label as part of their vocation and existence, the pride?

Or was it the fact that he defeated the Soviet Union, the Evil Empire? I have had the opportunity to travel to Bulgaria, Czechoslovakia, Tajikistan, Uzbekistan, and to even go to Red Square. It is amazing to go to these places today and think about all their years of oppression under a communist regime and how they are growing young republics and democracies today. Is that the essence of Ronald Reagan?

Or was it the fact he was a happy conservative, never scowling, but always talking and making illustrations with stories, like the one about the Russian who was going to get a part for his car, and it was in January, and the part was going to come June 12th. And they said, ''That is as soon as we can get the part for your car,'' June 12, 6 months away. He said, ''I cannot see you June 12.'' They said, ''Why not?'' He said, ''Because that is the day my plumber is going to be there.'' That kind of illustration of a story.

Or was it that twinkle in his eye? Was it the fact that he appealed to people on a bipartisan basis? Was it the fact that in my area blue collar Democrats switched over to vote Republican, not to vote Republican necessarily to become Republicans, but because they believed in Ronald Reagan, that he put America above party?

Or was it the grandeur that he returned to the White House, that he and Nancy brought back a kind of stately style and fashion when they came back that showed they were ready to lead the new world, or was it that natural style of relaxed attitude and optimism?

I think, Mr. Speaker, on this 91st birthday of Ronald Reagan, it was all of the above.

I know he was very inspirational to me as a college student. When I first ran for the State legislature in 1984, my wife, Libby, and I had the opportunity to meet him in person; and he was truly somebody who urged all of Americans to get off your duff and start running for office and participate in public policy.

Libby and I still love him and have great affection for him. In fact, I told my wife, Libby, I have said this before on the floor, ''Libby, you like Ronald Reagan so much, you talk about him, you praise him, you say he is the kind of politician that I should be; in fact I am a little jealous, my dear wife. I think you like Ronald Reagan better than you like me.'' And she said, ''Yes, but I like you better than I like George Bush.''

I guess that is the best I can do on this 91st birthday of Ronald Reagan.

So, happy birthday, Mr. President; and God bless America.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will simply close by suggesting that Ronald Reagan was indeed and has been a tremendous inspiration to millions of people, notwithstanding whether you agreed with all of his policies or not. As a matter of fact, there were many that I disagreed with. But the reality is that he demonstrated that one not need always look at where you come from, but what is really important is where you are going. So he went from this small town in Illinois, the land of Lincoln, to become President of the most powerful and greatest Nation on the face of the Earth. That is indeed a tribute, and I wish for him a happy 91st birthday.

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

Mr. WELDON of Florida. Mr. Speaker, it is my privilege to yield the balance of my time to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I first met Ronald Reagan when I was still in my teens. I had been active in his first campaign for Governor. During the primary season we had been very active, and we found out that the heads of the campaign were going to eliminate Youth for Reagan during the general election and have us all work with the adult organization. I felt very disturbed about that. We had worked so hard; I had hundreds of kids out passing out leaflets for him. So I decided to go see him myself.

I hiked up to his home at Pacific Palisades at 3 o'clock in the morning and camped out on his lawn in a sleeping bag. About 7 o'clock in the morning, Nancy stuck her head out the door and says, ''Who are you?'' I had a little sign that said ''Ronald Reagan, please speak to me.''

Nancy says, ''You know, my husband, if he comes out to talk to you, I know that he is going to spend 5 or 10 minutes with you. He will be late for the rest of the day; he won't be able to have his breakfast. If you will go to the campaign headquarters, I will get you a meeting with the top person in the campaign. I have to protect my husband, you see.''

I said, well, how can you argue with that? So I started walking down that long driveway in Pacific Palisades dragging that sleeping bag. Behind me I heard these footsteps, and there was Ronald Reagan. His shirt was half off, he had the shaving cream on his face. He was going, ''Wait a minute, wait a minute. If you can spend the night on my back lawn, I can certainly spend a few minutes with you. Now, what is the problem?''

Ronald Reagan listened to me, and I do not know if that is what saved the day, but the Youth for Reagan never was eliminated. We worked in the campaign as our Youth for Reagan unit.

That is the kind of person Ronald Reagan was. He won my heart then. He was a person who was very kind to other people, but he was very tough when it came to policy.

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He was a principled man. He was a principled man who cared about others. What were his principles that he based his decisions on that made him a successful person? He believed in personal responsibility, and he believed that people should keep more of what they earn and be able to decide on things that were important for their lives, and that they should control their own destinies. He felt that government, if we had to turn to government for help, it should be the government that was closest to the people so that it would not become isolated from the people and bureaucratic and autocratic.

So that is why he believed things like education should be run at the local level, controlled by parents and teachers, rather than increasing Federal involvement, which would lead to bureaucratic control from Washington.

He believed America should be a powerful force for freedom in the world, and he knew that for America to be a force in the world and for there to be peace and freedom anywhere in the world, America had to be strong. He did feel that defense, the military strength of the United States, and the defense of freedom and our country and the peace of our people was the number one responsibility of the Federal Government.

He, during his time period, was castigated. Just because we are celebrating his 91st birthday and most people are saying good things about him, the fact is that he is 91 years old today and he does deserve that praise, but when he was President of the United States, he was vilified regularly by people who just did not believe in the things that he believed in, but they tried to make him into a warmonger and a person with a bad heart.

Now, we should be able to disagree, and I never heard Ronald Reagan call anybody a name. The fact is we should be able to disagree on policy and believe in the goodness of each other. Ronald Reagan did have a good heart, but his policies were right. The fact is his low tax policy is what started the economic recovery of this country, which was in a shambles before Ronald Reagan became President. It ignited this rocket and in about January of 1993, which is exactly when the final phase of his tax cuts came in, and the recovery has not stopped since then. It faltered a little bit in 1992. So Ronald Reagan's policy started, ignited this, the greatest and the longest period, and we are enjoying it.

This is, right now, the final phase of that Ronald Reagan prosperity. The only other time the economy went down even a little was in 1992, and then it shot right back. It was just a momentary faltering.

What about peace in the world? Ronald Reagan was vilified as a warmonger. People on the other side of the aisle in this body would try to undermine his efforts to prevent Communist expansion in Latin America, undermine his efforts to try to be firm with Gorbachev and the Soviet leaders in bringing down the level of missiles rather than just freezing the high level of nuclear weapons we had, and, in the end, Ronald Reagan was able to end the Cold War, which permitted us to decrease military spending in these last 15 years. It was that investment he made, the good policies he had, but it was his principle and his strength of character that carried the day for this country.

So God bless you, Ronald Reagan. We know that you have Alzheimer's disease and you probably cannot understand what we are saying, and you may not remember me, but we will never forget you.

Mr. PUTNAM. Mr. Speaker, distinguished colleagues, today is President Ronald Reagan's 91st birthday. Please join me in wishing Mrs. Reagan the very best today and expressing to her, and the President, the gratitude of freedom-loving peoples everywhere for his service to our Nation and the cause of liberty.

On September 1, 1976, Ronald Reagan delivered a radio address entitled ''Shaping the World for 100 Years to Come.'' In this brief address the future President defined the challenges that lay before the American people as a choice between individual freedom or state control of our very lives.

At that time in the life of our country it wasn't at all clear that the American people would continue to choose the path of individual freedom, with all its perils and responsibilities, over the comforts of a paternalistic government.

It seemed that as government grew, individual liberty shrank. As taxes grew, personal initiative was discouraged and the entrepreneurial American spirit was being stifled by a government that no longer seemed to be of the people, by the people and for the people.

Just as he called Americans to take charge of their individual destinies that day Ronald Reagan also spoke of the international challenges facing our country, in particular the horrible threat of nuclear war. He reflected on the beauty of the world he knew and challenged the Americans of 1976 to avoid a nuclear Armageddon, and still pass on to future generations a world of beauty, peace, prosperity, and the ultimate in personal freedom.

In 1976 Ronald Reagan saw that America, and Americans, were faced with several historic choices. We could choose the hard road of individual liberty and personal freedom, or we could choose the easy road of government paternalism. We could choose the clear road of Mutually Assured Nuclear Destruction or we could choose the unclear path of fighting—and defeating—our enemies on the economic and cultural battlefield. In 1980 Americans made their choice, and elected Ronald Reagan the 40th President of the United States.

Today, all Americans, and indeed freedom-loving people throughout the world, reap the benefits of that choice. President Reagan led the American people down the hard road of reducing the growth of the Federal Government and renewed our commitment to individual liberty and entrepreneurship. Through Ronald Reagan's resolve and inspiration we fought and defeated one of history's greatest threats to the sanctity of the individual human spirit not on a world-destroying nuclear battlefield, but on the economic and cultural battlefield.

Today, we stand one quarter of the way into the 100-year future that Ronald Reagan looked into in 1976. The challenges before us are new, but no less daunting than they were in 1976. The sanctity of the individual human spirit is again under attack by people who made a human and cultural wasteland of one country and would do the same to the entire world if they acquired the means.

As we go forward in our war on terrorism let us pause for a moment today and thank Ronald Reagan for ensuring that America took the hard path of freedom and responsibility. Let us remember that our greatest and most effective weapons are not always the military might that President Reagan so staunchly advocated, but the entrepreneurship and economic power of the individual that he so vigorously defended. And let us renew our commitment to keep America ''the shining city on a hill'' that provided Ronald Reagan with inspiration throughout his life and provides all mankind with a beacon of hope and freedom.

May God Bless President and Mrs. Reagan and May God Bless America.

Mr. JEFF MILLER of Florida. Mr. Speaker, it is my honor today to pay tribute to a true American patriot on his 91st birthday, President Ronald Reagan. As we in Congress wrestle with the Defense budget, I recall the words of Ronald Reagan when he submitted his Presidential budget. He said,

> We start by considering what must be done to maintain peace and review all the possible threats against our security. Then a strategy for strengthening peace and defending against those threats must be agreed upon. And, finally, our defense establishment must be evaluated to see what is necessary to protect against any or all of the potential threats. The cost of achieving these ends is totaled up, and the result is the budget for national defense.

Mr. Speaker, as we debate on the proper amount for the defense of our Nation, the greatest tribute we can pay to Ronald Reagan is to build on the strong defense foundation that he laid and provide our military the funding and resources to defend the Constitution and protect the values under which this great Nation was founded.

Mr. HASTERT. Mr. Speaker, today, as we commemorate President Ronald Reagan's 91st birthday, we remember the significant impact he had on our lives here in America. When our country was struggling through the cold war and a suffering economy, he had the ability to lead us with courage and hope, not fear or disappointment. When he gave his first inaugural speech in January 1981, he said, ''I do not believe in a fate that will fall on us no matter what we do. I do believe in a fate that will fall on us if we do nothing.'' These words alone explain the perseverance that Reagan possessed throughout his presidency. These words also taught Americans that it is important not to give up during difficult times.

The Great Communicator is a title that we all remember him by. He earned this name because of the way he conveyed his messages to all people, because he spoke from his heart with passionate words, words that resonate in people's hearts and minds for generations to come.

When I think of President Reagan, I think of how important it is to work hard with determination. He re-ignited American patriotism, and what it means to be an American. He taught us that education is the foundation for a successful future, and that everyone has the opportunity to achieve his or her dreams. He made us understand why everyone, no matter what background, can be a hero. Reagan also helped us remember that the purpose of government is to serve the people, not the other way around, and that we should cherish our freedom because not every nation guarantees it.

As a former high school teacher, I have long believed that history is what makes us remember our past so that we can fully understand who we are and why. President Reagan often stressed the importance of history because he also believed that by learning from our past, we could better appreciate our forefathers who sacrificed their lives to preserve the freedom that we have here in America today.

I want to commend President Bush for his actions in making President Reagan's boyhood home a National Historic Site by signing the bill into law today. As the author of this legislation and the Congressman who represents the little hamlet of Dixon, IL, where Ronald Reagan grew up, I could not be more proud. There will now be a lasting, living legacy to our 40th President who won the cold war and returned America to greatness in the late 20th century.

With the preservation of Reagan's boyhood home, we are protecting American history and paying tribute to a good man and great President who truly believed in American values, American principles, and most of all, the American spirit.

President Reagan, congratulations on the 52nd anniversary of your 39th birthday. Godspeed.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of H.J. Res. 82, a bill honoring former President Ronald Reagan on the occasion of his 91st birthday.

Ronald Reagan holds a special place in the hearts and minds of the citizens of northern Illinois. Many believe that President Reagan was a Californian. But his core values and bold conservatism were the product of a childhood in Illinois.

Ronald Reagan continues today to serve as a model of optimism and hope. In his very first inaugural address, President Reagan set the tone for his 8 years in office when he proclaimed that, ''no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.'' During these challenging times for our Nation, President Reagan's words seem even more relevant today.

President Reagan truly was the ''Great Communicator.'' One of my favorite lines of his was when he said that the best view of big government is in the rear view mirror as you're driving away from it. Throughout his presidency, Reagan used his trademark humor and wit to unite a nation, end the cold war, and restore prosperity. He championed the notion of individual responsibility and accountability.

And most importantly, he made people feel good about being proud of our great Nation. President Reagan once said that he would like

to go down in history as the President who made Americans believe in themselves again. I believe that he has.

On behalf of a grateful Nation, Happy 91st Birthday, President Reagan.

Mr. CRANE. Mr. Speaker, today we honor a man who has had a profound impact on the lives of us all, a positive impact that has had a reverberating positive effect, not just here in the United States, but worldwide.

In the past I have taken time on this floor to expound at length upon many of President Reagan's achievements. He more than fulfilled his pledge to help restore ''the great, confident roar of American progress, growth, and optimism'' and ensure renewed economic prosperity.

Today I simply want to pay tribute to the man who has left his permanent stamp on the course of history. We salute that gentleman who has turned 91 today and pay tribute to him.

God bless you, President Reagan. We are all eternally grateful for that unprecedented role that you played in our national experience and it will never be forgotten.

Mr. GIBBONS. Mr. Speaker, today, our 40th President, Ronald Reagan, is celebrating his 91st birthday. I want to wish this Great American a peaceful birthday and to thank him for his leadership which has endured well beyond his years in the White House.

Ronald Reagan rekindled our nation's patriotism and pride. Today, as we continue to wage a war against terrorism—a war against those individuals who jeopardize our freedoms and liberties—the confidence Ronald Reagan had in the American spirit provides every one of us with the strength and will to see this war to its rightful end—to victory.

In the 106th Congress, I was proud to introduce legislation to award the Congressional Gold Medal to Ronald Reagan and his wife, Nancy. This legislation was signed into law and the award will stand as a fitting tribute to the commitment and dedication the Reagans have had to this nation.

As President, Ronald Reagan was dedicated to encouraging economic growth, recognizing the value of hard work, and sparking hope and pride among Americans.

He believed that ''everyone can rise as high and as far as their ability will take them.'' This principle became a guiding creed of Reagan's Presidency, as he successfully turned the tide of public cynicism and sparked a national renewal.

President Reagan fulfilled his pledge to restore ''the great, confident roar of American progress, growth, and optimism.'' During his presidency, Americans once again believed in the American Dream.

Today, as we face a great evil, we build upon this ''confident roar'' and find solace in Ronald Reagan's everlasting faith in America and her people.

Thank you Mr. President for your inspiration and leadership which continues to guide our nation and which will help us to protect our freedoms and liberties in the twenty-first century. May you have a peaceful and relaxing birthday and God bless.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and pass the joint resolution, H.J. Res. 82.

The question was taken.

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

Mr. WELDON of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING AND HONORING JACK SHEA, OLYMPIC GOLD MEDALIST IN SPEED SKATING, FOR HIS MANY CONTRIBUTIONS TO THE NATION AND TO HIS COMMUNITY THROUGHOUT HIS LIFE

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340) recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life.

The Clerk read as follows:

H. RES. 340

Whereas John ''Jack'' Amos Shea was born September 7, 1910, in Lake Placid, New York, a village in the Adirondack Mountains;

Whereas Shea was the son of James Shea, a New York State Assemblyman, and Grace Shea;

Whereas at the age of 3 Jack began ice skating and by the age of 10 he was competing in speed skating;

Whereas Shea was the North American speed skating champion in 1929 and 1930;

Whereas at the age of 21 Shea entered the 1932 Winter Olympics in Lake Placid, New York, during which he won the gold medal in speed skating for both the 500 meter and the 1,500 meter events;

Whereas Shea was elected to the Speed Skating Hall of Fame, was among the first group of honorees elected to the Lake Placid Hall of Fame, and received numerous other honors from the speed skating community;

Whereas after graduating from Dartmouth College with a degree in political science, Shea served as the town justice of North Elba, New York, from 1958 to 1974, after which he became the town supervisor until his retirement in 1983;

Whereas Shea was a member of the Executive Committee of the 1980 Lake Placid Olympic Organizing Committee;

Whereas in 1982 Shea was appointed to serve as vice chairman of the Olympic Regional Development Authority;

Whereas Shea was a loving husband to his wife of 67 years, Elizabeth Steams Shea, and had 4 sons and several grandchildren and great-grandchildren; and

Whereas Shea's son Jim competed in the 1964 Winter Olympics in Innsbruck, Austria, and his grandson Jim Jr. will compete in the 2002 Winter Olympics in Salt Lake City, Utah: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life, and for transcending the sport of speed skating and becoming a symbol of athletic talent and a role model as a loving husband, father, and grandfather; and

(2) extends it deepest condolences to the family of Jack Shea and to the Olympic community on their loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. WELDON 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. Res. 340.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 340. I commend my distinguished colleague, the gentleman from New York (Mr. SWEENEY), for introducing it. This resolution recognizes the enduring contributions, heroic achievements, and dedicated work of Jack Shea.

Mr. Shea died on Tuesday, January 22, 2002 at the age of 91 from injuries in a car accident a few blocks from his home. The driver of the car that hit Jack Shea's car was charged with driving while intoxicated and other counts.

Mr. Speaker, Jack Shea devoted his life to living the Olympic ideal and passing his inspiration and knowledge to younger generations. At 22, Jack Shea won gold medals in speed skating in both the 500 meter and the 1,500 meter events in front of his hometown crowd at the 1932 Winter Olympics in Lake Placid, New York. With this accomplishment, he became the first double gold medalist in Winter Olympic history.

Later Jack Shea recalled, ''When I stood on the dais to get the gold medal and I heard the national anthem of the United States, how proud I was to represent my country, my community, my father, and mother.''

Jack Shea not only promoted the Olympic ideal of peace, he lived that ideal. He had a chance to win more Olympic medals at the 1936 winter games in Germany, but Lake Placid had a large Jewish community whose rabbi asked him not to take part in an event linked with Hitler's Germany. Jack Shea honored that request.

Back troubles kept Mr. Shea from skating much after the 1950s. However, he continued to serve the Olympics and the Lake Placid area. He served as the town justice of North Elba, New York, from 1958 to 1974. He then became the town's supervisor and remained in that position until his retirement in 1983.

Jack Shea also served on the executive committee of the 1980 Lake Placid Organizing Committee. He realized his personal quest to bring the Winter Olympic games back to Lake Placid. When speaking about the winter games

held in 1980 at Lake Placid, Mr. Shea said, ''I felt I would like to accomplish one more medal, to bring the Olympics back to Lake Placid.'' He accomplished that goal.

Jack Shea was a member of the first family with three generations of Olympians and, at 91, was the winter games' oldest living gold medalist. Mr. Shea and his wife of 67 years Elizabeth had four sons and several grandchildren and great-grandchildren. His son, Jim Shea, Sr., was a Nordic skier in the 1964 winter games. His grandson, Jim Shea, Jr., will continue this tradition by competing in the skeleton event at the 2002 Winter Olympics in Salt Lake City.

The Olympic games were obviously an important part of Jack Shea's life. When the Olympic torch relay came through his village on its way to Salt Lake City, Mr. Shea carried the flame into the Olympic speed skating oval where he won his gold medals and ignited the cauldron. Three weeks later at his funeral, his grandson carried that same torch.

As Father J. Michael Gaffney said about Jack Shea, ''Jack took life and made something of it. He had an impact. People knew that he lived. That kind of stuff you can't kill. It lives forever.''

Mr. Speaker, it is appropriate that the House recognize the dedicated work and outstanding accomplishments of Mr. Jack Shea today and extend condolences to his family. He improved the lives of many by not just speaking about ideals, but by living those ideals that he promoted.

Mr. Speaker, I urge all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Florida in consideration of this resolution. Jack Shea was an Olympic gold medalist, both on and off his ice skates. His death came just 17 days before we are about to begin another Olympic celebration, and we are truly saddened. However, we are here today to honor a great life and a great man.

John ''Jack'' Amos Shea was born September 7, 1910, in Lake Placid, New York. By age 3 he was on ice skates, and by age 10 he was already competing in speed skating. In 1929, while he was still in high school, he won the North American speed skating championship. In 1930, he captured the title again. Two years later, he honored his hometown of Lake Placid by winning the 500 meter and 1,500 meter events at the Lake Placid Winter Olympics. He again honored Lake Placid through his successful efforts to have the 1980 Winter Olympics return to Lake Placid.

Jack Shea's Olympic successes earned him the distinction of becoming the first person in Winter Olympic history to earn two gold medals. In fact, the Shea family was the first to have three generations of Winter Olympians. Jack's son Jim participated in three skiing competitions at the 1964 Winter Olympics in Innsbruck. His grandson, Jim Shea, Jr., has qualified for the upcoming Salt Lake City games.

Jack Shea's life was best summed up by his son Jim who said, ''For 70 years, he was proud to be an Olympian. He was the chief of our family and loved what the Olympics stood for, to promote peace through friendly competition.''

Mr. Speaker, I, too, am proud to honor this great life today, and I urge that we continue to work towards further reduction of driving while under the influence of alcohol so that others may never have their lives taken by a drunk driver. Yes, Jack Shea was a great life, a great soul, a tremendous legacy, and I am pleased to join in honoring him today.

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

Mr. WELDON of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. SWEENEY), the author of this piece of legislation.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman. I rise today to pay tribute to a great man from my district and a great friend, Jack Shea. I do so proudly as the chief sponsor of this resolution.

As the previous speakers have noted, Jack Shea was really an American treasure, as are all of the members of his family. They have participated so greatly and so importantly in the Olympic movement in the United States, not just in the United States, but throughout the world. Jack Shea, in 1932, in a real come-from-behind, underdog story, captured two Olympic speed skating gold medals, and he embodied the spirit and the will and the determination of the Olympic movement and the goodwill that is projected from that.

It is at a very difficult time and a very tragic time that we lose Jack Shea. He was 91 years young, but one would not know that. Last week a group of Members of Congress and people from the administration went up to Lake Placid, New York, to participate in an annual event that we have, an Olympic challenge that is meant to bring people together, to highlight the importance of Lake Placid in the Olympic movement in terms of our Nation's history and what it provides for us in terms of character, and Jack Shea ironically was to be our principal speaker at our banquet on Saturday evening as we recognized the achievements of all of those who participated. Unfortunately, obviously, Jack was unable to be part of that event. But his grandson, Jimmy Shea, Jr., broke from his training, training that is so critical and important at this point, and delivered a speech on his behalf, as did his son Jim, with the message that we must go on, and that is how Jim Shea wanted it.

So I am particularly proud and excited about the idea that we have been able to come forward today as a body to recognize the great achievements of Jack Shea. In a couple of days, Jack Shea would have been in Salt Lake City lighting the cauldron to begin the Winter Olympics. But unfortunately and sadly, that is not to be what happens now.

What is to happen now, though, as his grandson Jimmy Shea will participate and represent our great Nation in these winter games, having trained so diligently and so hard and learned so many lessons from his grandfather and his father, also an Olympian from the 1964 Winter Olympics in Innsbruck, that that spirit will continue forward and will be seen by the entire world and exemplified in the entire world in the competition that is going to be undertaken in Salt Lake. So I would call on all of our citizens to recognize the accomplishments of Jack Shea by rooting real hard for Jimmy Shea as he endeavors to win a medal in the United States Olympic skeleton team.

□ 1415

I would further call on our colleagues to support this resolution wholeheartedly as a symbol of our great support for a great man with a great life.

Mr. Speaker, I yield 4 to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time. I rise to compliment our distinguished colleague, the gentleman from New York (Mr. SWEENEY), for moving forward with this very important measure.

It was 4 years ago this month that I had the opportunity to meet Jack Shea; and the gentleman from Illinois (Mr. DAVIS) and the gentleman from Florida (Mr. WELDON) and the gentleman from New York (Mr. SWEENEY) have all talked about the fact that 7 decades ago, exactly 7 decades ago Jack Shea became the first American to win two gold medals. I had known of him and had the chance to meet him, as I said, 4 years ago this month.

He had a tremendous impact on me personally. I know that many of my colleagues remember this well because I suffered for a while after having met him because it was Jack Shea who encouraged me to actually take the Skeleton Run at Lake Placid, and it was an experience that I shall never forget. And Jim Shea, Sr., Jack's son, encouraged me to simply say I wanted to ride the Skeleton sled to the team of men who were putting us on to the bob sled run, but it was Jack Shea who told me that I should actually take the Skeleton Run. And it was an unbelievable, an unbelievable experience; and one that I, as I said, shall never forget.

He was an individual who inspired so many of us, and we have been fortunate to see that television commercial that has been running in which we could see how articulate and thoughtful he was.

I remember the great interview that I saw just the other day after the tragic accident that took his life, when he

talked about how he was able to shed a tear over the fact that his grandson would be the first of a third-generation Olympian. Four years ago the Skeleton Run was not established as an Olympic sport, and I know that it took a valiant effort on behalf of the Shea family and others to ensure that it would be an Olympic sport. And so I just want to say again, as I did the day after we got this news, that our thoughts and prayers go with the Shea family, although I know that it is not necessary, because they are so proud, so proud of their father and grandfather.

I have been privileged over the past 4 years to call the Shea family friends, and I do want to say that I hope very much that Jimmy is a big winner when we see at the end of this week the Olympic games begin. And I know it is set for the 20th and 21st, our colleague, the gentleman from New York (Mr. SWEENEY) has told me; and I can hardly wait, whether I am there or watching it on television, to see that wonderful victory; and we know that no one, no one will be enjoying seeing Jimmy Shea take that Skeleton Run more than Jack Shea.

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

Mr. Speaker, I again congratulate the distinguished gentleman from New York (Mr. SWEENEY) for introducing this resolution and working so hard to bring it to the floor. I also want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN), the ranking member, for expediting its consideration.

I ask all Members to support this resolution to express our condolences on Jack Shea's death and honor his life and achievements.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and agree to the resolution, H. Res. 340.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE, GEKAS, COBLE, SMITH of Texas, GALLEGLY, CONYERS, FRANK, SCOTT, and Ms. BALDWIN.

Provided that Mr. BERMAN is appointed in lieu of Ms. BALDWIN for consideration of section 312 of the Senate amendment, and modifications committed to conference.

From the Committee on Energy and Commerce, for consideration of sections 2203 through 2206, 2208, 2210, 2801, 2901 through 2911, 2951, 4005, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BILIRAKIS, and DINGELL.

From the Committee on Education and the Workforce, for consideration of sections 2207, 2301, 2302, 2311, 2321 through 2324, and 2331 through 2334 of the Senate amendment, and modifications committed to conference: Messrs. HOEKSTRA, CASTLE, and GEORGE MILLER of California.

There was no objection.

RECOGNIZING THE 91ST BIRTHDAY OF RONALD REAGAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 82.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and pass the joint resolution, H.J. Res. 82, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, answered ''present'' 4, not voting 23, as follows:

[Roll No. 11]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry

Thomas	Udall (NM)	Weiner
Thompson (CA)	Upton	Weldon (FL)
Thompson (MS)	Velazquez	Weller
Thornberry	Visclosky	Wexler
Thune	Vitter	Whitfield
Thurman	Walden	Wicker
Tiahrt	Walsh	Wilson (NM)
Tiberi	Wamp	Wolf
Tierney	Waters	Woolsey
Toomey	Watkins (OK)	Wu
Towns	Watt (NC)	Wynn
Turner	Watts (OK)	Young (FL)
Udall (CO)	Waxman	

ANSWERED ''PRESENT''—4

Johnson, E.B.	Stark
Lee	Watson (CA)

NOT VOTING—23

Blagojevich	Hostettler	Sanders
Boehner	Jefferson	Shaw
Bono	Luther	Slaughter
Cubin	McDermott	Traficant
Davis, Tom	Oxley	Weldon (PA)
Fossella	Riley	Wilson (SC)
Frelinghuysen	Roukema	Young (AK)
Frost	Ryan (WI)	

□ 1447

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall No. 11 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC, today because I was participating at a conference hosted by the International Justice Mission (IJM) in Salt Lake City, UT. As a result, I missed three votes. Had I been able to vote, I would have voted in support of H.J. Res 82 (rollcall No. 11) and H. Res 340. I would have voted against H. Con. Res. 312 (rollcall No. 10).

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes Nos. 8, 9, 10, and 11. Had I been present I would have voted "yes" or "aye" on rollcall votes 9 and 11. I would have voted "no" or "nay" on rollcall votes 8 and 10.

PAT KING POST OFFICE BUILDING

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the Senate bill (S. 1026) to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, and I will not object, because, as a matter of fact, I rise in support of S. 1026, legislation designating the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building. However, I would like to ask the gentleman from Florida for further comments.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. WELDON of Florida. I thank the gentleman for yielding.

Mr. Speaker, S. 1026, introduced by the distinguished Senator from New Jersey ROBERT TORRICELLI, designates the facility of the United States Postal Service located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building. A bill for the same purpose was introduced by my distinguished colleague, the gentleman from New Jersey (Mr. FRANK PALLONE).

Mr. Speaker, Detective Sergeant Pat King was the most decorated police officer in Long Branch, New Jersey's history. Tragically, he was killed in the line of duty by a career criminal from out of State in November of 1997. Pat King is survived by his wife Maureen and two sons.

I urge adoption of S. 1026, and I thank the gentleman for yielding.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. PALLONE), the author of this legislation.

Mr. PALLONE. Mr. Speaker, I want to thank not only the chairman and the ranking member, who are here today, but also the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT) for their support in bringing this bill to the floor, the bill, S. 1026, to name the Long Branch, New Jersey, post office after a hero, Detective Sergeant Pat King.

Let me start out, Mr. Speaker, by saying that Long Branch is my hometown. I have lived there my entire life. The post office that will be named after Sergeant King is a post office that I have been going to since I was a little boy and a post office where my grandfather actually worked as a letter carrier. I also knew Sergeant King personally, and I know his mother and his entire family.

As was mentioned, on November 20 of 1997, Sergeant Pat King was killed by a career criminal from out of State who made his living promoting prostitution and selling drugs. On this particular day, the assailant went gunning for a police officer, any police officer. He was not looking specifically for Pat King, but he found Pat King, and Sergeant King was killed because he was wearing an officer's uniform.

Following the shooting, the assailant went on an hour-long crime spree, including a chase and an exchange of gunfire that injured other officers. He finally shot himself with a second gun, Officer King's gun.

Mr. Speaker, S. 1026 is an identical bill I introduced in the House naming the Long Branch post office after Pat King. I cannot express how important this is not only to Sergeant King and his wife, but to the entire Long Branch Police Force and to the community. Officer King was only 45, and he was the most decorated police officer in the history of the city of Long Branch.

By passing this bill we not only pay tribute to him, but we honor all the police officers across the country that have died in the hands of vicious criminals. And if there is any year that we can truly appreciate the contributions of police and firemen, it is certainly this year.

Mr. Speaker, for a police officer the mere act of donning a uniform makes him an immediate target for sick and criminal minds. Each call presents dangers and threats we cannot begin to imagine. It is my hope that in naming the post office after Pat King, we will be paying to tribute to individuals so dedicated to their fellow human beings that they are willing to die to protect our security. It is a way to honor the bravery and unselfishness of our men and women in uniform. It is a way to remind young people that dedicating a career to helping others is a path deeply admired by their community.

To Pat's widow Maureen and her children, I want to say that I hope this tribute provides them with some small comfort that their husband and father will not be forgotten, not by the people of Long Branch and not by the Congress of the United States.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from Florida and join strongly and emotionally in the remarks of my friend and colleague, the gentleman from New Jersey (Mr. PALLONE), who grew up near this post office, knew this law enforcement officer, knew Pat King, and understands the respect with which he was held in his town of Long Branch.

It is really very fitting that we do this. It is an honor not only for Sergeant Pat King, but for all law enforcement officers. It will be a daily reminder to the people of Monmouth County, to all of New Jersey, to all who pass through this post office that law enforcement officers live day and night just an instant away from danger.

It is also, I think, a testimonial to Maureen King, Pat King's widow. Maureen King is very much not a victim. She has suffered real grief, but she has not turned that grief inward. She has become deeply involved in safety issues in New Jersey, turned her talent to see that this sort of thing never happens again. She has taken this grief and turned it to something positive. She has become one of the leaders of Cease Fire New Jersey, advocating for

gun safety. She has become one of the leaders of the Million Moms March in New Jersey, advocating for gun safety.

No, she is not a victim. And in everything she does, the love comes through; surely the love for her four children, but for children all over the country. So this is a testimonial not just to Sergeant Pat King, not just to law enforcement officers across the country, but also to Maureen King. And it is very fitting that this bill be rapidly approved and that the designation proceed. And I thank my friend from Long Branch for championing it.

Mr. DAVIS of Illinois. Mr. Speaker, reclaiming my time, I just want to concur with the comments that have been made by all of my colleagues in consideration of S. 1026, legislation naming the post office in Long Branch, New Jersey, after Pat King, a police officer slain in the line of duty.

S. 1026 was introduced by Senator ROBERT TORRICELLI, Democrat of New Jersey, on June 13, 2001. The late Detective Sergeant Pat King, a member of the Long Branch Police Force was born in Morristown, New Jersey, in 1952 and lived most of his life in Long Branch. As a 21-year veteran of the police force, Detective King was the most decorated police officer in the city's history and the only Long Branch police officer to receive the Medal of Valor.

Sadly, he was killed in the line of duty by a career criminal on November 20, 1997. Officer King is survived by his wife Maureen and his two sons.

Mr. Speaker, I wish to commend the House sponsor of this bill, the gentleman from New Jersey (Mr. PALLONE), for his hard work and dedication in seeking to honor the life and work of Detective King by naming the Long Branch post office after him.

The gentleman from New Jersey (Mr. PALLONE) was the sponsor of H.R. 2997 and has been pursuing the passage of legislation naming the post office after Detective King since the 106th Congress. I am proud to say that with the House passage of the Senate version of that bill, his efforts will finally be realized.

In keeping with the long-standing tradition of naming post offices after individuals who have made differences in their communities, I am pleased to lend my support to S. 1026, naming the post office after a police officer who gave his life defending the community. I also want to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), his staff, and the ranking member, the gentleman from California (Mr. WAXMAN), for moving this bill to the floor.

Mr. Speaker, I urge passage of the bill, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1026

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

SECTION 1. DESIGNATION OF PAT KING POST OFFICE BUILDING.

The United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, shall be known and designated as the ''Pat King Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the Pat King Post Office Building.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1755

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHUSTER) at 5 o'clock and 55 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 622. An act to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. GANSKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HERGER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. LARSON of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ACTS OF AGGRESSION AGAINST CUBAN DISSIDENT MARTA BEATRIZ ROQUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, among the many foreigners who have recently gone to Communist Cuba to meet with the dictator has been the President of Mexico, Vicente Fox.

He arrived there this last weekend, held the customary long meetings with the dictator; and then, before leaving on Monday, in a gesture that deserves commendation, Mr. Fox and his foreign minister, Mr. Castaneda, invited a small group of dissidents and independent journalists to meet with them at the Mexican embassy.

Most unfortunately, the foreign minister of the Cuban dictatorship, an immodest man who nonetheless has much to be modest about, announced that Mr. Fox had assured the Cuban dictator that Castro has nothing to fear from Mexico in the upcoming session of the U.N. Human Rights Commission in Geneva, where the Cuban dictatorship's record on human rights has been condemned almost every year for the past decade.

If the statement of the foreign minister of the Cuban dictatorship, Mr. Perez, is true, it would be most unfortunate, since Mr. Fox's election represented a great victory for democracy in Mexico after more than 70 years of a rotating dictatorship in that country. And Mr. Fox was expected by his people and by the international community to be a great leader in defense of democracy.

Perez of the Cuban dictatorship is not someone who tends to be believable, so we should walk the extra mile, though certainly without illusions, and still give Mr. Fox the benefit of the doubt with regard to what Mexico will do regarding human rights at this spring's meeting of the U.N. Human Rights Commission in Geneva.

What will Mr. Fox do, considering what happened to one of the most respected dissidents in Cuba, Marta Beatriz Roque, after she attended the meeting with President Fox at the Mexican embassy in Havana this past Monday? Of the opposition figures within Cuba, there is no one more respected nor deserving of respect than

this Cuban woman, an economist by training and director of the Cuban Institute of Independent Economists, Marta Beatriz Roque.

She, along with imprisoned opposition activists who suffered the most brutal aspects of the totalitarian repression of the dictatorship, is admired by all freedom-loving Cubans, as well as by supporters of democracy for Cuba throughout the world.

□ 1800

Well, on the night of the day of her meeting with President Fox and Foreign Minister Castaneda, just this last Monday, Marta Beatriz Roque was visited at her house by a typical array of goons, thugs and hoodlums sent by the dictator who told her that she had to accompany them to a detention center for questioning while her house was fumigated.

She was then taken to a detention center by these thugs, physically assaulted, strip-searched and insulted repeatedly for hours on end. While this was happening, the so-called fumigation was taking place at her house. The furniture and windows were destroyed, and Marta Beatriz Roque's few belongings were ransacked.

Marta Beatriz Roque's crime? She had met that morning with President Fox and Foreign Minister Castaneda, and she had spoken bravely in support of democracy for Cuba.

So what will President Fox do about this? The act of aggression against Marta Beatriz Roque was a way for the Cuban dictator to show his disdain and contempt for President Fox and Foreign Minister Castaneda, as well as for the Cuban people, whose democratic aspirations are thoroughly represented by Marta Beatriz Roque.

What will you do, President Fox and Foreign Minister Castaneda? Will you do as Castro's Foreign Minister says and fail even to acknowledge the gross and constant violations of human rights in Cuba when the United Nations Human Rights Commission discusses this issue in Geneva in the coming weeks, or will you do what you should do and condemn this atrocity against one of your guests at the Mexican Embassy in Cuba this past Monday?

What will the world do, Mr. Speaker? What will our colleagues in this Congress do? One of them showed his feelings on the subject of the oppression of Cuba by allowing a member of the delegation that he traveled to Cuba with recently to give the Cuban dictator a cap like the one worn by the New York Fire Department. That symbol of American heroism, of supreme American dignity, was given to the dictator who for more than four decades has imprisoned, tortured, exiled and executed those who fight for the freedoms which this country represents.

The gift of that cap to the dictator and the attitude that it reflects is grotesque. It is insulting not only to the Cuban people, but to Americans as well, and it is condemnable.

It is time to stop dining and joking with the Cuban dictator. The time has come to side with the oppressed people of Cuba. They will soon be free, but they deserve solidarity in their time of darkness.

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

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING RICHARD STOCKTON COLLEGE MEN'S SOCCER TEAM

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

Mr. LOBIONDO. Mr. Speaker, I rise today to honor the Richard Stockton College of New Jersey's men's soccer team on winning the NCAA Division III national championship, the school's first national title. Not only did the Ospreys bring home the title, they also achieved a 25–1–1 record, the best record in the history of the men's NCAA soccer.

Head coach Jeff Haines and his team established new school records for the most wins, most consecutive wins, fewest losses, best season record, most shutouts and most goals scored. Their dedication, hard work and can-do spirit have made our community so very proud and have brought the Ospreys recognition from across the Garden State and, in fact, from across the United States of America.

I would like to congratulate the team, Head Coach Haines, the coaching staff, athletic director Larry James and the entire school on such an impressive achievement. I am very pleased to welcome them to Washington and wish them the very best of luck for repeating as national champions next year. They have set an example for our entire community on what teamwork means, setting the bar high to reach a goal and then going for it and winning a national title. We are so very proud of them, Mr. Speaker.

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY 2001 MEN'S SOCCER ROSTER

Student athletes and New Jersey hometowns: Nicholas Agaccio, Avenel; Steven Billstein, Woodbury Heights; Douglas Cavagnaro, Vineland; Vincent Colubiale, North Cape May; Mark Dodson, Shamong; John Epley, Franklinville; Thomas Ferron, Ringwood; and Michael Ford, Atco.

John Geiges, Haddon Heights; Michael Harner, Sewell; Rashid Hawkins, Cherry Hill; Jason Kufta, Maple Shade; Peter Lambert, Ocean View; Ralph Maione, Egg Harbor City; David Mattus, Bridgeton; Michael McAlarnen, Upper Township; and Christopher Meyrick, Richland.

Jeffrey Moore, Gloucester Township; Michael Muckley, Atco; James Nelson, Toms River; Greg Ruttler, Atco; Nicholas Scafidi, Laurel Springs; Brett Steinberg, Hohokus; Thomas Tutalo, West Orange; Alec Walker, Atco; and Ryan Williams, Westmont.

Coaching staff members and title: Jeffrey Haines, head men's soccer coach; James Connor, assistant men's soccer coach; and Christopher Wiener, assistant men's soccer coach.

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

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

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

Mr. NUSSLE. Mr. Speaker, To facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through February 4, 2002.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal year 2002 through 2006. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2003 of accounts identified for advance appropriations in the statement of managers accompanying H. Con. Res. 83. This list is needed

to enforce section 201 of the budget resolution, which creates a point of order against appropriation bills that contain advanced appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. If at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), a sequestration of amounts within that category is automatically triggered to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83

[Reflecting action completed as of February 4, 2002—on-budget amounts, in millions of dollars]

	Fiscal year 2002	Fiscal year 2002–2006
Appropriate Level:		
Budget Authority	1,673,188	(1)
Outlays	1,638,852	(1)
Revenus	1,638,202	8,878,506
Current Level:		
Budget Authority	1,664,550	(1)
Outlays	1,625,874	(1)
Revenus	1,672,118	8,888,321
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−8,638	(1)
Outlays	−12,978	(1)
Revenus	33,916	9,815

Not applicable because annual appropriations Acts for fiscal years 2003 through 2006 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2002 in excess of $8,638,000,000 (if not already included in the current level estimate) would cause FY 2002 budget authority to exceed the appropriate level set by H. Con. Res. 83.

OUTLAYS

Enactment of measures providing new outlays for FY 2002 in excess of $12,978,000,000 (if not already included in the current level estimate) would cause FY 2002 outlays to exceed the appropriate level set by H. Con. Res. 83.

REVENUES

Enactment of measures that would result in revenue loss for FY 2002 in excess of $33,916,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 83.

Enactment of measures resulting in revenue loss for the period FY 2002 through 2006 in excess of $9,815,000,000 (if not already included in the current estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 83.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF FEBRUARY 4, 2002

[Fiscal years, in millions of dollars]

House Committee	2002		2002–2006 total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	7,350	7,350	28,492	25,860
Current Level	0	2	0	0
Difference	−7,350	−7,348	−28,492	−25,860
Armed Services:				
Allocation	146	146	398	398
Current Level	163	146	276	276
Difference	17	0	−122	−122
Banking and Financial Services:				
Allocation	0	0	0	0
Current Level	8	9	46	47
Difference	8	9	46	47
Education and the Workforce:				
Allocation	5	5	32	32
Current Level	−195	−180	3,785	3,040
Difference	−200	−185	3,753	3,008
Commerce:				
Allocation	2,687	2,687	−6,537	−6,537
Current Level	−46	−50	2	7
Difference	−2,733	−2,737	6,539	6,544
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	0	0	−1,995	−1,995
Current Level	0	0	−4	−4
Difference	0	0	1,991	1,991
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Resources:				
Allocation	0	−3	365	88
Current Level	0	−1	14	13
Difference	0	2	−351	−75
Judiciary:				
Allocation	0	0	0	0
Current Level	109	109	299	159
Difference	109	109	299	159
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	2,000	3,200	2,000	4,700
Current Level	3,108	4,208	9,949	12,649
Difference	1,108	1,108	7,949	7,949
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Veterans' Affairs:				
Allocation	264	264	3,205	3,205
Current Level	230	230	3,097	3,097
Difference	−34	−34	−108	−108
Ways and Means:				
Allocation	1,360	900	15,409	15,069
Current Level	6,427	6,427	36,710	36,710
Difference	5,067	5,527	21,301	21,641

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2002—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	Revised 302(b) suballocations as of September 20, 2001 (H. Rpt. 107–208)		Adjustments not reflected in 302(b) suballocations		Current level reflecting action completed as of February 4, 2002		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	15,668	16,044	535	352	16,553	16,634	350	238
Commerce, Justice, State	38,541	38,905	2,423	1,032	41,079	39,879	115	−58
National Defense	299,860	293,941	20,743	17,340	320,603	311,898	0	617
District of Columbia	399	415	200	200	608	618	9	3
Energy & Water Development	23,705	24,218	574	346	25,170	25,116	891	552
Foreign Operations	15,167	15,087	50	13	15,396	15,119	179	19
Interior	18,941	17,800	488	353	19,208	18,081	−221	−72
Labor, HHS & Education	119,725	106,224	3,647	1,821	126,265	109,153	2,893	1,108
Legislative Branch	2,892	2,918	256	196	3,230	3,137	82	23
Military Construction	10,500	9,203	104	27	10,604	9,217	0	−13
Transportation[1]	14,892	53,817	1,296	777	16,596	54,742	408	148
Treasury-Postal Service	17,022	16,285	1,283	1,098	18,352	17,354	47	−29
VA–HUD-Independent Agencies	85,434	88,062	7,101	348	92,335	88,811	−200	401
Unassigned[2]	0	0	4,554	21,132	0	13,397	−4,554	−7,735
Grand Total	662,746	682,919	43,254	45,035	705,999	723,156	−1	−4,798

[1] Does not include mass transit BA.
[2] Reflects 2002 outlays for FY2001 appropriations contained in P.L. 107–38, the Emergency Supplemental Appriations Act for Recovery from and Response to Terrorist Acts on the United States, and budget authority and outlays that result from the increase in the statutory spending caps contained in P.L. 107–117, the bill making appropriations for the Department of Defense for fiscal year 2002.

Statement of FY 2003 advance appropriations under section 201 of H. Con. Res. 83 reflecting action completed as of February 4, 2002

[In millions of dollars]

	Budget authority
Appropriate Level	23,159
Current Level:	
Commerce, Justice, State Subcommittee:	
Patent and Trademark Office	0
Legal Activities and U.S. Marshals, Antitrust Division	0
U.S. Trustee System	0
Federal Trade Commission	0
Interior Subcommittee: Elk Hills	36
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	2,463
Health Resources	0
Low Income Home Energy Assistance Program	0
Child Care Development Block Grant	0
Elementary and Secondary Education (reading excellence)	0
Education for the Disadvantaged	7,383
School Improvement	1,765
Children and Family Services (head start)	1,400
Special Education	5,072
Vocational and Adult Education	791
Treasury, General Government Subcommittee:	
Payment to Postal Service	48
Federal Building Fund	0
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	4,200
Total	23,158
Current Level (+) / under (−) Appropriate Level	−1

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985 REFLECTING ACTION COMPLETED AS OF FEBRUARY 4, 2001

[In millions of dollars]

		Statutory cap[1]	Current level	Current level over (+)/ under(−) statutory cap
General Purpose	BA	704,548	704,241	−307
	OT	696,092	688,000	−8,092
Defense[2]	BA	(3)	347,394	(3)
	OT	(3)	347,440	(3)
Nondefense[2]	BA	(3)	356,847	(3)
	OT	(3)	340,560	(3)
Highway Category	BA	(3)	(3)	(3)
	OT	28,489	28,489	0
Mass Transit Category	BA	(3)	(3)	(3)
	OT	5,275	5,275	0
Conservation Category	BA	1,760	1,758	−2
	OT	1,473	1,392	−81

[1] Established by OMB Final Sequestration Report for Fiscal Year 2002.
[2] Defense and nondefense categories are advisory rather than statutory.
[3] Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 5, 2002.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2002 budget and is current through February 4, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. These revisions are required by section 314 of the Congressional Budget Act, as amended. In addition, section 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending, and Public Law 107–117 contains language that increases the discretionary spending limits for fiscal year 2002.

Since my last letter dated December 6, 2001, the following legislation has been enacted into law, and has changed budget authority, outlays, and revenues for 2002:

Railroad Retirement and Survivors' Improvement Act of 2001 (Public Law 107–90);

District of Columbia Appropriations Act 2002 (Public Law 107–96);

Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103);

Administrative Simplification Compliance Act (Public Law 107–105);

National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107);

Best Pharmaceuticals for Children Act (Public Law 107–109);

Foreign Operations Appropriations Act, 2002 (Public Law 107–115);

Labor, HHS, Education Appropriations Act, 2002 (Public Law 107–116);

Defense Appropriations Act, 2002 (Public Law 107–117);

Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118);

Investor and Capital Markets Fee Relief Act of 2001 (Public Law 107–123);

Victims of Terrorism Tax Relief Act of 2001 (Public Law 107–134);

Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 (Public Law 107–135);

In addition, the Congress has cleared for the President's signature an act to amend

the Higher Education Act of 1965 with respect to interest rates for borrowers and payments to lenders (S. 1762) and an act to require valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation (H.R. 1913).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF FEBRUARY 4, 2002

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in sessions prior to 107th Congress:			
Revenues	0	0	1,703,488
Permanents and other spending legislation	984,540	934,501	0
Appropriation legislation	0	280,919	0
Offsetting receipts	−321,790	−321,790	0
Total, enacted prior to 107th Congress:	662,750	893,630	1,703,488
Enacted in first session of 107th Congress:			
Authorizing Legislation:			
An act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107–13)	0	−3	0
Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107–15)	0	0	−7
Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16)	6,425	6,425	−31,145
An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees (P.L. 107–18)	8	9	8
An act to authorize funding for the National 4–H Program Centennial Initiative (P.L. 107–19)	0	2	0
An act to provide for expedited payments of certain benefits (P.L. 107–37)	5	5	
Air Transportation Safety and System Stabilization Act (P.L. 107–42)	3,000	4,200	1,400
An act to implement an agreement for a U.S.-Jordan Free Trade Area (P.L. 107–43)	0	0	−2
A joint resolution approving the extension of nondiscriminatory treatment to products of the Socialist Republic of Vietnam (P.L. 107–52)	0	0	−33
U.S.A. PATRIOT Act (P.L. 107–56)	104	104	0
Railroad Retirement and Survivors' Improvement Act of 2001 (P.L. 107–90)	108	108	−118
Veterans Education and Benefits Expansion Act of 2001 (P.L. 107–103)	229	229	0
Administrative Simplification Compliance Act (P.L. 107–105)	−50	−50	0
National Defense Authorization Act, 2002 (P.L. 107–107)	163	146	0
Best Pharmaceuticals for Children Act (P.L. 107–109)	4	−2	6
Small Business Liability Relief and Brownfields Revitalization Act (P.L. 107–118)	0	2	0
Investor and Capital Markets Fee Relief Act of 2001 (P.L. 107–123)	0	0	−1,261
Victims of Terrorism Tax Relief Act of 2001 (P.L. 107–134)	2	2	−188
Veterans Affairs Health Care Programs Enhancement Act of 2001 (P.L. 107–135)	1	1	0
Total, authorizing legislation:	9,999	11,178	−31,340
Appropriations Acts:			
Supplemental Appropriations Act, 2001 (P.L. 107–20)	65	4,576	0
Emergency Supplemental Appropriations for Fiscal Year 2001 (P.L. 107–38)	0	13,397	0
Emergency Supplemental Appropriations for Fiscal Year 2002 (P.L. 107–117)	20,000	8,459	0
Agriculture Rural Development Appropriations Act, 2002 (P.L. 107–76)	75,237	41,363	0
Commerce, Justice, State Appropriations Act, 2002 (P.L. 107–77)	39,223	26,608	0
Defense Appropriations Act, 2002 (P.L. 107–117)	317,474	213,172	0
District of Columbia Appropriations Act, 2002 (P.L. 107–96)	408	370	0
Energy and Water Appropriations Act, 2002 (P.L. 107–66)	24,595	15,972	0
Foreign Operations Appropriations Act, 2002 (P.L. 107–115)	15,391	5,582	0
Interior and Related Agencies Appropriations Act, 2002 (P.L. 107–63)	19,148	11,901	0
Labor, HHS, Education Appropriations Act, 2002 (P.L. 107–116)	327,513	258,081	0
Legislative Branch Appropriations Act, 2002 (P.L. 107–68)	2,974	2,509	2
Military Construction Appropriations Act, 2002 (P.L. 107–64)	10,500	2,678	0
Transportation and Related Agencies Appropriations Act, 2002 (P.L. 107–87)	17,505	22,021	0
Treasury, Postal Service, General Government Appropriations Act, 2002 (P.L. 107–67)	32,137	27,936	0
Veterans, HUD, and Independent Agencies Appropriations Act, 2002 (P.L. 107–73)	109,229	64,803	−32
Total, appropriations acts:	1,011,399	719,428	−30
Total, enacted in first session of the 107th Congress:	1,021,398	730,606	−31,370
Entitlements and Mandatories: Adjustments to appropriated mandatories to reflect baseline estimates	−18,054	1,816	0
Passed pending signature in second session of the 107th Congress:			
An act to amend the Higher Education Act of 1965 with respect to interest rates for borrowers and payments to lenders (S. 1762)	−195	−180	0
An act to require valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation (H.R. 1913)	0	2	0
Total, passed pending signature in second session of the 107th Congress	−195	−178	0
Total Current Level	1,664,550	1,625,874	1,672,118
Total Budget Resolution	1,673,188	1,638,852	1,638,202
Current Level Over Budget Resolution	0	0	33,916
Current Level Under Budget Resolution	−8,638	−12,978	0
Memorandum			
Revenues, 2002–2006:			
House Current Level	0	0	8,888,321
House Budget Resolution	0	0	8,878,506
Current Level Over Budget Resolution	0	0	0

Notes.—P.L. = Public Law.

Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. In addition Sec. 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending, and Public Law 107–117 contains language that increases the discretionary spending limits for fiscal year 2002. To date, the Budget Committee has increased the budget authority allocation in the budget resolution by $46,700 million and the outlay allocation by $48,378 million for these purposes.

For comparability purposes, current level budget authority excludes $1,349 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act, is not included in H. Con. Res. 83, Total budget authority including mass transit is $1,665,899 million.

Source: Congressional Budget Office.

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

(Mr. LYNCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING APPRECIATION OF RONALD WILSON REAGAN

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

Mr. GUTKNECHT. Mr. Speaker, tonight I rise to express my appreciation for President Ronald Wilson Reagan.

Ronald Reagan will forever be remembered for having won the Cold War without firing a shot. He rebuilt our defenses and strengthened our economy, but most important, he made us believe in ourselves, to believe in our capacity to perform great deeds.

Demeaned as a B-grade actor, underestimated by his adversaries, both domestic and international, he shouldered on with incurable optimism. He preached and lived the basic American values. Things like faith, family, freedom, work and personal responsibility were more than words.

Ronald Reagan had an enormous empathy for the American people. He had a magic smile that cheered us. His tears were real when tragedy came our way. The title of his autobiography, ''An American Life,'' was appropriate. He was the American President in the American century.

As he turned and saluted, boarding Marine One for the last time, I remember turning to my wife and saying, ''He

was a long time coming; he'll be a long time gone.''

Mr. President, on behalf of a grateful Nation, permit me to say thank you, happy birthday and may God bless you.

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

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING THEODORE J. VOLLRATH, PHILIP JEHLE AND R. LAWRENCE COUGHLIN

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

Mr. GEKAS. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD remembrances of three individuals who passed away in the last few months.

First, I want to recall the life of Ted Vollrath. Ted Vollrath was a Korean veteran who, because of the battles in which he was engaged, eventually lost both his legs. That did not stop him at all. He became active in many veterans entities and served the public in many different ways, but while he was doing that, he was learning karate. He became a black belt in karate; can my colleagues believe this now, a man without legs, earned a karate black belt.

In a wheelchair he was able to perform feats never before seen, and he performed in London and all over the eastern seaboard and actually made a movie called Mr. No Legs. I saw one of the premieres of it in my district when it came to town.

So he was a movie actor, an enthusiast for karate, a specialist, a black belt, and yet he found time to serve the various veterans organizations in our area, and then, on top of that, served me, our office, as chairman of our Service Academy Nominating Committee and did that for almost 20 years. He was someone who I could count on for advice not just on the service academies, but also on matters military generally, on national security and others.

He at one time, I am also ashamed to tell my colleagues this, one time he said he wanted me to, in one of his karate exhibitions and swordsmanship exhibitions, he wanted to put an apple on the back of my head, have me kneel down, and then he would with one swift stroke of a sword cut the apple and hopefully not my neck. What I cannot understand is that I said, yes, I would do it, and I did. I put my head down on like a little table or bench there, he put the apple, we had an audience, et cetera, and he did it with his sword and cut the apple in half, did not touch any part of your speaker here, else I would not be here.

The point was that he fulfilled his life with four children and a wonderful church relationship and a community relationship, and overcame tremendous odds through his life. When we lost him, we lost a true contributor to our community.

The second set of remembrances are as to Phillip Jehle. We best knew him, we Pennsylvania Members of the Congress, as the director of the Governor's office in Washington. Governor Casey at that time appointed Mr. Jehle as the director, but he had a whole array of services to the State and to the country way before that. Let me read a couple of the salient features of his life.

He was a retired Washington lawyer. He had served as a chief counsel to a Senate committee. He had served as executive vice president of a pharmaceutical company, and then, as I said, the director of the Washington office of the Pennsylvania Governor. All of us who served in the Pennsylvania delegation knew him well, could approach him at any time to coordinate the solution of problems that were mutual to Members of Congress and to the Governor of the Commonwealth.

He upon his retirement from SmithKline, where he had worked, he spent the rest of his time in legislation that was important to Pennsylvania through the Governor's office.

His survivors include his wife of 52 years, Marcelle Auclair Jehle; five children, Philip F. Jehle, Christopher A. Jehle, Lawrence and Patricia A. Galasso of Morocco, and Kathleen M. Will of Elk Ridge; also a brother, three sisters and 12 grandchildren.

He was a public servant of a special breed, and he, too, will be remembered through our insertion of remembrances in the CONGRESSIONAL RECORD.

The third is as to our colleague Larry Coughlin, longtime member of the Pennsylvania delegation, a Member of Congress from southeast Pennsylvania, who served valiantly throughout the time that he was here after having served in the Pennsylvania General Assembly.

Larry was 71. He was from Montgomery County, and he was the fellow that, when he walked in here, was immediately noticeable for his gentlemanly stance and his posture, but, more than that, his elegant bow tie. He almost never came to this Chamber or to any function without a bow tie, and they were nice ones and colorful and fit the pattern of his gentleman qualities. So if we forget everything else about him, we will always be able to talk about that bow tie presence that he had.

He served in Congress from 1968 to 1992. At first he represented just Montgomery County and then later part of Philadelphia. He endorsed funding SEPTA, which is a transportation authority in the southeast of Pennsylvania, and other mass transit agencies, housing efforts and antidrug education.

He graduated from the Hotchkiss School in Lakeville, Connecticut, in 1946 and from Yale University in 1950. One of his Yale classmates was George Herbert Walker Bush, the future President and father of our current President, George W. Bush.

While attending Harvard Business School he was called to Active Duty by the Marine Corps in Korea, serving as an aide to the legendary Lieutenant General Lewis B. ''Chesty'' Puller. After his discharge, he returned to Harvard, earning a degree in business administration in 1954.

He came to Philadelphia to attend Temple University Law School, attending classes at night and working as a foreman on an assembly line at Heintz Manufacturing Company, a steel company, during the day. He received his degree in 1958 and became a partner at Saul Ewing Remick & Saul.

During Vice President Richard M. Nixon's first Presidential campaign in 1960, Larry decorated an old mail truck with banners, and he took the Nixon campaign to the streets of Philadelphia.

By the 1960s he lived in Villanova and was involved in Montgomery County Republican politics. He worked for William W. Scranton's successful gubernatorial campaign in 1962. He himself won his first election in 1964, capturing a seat in the State house of representatives. Two years later he moved up to the State senate, and he was elected to his first term in Congress from the 13th District in 1968.

During his 24 years in Congress, he served on the Committee on the Judiciary and became a high-ranking member of the Committee on Appropriations and its Subcommittee on Transportation. As a member of the House Select Committee on Narcotics Abuse and Control, he called for de-emphasis on efforts to interdict narcotics traffic and instead sought additional funds for destruction of cocaine processing labs, what he called the choke points in the drug trade.

□ 1815

He also supported funding for antidrug education programs.

His two most competitive contests for reelection came in 1984 and 1986 against the then Democratic State representative JOE HOEFFEL. By the 1980s, Representative Coughlin's 13th District had been reapportioned to include Chestnut Hill, Roxborough, Manayunk and Overbrook in Philadelphia as well as Montgomery County, adding many more registered Democrats to his district.

By the way, that same JOE HOEFFEL eventually became the Member of Congress from that area and is serving even as we speak here today as a Member in this current session of Congress.

Representative Coughlin mounted successful campaigns against his younger opponent, however, and he won comfortably in both contests. And Joe, who finally won the 13th District after what we just mentioned, in 1998 said after learning about Larry's death, ''Larry was a moderate who was not at ease with the aggressive wing of the Republican Party. He had a great record in mass transportation and urban matters. Even when his district was entirely suburban, he favored the regional approach.'' That was JOE HOEFFEL's tribute to Larry.

Unlike some of our colleagues in Congress, Representative Coughlin shunned the limelight. He told me there are workhorses in Congress and there are show horses, and he described himself as a workhorse. The gentleman from Pennsylvania (Mr. HOEFFEL) is the one who recalls that statement that was made by Larry, and he added that he was a dedicated public servant. There was never a whisper of anything improper or self-serving.

When a magazine writer claimed that men who wore bow ties were not to be trusted, Representative Coughlin, who never wore anything but bow ties, said, ''I have never known one who wasn't trustworthy.''

After his retirement, Mr. Coughlin remained in Washington, joining Eckert, Seamans, Cherin & Mellott as senior counsel. Earlier this year, he joined the law firm of Thompson Coburn. He was president of the Friends of the U.S. National Arboretum, and he enjoyed gardening, hiking and boating.

Mr. Coughlin is survived by his wife of 21 years, Susan MacGregor Coughlin; a daughter, Lisa Powell, from his first marriage to the late Helen Ford Swan; and three children from his second marriage to Elizabeth ''Betsey'' Worrell. They are daughters Lynne Samson and Sara Noon; and son Lawrence. He is also survived by five grandchildren.

One other anecdote that is not part of the printed material that I will enter into the CONGRESSIONAL RECORD. I remember an occasion, I believe he was still an incumbent at the time, or maybe he had just moved into the outer fringes of the House of Representatives, but an intruder entered his house and was doing whatever these intruders do, and Larry corralled him. He apprehended him and held him down until the police arrived.

So, again, the kind of courage we knew was his wont throughout his life, particularly in Korea, manifested itself in his own domicile in apprehending a felon. And so he was a hero in many, many different ways was Larry Coughlin.

Mr. Speaker, I yield to the gentleman from Nebraska (Mr. BEREUTER), who has been eager with me to have this hour of remembrances of Larry Coughlin come about.

Mr. BEREUTER. I thank the distinguished gentleman from Pennsylvania, and I am very pleased to participate in this commemorative tribute for Larry, Lawrence, Coughlin, Jr., a terrific person, outstanding Congressman, and a real patriot. And I have to say that I am objective about that despite the fact that Larry Coughlin was one of my best friends in the Congress.

He provided a tremendous amount of leadership in this Congress in so many ways, but of course I guess the area in which he is best known is his leadership for the whole Congress on urban and mass transit issues.

Larry had a great set of priorities: family, the U.S. House of Representatives, and Marine Corps. He was such a courteous, cordial individual. He absolutely deserved and lived up to the title of ''the gentleman from Pennsylvania.''

We had great respect for him, a tremendous sense of humor, we all enjoyed his company, but his contributions in the Congress, of course, were only part of the contributions he made to the country. He provided incredible service to Chesty Puller, one of the most famous marines of all. And I have a hard time saying this as a former Army officer, but in fact he did remarkable things.

He provided real work, hard labor to put himself through law school, and he had an inspirational impact on his family. He motivated those children to bring out the best in their capabilities; a high value on education and patriotism, and it shows when you meet them today, and his grandchildren as well.

One of the things that most people do not know about Larry Coughlin is his love for plants, trees, bushes, all kinds of plants. Larry worked in the soil. He loved it, and he provided some real leadership to organizations like the Friends of the National Arboretum, where he served as the president for a number of years, and he was an inspiration to all of us.

He actually is responsible for involving a significant number of Members of Congress and their spouses in the work of the National Arboretum. It was one of his loves. But he took that love and you could see it on his own properties in Virginia, Pennsylvania, and elsewhere. He grew up in that agricultural vein. He tells stories about working with his father from the youngest years of his life, and he made a tremendous contribution in that area, and it is something that most people do not know about. I think there could be an opportunity for us to make a fitting tribute to Larry Coughlin by doing something in the future for the National Arboretum, one of his real joys in life.

We are going to miss him very, very much, and I in particular. I thank my colleague, the gentleman from Pennsylvania (Mr. GEKAS), for yielding to me. It is hard to itemize all the things in which Larry made contributions throughout his life, and even here in the House of Representatives. It is hard to list them all because this was a man who reflected the best in the House of Representatives.

Mr. GEKAS. I thank the gentleman. And it occurred to me that we missed a golden opportunity to pay the ultimate tribute to Larry. We should have worn bow ties for this occasion while we did our remembrances of him.

Mr. BEREUTER. He not only wore them, he defended them; did he not?

Mr. GEKAS. Yes, he did, regularly.

And so, Mr. Speaker, that concludes our remembrances on this occasion, and we invite every Member who wishes to add any kind of sentiment or remembrance to the CONGRESSIONAL RECORD to do so, and to let us know so that we can coordinate the whole of the RECORD; and, as I indicated previously, I hereby submit additional biographical information on Larry Coughlin for the RECORD.

[From the Biographical Directory of the United States Congress]

COUGHLIN, ROBERT LAWRENCE, 1929–

Coughlin, Robert Lawrence, (nephew of Clarence Dennis Coughlin), a Representative from Pennsylvania; born in Wilkes-Barre, Luzerne County, Pa., April 11, 129; A.B., Yale University, 1950; M.B.A., Harvard Graduate School of Business Administration, 1954; LL.B., Temple University Evening Law School, 1958; attorney; manufacturer; captain, United States Marine Corps, 1950–1952, aide-de-camp to Gen. L.B. Puller; elected to Pennsylvania house of representatives, 1964; elected to Pennsylvania senate, 1966; elected as a Republican to the Ninety-first and to the eleven succeeding Congresses (January 3, 1969–January 3, 1993); was not a candidate for renomination in 1992 to the One Hundred Third Congress; is a resident of Plymouth Meeting, Pa.

[From the Washington Post, Dec. 5, 2001]

REP. R. LAWRENCE COUGHLIN, JR., DIES; REPRESENTED PENNSYLVANIA FROM 1969 TO 1993

(By Adam Bernstein)

R. Lawrence Coughlin Jr., 72, a moderate Pennsylvania Republican who from 1969 to 1993 represented the wealthy Maine Line area of suburban Philadelphia in the House of Representatives, died of cancer Nov. 30 at his weekend farm in Mathews, Va. He lived in Alexandria.

Rep. Coughlin, a lawyer, was known for championing urban and mass-transit issues nationwide. He served on the transportation subcommittee and the District subcommittee. He also was ranking Republican on the Select Committee on Narcotics Abuse and Control. On the District subcommittee, he was frequently critical of then-Mayor Marion Barry's leadership. At one hearing on the D.C. budget, he took Barry to task for ''corruption and mismanagement'' citywide. He did not pursue reelection in 1992 and became senior counsel to Eckert Seamans Cherin & Mellott in Washington. In April, he joined the Washington office of the St. Louis-based Thompson Coburn law firm and concentrated on transportation and international-commerce matters. He was on the board of the Friends of the U.S. National Arboretum, where he was a former president.

Robert Lawrence Coughlin Jr. was born in Wilkes-Barre, Pa., and grew up on his father's farm near Scranton, Pa. He was a nephew of former representative Clarence D. Coughlin (R–Pa.). The younger Rep. Coughlin

was a 1946 graduate of the Hotchkiss School in Lakeville, Conn., and a 1950 economics graduate of Yale University. He received a master's degree in business administration from Harvard University. He was a 1958 graduate of Temple University's law school, attending classes at night while a foreman on a steel assembly line during the day. He served in the Marine Corps during the Korean War and was aide-de-camp to Lt. Gen. Lewis B. ''Chesty'' Puller. Years later, in Congress, Rep. Coughlin chaired the Capitol Hill Marines, a group of congressmen who had been in the Marine Corps. He was practicing law at a Philadelphia firm when he was elected to the Pennsylvania House of Representatives in1 964 and to the state Senate in1 966. He won his U.S. House seat in 1968, when Richard S. Schweiker (R) left to make a successful bid for the U.S. Senate.

A tall, slender man with a patrician air, Rep. Coughlin was known for wearing—and defending—bow ties. When a magazine writer said in the 1980s that men who wore bow ties were not to be trusted, Rep. Coughlin was quoted as saying, ''I've never known one who wasn't trustworthy.'' His first wife, Helen Ford Swan Coughlin, died in the early 1950s. His marriage to Elizabeth Worrell Coughlin ended in divorce. Survivors include his wife of 21 years, Susan MacGregor Coughlin of Alexandria; a daughter from his first marriage, Lisa Coughlin Powell of Plymouth Meeting, Pa.; three children from his second marriage, Lynne Coughlin Samson of Wayne, Pa., Sara Coughlin Noon of Bel Air, Md., and R. Lawrence Coughlin III of Seattle; and five grandchildren.

SICKLE CELL DISEASE

The SPEAKER pro tempore (Mr. SHUSTER). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I had the joy on Monday to visit one of the hospitals in my district, the Miller Children's Hospital located in Long Beach and within the Long Beach Memorial Hospital complex. What a joy it was, Mr. Speaker, to talk with the many children who had such hope and such enthusiasm even given the fact that they are sickle cell anemia children.

I was met, as I came into the hospital, by Kala, age 5. So much spirit, so vibrant, so eager to talk with me about the things that she does in school. I was absolutely pleased to see this youngster, who is really suffering from sickle cell anemia, to have such hope and such determination, something that we can all and should all emulate.

And then I went to the next ward and I saw Etan. Etan was with his mother and father, and he, too, is suffering from sickle cell anemia. I talked with Etan. He is an A student in school. His father and his mother hailed from Nigeria. He has to come in every so often for a blood transfusion.

I was so pleased to see these two young people, who are so vibrant, so much life, and yet their life can be taken in a moment's time if they are not given this type of blood that they have to have.

Then I went down the hallway and I saw another young guy by the name of Chris. He was in the hospital, again having this blood transfusion, and he was with his father, his mother, and his brother Maurice. They are a family of 10. It was amazing to me how this family was so close-knit there, pulling for Chris to come through. He, too, had to have this blood transfusion, and he, too, had just a wealth of energy, as much as he could put out; and so much love, so much compassion, smiling all the time, not knowing exactly whether he will be with us next year or not.

These are children, Mr. Speaker, that have been afflicted with sickle cell disease. And we, as African Americans, know much too often about sickle cell. We know that sickle cell and that disease is a disease that affects a special protein inside of our red blood cells called hemoglobin. The red blood cell has an important job. They pick up oxygen from the lungs and take it to every part of the body.

We also recognize, Mr. Speaker, that sickle cell disease affects 3 in every 1,000 African American newborns. Although in the United States most cases occur among African Americans, this disease also affects people of Arabian, Greek, Maltese, Italian, Sardinian, Turkish, and of Indian ancestry. Affected children are at an increased risk of mortality or morbidity, especially in the first 3 years of life.

This is why, Mr. Speaker, the Miller Children's Hospital at Long Beach Memorial is such an outstanding one because it treats these kids. It has an absolutely state-of-the-art clinic that has helped in so many ways with our children gaining their strength and being able to get back up and go to school and to monitor them. They monitor them to make sure that when there is a need for them to come back in for a transfusion, they come back in.

Sickle cell disease is an inherited disease of the red blood cells, as I said before, which can cause attacks of pain, damage to vital organs, and risk of serious infections that can lead to early death. This is why, Mr. Speaker, for infants and young children with sickle cell disease they are especially vulnerable to severe bacterial infections such as those that cause meningitis and blood infection. Infections are the leading cause of death in children with sickle cell disease.

I cannot say enough about the testing and the great physicians and nurses that are helping our children who have sickle cell. So I call on all my fellow colleagues to join me in the fight to support this universal patient access and research for sickle cell disease.

□ 1830

BUSH ADMINISTRATION DOWNGRADES ENVIRONMENTAL POLICY

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to highlight the negative aspects of the Bush administration's environmental record. I do not come to the floor lightly. I am not here because I particularly want to be critical of the President or this administration; but it has been upsetting to me, particularly because I think in the aftermath of the September 11, because the Nation and I personally have focused so much on defense and the war on terrorism and homeland security issues, many times when efforts were made by the administration to weaken environmental laws or change agency rules in ways that weaken environmental protection, it has been difficult to get the public to pay attention to those issues or to even get the media's attention to the fact that in many cases environmental regulations have been watered down or changed in a way that is not good for the environment.

I was hoping that was just a coincidence and it would not continue, but it has continued. There are reports which have come out, one of which I would like to go into in a little detail tonight, which shows that this administration continues to downgrade, if you will, environmental protection.

When the President came forth with his budget last Monday, there was another strong indication of his willingness to downgrade environmental concerns because of the level of funding proposed in his budget for some key environmental programs.

I do not think that anyone really expected when President Bush took office that this administration would be strong on environmental issues, but many times there was rhetoric that suggested maybe we were wrong and maybe there would be some heightened concern over the environment. But the fact of the matter is that the administration's actions are very much the opposite. They continue, whether by regulation or through their spending policies, to take action which I think ultimately hurts the environment.

Mr. Speaker, I want to start out this evening by going through briefly a report that was put out by the Natural Resources Defense Council, the NRDC on January 23, just a couple of weeks ago. Basically what they looked at was agency actions over the spectrum of the Nation's most important environmental programs, whether that be protecting air, water, forest, wildlife or public lands. The report is actually entitled ''Rewriting the Rules: The Bush Administration's Unseen Assault on the Environment.'' It basically provides a review of agency action since September 11, and it shows very dramatically that there, basically, has been an intensification of efforts after September 11 to downgrade environmental protection.

I think it is unfortunate that this is the case because I believe most Americans feel that not only is the environment an important issue, but it is a

quality-of-life issue that everyone should be concerned about. I find in my district in the State of New Jersey, it does not matter whether a Member is a Republican or a Democrat, Americans want to protect the environment.

Let me review some of the points that this report makes. Again, it is called ''Rewriting the Rules: The Bush Administration's Unseen Assault on the Environment.'' The first is with reference to clean air. We know that there is a fundamental requirement of the Clean Air Act that older electric power plants and other smoke stack industries must install state-of-the-art cleanup equipment when they expand or modernize their facilities, in other words when utilities are in the process of expanding an older facility. The older facilities may be exempt from certain standards of the Clean Air Act, but if you expand an old facility or build a new facility, then the company has to come under the provisions of the Clean Air Act. It is the grandfathering that is exempt.

But what we find is that the Bush administration is trying to basically allow expansion of these older, dirty power plants without meeting the new requirements or the new rules. There is a new source requirement that says that for new industrial facilities and power plants, that industry has to put in place air quality improvements. That needs to be done for older, expanded plants, the same way as is required for new plants. But the Bush administration is saying that older plants may be expanded without having to upgrade equipment.

Mr. Speaker, when the Clean Air Act was passed, it was understood that even though the older plants were grandfathered, that they would be phased out and at some point there would only be the new plants which met the stricter environmental criteria. If this administration allows the older plants to essentially retool and expand under the old rules, not only will those plants continue to have a life of their own, but now there will be even more power generated using old and outmoded methods that allow the air to be more and more polluted.

The second issue that the NRDC report references with regard to wetlands. For more than a decade, the cornerstone of America's approach to wetlands protection has been a policy that calls for no net loss of wetlands. This actually originated with the first President Bush, with the first Bush administration. But with no public notice or opportunity for comment, the U.S. Army Corps of Engineers moved to effectively reverse this long-standing policy by issuing a new guidance on wetlands mitigation. These weaker standards would mean the loss of tens of thousands of acres of wetlands that provide flood protection, clean water and fish and wildlife habitat. This reversal of the no net-loss policy, which has occurred since September 11, is just one component of a broader Bush administration effort to diminish wetlands protection.

The President made a pledge during Earth Day of this year that he would preserve wetlands; but if we look at what his administration is doing, they supported relaxing a key provision of the Clean Water Act, the National Permit Program, which regulates development and industrial activity in streams and wetlands. So the Corps of Engineers is loosening the permit standards and making it easier for developers and mining companies to destroy more streams and wetlands.

Mr. Speaker, a third area is mining on public lands. Mining activities have despoiled 40 percent of western watersheds, according to the EPA. But instead of addressing this problem, the Bush administration is making it worse. In October, the Department of the Interior issued new hardrock mining regulations reversing environmental restrictions that apply for mining for gold, copper, silver, and other metals on Federal lands. Under the new rules, the agency has renounced the government's authority to deny permits on the grounds that a proposed mine could result in substantial irreparable harm to the environment. So the new rules also limit corporate liability for irresponsible mining practices, undermining cleanup standards that safeguard ground and surface water.

□ 1845

These were again put into place in October, in the aftermath of September 11, essentially when most of us, including the media, were not paying too much attention.

A fourth area that I would like to mention that is in the NRDC report is particularly important to me, because when I was first elected to Congress back in 1988, basically I ran on a platform that I was going to put an end to ocean dumping off the coast of New Jersey, off the coast of my district. I have been very successful with my colleagues from New Jersey, with my other Members of the House, with the Senators from New Jersey over that 14-year period now to basically put an end to all direct dumping, if you will, in the ocean, whether it be sewage or toxic dredge material or the other types of materials. We had all kinds of garbage and different things that were placed out in the ocean.

Sewage, of course, contains bacteria, viruses, fecal matter and other wastes, and it is responsible each year for beach closures, fish kills, shellfish-bed closures and human gastrointestinal and respiratory illnesses. In 1988 in New Jersey, because of all the medical waste and the sewage sludge that was washing up on the beaches in the summer, we actually had to close all the beaches in the State, or almost all the beaches in the State. It cost New Jersey billions of dollars. People were getting sick, the economy was suffering, it was really a bad situation, both healthwise and economically speaking.

According to the EPA, there were 40,000 discharges of untreated sewage into water bodies, basements, playgrounds and other areas in the year 2000. Before the Bush administration took office, the EPA issued long-overdue rules minimizing raw sewage discharges into waterways, and requiring public notification of sewage overflows. The proposed rules, however, were blocked by the regulatory freeze ordered by the Bush administration last January. A year later, the administration still has not issued the final sewage overflow rules. Technically, they remain under internal review at the EPA, but in practice they are languishing in regulatory limbo.

This was an action that was taken by the Clinton administration, by the prior President, in an effort to try to minimize raw sewage overflow into our rivers, oceans and streams, and the Bush administration when they came into office basically got rid of that regulation, but promised they would come up with new ones. A year later we do not have them. Once again we have an example where clean water, like clean air, like wetlands, all these things are suffering because of either action or inaction by this current administration.

The last thing that the NRDC mentions in the report is OMB's centralized assault. The full-scale regulatory retreat at Federal environmental agencies is only part of the story, according to the NRDC.

Over the long term, the most telling indication of the Bush administration's intentions is the role played by the Office of Management and Budget. The Bush administration has given unprecedented new power to OMB to gut existing environmental rules and bottle up new ones indefinitely. And the OMB has carried this effort a step further by reaching out to polluters and their champions on Capitol Hill to develop a hit list of environmental safeguards they plan to weaken. The list provides a road map of upcoming regulatory battles that include safe drinking water standards, controls on toxins, Clean Air Act requirements, water pollution limits, pollution from factory farms, and forest planning regulations.

The problem that I see, Mr. Speaker, is that this administration started out basically saying that they were going to try to improve the environment, making that commitment. A lot of us doubted that that commitment was real, and now in the aftermath of September 11 we see that it is not real, and, in fact, every effort is being made to gut environmental protection. I think that the public increasingly will not stand for this. If anything, the Enron scandal points out that the public is very wary of big business, corporate interests being able to extend their political influence on Capitol Hill to do things that are not in the interest of the little guy, that are not in the interest of the general public. I have no doubt that the environment is something that the public sincerely cares

about and that once these administration actions are brought to light, we can see mounting support to oppose any kind of changes that seek to basically downplay or degrade the environment.

I wanted to mention, Mr. Speaker, if I could, what happened and some of the highlighted cuts that the President brought forward in his budget last Monday. I think that, as with everything related to the environment, the key is having good laws on the books, having agencies that will carry out those laws, but those agencies cannot carry out those laws unless they have the funding to do so, and in many cases they do not have the enforcement arm to make sure that permits are not violated and that people are basically not going along with the laws that exist, the good laws that exist on the environment.

When you talk about cutbacks in the areas that I am going to discuss, that has a major impact on the ability to improve environmental quality. If the money is not there to clean up the water, to clean up the air, to take the action, to do the enforcement, then we will continue to see a policy of environmental degradation.

I wanted to get into a little detail about some of the budget concerns that I have in what the President proposed last Monday. In the first instance, I would like to talk about the Land and Water Conservation Fund. This is really an open space issue.

At the end of the 106th Congress, the work of numerous Members, administration officials and literally thousands of conservation, environmental and recreation interests across the country culminated in what was the greatest piece of conservation funding legislation enacted in our lifetime. This was at the end of the last Congress. There was a bipartisan deal that set aside a total of $12 billion over a 6-year period, from 2001 to 2006, to fund an array of important programs, including the Land and Water Conservation Fund that protected open space, wildlife habitat, wildlife and cultural treasures, and supported recreation. This fund, the Land and Water Conservation Fund, is dedicated and protected for these purposes. It cannot be used for any other budget purposes.

The fund started out at $1.6 billion and is slated for 10 percent increases each year to reach a total of $2.4 billion by fiscal year 2006. The fund is large enough to fully fund the open space program that Congress enacted, but the administration in its budget proposal cut this historic program by $250 million below its authorized level of $1.92 billion for the next fiscal year.

The Bush administration's budget also erodes the original purpose of this Land and Water Conservation Fund, first by cutting existing programs such as the Land and Water Conservation Fund by $88 million, State and tribal wildlife grants by $25 million, and the Endangered Species Fund by $5 million; and also zeroing out the Urban Parks and Recreation Program. It substantially increases the level in the fund for Federal lands maintenance, and this was supposed to be complementary, not part of the effort to acquire more open space.

So what we see is a promised program, the Land and Water Conservation Fund, which was supposed to be money set aside just for specific open space purposes, now being cut even though there was a commitment over this period of time to make sure that it was fully funded.

There is a similar problem with wildlife refuges. The wildlife refuge system celebrates its 100th anniversary in 2003. Defenders and a number of other organizations have called for more than doubling the refuge system's budget to a total of $700 million so that it has the funds to carry out its mission. In other words, there was supposed to be a significant increase in this fund. But what has happened, what the Bush administration has proposed, is to basically cut back on staff. Nearly 200 refuges have no staff on site, and at its fiscal year 2002 funding level, needed operation increases are five times greater than needed maintenance increases. What the administration is doing again here is not providing enough funding to actually run the wildlife refuge programs and making it more and more difficult to maintain the refuges around the country.

We have a similar situation with endangered species. The administration has requested $125.7 million, level funding, for the Fish and Wildlife Service core endangered species program. But this amount falls far short of the $275 million recommended for the next fiscal year by environmental groups. They do not have enough funding in the Fish and Wildlife Service to complete action on more than 250 species that are currently candidates for protection. This is the listing of the species under the Endangered Species Act. So if you do not have the money to actually go out and list species and decide what is going to be on the endangered species list, essentially there is no protection for those species.

Last year, the Service estimated that it needs $120 million, or $24 million per year over 5 years, just for the process of eliminating the backlog for listing critical species. This does not account for a lot more that could be looked at and placed on the list. The administration has requested just $9 million for listing. Again, this is a way through the budget that the Bush administration makes it more difficult, if not impossible, to enforce the Endangered Species Act, by not providing enough funding to do the process of listing species. That is just the listing process.

At the same time, the Fish and Wildlife Service is desperately short of funding needed to recover species; in other words, those that have already been listed and need actions by the Federal Government to make sure that they recover. At least 40 currently listed species could become extinct, even though they are listed and protected, because there is not enough funding for needed recovery actions. I will not list all of these, but the Florida panther is one, and a number of Hawaiian birds and plants. Again, this is another area where the administration is basically allowing a program to degrade because we do not have the money to either list an endangered species or to protect them.

I wanted to also mention the Cooperative Conservation Initiative. The administration is proposing $100 million for a new Cooperative Conservation Initiative while mandated actions and current programs are crying for funds. They are coming up with this new program proposed that supposedly is going to deal with conservation issues, but it is not at all clear what its purpose is, at the same time that they are cutting back on funding for some of the other programs like the Land and Water Conservation Fund and the endangered species program.

There are two other areas I wanted to mention this evening, Mr. Speaker. One deals with oil and gas development on public lands. The other deals with our national forests. What the Bush administration is doing in their budget, the President's budget, boosts oil and gas development on our public lands. Under the Bureau of Land Management, the administration is requesting a $10.2 million increase to expand energy and mineral development on public lands, including expedited permitting and increased leasing, energy-related rights of way and further development on Alaska's North Slope, including plans for drilling, of course, in ANWR, the Arctic National Wildlife Refuge, in Alaska. The administration's budget includes assumptions of receipts from lease sales in ANWR in 2004. It also requested a $14 million increase for the Bureau of Land Management land use plans, some of which are for national conservation areas, but some are for energy development.

I am not saying that it is always a bad thing to increase oil and gas drilling, but in many of these cases these actions are being taken in environmentally sensitive areas, particularly ANWR. Obviously the administration, the President, continues to push for drilling in ANWR, which from an environmental point of view would be very damaging to the wildlife refuge and to the environment in general in Alaska.

The last thing I wanted to mention relates to national forests. The Forest Service budget includes a damaging pilot charter forest legislative proposal that establishes forests or portions of forests as separate entities outside of the national forest system structure and reporting to a local trust entity for oversight, so basically to get rid of the oversight requirements that currently exist.

This is nothing more than a giveaway of portions of our national forests, which, of course, are irreplaceable

ecosystems that belong to all the American people. The budget also includes a timber sales offer level of 2 billion boardfeet, a substantial increase from the 1.4 billion boardfeet in recent years. This reflects a return to the timber targets of the Reagan years when politicians set logging levels that had no basis in science. It is also a clear departure from the practice of recent years to manage for the health and sustainability of the land, with outputs a by-product of good land management, not a good goal. The Forest Service is heavily subsidized to meet these harvest goals.

Again, Mr. Speaker, sometimes it is difficult, I think, to understand a lot of these measures, whether it be the budget measures or the agency actions that I mentioned before in the aftermath of September 11. It is hard to monitor and to realize the impact of a lot of these actions because they are in specific agencies, they impact certain parts of the country. But if you add them all up, both the budget cuts as well as the agency actions in the last few months, you can see that this administration is clearly moving more and more in intensifying its efforts to try to cut back on environmental protection.

□ 1900

I think the only way that we are going to stop this is if more and more people speak out. It is being done basically under the cover of September 11, when a lot of the media are not paying attention, and I hope that over the next few months we are able to bring more and more attention to some of these measures and to get the administration to stop intensifying their efforts.

I notice that since I have been in Congress, if an action is taken to weaken the Clean Air Act or Clean Water Act in committee or on the floor of the House, because it is legislative, Members are usually aware of it and they can come in committee or to the floor and object to it and usually put a stop to it because of the public outcry.

But when it comes to agency actions, when it comes to cutbacks in funding for some of the agencies in the fashion that I have described this evening, it is a much more insidious process and much more difficult I think for the public to understand what is going on or to focus on it; and I just think it is extremely unfortunate that the President has taken advantage of this period since September 11 to intensify his efforts to degrade the environment and to take both these agency and budget actions.

Obviously, we have an opportunity during the appropriations process to turn this around and not accept the President's budget on a lot of these environmental initiatives, and that has to be part of what we try to accomplish over the next few months as we move through the appropriations process.

I will say once again, it is my intention to come to the floor again and bring other colleagues to draw more and more attention to the President's anti-environment policies. They are not in sync with the American people, and they are certainly not in accordance with the promises that he made when he first ran for President.

THE CASE FOR REPARATIONS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 60 minutes.

Mr. CLYBURN. Mr. Speaker, I am pleased to offer a Special Order tonight in conjunction with the gentlewoman from North Carolina (Mrs. CLAYTON), who will be joining us very shortly, as well as some other members of the Congressional Black Caucus, to speak on an issue that we feel is very, very important to our constituents and to our great Nation.

Mr. Speaker, reparations, the act or process of making amends, is a word that often evokes vociferous reactions from many citizens in our Nation. Ever since I have been in Congress, among the first bills introduced at the beginning of the term are bills calling for reparations for slavery.

Although I have always supported legislation dealing with the establishment of a commission and various other efforts to examine the issue of reparations, I have not always supported other measures, many of which call for direct remuneration. There was always the question of who can be identified as deserving, and how do we determine how much they deserve.

But the question of reparations in the traditional form aside, I believe very strongly that there is ample documentation of various forms of racial injustices that occurred very often under the color of law. Not only can we document the injustices in many of these instances, but we can also identify those who were the subject of the injustices; and the time is long since passed for our government to take up where we fell short in 1872 when this Congress rescinded ''40 acres and a mule.''

The Associated Press recently documented some of these injustices when it conducted an 18-month long investigation into black landowners who have illegally and sometimes legally had their land stolen from them. After interviewing 1,000 people and examining tens of thousands of public records, the Associated Press documented 107 land-takings in 13 Southern and border States. In those cases, 406 black landowners lost more than 24,000 acres of farm and timberland, plus 85 smaller properties, including stores and city lots.

This research was compiled in a three part series titled ''Torn From the Land,'' which detailed how blacks in America were cheated out of their land or driven from it through intimidation, violence, and even murder.

Some had their land foreclosed for minor debts. Still others lost their land to tricky legal maneuvers, still being used today, called partitioning, in which savvy buyers can acquire an entire family's property if just one heir agrees to sell them one parcel, however small.

Mr. Speaker, although I am going to submit the entire research by the Associated Press as part of my statement, I wish at this time to read an excerpt from one of those series:

''As a little girl, Doria Dee often asked about the man in the portrait hanging in her aunt's living room, her great-great grandfather. 'It's too painful,' her elderly relatives would say, and they would look away.

''A few years ago, Johnson, now 40, went to look for answers in the rural town of Abbeville, South Carolina.

''She learned that in his day the man in the portrait, Anthony B. Crawford, was one of the most prosperous farmers in Abbeville County. That is until October 21, 1916, the day the 51-year-old farmer hauled a wagon load of cotton to town.

''Crawford 'seems to have been the type of Negro who was most offensive to certain elements of the white people,' Mrs. J.B. Holman would say a few days later in a letter published by the Abbeville Press and Banner. 'He was getting rich for a Negro, and he was insolent along with it.'

''Crawford's prosperity had made him a target.

'' 'The success of blacks such as Crawford threatened the reign of white supremacy,' said Stewart E. Tolnay, a sociologist at the University of Washington and coauthor of a book on lynchings. 'There were obvious limitations or ceilings that blacks weren't supposed to go beyond.'

''In the decades between the Civil War and the civil rights era, one of those limitations was owning land.

''Racial violence in America is a familiar story, but the importance of land as a motive for lynchings and white mob attacks on blacks has been widely overlooked, and the resulting land losses suffered by black families such as the Crawfords have gone largely unreported.

''The Associated Press documented 57 violent land takings, more than half of the 107 land takings in an 18-month investigation of black land lost in America. The other cases involved trickery and legal manipulations.

''Sometimes black landowners were attacked by whites who just wanted to drive them from their property. In other cases, the attackers wanted the land for themselves.

''For many decades, successful blacks 'lived with the gnawing fear that white neighbors could at any time do something violent and take everything from them,' this, according to Loren Schweninger, a University of North Carolina expert on black land ownership.

''While waiting his turn at the gin that fall day in 1916, Crawford entered

the mercantile store of W.D. Barksdale. Contemporary news accounts and the papers of then Governor Richard Manning detailed what followed:

''Barksdale offered Crawford 85 cents a pound for his cottonseed. Crawford replied that he had a better offer. Barksdale called him a liar. Crawford called the storekeeper a cheat. Three clerks grabbed ax handles, and backed Crawford into the street, where the sheriff appeared and arrested Crawford, for cursing a white man.

''Released on bail, Crawford was cornered by 50 whites who beat and knifed him. The sheriff carried him back to jail. A few hours later, the deputy gave the mob the keys to Crawford's cell.

''Sundown found them at a baseball field at the edge of town. There, they hanged Crawford from a solitary southern pine.

''No one was ever tried for the killing. In its aftermath, hundreds of blacks, including some of the Crawfords, fled Abbeville.

''Two whites were appointed executors of Crawford's estate, which included 427 acres of prime cotton land. One was Andrew J. Ferguson, cousin of two of the mob's ring leaders.

''Crawford's children inherited the land, but Ferguson liquidated much of the rest of Crawford's property, including his cotton, which went to Barksdale. Ferguson kept $5,438, more than half the proceeds, and gave Crawford's children just $200 each, according to estate papers.

''Crawford's family struggled to hold on to the land, but eventually lost it when they could not pay off a $2,000 balance on the bank loan. Although the farm was assessed at $20,000, a white man paid $504 for it at the foreclosure auction, according to land records.

'' 'There's land taken away and there's murder,' said Johnson, of Alexandria, Virginia. 'But the biggest crime was that our family was split up by this. My family got scattered into the night.'

''The former Crawford land provided timber to several owners before International Paper Corporation acquired the property last year. Jenny Boardman, a company spokeswoman, said International Paper was unaware of the land's history. When told about it, she said: 'The Crawford story is tragic. It causes you to think that there are facets of our history that need to be discussed and addressed.''

Mr. Speaker, I include the entire Associated Press series of articles entitled ''Torn From the Land'' for the RECORD.

[From the Associated Press]

AP DOCUMENTS LAND TAKEN FROM BLACKS THROUGH TRICKERY, VIOLENCE AND MURDER

(By Todd Lewan and Dolores Barclay)

For generations, black families passed down the tales in uneasy whispers: ''They stole our land.''

These were family secrets shared after the children fell asleep, after neighbors turned down the lamps—old stories locked in fear and shame.

Some of those whispered bits of oral history, it turns out, are true.

In an 18-month investigation, The Associated Press documented a pattern in which black Americans were cheated out of their land or driven from it through intimidation, violence and even murder.

In some cases, government officials approved the land takings; in others, they took part in them. The earliest occurred before the Civil War; others are being litigated today.

Some of the land taken from black families has become a country club in Virginia, oil fields in Mississippi, a major-league baseball spring training facility in Florida.

The United States has a long history of bitter, often violent land disputes, from claim jumping in the gold fields to range wars in the old West to broken treaties with American Indians. Poor white landowners, too, were sometimes treated unfairly, pressured to sell out at rock-bottom prices by railroads and lumber and mining companies.

The fate of black landowners has been an overlooked part of this story.

The AP—in an investigation that included interviews with more than 1,000 people and the examination of tens of thousands of public records in county courthouses and state and federal archives—documented 107 land takings in 13 Southern and border states.

In those cases alone, 406 black landowners lost more than 24,000 acres of farm and timber land plus 85 smaller properties, including stores and city lots. Today, virtually all of this property, valued at tens of millions of dollars, is owned by whites or by corporations.

Properties taken from blacks were often small—a 40-acre farm, a general store, a modest house. But the losses were devastating to families struggling to overcome the legacy of slavery. In the agrarian South, landownership was the ladder to respect and prosperity—the means to building economic security and passing wealth on to the next generation. When black families lost their land, they lost all of this.

''When they steal your land, they steel your future,'' said Stephanie Hagans, 40, of Atlanta, who has been researching how her great-grandmother, Ablow Weddington Stewart, lost 35 acres in Mattews, N.C. A white lawyer foreclosed on Stewart in 1942 after he refused to allow her to finish paying off a $540 debt, witnesses told the AP.

''How different would our lives be,'' Hagans asked, ''if we'd had the opportunities, the pride that land brings?

No one knows how many black families have been unfairly stripped of their land, but there are indications of extensive loss.

Besides the 107 cases the AP documented, reporters found evidence of scores of other land takings that could not be fully verified because of gaps or inconsistencies in the public record. Thousands of additional reports of land takings from black families remain uninvestigated.

Two thousands have been collected in recent years by the Penn Center on St. Helena Island, S.C., an educational institution established for freed slaves during the Civil War. The Land Loss Prevention Project, a group of lawyers in Durham, N.C., who represent blacks in land disputes, said it receives new reports daily. And Heather Gray of the Federation of Southern Cooperatives in Atlanta said her organization has ''file cabinets full of complaints.''

AP's findings ''are just the tip of one of the biggest crimes of this country's history,'' said Ray Winbush, director of Fisk University's Institute of Race Relations.

Some examples of land takings documented by the AP:

After midnight on Oct. 4, 1908, 50 hooded white men surrounded the home of a black farmer in Hickman, Ky., and ordered him to come out for a whipping. When David Walker refused and shot at them instead, the mob poured coal oil on his house and set it afire, according to contemporary newspaper accounts. Pleading for mercy, Walker ran out the front door, followed by four screaming children and his wife, carrying a baby in her arms. The mob shot them all, wounding three children and killing the others. Walker's oldest son never escaped the burning house. No one was ever charged with the killings, and the surviving children were deprived of the farm their father died defending. Land records show that Walker's 2½-acre farm simply folded into the property of a white neighbor. The neighbor soon sold it to another man, whose daughter owns the undeveloped land today.

In the 1950s and 1960s, a Chevrolet dealer in Holmes County, Miss., acquired hundreds of acres from black farmers by foreclosing on small loans for farm equipment and pickup trucks. Norman Weathersby, then the only dealer in the area, required the farmers to put up their land as security for the loans, county residents who dealt with him said. And the equipment he sold them they said, often broke down shortly thereafter. Weathersby's friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Area residents, including Erma Russell, 81, said Strider, now dead, was often slow in releasing farm operating loans to blacks. When cash-poor farmers missed payments owed to Weathersby, he took their land. The AP documented eight cases in which Weathersby acquired black-owned farms this way. When he died in 1973, he left more than 700 acres of this land to his family, according to estate papers, deeds and court records.

In 1964, the state of Alabama sued Lemon Williams and Lawrence Hudson, claiming the cousins had no right to two 40-acre farms their family had worked in Sweet Water, Ala., for nearly a century. The land, officials contended, belonged to the state. Circuit Judge Emmett F. Hildreth urged the state to drop its suit, declaring it would result in ''a severe injustice.'' But when the state refused, saying it wanted income from timber on the land, the judge ruled against the family. Today, the land lies empty; the state recently opened some of it to logging. The state's internal memos and letters on the case are peppered with references to the family's race.

In the same courthouse where the case was heard, the AP located deeds and tax records documenting that the family had owned the land since ancestor bought the property on Jan. 3, 1874. Surviving records also show the family paid property taxes on the farms from the mid-1950s until the land was taken.

AP reporters tracked the land cases by reviewing deeds, mortgages, tax records, estate papers, court proceedings, survey or maps, oil and gas leases, marriage records, census listings, birth records, death certificates and Freedmen's Bureau archives. Additional documents, including FBI files and Farmers Home Administration records, were obtained through the Freedom of Information Act.

The AP interviewed black families that lost land, as well as lawyers, title searchers, historians, appraisers, genealogists, surveyors, land activists, and local, state and federal officials.

The AP also talked to current owners of the land, nearly all of whom acquired the properties years after the land takings occurred. Most said they knew little about the history of their land. When told about it, most expressed regret.

Weathersby's son, John, 62, who now runs the dealership in Indianola, Miss., said he had little direct knowledge about his father's

business affairs. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

Alabama Gov. Don Siegelman examined the state's files on the Sweet Water case after an inquiry from the AP. He said he found them ''disturbing'' and has asked the state attorney general to review the matter.

''What I have asked the attorney general to do,'' he said, ''is look not only at the letter of the law but at what is fair and right.''

The land takings are part of a larger picture—a 91-year decline in black landownership in America.

In 1910, black Americans owned more farmland than at any time before or since—at least 15 million acres. Nearly all of it was in the South, largely in Mississippi, Alabama and the Carolinas, according to the U.S. Agricultural Census. Today, blacks won only 1.1 million of the country's more than 1 billion acres of arable land. They are part owners of another 1.07 million acres.

The number of white farmers has declined over the last century, too, as economic trends have concentrated land in fewer, often corporate, hands. However, black ownership has declined 2½ times faster than white ownership, the U.S. Civil Rights Commission noted in a 1982 report, the last comprehensive federal study on the trend.

The decline in black landownership had a number of causes, including the discriminatory lending practices of the Farmers Home Administration and the migration of blacks from the rural South to industrial centers in the North and West.

However, the land takings also contributed. In the decades between Reconstruction and the civil rights struggle, black families were powerless to prevent them, said Stuart E. Tolnay, a University of Washington sociologist and co-author of a book on Lynchings. In an era when black Americans could not drink from the same water fountains as whites and black men were lynched for whistling at white women, few blacks dared to challenge whites. Those who did could rarely find lawyers to take their cases or judges who would give them a fair hearing.

The Rev. Isaac Simmons was an exception. When his land was taken, he found a lawyer and tried to fight back.

In 1942, his 141-acre farm in Amite County, Miss., was sold for nonpayment of taxes, property records show. The farm, for which his father had paid $302 in 1887, was brought by a white man for $180.

Only partial, tattered tax records for the period exist today in the county courthouse; but they are enough to show that tax payments on at least part of the property were current when the land was taken.

Simmons hired a lawyer in February 1944 and filed suit to get his land back. On March 26, a group of whites paid Simmons a visit.

The minister's daughter, Laura Lee Houston, now 74, recently recalled her terror as she stood with her month-old baby in her arms and watched the man drag Simmons away. ''I screamed and hollered so loud,'' she said. ''They came toward me and I ran down in the woods.''

The whites then grabbed Simmons' son, Eldridge, from his house and drove the two men to a lonely road.

''Two of them kept beating me,'' Eldridge Simmons later told the National Association for the Advancement of Colored People. ''They kept telling me that my father and I were 'smart niggers' for going to see a lawyer.''

Simmons, who has since died, said his captors gave him 10 days to leave town and told his father to start running. Later that day, the minister's body turned up with three gunshot wounds in the back, The McComb Enterprise newspaper reported at the time.

Today, the Simmons land—thick with timber and used for hunting—is privately owned and is assessed at $33,660. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Over the past 20 years, a handful of black families have sued to regain their ancestral lands. State courts, however, have dismissed their cases on grounds that statutes of limitations had expired.

A group of attorneys led by Harvard University law professor Charles J. Ogletree has been making inquiries recently about land takings. The group has announced its intention to file a national class-action lawsuit in pursuit of reparations for slavery and racial discrimination. However, some legal experts say redress for many land takings may not be possible unless laws are changed.

As the acres slipped away, so did treasured pieces of family history—cabins crafted by a grandfather's hand, family graves in shared groves.

But ''the home place'' meant more than just that. Many blacks have found it ''very difficult to transfer wealth from one generation to the next,'' because they had trouble holding onto land, said Paula Giddings, a history professor at Duke University.

The Espy family in Vero Beach, Fla., lost its heritage in 1942, when the U.S. government sized its land through eminent domain to build an airfield. Government agencies frequently take land this way for public purposes under rules that require fair compensation for the owners.

In Vero Beach, however, the Navy appraised the Espy's 147 acres, which included a 30-acre fruit grove, two houses and 40 house lots, at $8,000, according to court records. The Espys sued, and an all-white jury awarded them $13,000. That amounted to one-sixth of the price per acre that the Navy paid white neighbors for similar land with fewer improvements, records show.

After World War II, the Navy gave the airfield to the city of Vero Beach. Ignoring the Espy's plea to buy back their land, the city sold part of it, at $1,500 an acre, to the Los Angeles Dodgers in 1965 as a spring training facility.

In 1999, the former Navy land, with parts of Dodgertown and a municipal airport, was assessed at $6.19 million. Sixty percent of that land once belonged to the Espys. The team sold its property to Indian River County for $10 million in August, according to Craig Callan, a Dodgers official.

The true extent of land takings from black families will never be known because of gaps in property and tax records in many rural Southern counties. The AP found crumbling tax records, deed books with names torn from them, file folders with documents missing, and records that had been crudely altered.

In Jackson Parish, La., 40 years of moldy, gnawed tax and mortgage records were piled in a cellar behind a roll of Christmas lights and a wooden reindeer. In Yazoo County, Miss., volumes of tax and deed records filled a classroom in an abandoned school, the papers coated with white dust from a falling ceiling. The AP retrieved dozens of documents that custodians said were earmarked for shredders or landfills.

The AP also found that about a third of the county courthouses in Southern and border states have burned—some more than once—since the Civil War. Some of the fires were deliberately set.

On the night of Sept. 10, 1932, for example, 15 whites torched the courthouse in Paulding, Miss., where property records for the eastern half of Jasper County, then predominately black, were stored. Records for the predominantly white western half of the county were safe in another courthouse miles away.

The door to the Paulding courthouse's safe, which protected the records, had been locked the night before, the Jasper County News reported at the time. The next morning, the safe was found open, most of the records reduced to ashes.

Suddenly, it was unclear who owned a big piece of eastern Jasper County.

Even before the courthouse fire, landownership in Jasper County was contentious. According to historical accounts, the Ku Klux Klan, resentful that blacks were buying and profiting from land, had been attacking black-owned farms, burning houses, lynching black farmers and chasing black landowners away.

The Masonite Corp., a wood products company, was one of the largest landowners in the area. Because most of the land records had been destroyed, the company went to court in December 1937 to clear its title. Masonite believed it owned 9,581 acres and said in court papers that it had been unable to locate anyone with a rival claim to the land.

A month later, the court rules the company had clear title to the land, which has since yielded millions of dollars in natural gas, timber and oil, according to state records.

From the few property records that remain, the AP was able to document that at least 204.5 of those acres had been acquired by Masonite after black owners were driven off by the Klan. At least 850,000 barrels of oil have been pumped from this property, according to state oil and gas board records and figures from the Petroleum Technology Transfer Council, an industry group.

Today, the land is owned by International Paper Corp., which acquired Masonite in 1988. Jenny Boardman, a company spokeswoman, said International Paper has been unaware of the ''tragic'' history of the land and was concerned about AP's findings.

''This is probably part of a much larger, public debate about whether there should be restitution for people who have been harmed in the past,'' she said. ''And by virtue of the fact that we now own these lands, we should be part of that discussion.''

Even when Southern courthouses remained standing, mistrust and fear of white authority long kept blacks away from record rooms, where documents often were segregated into ''white'' and ''colored.'' Many elderly blacks say they still remember how they were snubbed by court clerks, spat upon and even struck.

Today, however, fear and shame have given way to pride. Interest in genealogy among black families is surging, and some black Americans are unearthing the documents behind those whispered stories.

''People are out there wondering: What ever happened to Grandma's land?'' said Loretta Carter Hanes, 75, a retired genealogist. ''They knew that their grandparents shed a lot of blood and tears to get it.''

Bryan Logan, a 55-year-old sports writer from Washington, D.C., was researching his heritage when he uncovered a connection to 264 acres of riverfront property in Richmond, Va.

Today, the land is Willow Oaks, an almost exclusively white country club with an assessed value of $2.94 million. But in the 1850s, it was a corn-and-wheat plantation worked by the Howlett slaves—Logan's ancestors.

Their owner, Thomas Howlett, directed in his will that his 15 slaves be freed, that his plantation be sold and that the slaves received the proceeds. When he died in 1856, his

white relatives challenged the will, but two courts upheld it.

Yet the freed slaves never got a penny.

Benjamin Hatcher, the executor of the estate, simply took over the plantation, court records show. He cleared the timber and mined the stone, providing granite for the Navy and War Department buildings in Washington and the capitol in Richmond, according to records in the National Archives.

When the Civil War ended in 1865, the former slaves complained to the occupying Union Army, which ordered Virginia courts to investigate.

Hatcher testified that he had sold the plantation in 1862—apparently to his son, Thomas—but had not given the proceeds to the former slaves. Instead, court papers show, the proceeds were invested on their behalf in Confederate War Bonds. There is nothing in the public record to suggest the former slaves wanted their money used to support the Southern war effort.

Moreover, the bonds were purchased in the former slaves' names in 1864—a dubious investment at best in the fourth year of the war. Within months, Union armies were marching on Atlanta and Richmond, and the bonds were worthless pieces of paper.

The blacks insisted they were never given even that, but in 1871, Virginia's highest court rules that Hatcher was innocent of wrongdoing and that the former slaves were owed nothing.

The following year, the plantation was broken up and sold at a public auction. Hatcher's son received the proceeds, county records show. In the 1930s, a Richmond businessman cobbled the estate back together; he sold it to Willow Oaks Corp. in 1955 for an unspecified amount.

''I don't hold anything against Willow Oaks,'' Logan said. ''But how Virginia's courts acted, how they allowed the land to be stolen—it goes against everything America stands for.''

PECULIAR LAND SWAPS LEAVE BLACKS WITH LITTLE OF THEIR ANCESTORS' GEORGIA ISLAND

(By Dolores Barclay)

SAPELO ISLAND, GA. (AP).—It was a peculiar offer: Blacks could swap ancestral land in the most valuable area of this barrier island for smaller parcels owned by a white tycoon in a low, partly swampy enclave known as Hog Hammock.

Yet not a single black family turned it down.

This was Georgia in the 1950s, and the tycoon was Richard J. Reynolds Jr., son of the man who built one of America's biggest tobacco companies. And Sapelo residents say Reynolds ruled the island.

''He wanted the land for his own benefit,'' said Cornelia Bailey, 56, a longtime resident. ''He wanted to . . . control the entire north end without pockets of blacks here and there.''

Reynolds arrived on Sapelo in 1932 and moved into a mansion in a community called Raccoon Bluff. His neighbors were Geechee families who retained their African-English dialect. Some had lived on the island for centuries, harvesting oysters and scooping up shrimp in their handmade nets.

Reynold owned the ferries and a lumber mill and was the biggest employer on the island. And he had a powerful friend, Tom Poppell, the country sheriff.

The land swaps began in the 1950s. Deed records show that in 1956, Rosa Walker exchanged a 16-acre tract in Raccoon Bluff for 5.5 acres in Hog Hammock. Prince and Elizabeth Carter soon traded their 9 acres in Raccoon Bluff for 2 acres in Hog Hammock. And Bailey's father, Hicks Walker, now 98, accepted 2 acres in Hog Hammock for 4 acres on the island's northwestern nose, in an area called Belle Marsh.

In some swaps, deed records show, blacks also received ''other consideration.'' In Hicks Walker's case, his daughter said, it was timber for a new house. But when the wood was delivered, she said, Reynolds charged him for it.

Nearly all of the black landowners in Raccoon Bluff—at least a dozen families—made similar land swaps with Reynolds.

Why would they agree to such deals?

Cornelia Bailey's father was pressured to make the swap, she said, recalling what her parents had told her. ''They started laying in subtle threats: 'Now, Hicks, it would be hard on you if you have to leave the island and your family's here to take care of.' That was a subtle threat that . . . he would lose his job.''

On Sapelo, in those days, ''either you worked for Reynolds or you didn't work at all,'' she said.

After Reynolds' death, his wife, Annemarie S. Reynolds, sold most of their Sapelo holdings to the state of Georgia for $835,000 in 1969. Today, the state runs a marine research institute on the island.

Reached at her home in Switzerland, Reynolds was asked if she thought the land swaps had been fair.

''I guess so,'' she said. ''Mr. Reynolds tried to do a good thing for their benefit.''

The Reynolds family kept some of the land, including 698 acres in Raccoon Bluff now managed by The Sapelo Foundation, a philanthropic organization set up by Richard J. Reynolds Jr.

Ernest Walker claims some of that land is his.

According to county tax receipts, Walker still pays property taxes on 33¼ acres of the land, which his ancestors purchased in 1874.

An AP search of land records found no evidence that the Walker family had ever transferred it to Reynolds, the Sapelo Foundation of anyone else.

ALABAMA PUSHED A BLACK FAMILY OFF ITS LAND—AND LEFT IT EMPTY FOR YEARS

(By Todd Lewan)

SWEET WATER, ALA. (AP)—The legacy Lemon Williams always hoped to leave to his grandchildren was the land of his birth.

His 40-acre cotton-and-bean farm was among the smallest in Marengo County, but the land his grandfather had settled after the Civil War meant everything to Williams.

''This land,'' Williams always told his son, Willie, ''is part of our family, Treat it like your brother.''

Then in June 1964, a letter arrived. The State Lands Division had checked the title of the property with the Bureau of Land Management. The federal agency had replied that, as far as it could determine, the 40 acres belonged to the state.

How could this be if, as the family's original deed said, Williams' grandfather had bought the land for $480 on Jan. 3, 1874?

In 1906, the letter said, the federal government had designated the 40 acres as swampland and patented the property to the state of Alabama. The 40-acre farm of Lawrence Hudson, Williams' cousin, also belonged to the state for the same reason, according to the letter. The attorney general, the latter said, was now suing both families for their land.

The families gathered their children and their deeds and took them to J.C. Camp, a lawyer in Linden, the county seat. The lawyer and both couples have since died, but Lemon Williams' son and daughter, Willie and Inez, say they recall every detail of the meeting.

''Camp took our money, took our deeds, put them in his drawer and promised he'd fix everything,'' said Willie Williams, 50. ''We never saw those deeds again.''

In 1965, a fire ravaged the Marengo County courthouse. Many records survived; the file containing the Williams and Hudson court case apparently did not. The Associated Press found only the trial docket.

The State Lands Division in Montgomery, however, monitored the case. Letters and internal memos from those files are peppered with references to the Williams and Hudson families' race. They show officials adamantly opposed to allowing ''the negro defendants'' to keep the land, even thought they acknowledged in writing that both families could trace their ownership back to 1874.

In an April 30, 1964, memo, George T. Driver, a former state lands director, wrote: ''The lands are being claimed by Lemon Williams . . . (a colored man).'' A Nov. 30, 1964, memo by William G. O'Rear, chief attorney for the state conservation department, refers to ''the negro defendants.'' And in 1966, Marengo's tax assessor noted: ''Land Bk shows above 40 acres still owned by L.B. Hudson (black).''

A year later, Circuit Judge Emmett F. Hildreth asked the state to reconsider the lawsuit. Taking the land, he wrote, ''would create a severe injustice.''

Claude D. Kelley, then Alabama's director of conservation, replied that the state had no intention of dropping the lawsuit because income from cutting timber on its could be used for state-run hospitals.

In 1967, Hildreth ruled that Williams, Hudson and their wives could remain on the land but could not farm or log it. when they died, his decree said, the state would take possession.

Hudson died in 1975 and his wife died shortly afterward, but family members say the state waited until last year to ask their children to leave the farm. They moved to nearby Butler.

The Williamses moved to an acre lot several miles from their old farm after Hildreth's ruling. For three decades, they pleaded for the land in letters to state officials and received form letters in response.

The vine-wrapped house that was once the center of their farm is slowly collapsing. Conservation officials have opened some of the area to timber cutters, state records show.

James Griggs, director of state lands, said the dispute was handled properly. ''There have only been two owners of the land, the federal government and the state,'' he said.

the Associated Press, however, found deeds on file in the county courthouse documenting the Hudson and Williams families' ownership of the property all the way back to 1874. There are also surviving records showing both families paying taxes on the land from the last 1950s until the land was taken.

After being told of the AP's findings, Alabama Gov. Don Slegelman read the files and said he found them ''disturbing.'' He has asked the attorney general to review the case.

CAR DEALER ACQUIRED BLACK FARMERS' LAND BY FORECLOSING ON LOANS

(By Dolore Barclay)

LEXINGTON, MISS. (AP).—Down in the Delta, folks still talk about Norman Weathersby, a White Chevrolet dealer who acquired hundreds of acres of black-owned land in the 1950s and '60s in exchange for used pickup trucks and farm equipment.

''Old Norman was something else,'' said Rhodolphis Hayes with a shake of his head.

The 71-year-old farmer and other Holmes County residents recall the days when black

farmers had to finance trucks and equipment from Weathersby because, they said, the local banks refused to do business with blacks.

Weathersby, they said, required that they put up their entire farms as collateral for the loans, and when a cash-poor farmer missed a payment, Weathersby acquired land this way.

County land records show that Henry and Mary Friend put up 63 acres in 1958 for a $1,598 loan. The land went to Weathersby a few months later. Ed and Pattie Blissett lost their 50-acre farm in 1958 after they missed a payment on a 1956 loan from Weathersby for $1,785. The final note of $385 had been due in 1960.

It was easy for Holmes County blacks to default on their loans.

For one thing, several area residents said, the equipment and trucks blacks needed to run their farms often broke down shortly after they bought them from Weathersby.

''He'd fix it up so it could run between Lexington and Tchula (a 20-minute drive). Then it would die on you,'' said Griffin McLaurin Jr., 60, recalling how his father lost the family's 100-acre farm in 1966 because of a $40,000 loan.

''When the man called in for the money, he didn't have it,'' McLaurin said, and Weathersby forclosed. The son later bought back 7½ acres of the land from Weathersby—for $4,253.15, records show.

Weathersby's close friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Hayes, McLaurin and others in Holmes County said Strider, now dead, was often slow in releasing farm operating loans to blacks.

''You have to do your land breaking, your fertilizing and your seeds, but if you don't get the money on time, you can't farm,'' Hayes said.

In the late 1950s, Erma Russell, now 81, had businesses at the FmHA office in Lexington. She was about to knock on Strider's door, she said, when she heard Weathersby and Strider talking.

''They said how they were going to get the colored folk off their land through foreclosures,'' she recalled. ''They were suggesting ways to have us 'volunteer' to surrender our land. All I could do as pray they wouldn't take it.

The Russells paid up their loans and kept their 65-acres farm ''It wasn't easy to get this.'' She glanced out her windows to a spread of ebony soil. ''We had to struggle . . . We had to fight to get this, and we won.''

When he died in 1973, Weathersby left his family about 700 acres blacks had once owned, according to his estate papers, deeds and court papers.

Weathersby's son 62, who now runs the dealership in Indiana, said he had little direct knowledge about his father's business deals and car loans. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

''He helped people no matter what race,'' he said.

LIVING IN THE NORTH GAVE BLACKS NO GUARANTEE AGAINST LAND GRABS

(By Allen G. Breed)

PHIPPSBURG, ME (AP)—In 1912, 45 mixed-race people living on Malaga Island in the mouth of the New Meadows River were thrown off their land by the state of Maine.

''It was ill considered and it was brutally done,'' says William David Barry, a librarian at the Maine Historical Society who has written about the case.

Nearly a quarter of the islanders were sent to the Maine School for the Feeble-Minded while state workers torched their shacks and even dug up the ones of their ancestors, according to historians and contemporary newspaper accounts.

Most black American families that lost land through fraud and intimidation lived in the South. The story of Malaga, however, shows that living in the North provided no guarantee.

Historians believe the 41-acre island, just 100 yards from shore, was settled by free blacks during the Civil War. For years, they lived unmolested on the island, but as the 20th century dawned, that changed.

The year 1912 was a difficult one in Maine. The state's shipbuilding industry was waning, and the summer cottage industry was just beginning to develop. About this time, some educated Mainers were embracing eugenics—a pseudo-science holding that the poor and handicapped should be removed from the gene pool.

Locals wanted to get rid of the poor, unsightly colony, but state authorities needed the appearance of legality. They declared that the island was the property of the Perry family, which had been among Phippsburg's earliest settlers.

Although the Perrys had purchased the island in 1818, an Associated Press search of town records found no evidence that the family had paid taxes on it. The residents of Malaga had lived there for half a century—far longer than the 20 years necessary to establish ownership under Maine law.

Nevertheless, the state bought the island from the Perry heirs in December 1911 and ordered the islanders to leave by July 1, 1912. Residents were paid varying sums for their houses—between $50 and $300—but given nothing for the land, according to minutes of the Governor's Executive Council.

Locals say no one has lived there since.

In 1989, property records show, the island was purchased by T. Ricardo Quesada of Freeport, Maine, co-owner of a commercial development company.

Assessed at $87,400, the island is barren but for some trees and drying lobster pots.

''The island is used by the family for various purposes,'' Quesada said. ''And we think the less publicity about it the better.''

The African-American Geneological Society of New England is considering asking the governor for a formal apology for Malaga. Gov. Angus S. King Jr. is on record as saying that if the apology is requested, he will make it.

LANDOWNERSHIP MADE BLACKS TARGETS OF VIOLENCE AND MURDER

(By Dolores Barclay, Todd Lewan and Allen G. Breed)

As a little girl, Doria Dee Johnson often asked about the man in the portrait hanging in an aunt's living room—her great-great-grandfather. ''It's too painful,'' her elderly relatives would say, and they would look away.

A few years ago, Johnson, now 40, went to look for answers in the rural town of Abbeville, S.C.

She learned that in his day, the man in the portrait, Anthony P. Crawford, was one of the most prosperous farmers in Abbeville County. That is, until Oct. 21, 1916—the day the 51-year-old farmer hauled a wagon-load of cotton to town.

Crawford ''seems to have been the type of negro who is most offensive to certain elements of the white people,'' Mrs. J.B. Holman would say a few days later in a letter published by The Abbeville Press and Banner. ''He was getting rich, for a negro, and he was insolent along with it.''

Crawford's prosperity had made him a target.

The success of blacks such as Crawford threatened the reign of white supremacy, said Stewart E. Tolnay, a sociologist at the University of Washington and co-author of a book on lynchings. ''There were obvious limitations, or ceilings, that blacks weren't supposed to go beyond.''

In the decades between the Civil War and the civil rights era, one of those limitations was owning land, historians say.

Racial violence in America is a familiar story, but the importance of land as a motive for lynchings and white mob attacks on blacks has been widely overlooked. And the resulting land losses suffered by black families such as the Crawfords have gone largely unreported.

The Associated Press documented 57 violent land takings—more than half of the 107 land takings found in an 18-month investigation of black land loss in America. The other cases involved trickery and legal manipulations.

Sometimes, black landowners were attacked by whites who just wanted to drive them from their property. In other cases, the attackers wanted the land for themselves.

For many decades successful blacks ''lived with a gnawing fear . . . that white neighbors could at any time do something violent and take everything from them,'' said Loren Schweninger, a University of North Carolina expert on black landownership.

While waiting his turn at the gin that fall day in 1916, Crawford entered the mercantile store of W.D. Barksdale. Contemporary newspaper accounts and the papers of then Gov. Richard Manning detail what follows:

Barksdale offered Crawford 85 cents a pound for his cottonseed, Crawford replied that he had a better offer. Barksdale called him a liar; Crawford called the storekeeper a cheat. Three clerks grabbed ax handlers, and Crawford backed into the street, where the sheriff appeared and arrested Crawford—for cursing a white man.

Released on ball, Crawford was concerned by about 50 whites who beat and knifed him. The sheriff carried him back to jail. A few hours later, a deputy gave the mob the keys to Crawford's cell.

Shutdown found them at a baseball field at the edge of town. There, they hanged Crawford from a solitary Southern pine.

No one was ever tried for the killing. In its aftermath hundreds of blacks, including some of the Crawfords, fled Abbeville.

Two whites were appointed executors of Crawford's estate, which included 427 acres of prime cotton land. One was Andrew J. Ferguson, cousin of two of the mob's ringleaders, the Press and Banner reported.

Crawford's children inherited the farm, but Ferguson liquidated much of the rest of Crawford's property including his cotton, which went to Barksdale. Ferguson kept $5,438—more than half the proceeds—and gave Crawford's children just $200 each, estate papers show.

Crawford's family struggled to hold the farm together but eventually lost it when they couldn't pay off a $2,000 balance on a bank loan. Although the farm was assessed at $20,000 at the time, a white man paid $504 for it at the foreclosure auction, according to land records.

''There's land taken away and there's murder,'' said Johnson, of Alexandria, VA. ''But the biggest crime was that our famly was split up by this. My family got scattered into the night.''

The former Crawford land provided timber to several owners before International Paper Corp. acquired it last year. Jenny Boardman, a company spokeswoman, said International Paper was unaware of the land's history.

When told about it, she said: ''The Crawford story is tragic. It causes you to think that there are facets of our history that need to be discussed and addressed.''

Other current owners of property involved in violent land takings also said they knew little about the history of their land, and most were disturbed when informed about it.

The Tuskegee Institute and the National Association for the Advancement of Colored People have documented more than 3,000 lynchings between 1865 and 1965, and believe there were more. Many of those lynched were property owners, said Ray Winbush, director of Fisk University's Race Relations Institute.

''If you are looking for stolen black land,'' he said, ''just follow the lyching trail.''

Some white officials condoned the violence; a few added threats of their own.

''If it is necessary, every Negro in the state will be lynched,'' James K. Vardaman. declared while governor of Mississippi (1904–1908). ''It will be done to maintain white supremacy.''

In some places, the AP found, single families were targeted. Elsewhere, entire black communities were destroyed.

Today, Birmingham, Ky., lies under a floodway created in the 1940s. But at the start of the 20th century, it was a tobacco center with a predominantly black population, and a battleground in a five-year siege by white marauders called Night Riders.

On the night of March 8, 1908, about 100 armed whites tore through town on horseback, shooting seven blacks, three of them fatally. The AP documented the cases of 14 black landowners who were driven from Birmingham. Together, they lost more than 60 acres of farmland and 21 city lots to whites—many at sheriff's sales, all for low prices.

John Scruggs and his young granddaughter were killed in Birmingham that night, The Courier-Journal of Louisville reported at the time. Property records show that the city lot Scruggs had bought for $25 in 1902 was sold for nonpayment of taxes six years after the attack. A local white man bought it for $7.25 (or about $144 in today's dollars).

Land that had belonged to other blacks went for even less. John Puckett's 2 acres sold for $4,70; Ben Kelley's city lot went for just $2.60.

In Pierce City, Mo., 1,000 armed whites burned down five black-owned houses and killed four blacks on Aug. 18, 1901. Within four days, all of the town's 129 blacks had fled, never to return, according to a contemporary report in The Lawrence Chieftain newspaper. The AP documented the cases of nine Pierce City blacks who lost a total of 30 acres of farmland and 10 city lots. Whites bought it all at bargain prices.

Eviline Brinson, whose house was burned down by the mob, sold her lot for $25 to a white woman after the attack. Brinson had paid $96 for the empty lot in 1889, county records show.

The attacks on Birmingham and Pierce City were part of a pattern in Southern and border states in the first half of the 20th century: lynchings and mob attacks on blacks, followed by an exodus of black citizens, some of them forced to abandon their property or sell it at cut-rate prices.

''Black landowners were put under a tremendous amount of pressure, from authorities and otherwise, to give up their land and leave,'' said Earl N.M. Gooding, director of the Center for Urban and Rural Research at Alabama A&M University. ''They became refugees in their own country.''

For example, the AMP found that 18 black families lost a total of 330 acres plus 48 city lots when they fled Ocoee, Fla., after a 1920 Election Day attack on the black community. Some were able to sell their land at a fair price, but others such as Valentine High Tower were not. He parted with 52 acres for $10 in 1926, property records show.

Today the land lost by the 18 Ocoee families, not including buildings now on it, is assessed at more than $4.2 million. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Sometimes, individual black farmers were singled out and attacked by bands of white farmers known as the Whitecaps. Operating in several Southern and border states around the turn of the 20th century, they were intent on driving blacks from their land and discouraging other blacks from acquiring it, said historian George C. Wright, provost at the University of Texas at Arlington.

''The law wouldn't help,'' he said. ''There was just no one to turn to.''

Whitecaps often nailed notes with crudely drawn coffins to the doors of black landowners, warning them to leave or die.

The warning to Eli Hilson of Lincoln County, Miss., came on Nov. 18, 1903, when Whitecaps shot up his house just hours after his new baby was born, The Brookhaven Leader newspaper reported at the time. Hilson ignored the warning.

A month later, the 39-year-old farmer was shot in the head as he drove his buggy toward his farm, the newspaper said. The horse trotted home, delivering Hilson's body to his wife, Hannah.

She struggled to raise their 11 children and work the 74-acre farm, but she could not manage without her husband. Hannah Hilson lost the property through a mortgage foreclosure in 1905. According to land records, the farm went for $439 to S.P. Oliver, a member of the county board of supervisors. Today, the property is assessed at $61,642.

It wasn't just Whitecaps and Night Riders who chased blacks from their land. Sometimes, officials did it.

In Yazoo County, Miss., Norman Stephens and his twin brother, Homer, ran a trucking business, hauling cotton pickers to plantations. One day in 1950, a white farmer demanded that Stephens immediately deliver workers to his field, Stephens' widow, Rosie Fields, said in a recent interview.

Stephens explained he had other commitments and promised to drop off the men later, his wife said. The farmer fetched the sheriff.

That evening, the brothers found themselves locked in a second-floor room at the county jail. They squeezed through a window, leaped to the ground and ran. Fields, now 83, said her husband later told her why: They had overheard the sheriff, who has since died, talking about where to hide their bodies.

Once home, Fields said, Stephens and his brother packed their bags and flagged down a bus to Ohio. A year later, she and her five children joined them.

For a decade, the family made mortgage and property tax payments on the house they left behind, records show. But it was hard to keep up, and they never dared to return, Fields said. Finally, in the 1960s, they stopped paying and lost the house they had purchased for $700 in 1942.

One aim of racial violence was to deny blacks the tools to build wealth, said John Hope Franklin, chairman of President Clinton's Advisory Board on Race.

Paula J. Giddings, a Duke University historian, said that ''by the 1880s and 1890s, a significant number of blacks began to do very well in terms of entrepreneurship and landownership, and it simply couldn't be tolerated.

In 1885, Thomas Moss, Henry Stewart and Calvin McDowell opened the Peoples' Grocery Store in a largely black Memphis neighborhood known as The Curve. Across the street was another grocery, owned by a white man, W.H. Barret.

On Saturday, March 5, 1892, two boys—one black, the other white—squabbled over a game of marbles near the store, which led to a dispute between their fathers. Barret went to the police, claiming black shopkeepers were instigating trouble.

Contemporary newspaper accounts describe what ensued:

Some townspeople warned the shopkeepers that a white mob was planning to attack their store. So when nine deputy sheriffs in civilian clothing tried to enter after dark Sunday to deliver arrest warrants, they were taken for intruders and fired on. Three deputies were wounded. Moss, Stewart and McDowell were jailed.

Early Wednesday morning, a mob of about 75 whites yanked the three men from their cells while other whites looted the grocery.

In the aftermath, more than 2,000 blacks streamed out of Memphis, according to contemporary newspaper accounts. Creditors liquidated whatever stock the looters left behind, and the store landed in the hands of John C. Reilly, a deputy sheriff.

Over the years, the property has been resold many times, and today is the site of a small business, the Panama Grocery.

As for the three store owners, their bullet-torn bodies turned up in a ravine near the Wolf River, The Memphis Appeal-Avalanche reported at the time.

When Moss' body was found, his hands were clenched, the newspaper noted. They were filled with grass and the brown clay of Tennessee.

TAKING AWAY THE VOTE—AND A BLACK MAN'S LAND

(By Todd Lewan)

COLUMBUS, MISS. (AP).—Robert Gleed was 17 when he escaped from a Virginia slave-owner and trailed his sweetheart to eastern Mississippi. Here, in the years after the Civil War, he prospered, owning 295 acres of farmland, three city lots, a stately home and a general store, according to county records.

It was a time when America's blacks were testing their new freedom under the protection of the occupying Union army. Many were acquiring land, voting, building schools, joining the ranks of the Republican Party—the party of Lincoln.

But one violent night in the waning days of Reconstruction, Nov. 1, 1875, Gleed lost it all.

He had been running for sheriff of Lowndes County. On the eve of the election, a mob of whites attacked a parade of his supporters. Four blacks were killed, one of the sidewalk in front of Gleed's store.

Gleed was a man of stature in Columbus—president of the Mercantile Land and Banking Co., head of the county Chamber of Commerce, a two-time Mississippi state senator who had helped pass a law against racial discrimination on public transportation.

But the only thing that saved him that night, according to historical accounts, was a white friend who hid him in a well.

At the time, Lowndes County had 3,800 registered black voters, nearly all of them Republicans, as was Gleed. There were only 1,250 whites registered, nearly all as Democrats, the Columbus Press reported at the time.

As the mob of torch-carrying whites surged through town on election eve, fires broke out. Whites invaded Gleed's house, shot up his furniture, shredded his wife's clothing.

The next day, Gleed's opponent, a white Democrat, was elected sheriff. Gleed fled to Paris, Texas, leaving behind his house, his general store and its stock, his city lots and farmland.

Soon after, two white townspeople claimed Gleed owed them money and foreclosed on his property, records show.

Toby W. Johnston liquidated the store and stock, pocketing $941. Bernard G. Hendrick, a city councilman, took 215 acres of Gleed's farm for what he said was a $125 debt. Hendrick snapped up Gleed's home and an adjacent lot for $11 at an auction and later took the rest of Gleed's city holdings for $500.

In the 1940s, the old Gleed farm was sold to the federal government; today, U.S. Highway 50 runs through it. One of Gleed's city lots now holds four houses, a gas station and Associated Realty.

''I guess I don't care who owned it previously,'' Bob Oaks, president of the realty company, said when told about Gleed. ''That's bad, but it sounds like he abandoned his property.''

Gleed was 80 when he died on July 24, 1916. His obituary in the Columbus Commercial newspaper said he was ''believed to have been the last remaining negro who has served Lowndes County in an office which is now filled by honorable and distinguished white citizens.''

A MAN IS JAILED FOR DEFENDING HIS LAND

(By Dolores Barclay)

FRANKLIN, KY. (AP).—George and Mary Dinning were in bed, asleep, when riders came to drive them from their land. By morning, a man lay dead, and George Dinning was on his way to jail.

What happened that raw night in January 1897 is told in depositions and trial testimony from Dinning, his wife, Mary, and members of the mob that attacked their tobacco farm. The accounts are similar; sometimes, even the same words appear. Contemporary news accounts from The Courier-Journal newspaper of Louisville and the papers of Gov. William O. Bradley add to the story:

About 11 p.m., 25 white men on horseback surrounded Dinning's farm, a 124-acre spread that spilled over the hills of southern Kentucky into Tennessee. Then came pounding at the front and back doors.

''I will give you just 10 days to get away from here, and don't you stop within 40 miles,'' a man said.

''What have I done?'' Dinning asked.

You stole turkeys and chickens, the man answered. Dinning began to explain that he could account for everything he owned.

Boom! The back door exploded.

Bleeding from a wound in his arm, Dinning ran through gunfire up the stairs, past his wife and six children. He grabbed his shotgun, opened a front bedroom window and fired. A man named Jodie Conn fell dead. The mob retreated with his body, but not before a bullet creased Dinning's head.

Dinning turned himself in to the sheriff of Simpson County, who moved him to Bowling Green, a three-day journey, and then farther still to Louisville, to escape white mobs.

Riders came for Mary Dinning the next day.

Leave or hang, they told her. She begged for more time; her 12-year-old daughter was feverish. She and the children could stay inside the burning house, the mob retorted.

''Near sundown,'' she later testified, ''I started with my six children, the youngest being 4 months old, the oldest 13 years. I was so badly frightened when I left, that I did not take time to put wrappings on myself or children.

''The next night after leaving,'' she continued, ''my house and everything on Earth we had . . . was destroyed by fire.''

An all-white jury convicted Dinning of manslaughter, and he was sentenced to seven years in prison. The men who attacked his home were never arrested.

Petitions to pardon Dinning poured in from prominent whites including Louisville Mayor George Todd. After much pressure, Bradley granted a pardon, on July 17, 1897.

AP DOCUMENTS LAND TAKEN FROM BLACKS THROUGH TRICKERY, VIOLENCE AND MURDER

(By Todd Lewan and Dolores Barclay)

For generations, black families passed down the tales in uneasy whispers: ''They stole our land.''

These were family secrets shared after the children fell asleep, after neighbors turned down the lamps—old stories locked in fear and shame.

Some of those whispered bits of oral history, it turns out, are true.

In an 18-month investigation, The Associated Press documented a pattern in which black Americans were cheated out of their land or driven from it through intimidation, violence and even murder.

In some cases, government officials approved the land takings; in others, they took part in them. The earliest occurred before the Civil War; others are being litigated today.

Some of the land taken from black families has become a country club in Virginia, oil fields in Mississippi, a major-league baseball spring training facility in Florida.

The United States has a long history of bitter, often violent land disputes, from claim jumping in the gold fields to range wars in the old West to broken treaties with American Indians. Poor white landowners, too, were sometimes treated unfairly, pressured to sell out a rock-bottom prices by railroads and lumber and mining companies.

The fate of black landowners has been an overlooked part of this story.

The AP—in an investigation that included interviews with more than 1,000 people and the examination of tens of thousands of public records in county courthouses and state and federal archives—documented 107 land takings in 13 Southern and border states.

In those cases alone, 406 black landowners lost more than 24,000 acres of farm and timber land plus 85 smaller properties, including stores and city lots. Today, virtually all of this property, valued at tens of millions of dollars, is owned by whites or by corporations.

Properties taken from blacks were often small—a 40-acre farm, a general store, a modest house. But the losses were devastating to families struggling to overcome the legacy of slavery. In the agrarian South, landownership was the ladder to respect and prosperity—the means to building economic security and passing wealth on to the next generation. When black families lost their land, they lost all of this.

''When they steal your land, they steal your future,'' said Stephanie Hagans, 40, of Atlanta, who has been researching how her great-grandmother, Ablow Weddington Stewart, lost 35 acres in Matthews, N.C. A white lawyer foreclosed on Stewart in 1942 after he refused to allow her to finish paying off a $540 debt, witnesses told the AP.

''How different would our lives be,'' Hagans asked, ''if we'd had the opportunities, the pride that land brings?''

No one knows how many black families have been unfairly stripped of their land, but there are indications of extensive loss.

Besides the 107 cases the AP documented, reporters found evidence of scores of other land takings that could not be fully verified because of gaps or inconsistencies in the public record. Thousands of additional reports of land takings from black families remain uninvestigated.

Two thousand have been collected in recent years by the Penn Center on St. Helena Island, S.C., an educational institution established for freed slaves during the Civil War. The Land Loss Prevention Project, a group of lawyers in Durham, N.C., who represent blacks in land disputes, said it receives new reports daily. And Heather Gray of the Federation of Southern Cooperatives in Atlanta said her organization has ''file cabinets full of complaints.''

AP's findings ''are just the tip of one of the biggest crimes of this country's history,'' said Ray Winbush, director of Fisk University's Institute of Race Relations.

Some examples of land takings documented by the AP:

After midnight on Oct. 4, 1908, 50 hooded white men surrounded the home of a black farmer in Hickman, Ky., and ordered him to come out for a whipping. When David Walker refused and shot at them instead, the mob poured coal oil on his house and set it afire, according to contemporary newspaper accounts. Pleading for mercy, Walker ran out the front door, followed by four screaming children and his wife, carrying a baby in her arms. The mob shot them all, wounding three children and killing the others. Walker's oldest son never escaped the burning house. No one was ever charged with the killings, and the surviving children were deprived of the farm their father died defending. Land records show that Walker's 2½-acre farm was simply folded into the property of a white neighbor. The neighbor soon sold it to another man, whose daughters owns the undeveloped land today.

In the 1950s and 1960s, a Chevrolet dealer in Holmes County, Miss., acquired hundreds of acres from black farmers by foreclosing on small loans for farm equipment and pickup trucks. Norman Weathersby, then the only dealer in the area, required the farmers to put up their land as security for the loans, county residents who dealt with him said. And the equipment he sold them, they said, often broke down shortly thereafter. Weathersby's friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Area residents, including Erma Russell, 81, said Strider, now dead, was often slow in releasing farm operating loans to blacks. When cash-poor farmers missed payments owned to Weathersby, he took their land. The AP documented eight cases in which Weathersby acquired black-owned farms this way. When he died in 1973, he left more than 700 acres of this land to his family, according to estate papers, deeds and court records.

In 1964, the state of Alabama sued Lemon Williams and Lawrence Hudson, claiming the cousins had no right to two 40-acre farms their family had worked in Sweet Water, Ala., for nearly a century. The land, officials contended, belonged to the state, Circuit Judge Emmett F. Hildreth urged the state to drop its suit, declaring it would result in ''a severe injustice.'' But when he state refused, saying it wanted income from timber on the land, the judge ruled against the family. Today, the land lies empty; the state recently opened some of it to logging. The state's internal memos and letters on the case are peppered with references to the family's race.

In the same courthouse where the case was heard, the AP located needs and tax records documenting that the family had owned the land since an ancestor bought the property Jan. 3, 1874. Surviving records also show the family paid property taxes on the farms from the mid-1950s until the land was taken.

AP reporters tracked the land cases by reviewing deeds, mortgages, tax records, estate papers, court proceedings, surveyor, maps, oil and gas leases, marriage, records, census

listings, birth records, death certificates and Freedmen's Bureau archives. Additional documents, including FBI files and Farmers Home Administration records, were obtained through the Freedom on Information Act.

The AP interviewed black families that lost land, as well as lawyers, title searchers, historians, appraiser, genealogists, surveyors, land activists, and local, state and federal officials.

The AP also talked to current owners of the land, nearly all of whom acquired the properties years after the land takings occurred. Most said they knew little about the history of their land. When told about it, most expressed regret.

Weathersby's son, John, 62, who now runs the dealership in Indianoia, Miss., said he had little direct knowledge about his father's business affairs. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

Alabama Gov. Don Siegelman examined the state's files on the Sweet Water case after an inquiry from the AP. He said he found them ''disturbing'' and has asked the state attorney general to review the matter.

''What I have asked the attorney general to do, ''he said, ''is look not only at the letter of the law but what is fair and right.''

The land takings are part of a larger picture—a 91-year decline in black landownership in America.

In 1910, black Americans owned more farmland that at any time before or since—at least 15 million acres. Nearly all of it was in the South, largely in Mississippi, Alabama and the Carolinas, according to the U.S. Agricultural Census. Today, blacks own only 1.1 million of the country's more than 1 billion acres of arable land. They are part owners another 1.07 million acres.

The number of white farmers has declined over the last century, too, as economic trends have concentrated land in fewer, often corporate, hands. However, black ownership had declined 2½ times faster than white ownership, the U.S. Civil Rights Commission noted in a 1982 report, the last comprehensive federal study on the trend.

The decline in black landownership had a number of causes, including the discriminatory lending practices of the Farmers Home Administration and the migration of blacks from the rural South to industrial centers in the North and West.

However, the land takings also contributed. In the decades between Reconstruction and the civil rights struggle, black families were powerless to prevent them, said Stuart E. Tolnay, a University of Washington sociologist and co-author of a book on lynchings. In an era when black Americans could not drink from the same water fountains as whites and black men were lynched for whistling at white women, few blacks dared to challenge whites. Those who did could rarely find lawyers to take their cases or judges who would give them a fair hearing.

The Rev. Isaac Simmons was an exception. When his land was taken, he found a lawyer and tried to fight back.

In 1942, his 141-acre farm in Amite County, Miss., was sold for nonpayment of taxes, property records show. The farm, for which his father had paid $302 in 1887, was bought by a white man for $180.

Only partial, tattered tax records for the period exist today in the county courthouse; but they are enough to show that tax payments on at least part of the property were current when the land was taken.

Simmons hired a lawyer in February 1944 and filed suit to get his land back. On March 26, a group of whites paid Simmons a visit.

The minister's daughter Laura Lee Houston, now 74, recently recalled her terror as she stood with her month-old baby in her arms and watched the men drag Simmons away. ''I screamed and hollered so loud,'' she said. ''They came toward me and I ran down in the woods.''

The whites then grabbed Simmons' son, Eldridge, from his house and drove the two men to a lonely road.

''Two of them kept beating me,'' Eldridge Simmons later told the National Association for the Advancement of Colored People. ''They kept telling me that my father and I were 'smart niggers' for going to see a lawyer.''

Simmons, who has since died, said his captors gave him 10 days to leave town and told his father to start running. Later that day, the minister's body turned up with three gunshot wounds in the back, The McComb Enterprise newspaper reported at the time.

Today, the Simmons land—thick with timber and used for hunting—is privately owned and is assessed at $33,660. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Over the past 20 years, a handful of black families have sued to regain their ancestral lands. State courts, however, have dismissed their cases on grounds that statutes of limitations had expired.

A group of attorneys led by Harvard University law professor Charles J. Ogletree has been making inquires recently about land takings. The group has announced its intention to file a national class-action lawsuit in pursuit of reparations for slavery and racial discrimination. However, some legal experts say redress for many land takings may not be possible unless laws are changes.

As the acres slipped away, so did treasured pieces of family history—cabins crafted by a grandfather's hand, family graves in shaded groves.

But ''the home place'' meant more than just that. Many blacks have found it ''very difficult to transfer wealth from one generation to the next,'' because they had trouble holding onto land, said Paula Giddings, a history professor at Duke University.

The Espy family in Vero Beach, Fla., lost its heritage in 1942, when the U.S. government seized its land through eminent domain to build an airfield. Government agencies frequently take land this way for public purposes under rules that require fair compensation for the owners.

In Vero Beach, however, the Navy appraised the Espys' 147 acres, which included a 30-acre fruit grove, two houses and 40 house lots, at $8,000, according to court records. The Espys sued, and an all-white jury awarded them $13,000. That amounted to one-sixth of the price per acre that the Navy paid white neighbors for similar land with fewer improvements, records show.

After World War II, the Navy gave the airfield to the city of Vero Beach. Ignoring the Espys plea to buy back their land, the city sold part of it, at $1,500 an acre, to the Los Angeles Dodgers in 1965 as a spring training facility.

In 1999, the former Navy land, with part of Dodgertown and a municipal airport, was assessed at $6.19 million. Sixty percent of that land once belonged to the Espys. The team sold its property to Indian River County for $10 million in August, according to Craig Callan, a Dodger official.

The true extent of land takings from black families will never be known because of gaps in property and tax records in many rural Southern counties. The AP found crumbling tax records, deed books with pages torn from them, file folders with documents missing, and records that had been crudely altered.

In Jackson Parish, La., 40 years of moldy, gnawed tax and mortgage records were piled in a cellar behind a roll of Christmas lights and a wooden reindeer. In Yazoo County, Miss., volumes of tax and deed records filled a classroom in an abandoned school, the papers coated with white dust from a falling ceiling. The AP retrieved dozens of documents that custodians said were earmarked for shredders or landfills.

The AP also found that about a third of the county courthouses in Southern and border states have burned—some more than once—since the Civil War. Some of the fires were deliberately set.

On the night of Sept. 10, 1932, for example, 15 whites torched the courthouse in Paulding, Miss., where property records for the eastern half of Jasper County, then predominantly black, were stored. Records for the predominantly white western half of the county were safe in another courthouse miles away.

The door to the Paulding courthouse's safe, which protected the records, had been locked the night before, the Jasper County News reported at the time. The next morning, the safe was found open, most of the records reduced to ashes.

Suddenly, it was unclear who owned a big piece of eastern Jasper County.

Even before the courthouse fire, landownership in Jasper County was contentious. According to historical accounts, the Ku Klux Klan, resentful that blacks were buying and profiting from land, had been attacking black-owned farms, burning houses, lynching black farmers and chasing black landowners away.

The Masonite Corp., a wood products company, was one of the largest landowners in the area. Because most of the land records had been destroyed, the company went to court in December 1937 to clear its title. Masonite believed it owned 9,581 acres and said in court papers that it had been unable to locate anyone with a rival claim to the land.

A month later, the court ruled the company had clear title to the land, which has since yielded millions of dollars in natural gas, timber and oil, according to state records.

From the few property records that remain, the AP was able to document that at least 204.5 of those acres had been acquired by Masonite after black owners were driven off by the Klan. At least 850,000 barrels of oil have been pumped from this property, according to state oil and gas board records and figures from the Petroleum Technology Transfer Council, and industry group.

Today, the land is owned by International Paper Corp., which acquired Masonite in 1988, Jenny Boardman, a company spokeswoman, said International Paper had been unaware of the ''tragic'' history of the land and was concerned about AP's findings.

''This is probably part of a much larger, public debate about whether there should be restitution for people who have been harmed in the past,'' she said. ''And by virtue of the fact that we now own these lands, we should be part of that discussion.''

Even when Southern courthouses remained standing, mistrust and fear of white authority long kept blacks, away from record rooms, where documents often were segregated into ''white'' and ''colored.'' Many elderly blacks say they still remember how they were snubbed by court clerks, spat upon and even struck.

Today, however, fear and shame have given way to pride. Interest in genealogy among black families is surging, and some black Americans are unearthing the documents behind those whispered stories.

''People are out there wondering: What ever happened to Grandma's land?'' said Loretta Carter Hanes, 75, a retired genealogist. ''They knew that their grandparents shed a lot of blood and tears to get it.''

Bryan Logan, a 55-year-old sports writer from Washington, D.C., was researching his heritage when he uncovered a connection to 264 acres of riverfront property in Richmond, Va.

Today, the land is Willow Oaks, an almost exclusively white country club with an assessed value of $2.94 million. But in the 1850s, it was a corn-and-wheat plantation worked by the Howlett slaves—Logan's ancestors.

Their owner, Thomas Howlett, directed in his will that his 15 slaves be freed, that his plantation be sold and that the slaves receive the proceeds. When he died in 1856, his white relatives challenged the will, but two courts upheld it.

Yet the freed slaves never got a penny.

Benjamin Hatcher, the executor of the estate, simply took over the plantation, court records show. He cleared the timber and mined the stone, providing granite for the Navy and War Department buildings in Washington and the Capitol in Richmond, according to records in the National Archives.

When the Civil War ended in 1865, the former slaves complained to the occupying Union Army, which ordered Virginia courts to investigate.

Hatcher testified that he had sold the planatation in 1862—apparently to this son, Thomas—but had not given the proceeds to the former slaves. Instead, court papers show, the proceeds were invested on their behalf in Confederate War Bonds. There is nothing in the public record to suggest the former slaves wanted their money used to support the Southern war effort.

Moreover, the bonds were purchased in the former slaves' names in 1864—a dubious investment at best in the fourth year of the war. Within months, Union armies were marching on Atlanta and Richmond, and the bonds were worthless pieces of paper.

The blacks insisted they were never given even that, but in 1871, Virginia's highest court ruled that Hatcher was innocent of wrongdoing and that the former slaves were owed nothing.

The following year, the plantation was broken up and sold at a public auction. Hatcher's son received the proceeds, county records show. In the 1930s, a Richmond businessman cobbled the estate back together; he sold it to Willow Oaks Corp, in 1955 for an unspecified amount.

''I don't hold anything against Willow Oaks,'' Logan said. ''But how Virginia's courts acted, how they allowed the land to be stolen—it goes against everything America stands for.''

This research was compiled in a three-part series title Torn from the Land, which detailed how blacks in America were cheated out of their land or driven from it through intimidation, violence and even murder. Some had their land foreclosed for minor debts. Still others lost their land to tricky legal maneuvers, still being used today, called partitioning, in which savvy buyers can acquire an entire family's property if just one heir agrees to sell them one parcel, however small.

Just like many blacks with roots in the South, I grew up hearing stories of land lost by relatives and family friends. These stories were so commonplace and pervasive that I worked with Penn Community Center on St. Helena Island in South Carolina for many years before I came to the Congress studying these land takings. To date, Penn Center has collected reports of 2,000 similar cases that remain uninvestigated. And there are other institutions around the South collecting the same kind of information.

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To date, Penn Center has collected reports of 2,000 similar cases that remain uninvestigated. And there are other institutions around the South collecting the same kind of information.

The question now is, Where do we go from here? What do we do with this information? As with most legislators, my natural inclination is to introduce a bill, but I do not think that is a proper response in this instance, at least not at this time.

□ 1915

Maybe later.

What I think is called for at this time is legal action. Harvard professor Charles Ogletree, who has been at the forefront of the reparations movement, has expressed an interest in pursuing a class action lawsuit on behalf of African Americans who can document how their families lost their land. Such a lawsuit should be filed, and it should be funded and supported by the United States Government.

There are other instances in which blacks can prove that they have been victimized, with the government's blessing, because of their race. The case of Liberty Life Insurance Company comes to mind.

I have never been more proud of my home State of South Carolina than I was a few weeks ago when the State Insurance Commission fined this Greenville, South Carolina-based company $2 million and suspended its license to sell insurance for at least 1 year because they charged black citizens higher premiums than they did whites. This was a common practice from the 1930s through the 1950s and was done with State regulators' knowledge and approval. Some of those policies remain in effect today, and the higher premiums were still being collected through the end of last year. Liberty Life was not alone in this practice, and there are many other insurance companies that must make restitution for these egregious actions. The time has come for other State governments to act and maybe the Federal Government as well.

I think the chances are very slim that African Americans will ever receive reparations for the ills wrought by slavery, at least in the traditional sense.

Trying to prove definitive ancestral links between contemporary African Americans and slaves going back nearly four centuries will, in most cases, be fruitless. Unlike holocaust survivors or Japanese Americans who were interned during World War II, there are few reliable records on slaves brought to America. Instead, I urge African Americans all across this country to begin gathering evidence about State-sanctioned discriminatory practices like land-takings and insurance overcharges. These are battles we can fight now, and the Congressional Black Caucus is committed to helping them win.

Mr. Speaker, I would like to now yield the floor to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JOHNSON of Illinois).

Without objection, the gentlewoman from North Carolina will control the remainder of the hour.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from South Carolina for his leadership and for joining with me and in calling this Special Order. A number of our colleagues will join us and participate. We are honored to have the gentleman from North Carolina (Mr. WATT), and I will yield to him now.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding time to me to make a statement regarding a matter that I regard as a problem of epidemic proportions. I want to thank the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from South Carolina (Mr. CLYBURN) for organizing this Special Order to deal with a very, very serious problem.

The gentleman from South Carolina (Mr. CLYBURN) has approached this from an historical perspective, and I admire him for doing that. There are many, many, many instances of just absolute overt, fraudulent, or scheming, or illegal takings of property that can be documented throughout the annals of history, takings of property from African American families who had struggled and worked so hard to acquire property. I subscribe to the gentleman's belief that those issues can be addressed and should be addressed and identified and addressed through legal action, and I hope that Professor Ogletree and other members of the legal profession will proceed with efforts to do that.

There perhaps is not, except for slavery itself and the deprivation of voting rights of African Americans, not a greater epidemic or problem than the loss of land, particularly in the South, from African American ownership. It is estimated that at one point in our history, African Americans owned approximately 15 million acres of land in the South. The estimates now indicate that that land ownership is down to approximately 2 million acres.

Now, there are many reasons for that, and the gentleman from South Carolina (Mr. CLYBURN) has identified the overt historical reasons for it, but in addition to that, and this is where I want to pick up and bring it on up to

date in a slightly different context so that we understand fully the issues that we are involved with, in addition to direct taking of property, swindling, fraudulent taking, intimidation of landowners and their families so that they would leave their property behind, and that property then being claimed by members of the majority race, there are other things that have contributed to this, and I want to talk about some of them.

They, on their face, do not always seem like they are racially motivated. I want to be careful to say that these are not racist plots that I am talking about; they are race-neutral in their application, but they are not race-neutral in the impact that they have. They have a disparate impact on black land ownership. I want to talk about a few of those.

First of all, there is this concept of eminent domain. That is a race-neutral principle that the government uses to acquire property for public purposes. But historically, if one goes back and looks, eminent domain has been used disproportionately to deprive black landowners of their property than it has been used to deprive white landowners of their property. The reason for that is that typically, property that has been owned by black landowners has been lower in value. When the government needs to take property for a public purpose, it wants to spend as little money as it can spend to accomplish that public purpose, so they go and try to acquire the land that has the lowest economic value. Or, the government will say, well, if we go to a certain section of town and start to acquire property, then we will meet with greater political opposition, so we should go through the parts of the community where we will get the least amount of political resistance.

So it is not accidental that when one drives down an interstate highway, many of those interstate highways go from city to city to city, but one of the things that they have in common is that they typically go through minority communities, splitting them right in half in many instances. The reason for that is because property values were lower in those communities where the acquisitions were being made, and that was the course of the least political resistance to the taking.

So eminent domain, a race-neutral concept, has a racially disparate impact, and that has been a method by which black landowners have been deprived of land.

The whole concept of heir property and partition of property, again, is a race-neutral principle that in its application has a disparate impact on minority landownership. Minority families have historically had larger families. Many of them have left the South; the kids have left the South, gone to the North, spread out all over the country, and when their parents die, they die without a will, and the land becomes heir property. We have 10 children that become owners, none of them have real ownership because they do not have any real connection to the property, so there are disputes that develop about whether the property gets divided. Typically it does not get divided, it gets sold to people who will pay lesser value for it. Or it gets sold because the taxing authorities take it and sell it. Because 10 people have an interest in the property, no single one of them wants to assume the burden of paying the taxes on that property.

I daresay that there is not a Member of the Congressional Black Caucus who does not have some history in their own family or in their community of people who have been deprived of ownership of land in this way, through heir property, through lack of wills, through eminent domain, through partition actions that turned out to be sales actions, and the beat goes on.

So how do we get from 15 million acres of land owned by minorities in the South down to 2 million acres? We have overt, racist, intimidating acts of the kind that the gentleman from South Carolina (Mr. CLYBURN) described, and we have race-neutral, innocent-sounding acts like eminent domain and partition and tax sales that have a racially disparate impact on land ownership.

What the Congressional Black Caucus is intent on doing is trying to bring more attention to this; trying to educate the public that that is a problem of epidemic proportions, so that minority individuals understand the value of land. When I was growing up, when I got a little bit older, my parents used to say to me, land is the only commodity that the Lord is not going to make any more of. There will not be any more land made. So when you lose land, you have lost something of value. So we are trying to get that message out to the public in African American communities, and we are trying to understand and let other people understand the epidemic proportions of what we are about.

I think we have the historical part of it now and the present-day part of it, and I am sure there are many other aspects to this, but there are other people here to talk about them. So I want to yield back to the gentlewoman from North Carolina (Mrs. CLAYTON). I want to thank her and my colleague, the gentleman from South Carolina (Mr. CLYBURN) again, for reserving this time so that we can shine a light on this problem that has epidemic proportions in this country, in the history of this country, and even continuing today in sinister ways that people do not understand.

□ 1930

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) and thank him for his sharing of knowledge. It does not have to be overt. Again, there are areas that are neutral that have devastating impact on minority communities: the issue of eminent domain, the issue of petitioning, the issue of sales. All of those fine ways of dispossessing or taking wealth away from people who they thought otherwise would have it. I do thank him for sharing that with us.

We are joined by someone who is a strong advocate for these issues. He has been an associate in the battlefield, the gentleman from the great State of Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

I join the gentleman from North Carolina (Mr. WATT) and the gentleman from South Carolina (Mr. CLYBURN) in this effort to bring to this country's attention the serious problem associated with black land loss in America.

Mr. Speaker, I rise today to talk about land loss in the black community. A recent Associated Press investigative report titled ''Torn From the Land'' documented how land has been unjustly taken from African Americans over the years and alerted the world to the alarming declining trend in black land ownership. America's seventh President, Andrew Jackson, said in his July 10, 1832, bank veto message to the United States Senate, ''Every man is entitled to protection by laws. But when the laws undertake to add artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means for securing like favor to themselves, have a right to complain of the injustice of their government.''

Unfortunately, at the time these words were uttered they were not applicable to African Americans. However, even Andrew Jackson, a white Southern aristocrat and slave owner himself, realized that in order for this Nation to be a great place, our Nation's resources must be equally distributed among all classes of Americans. And also he knew the importance of all individuals having the means to file and advocate grievances against the government when they felt they have been dealt an injustice.

Since Reconstruction, the plight of African Americans is by far no secret. It is a disgraceful past that has undoubtedly tarnished America's rich history. All of her life Ms. Delores Barclay, currently an AP reporter, heard random stories from blacks that went along the lines of, ''My grandparents had some land but we do not know what happened to it.'' After hearing stories of this nature time and again, Ms. Barclay decided that perhaps she should just not dismiss them as they had in the past as some sort of mysterious urban legend; but instead she took and looked into these claims to see if they could be substantiated. She decided to team up with a few colleagues; and thanks to their hard work and dedication to uncovering the truth, what followed was an investigation

which covered an 18-month period including interviews with more than 1,000 people and the examination of tens of thousands of old fragile public records.

The results of this investigation, Mr. Speaker, should disturb all Americans. The investigation documented 107 land takings in 13 Southern and border States. In those cases alone, 406 black land owners lost more than 24,000 acres of farm and timber land, plus 85 smaller properties including stores and city lots valued at tens of millions of dollars.

How did these injustices happen? Most of these land-takings occurred in the decade between Reconstruction and the civil rights struggle when black families were powerless to prevent them, a time when black families could not drink from the same water fountains as whites and the fear of being lynched was always present. More than half of these cases, the Associated Press documented, 57 to be exact, were violent land-takings where black land owners were attacked by whites who just wanted to drive them off their land. In other cases, trickery, legal manipulations, and discriminatory lending practices can be attributed to land losses suffered by black families.

Imagine yourself as a black farmer in Mississippi in the 1950's or 1960's. You own some of the best agriculture land in the State. What you do not have, however, is the cash needed to plant and harvest this year's crop. What do you do? Well, you do what many Americans do when they need money for their businesses, you borrow it. But suppose the local banks and the Farmers Home Administration do not particularly care for your lending or want to lend you money. You are left with one choice. To finance your business you go to a prominent businessman in the community and ask for money. In return for the loan, however, you are required to put up the entire farm as collateral.

At harvest, the crop prices are low and you come up short on paying off your loan and the lender forecloses and takes your entire farm. The farm that you planned to pass on to your children is lost. The scenario I just described, Mr. Speaker, was not unusual in the South during the 1950's and 1960's. The Associated Press documented eight cases where land was acquired in this very manner by single prominent businessmen. This particular individual acquired nearly 700 acres of black-owned land in exchange for used pickups and farm equipment.

Mr. Speaker, for those that have lost land, that have lost so much more than simply monetary value of this land, they have lost the availability to pass down such a valuable asset to future generations. Land ownership is the ladder to respect and prosperity, the means to building an economic security and passing wealth on to the next generations. For those black families that have lost that land, they have lost all of this. And for those black Americans that are being repressed from becoming land owners, they are being robbed of the American dream. I sincerely hope all Americans become aware of these injustices and do what they can individually and collectively to right this wrong.

Mr. Speaker, I compliment the gentlewoman from North Carolina (Mrs. CLAYTON) again on getting this time to highlight this important issue.

Mrs. CLAYTON. Mr. Speaker, the gentleman from Alabama (Mr. HILLIARD) is a member of the Committee on Agriculture and has been a strong advocate for wealth accumulation and for protection of land and agriculture needs, and we are delighted to have him join us.

Mr. HILLIARD. Mr. Speaker, let me first of all congratulate the gentlewoman from North Carolina (Mrs. CLAYTON) for this colloquy and for putting this together.

It is very important that we realize, Mr. Speaker, that historically blacks have had their lands taken by many different individuals and by corporations and, of course, by government. Our attention primarily during this colloquy is focused on the taking of the land by government. And it is not just the local government we speak of, but land is taken by many governments, cities, towns, counties, and, of course, our States. Generally, it is taken by the use of two vehicles. The first one is eminent domain.

Primarily, eminent domain is a legal term in which the State, the city or the county has the right to acquire lands for public use or for public purposes; but in the law it states public use. That means for some use like sewers, perhaps, or for some type of facility that benefits the entity itself, the building of city hall, some school or some library. That is public use. Unfortunately, many States, cities, and counties have used eminent domain in such a way as to deprive blacks and African Americans of their lands in so-called legal ways or in a legal instance.

Unfortunately, we look at the situation now as we speak, we find that in Mississippi land is being taken under the guise of eminent domain from farmers now. And the use of the property will be to build a Nissan plant. Well, that is not public use. That is private use. So African Americans' land at this time as we speak is being taken for private use under the guise of eminent domain.

The second way in which government takes property is through the process of tax reassessment. And in many instances the property taxes are run up to the extent that it is very difficult for the individuals to pay. Let me give you an example. In many coastal areas in South Carolina, in Alabama, Florida, and Mississippi blacks own land. And during the early 1970's and 1980's the coastal lands, for whatever reason, became very popular; and they started building hotels, restaurants and other types of facilities in the so-called resort areas, and of course, what happened?

Whenever anything new was built, the surrounding property would be reevaluated and taxes would be assessed based upon whatever is there, a hotel, a restaurant or whatever it is. And of course that would make the taxes very expensive. So we realize that situation in Alabama. So we came up with the theory of current use, and we said that land should be taxed not at the surrounding values of other land but the current use.

The reason why we came up with that is because we had to protect not only African Americans but even poor whites. Unless we correct the situation that is inherent in our laws, we will find that it not only affects African Americans but that it affects other Americans. Freedom is not free unless it extends to everyone everywhere. If for one minute we let our guard down, if for one minute we let anyone take advantage of anyone else, pretty soon they will take advantage of us.

Mr. Speaker, it is incumbent upon us as legislators to do our job and to make sure we redefine legal terms so that they will be expressive of the rights of people and so that people will understand fully what their rights are so that they may protect them.

Let me again thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for bringing that information, and I also just want to ask him to restate the actions of Alabama recently. I gather that is a recent decision, that they have now decided to make sure that the value of land is the current use rather than the traditional use?

Mr. HILLIARD. No, current use rather than the value of surrounding lands.

Mrs. CLAYTON. Surrounding land. Is that recent?

Mr. HILLIARD. That is the law currently.

Mrs. CLAYTON. When did that happen?

Mr. HILLIARD. When I was in the Alabama House of Representatives, somewhere in the late 1970's, somewhere around 1978, 1979.

Let me say this, that is very important because as we find our suburban areas expanding, in many instances shopping centers are built 3 and 4 miles outside of the city or outside of the suburban area surrounded by a wooden area, by woods, trees or by farms.

□ 1945

If you really evaluate the farmland based upon what it is near, of course it is going to carry the value of the shopping center, and of course the farmers do not make the kind of money that the shopping centers do. So they do not have the opportunity, the farmers, to pay those kind of taxes, and that is one way, through a reassessment, that land has been taken in the past by government.

Mrs. CLAYTON. I thank the gentleman from Alabama (Mr. HILLIARD)

for sharing that with us and making that clear in terms of what the State of Alabama has done.

GENERAL LEAVE

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Speaker, we are raising the issue tonight of land loss by Afro-Americans or blacks, and this issue was raised to us as a result of the AP series. The AP series was a 3-part, 10-article series plus graphics. It was published in December, and it was published all across the United States. Many of us knew that this was happening, but because this had such wide distribution, the gentleman from South Carolina (Mr. CLYBURN) brought to our attention that this was an opportunity to raise this issue in a concerted way.

This issue is not just confined to Afro-Americans or blacks who live in the South; as the series articles clearly stated, that those who lived in the North had no guarantee that their lands would not be taken, also.

So what are we talking about? What is this all about? This is about raising the consciousness that historically there has been a practice overtly, in some ways benignly, both through illegal means and through legal means, the taking of land.

My colleagues heard the gentleman from North Carolina (Mr. WATTS) and the gentleman from Alabama (Mr. HILLIARD) talk about the color of law, that it is not necessarily racial, it is not illegal in terms of petitioning. It is not illegal in terms of eminent domain, it is the application of that. So the color of law, even those things that are within our legal system has an impact of moving or dispossessing citizens, and Afro-Americans particularly, from their land.

Why is this important? Well, land is wealth. The dignity of owning a piece of land or owning a home is what defines a person and his family, of owning something that his family can share. In the rural South owning land not only allowed someone to have their plot of land, but allowed someone, if they were a farmer, to produce and make income on the land. So the land not only was a place of pride and citizenship and respectability, but also was a source of income.

We heard reference to the fact that our own records show in U.S. agriculture that we owned over 15 million acres of land and actually own something less than 2 million acres of land now. What has happened? That has not just been a shift of land through legal means. Those have also been through illegal means. It means that from 15 million acres now to 2 million or less than 2 million acres, the same amount of, even more, have less. So the wealth has been reduced to a very minimum.

We have very small plots of lands, farmers trying to subsist. They are trying to use that land to be a productive source of income.

So it is important that we understand that the taking of the land is not only a historical event. We are very appreciative of the AP series. Mr. Speaker, I also enter into the RECORD additional articles that the AP press has published.

BLACK FARMERS: A VANISHING WAY

By 1910, black Americans had amassed more land than at any other time in this country's history—at least 15 million acres, according to the U.S. Agricultural Census. Black owned farms, however, tended to be undercounted because the census tallied only larger farms that were producing crops. Black landownership tapered off after World War I, and plunged in the 1950s. Today, blacks are full owners of just 1.1 million of the more than 1 billion acres of arable land in the United States.

HISTORY UP IN SMOKE

Any investigation relying on historical land records in the South is complicated by the widespread loss of documents stored in county courthouses. Storms, floods and neglect have taken their toll on these collections of deeds, tax records and estate papers. But fires—both accidental and intentional—have caused the most damage to these repositories of land history, since the mid-1800s.

THE LYNCHING TRAIL

Racial violence in America is a well-told story. But the importance of land as a motive for lynchings has gone largely overlooked. Historians say prosperous blacks—and black landowners—often became targets of white lynch mobs, whose attacks could trigger an exodus of blacks. ''If you are looking for stolen black land,'' says Ray Winbush, director of Fisk University's Race Relations Institute, ''just follow the lynching trail.'' More than 3,000 blacks were lynched between 1865 and 1965, according to the Tuskegee Institute and the NAACP. This map shows lynchings confirmed by researchers who worked from a list begun by the Chicago Tribune in 1882, and later expanded upon by the NAACP and Tuskegee.

DEVELOPERS AND LAWYERS USE A LEGAL MANEUVER TO STRIP BLACK FAMILIES OF LAND

(By Todd Lewan and Dolores Barclay)

Lawyers and real estate traders are stripping Americans of their ancestral land today, simply by following the law.

It is done through a court procedure that is intended to help resolve land disputes but is being used to pry land from people who do not want to sell.

Black families are especially vulnerable to it. The Becketts, for example, lost a 335-acre farm in Jasper County, S.C., that had been in their family since 1873. And the Sanders clan watched helplessly as a timber company recently acquired 300 acres in Pickens County, Ala., that had been in their family since 1919.

The procedure is called partitioning, and this is how it works:

Whenever a landowner dies without a will, the heirs—usually spouse and children—inherit the estate. They own the land in common, with no one person owning a specific part of it. If more family members die without wills, things can get messy within a couple of generations, with dozens of relatives owning the land in common.

Anyone can buy an interest in one of these family estates; all it takes is a single heir willing to sell. And anyone who owns a share, no matter how small, can go to a judge and request that the entire property be sold at auction.

Some land traders seek out such estates and buy small shares with the intention of forcing auctions. Family members seldom have enough money to compete, even when the high bid is less than market value.

''Imagine buying one share of Coca-Cola and being able to go to court and demand a sale of the entire company,'' said Thomas Mitchell, a University of Wisconsin law professor who has studied partitioning. ''That's what's going on here.''

This can happen to anyone who owns land in common with others; laws allowing partition sales exist in every state.

However, government and university studies show black landowners in the South are especially vulnerable because up to 83 percent of them do not leave wills—perhaps because rural blacks often lack equal access to the legal system.

Mitchell and others who have studied black landownership estimate that thousands of black families have lost millions of acres through partition sales in the last 30 years.

''It's the all-time, slam-dunk method of separating blacks and their land,'' said Jerry Pennick, a regional coordinator for the Federation of Southern Cooperatives, which provides technical and legal support to black farmers.

By the end of the 1960s, civil rights legislation and social change had curbed the intimidation and violence that had driven many blacks from their land over the previous 100 years. Nevertheless, black land loss did not stop.

Since 1969, the decline has been particularly steep. Black Americans have lost 80 percent of the 5.5 million acres of farmland they owned in the South 32 years ago, according to the U.S. Agricultural Census.

Partition sales, Pennick estimates, account for half of those losses.

A judge is not required to order a partition sale just because someone requests it. Often, there are other options.

When the property is large enough for each owner to be given a useful parcel, it can be fairly divided. When those who want to keep the land outnumber those who want to sell, the court can help the majority arrange to buy out the minority. In at least one state, Alabama, the law gives family members first rights to buy out anyone who wants to sell.

Yet, government and university studies show, alternatives to partition sales are rarely considered. When partition sales are requested, judges nearly always order them.

''Judges order partition sales because it's easy,'' said Jesse Dukeminier, an emeritus professor of law at the University of California at Los Angeles. Appraising and dividing property takes time and effort, he said.

Partition statutes exist for a reason: to help families resolve impossible tangles that can develop when land is passed down through several generations without wills.

In Rankin County, Miss., for example, the 66 heirs to an 80-acre black family estate could not agree on what to do with the land. One family member, whose portion was the size of a house lot, wanted her share separate from the estate. Three other heirs, who owned shares the size of parking spaces, opposed dividing the land because what they owned would have become worthless. So, in 1979, the court ordered the land sold and the proceeds divided.

Even when the process works as intended, it contributes to the decline in black-owned

land; the property nearly always ends up in the hands of white developers or corporations. The Rankin County land was bought at auction by a timber company.

But the process doesn't always work as intended. Land traders who buy shares of estates with the intention of forcing partition sales are abusing the law, according to a 1985 Commerce Department study.

The practice is legal but ''clearly unscrupulous,'' declared the study, which was conducted for the department by the Emergency Land Fund, a nonprofit group that helped Southern blacks retain threatened land in the 1970s and '80s.

Blacks have lost land through partitioning for decades; the AP found several cases in the 1950s. But in recent years, it has become big business. Legal fees for bringing partition actions can be high—often 20 percent of the proceeds from the land sales. Families, in effect, end up paying the fees of the lawyers who separate them from their land.

Moreover, black landowners cannot always count on their own lawyers. Sometimes, the Commerce Department study found, attorneys representing blacks filed partition actions that were against their client's interests.

The AP found several cases in which black landowners, unfamiliar with property law, inadvertently set partition actions in motion by signing legal papers they did not understand. Once the partition actions began, the landowners found themselves powerless to stop them.

The Associated Press studied 14 Partition cases in detail, reviewing lawsuit files and interviewing participants. The cases stretched across Southern and border states.

Each case was different, each complicated, with some taking years to resolve. In nearly every case, the partition action was initiated by a land trader or lawyer rather then a family member. In most cases, land traders bought small shares of black family estates, sometimes from heirs who were elderly, mentally disabled or in prison, and then sought partition sales.

All 14 estates were acquired from black families by whites or corporations, usually at bargain prices.

Migrations that have scattered black families increase their vulnerability to partition actions. Historians say those who fled the South seldom spoke of the lives they left behind. Their descendants may not realize they have inherited small shares of family property and have no attachment to the land. All a land trader has to do is find one of them.

Some families have hired attorneys and tried to fight back. However, said Mitchell, the Wisconsin law professor, ''the families nearly always lost.''

To understand how partition sales work in practice, it is useful to begin with a relatively simple one.

The case of the Marsh family of Northern Louisiana contains the three typical elements: land passed down without wills, black landowners unfamiliar with property law and a white businessman who saw an opportunity and took it. But it has few of the complications that can make partition cases difficult to allow.

Louis Marsh, a freed slave, accumulated 560 acres in Jackson Parish in the decades after the Civil War. When he died without a will in 1906, his children inherited the land. They owned it in common until 1944, when they asked the court to divide it.

The Court gave six siblings 80 acres each, court records show. The final 80 acres would have gone to their brother, Kern Marsh, but he had fled Louisiana after killing a man. So, the court decided, Louise Marsha's children would continue to own that share in common.

With the family's permission, one of the siblings, Albert Marsh, farmed those extra 80 acres along with his own share. As 20 years passed with no sign of Kern Marsh, the family care to think of all 160 of those acres as Albert Marsh's land. Family members said they expected it would be passed down to Albert's children when he died.

That's not what happened.

On April 11, 1955, about the time oil rings were appearing on neighboring property, Albert Marsh died without a will. Not long after, a white oil man named J.B. Holstead purchased an 11.4-acre interest in the extra 80 acres. The seller was one of Albert Marsh's nephews, Leon Elmore, who was one of Albert Marsh's nephews, Leon Elmore, who has since died.

The deed, filed on Aug. 13, 1955 says Elmore was paid $100 cash and other consideration—a used truck, according to Elmore's son, Leon, Jr.

Three days later, Holstead filed for a partition sale of the 80 acres.

Six days after that, a judge sorted out who owned shares in the 80 acres. Because the 1944 partition had left that land as common property of Louis Marsh's children, the true owners were his 23 living descendants, the judge decided. Leon Elmore was among them, giving him the right to sell his share to Holstead.

The Marshes did not understand what was happening and did not have a lawyer, said Albert Marsh's son, Alvie, 86. Besides, he said, challenging a white businessman in the 1950's ''never entered your mind—'less you wanted the rope.''

On Nov. 15, 1955, the same judge granted Holstead's request for a partition sale. Court costs, plus a $250 fee to Holstead's lawyer, were to be paid from the proceeds.

At the Jan. 21, 1956, auction, Holstead bought the 80 acres for $6,400. He quickly sold the land and the oil and gas rights for unspecified amounts, records show.

The land changed hands several times before being acquired in 1996 by Williamette Industries Inc., a wood-products company. A company spokeswoman said Williamette was unaware of the land's history.

Holstead is dead; his son, John Holstead, a Houston lawyer, said he was unaware of the case. When it was described to him, he said: ''All of the legal procedures of Louisiana law were followed.''

Alvie Marsh believes that land was taken unfairly. ''I've lived with that for 45 years;'' he said.

Today, he lives in a shack on that part of the estate his family was able to keep.

Things were more complicated when a South Carolina real estate trader went after two tracts owned by different branches of the Beckett family in the 1990s.

In 1990, Audrey Moffitt sought a 335-acre estate in Jasper County, S.C., that had been owned by the family since 1873.

Frances Beckett, a 74-year-old widow with a fourth-grade education, was one of 76 heirs to the estate. According to court papers, she was bedridden with cancer; her doctor had given her three months to live.

The dying women accepted Moffitt's offer of $750 for her 1/72 interest—worth $4,653, according to a subsequent appraisal by J. Edward Gay, a real estate consultant. An appeals court would later call it the only ''true'' appraisal of the property.

Moffitt then bought out six others heirs for a total of $6,600, court papers show.

Among them, she paid Edward Stewart, 88, a man with no formal education, and Flemon Woods, 80, with a third-grade education, a combined $5,800 for their one-sixth interest. It was worth $55,833, according to Gay's appraisal.

Moffitt filed her partition action in January 1991. Beckett family members countersued, alleging Moffitt had secured the elderly heirs' signatures without the presence of a notary. A special referee in the Court of Common Pleas ruled that the estate be sold.

The property was broken into two pieces that were auctioned separately. Fifty acres were purchased for $75,000 at a December 1991 sale by John Rhodes, a real estate broker from nearby Estill, and his mother, Florence. Of this, $12,864 went to Moffitt for her shares and nearly $20,000 was taken for court costs, leaving $42,331 for the family.

Today, Rhodes and his siblings own the tract, which is assessed at $200,000. Moffitt bought the remaining 285 acres for $146,000 in February 1992. (That included $24,338 she paid to herself for her own shares.)

Two years later, however, an appeals court ruled that the signatures of the elderly Beckett heirs were obtained illegally. The court also cited uncontested evidence that Moffitt or her partner had led Edward Stewart to believe he was selling a right of way, led Frances Beckett to believe she was selling timber rights and led Flemon Woods to believe he would be liable for substantial back taxes if he did not sell.

The court characterized Moffitt's dealings with the three elderly family members as ''unconscionable.'' When Moffitt paid an additional $45,075 for the shares, however, the court validated the partition sale.

With the additional payment, Moffitt's outlay for the land totaled $198,425, court papers show. Deduct the $37,202 she received from the partition sales for her own shares of the estate, and her true outlay was $161,223.

Moffitt has since broken up the property and resold it to a locally prominent family and several area businesses, property records show. In one transaction, she swapped part of the old Beckett land for an adjoining piece of property, which she then sold.

Her proceeds from these sales, property records show, total $1,708,117—nearly 11 times what she paid for the property.

''They basically just ran these people out,'' said Bernard Wilburn, an Ohio lawyer who represented several Beckett heirs.

This wasn't the only time the Becketts encountered Moffitt.

In 1991, she paid heirs on another side of the family $2,775 or a one-fifth interest in 50 acres of undeveloped land along State Highway 170 in Beaufort County, S.C.—the main link between Savannah, Ga., and the resort island of Hilton Head. The following year, Moffitt filed for partition, forcing the 42 heirs into court.

The family knew what was coming because of what was happening to their relatives, so they negotiated a settlement. They allowed Moffitt to pick out the best 10.4 acres of the estate in return for dropping the partition action.

Moffitt didn't keep the land long. Records show that in October 1998 the state paid her $17,000 for a roadway easement of less than an acre. In January 1999, she sold the rest to a Methodist church for $200,000.

In all, she received $217,000 for land she had purchased for $2,775.

''You can't buck these big-money developers,'' said family member William Jackson, a retired math teacher. ''You are most times forced to settle for less than what your property is worth.''

Moffitt, of Varnville, S.C., did not return phone calls but replied in writing to a letter requesting comment. Apparently limiting her remarks to the larger Beckett property, she defended the dealings described as ''unconscionable'' by the court, calling her payments to the elderly Beckett's ''fair value.''

She characterized the Beckett ownership as ''a convoluted mess'' that made the land unmarketable. She added: ''The heirs could have done for themselves what I did, but for

generations had not done so. It is difficult sometimes to get two people to agree; getting 30 or 40 or more people all to agree to sell or keep and use their property would be virtually impossible, in my experience.

More complicated still is the story of the Sanders estate in Pickens County, Ala.

M.L. Wheat of Millport, Ala., wanted to buy the 300 acres of timberland that had been in the Sanders family for 83 years. In early 1996, he talked price with one of the owners, Ivene Sanders. They met in the office of Wheat's lawyer, William D. King IV. When Wheat learned that buying the land would require reaching agreement with about 100 heirs, he backed away from the deal.

Then, in May of that year, the story took a turn.

King, who had represented Wheat, filed a partition action on behalf of 35 members of the Sanders family, naming other heirs as defendants.

Only two family members signed the complaint seeking the sale: Ivene Sanders, now 72, with a fourth-grade education, and his cousin, Archie Sanders, now 75, with a third-grade education. Court papers show both later insisted they did not understand what they were signing.

Ivene Sanders told the AP he thought he was authorizing King only to determine the size of each family member's share.

Several family members King listed as plaintiffs turned out not to own shares. All but five of the plaintiffs who did own shares joined Ivene and Archie Sanders in filing papers stating that they had not authorized King to pursue the partition action.

Several hired another lawyer to try to stop the sale.

The AP could find nothing in the record indicating the wishes of the other five plaintiffs. One, Emma Jeann Sanders, told the AP she had never hired King. Another, Lillie Velma Gregory, was too ill to be interviewed, but her daughter, Fentris Miller Hayes, said her mother had not hired King. Another is now dead. The other two could not be located.

Whose interest was King representing as he pursued the partition action for more than two years? King would not comment beyond saying that the record speaks for itself.

As the case went on, the number of family members being sued to force the sale reached 78. Of these, 18 did not object to the sale, according to the judge. In fact, in the case's final year, the judge decided that seven of them were no longer defendants, but plaintiffs.

Five of those seven then filed objections to the sale, too.

Family members who took a position on the sale—plaintiffs and defendants alike—were overwhelmingly opposed, court records show. Some said they never wanted the family land sold. Others, including Ivene and Archie Sanders, said that if they were to sell, they would want to do so privately rather than risk a low winning bid at a court-ordered auction.

Nevertheless, Circuit Court Judge James Moore ordered an auction. The Melrose Timber Co., Inc., bought the property on Nov. 24, 1998, for $505,000, court papers show.

It was not a bad price, but the family did not get all the money. King collected $104,730 in fees and expenses—about 20 percent of the sale proceeds. After court costs were deducted, $389,170 remained to be divided among 96 heirs, some of whom incurred thousands of dollars in legal fees fighting the sale.

Some family members wanted to appeal but decided they could not afford the legal fees, said Ivene Sander's niece, Eldessa Johnson, 50, of Southfield, Mich.

King, reached at his Office in Carrollton, Ala., said: ''I have no additional comments, other than what is in the record. . . . I have nothing to hide. This case has been well litigated.''

Moore said partitioning laws, intended to protect landowners, are often used against them and may need revision. However, he said, once the partition request was filed, he approved it largely as a matter of routine.

In his three-county rural circuit, he said, two or three such cases are going on all the time. Most, he said, involve black families.

WITH HELP FROM THEIR WHITE LAWYER, A BLACK MISSISSIPPI FAMILY LOSES A FARM

(By Todd Lewan)

CARTHAGE, MISS. (AP).—For years, Turf Smith lived alone in a cabin in the woods, serving as caretaker of a 158-acre estate shared by 25 family members who were scattered around the country.

He had long wanted to carve out 2 acres for himself to build a new house, said two of his children, Quille and Gene Smith. But, families being as they are, one of his relatives would not agree.

A white lawyer heard of Smith's plight, his children said. The lawyer told the elderly black farmer he could help by asking a judge to partition the property, giving family members separate titles to their allotted shares. Smith, who is now dead, agreed.

However, the petition the lawyer filed on Turf Smith's behalf asked the court to sell the entire estate at auction if it could not be divided fairly among the heirs. The sale of the entire estate, Smith's children said, was not something he planned or imagined would happen.

Court records show that many heirs to the property never responded to the suit. The family, mostly rural folk, was widely scattered, Quillie and Eugene Smith said. They didn't understand what was happening or have the money to hire a lawyer to fight it.

The judge who heard the case appointed three special commissioners to determine what should be done. County records show that one of the panel members, Lynn O. Young, a county forester who has since died, had numerous land dealings with timber companies and a real estate speculator named W.O. Sessums.

The panel recommended a partition sale. Because not all of the 158 acres were of the same quality, the land could not be divided equally among the heirs, the panel told the court. So, the judge ordered an auction.

The sale was set for 1978. Turf Smith, with help from his nephew, Maxwell Smith, scraped together $41,000 in cash and loans to try to keep the land in the family, but they never had a chance. Sessums quickly bid the price up and bought 156 of the 158 acres for $98,000, court records show.

Smith was able to buy the final 2 acres, which the court sold separately for his benefit, for $1,200.

Months later, Sessums sold his 156 acres for an undisclosed sum to a subsidiary of Georgia Pacific Corp., property records show.

From the auction, each Smith heir received as little as $245 to as much as $8,000, court records show. But the land that had been their legacy since the early 1920s was gone.

The property now is assessed at more than $225,000, and believed to have a market value of much more because it has quality hardwoods and shoulders a highway.

''We paid a fair market price and have clear title on the land,'' Robin Keegan, a senior spokeswoman for Georgia Pacific, said. ''Our records contain nothing to suggest that anyone at Georgia Pacific knew anything about the family's dispute over the land.''

Sessums died three years ago, according to his wife, Mary. She said Young routinely tipped her husband to land opportunities. ''We bought some land through Lynn Young. He bought several tracts like that at the courthouse, you know—commission.''

Turf Smith died in 1981. Today, Quille Smith and her five siblings own the land their father left them.

''Two acres,'' she said. ''That, and the history, is all we have left.''

Mrs. CLAYTON. We are very appreciative of them raising it all through the country, but we, the members of the Congressional Black Caucus, have an obligation to have Americans understand how important it is to own one's land, to own one's home place or homestead, what it means to the dignity of the family, and more than that, what it means to the sustainability of the community, what it means to the society, to make sure everyone feels that they have equal access to have a piece of the pie.

The documents showed not only the take of land for eminent domain by governments, but also we found that it was a case in point where Mississippi, the burning of a courthouse, and all the documents were destroyed and a private entity came in and they claimed under color of law, and the lawyers in the audience would know more than I would, but they had a title that was not complete, where they went to court and they said there was no one else to claim this title. So for a period of years they had a color of title. Later, they acquired the land. They acquired the land for a very minimal amount of money.

They sold that land after they discovered there was oil on that land, and even in the article it says the corporation now says the question is what do we do about this? He acknowledged there has been less than full disclosure, less than full legal remedy to the process, but he is the rightful owner.

So there have been many acquisitions of lands and wealth and minerals from land that has been acquired as a result of the color of law and the result of some trickery. Obviously burning a courthouse is not the color of law.

Also, we have eminent domain in Florida where the city acquired the land for a naval yard, acquired the land when people went there and begged that they indeed should have the opportunity to buy their land. Eminent domain said to the blacks that they had one price and to the whites right beside it a price that was at least 10 times higher. These family members tried to buy the land after the city had no use for the naval yard, and rather than sell it to them, they sold it to a baseball franchise. That baseball franchise bought that land for millions of dollars; not any remuneration to the Afro-American family members.

History is replete with incidents where the color of law has been favoring those who are powerful and taking

away without any opportunity of redress for those who are powerless or who were Afro-American who did not have the law of those who represented.

I think the issue for us is not only to raise that consciousness of all Americans and understand the value of land, but also have a sense of fairness, have a sense of the value of having free access to the opportunity of being landowners or homeowners or sharing in the wealth, and to that extent, I think we will have a better America.

I think also Afro-Americans are so worn that no one is as vigilant as they are themselves. They say buyer beware. So those who have been fraudulently offended, those who have had the color of law to take that land, they need to begin, I think, as the gentleman from South Carolina (Mr. CLYBURN) challenged us, is to begin to think about bringing all that information together so we can share that information with the appropriate authority.

I think we are setting the symbol, that it is the time for us to come together, first for America to come together and say this is unacceptable, it was not right then, and it certainly is not right now.

Let me just finish my comments and say this is not just yesterday. This is still happening. I serve on the Committee on Agriculture, as two of my Representatives here, and we know that the black families had had a continuous complaint and legal action against the Department of Agriculture because they have had foreclosures or they have been discriminated in in getting the resources they have needed. So in the process of the loans, the foreclosure has meant that the taking of the land back to the government, when they were not able to either work out a payback schedule that would allow them to pay back their owns loans, or which they were lent moneys discriminately so they were not even given a chance in the very beginning to have an equal opportunity.

So not only is this historical, it is continuing, and we as Americans should be alarmed at this. We should not find this as acceptable. I think it was Martin Luther King who said, it is not so much what bad people do, it is the silence of good people, and I know most Americans know that the taking of land, fraudulent or even by the color of law, is unacceptable, it is wrong. We ought to speak out at that.

We are calling our colleagues and Americans to be engaged in this dialogue, and we are calling on black Americans themselves to be vigilant in making sure that they are taking care of their legal procedures, and they know the value of land, and they do not ignore notices about tax, notices for sale, and they do not take for granted someone else is going to take care of their business; that they understand that to own land is to be part of America, and they have every right to be engaged in it.

Again, I am thankful and very appreciative that the gentleman from South Carolina (Mr. CLYBURN) found this issue, something he passionately cared about and wanted to join us, and I know he may want to have some last remarks. I thank the gentleman from South Carolina (Mr. CLYBURN) very much for doing this and yield to him.

Mr. CLYBURN. I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for joining me in this Special Order.

Mr. Speaker, I would like to say in closing the Special Order that I am pleased that the time has been granted. I want to sound the alarm to the public at large that this is an issue that has a long history. It is an issue that is very, very current in and around our neighborhoods today.

In my own congressional district in South Carolina, I continue to find instances where people are now unable to pay taxes on the land that has been in their families for centuries simply because someone has built a motel or a housing development in the area, and all of a sudden the taxes have accelerated, and they are finding themselves unable to pay these taxes and, therefore, losing the land.

We have seen that happen on Hilton Head, South Carolina; Daufuskie Island, South Carolina; Pawleys Island, South Carolina; all of these areas where there are resort communities being built. And so we bring this issue here today because we think it is high time that we begin to focus on what is being done under the color of law to people who find themselves powerless and to have big corporations like the International Paper Company now benefiting from this illegal taking. It is time for our government to join forces with large corporations. In this time when corporate scrutiny is very, very vigilant, we ought to do what is right by those people who had their land, their wealth taken away and now going to the benefit of people who have no legal right to it.

I want to thank my colleagues for joining me this evening in this Special Order.

Mr. LEWIS of Georgia. Mr. Speaker, many Americans have taken pride of our past and rightfully so. We have a rich history of working the land and having the opportunity to benefits from the fruits of our labor. My family has even had the opportunity to witness the pride that land ownership brings. In 1944, when I was only 4 years old, my father saved $300 to buy 100 acres of land in Alabama. This land has been in my family ever since, and to this day, my 87 year old mother still lives there. I cannot imagine, that in a country like ours, having this land stripped from under our feet without justification. Much less not even being able to do anything about it.

Unfortunately, this was indeed the reality for many African American farmers at one time. It was often spoken of, but never proven. And until recently, many Black Farmers were crying on deaf ears of their plights. As Americans we have longed believed that under God, all men were created equal. Under this belief we all should have the fundamental right to life, liberty, and the pursuit of happiness. However, for some, this was a far fetch dream. And to many, the pursuit of happiness was a down right lie!!!

Few people know that by the turn of the 21st Century, former slaves and their descendants owned millions of acres of land. In fact by 1910, African Americans owned approximately 15 million acres of land. Today, African Americans own only 1.1 million acres of land.

You might ask, why is it that during periods when our country witnessed massive prosperity and growth has the number of African American land ownership decreased so drastically? There are many answers to that question; however, probably the most disturbing one is the taking of land by White businessmen and lenders and keeping the unfortunate victims quiet, either through intimidation or murder. And today, land that was once owned by numerous hard working families is now home to baseball parks and shopping malls.

Mr. Speaker, this is a shame!!! It is a shame that this was happening in America. It will be even more of a shame if we continue to let this be ignored.

Ms. WATERS. Mr. Speaker, I rise today to bring to the nation's attention the plight of thousands of black farmers around the nation. From the day that we earned our freedom, many African-Americans have chosen to support themselves and their families through farming. And we pursued this profession with dedication and determination.

Unfortunately, black farmers have faced opposition and intimidation from white farmers, Jim Crow laws, and the federal government. Local and state governments through the second half of the 1800s created laws that systematically stripped land from black farmers.

The policy continued through the New Deal. President Roosevelt's much heralded policies which helped millions of people through those tough times, rarely helped black farmers despite the fact that they owned fourteen percent of the nation's farming land.

Surprisingly, at a time when other blacks were achieving civil rights, the federal government pursued policies that made the condition of the black farmers worse. Thousands lost their land and, by 1978, tragically, there were only 6,996 black farms left. Today, there are fewer than 18,000 black farmers, which represents less than one percent of all the farms in America.

These farmers worked their entire lives to get where they are today, and in many cases they are farming the same land as their grandparents and great-grandparents did. But due to unfair influences and the power of large corporations, these farmers are losing thousands of acres to development. What makes matters worse is that they are almost never given fair market value for their land.

It is easy for many of us just to sweep this under the rug and pretend that nothing like this happened. But we must face the facts and realize that thousands of black farmers were systematically dispossessed from their land. I propose that the Federal Government create a commission so that farmers can have a free and fair forum to bring their complaints and reconcile this matter. Our farmers deserve nothing less.

Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to speak to the issue of

Black Land Loss, an epidemic which is causing African Americans to lose land at alarming rates. This problem has plagued Black Americans for over a century and a half.

We cannot allow an issue as pervasive and insidious as black land loss to go unaddressed. Black land loss is attributable to many reasons: lynchings, mob attacks, lack of legal wills, slick and untrustworthy lawyers, and unscrupulous real estate traders. Sometimes black land owners were attacked by whites who wanted to seize their property. During the Reconstruction period, black were ostracized, terrorized and dispossessed of the one thing they had managed to earn in that desperate time, their land.

By 1920, African Americans had amassed more land than they ever held since reconstruction, at least 15 million acres, according to statistics compiled by the U.S. Agricultural Census.

Black land ownership tapered off after World War I and plunged in the 1950's. Today, African-Americans own just 1.1 million acres of the more than 1 billion acres in productive land in the U.S. During the 20th Century Black Americans have lost their land holding at a rate two and a half (2½) times faster than whites. Blacks were forced out of the South and off their land by:

The discriminatory lending practices employed by banks and the U.S. Department of Agriculture; the need to seek better economic opportunities in the North; racial oppression; and violence perpetrated by white supremacists groups and other terrorist organizations. In effect, black landowners were put under so much pressure to give up their land, that they became refugees in their own country.

Families that pass down their land without wills or with vague wills are particularly vulnerable to losing their property through partitioning and other predatory legal practices. Historically blacks in the rural south seldom left wills. Experts say thousands of acres of black owned land that had been in African-American families for generations has been lost through these practices. In recent years separating African-Americans from their land has become big business. All to the detriment of African-American land owners.

Ownership of land has meant more than just a family homestead, land represented wealth to a black family, when these homesteads were taken from black families they lost their ability to pass on wealth. As WEB DuBois stated, ''universal suffrage could not function without personal freedom, land and education.''

By preventing blacks from preserving their land, whites were more able to perpetuate the vestiges of slavery. Taking land from African-Americans went a long way in eliminating their ability to prosper; participate in the political process; and to effectively pass on wealth to future generations.

Mr. CLAY. Mr. Speaker, I rise to commend the Associated Press for a series of articles it ran late last year entitled, ''Torn from the Land,'' which documented in great detail how private and government entitles cheated many Black Americans out of their land or drove them from their land through intimidation, violence and murder.

The misappropriation of these lands, undertaken primarily in the South, began more than a hundred years ago and continued well into the 1960s.

The lands and properties that were taken from African Americans were generally small, such as a small home, a 40-acre farm or a modest business. But such losses were devastating to families and to a people struggling to overcome the legacy of slavery.

According to the U.S. Agricultural Census, in 1910 African Americans owned over 15 million acres of farmland, the greatest level of black landownership in our nation's history. However, as a result of the illegal land grabs and the discriminatory practices of the old Farmers Home Administration, black landownership today now stands at 1.1 million acres.

The wholesale theft of land from African Americans is the greatest unpunished crime in our nation's sordid history of race relations.

Landownership was the ladder to respectability and prosperity in the Old South—the primary means to building economic security and passing wealth on to the next generation. So when black families lost their land, they lost everything.

Typically, blacks were forced off their lands with phony charges of nonpayment of taxes or through claims of counter ownership by other private or government entities.

In other cases, African Americans were forced off their lands with threats of violence or the outright murder of black landowners.

In my home state of Missouri, hundreds of blacks fled the city of Springfield in 1906, after three men were lynched. The city, which at the time had a thriving African American population of at least 10 percent with many black doctors, lawyers and educators, is today only two percent black.

In another case, 129 blacks abandoned land in Pierce City, Missouri after armed bands of whites burned five black-owned homes and killed four African American men. Afterwards, whites bought up the previously black-owned land at bargain prices.

The great abolitionist Frederick Douglass foresaw this future tragedy for Black Americans when, on the 24th anniversary of the Emancipation Proclamation, he said, ''Where justice is denied, where poverty is enforced, where ignorance prevails, anywhere any one class is made to feel that society is in an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.''

The Associated Press articles provide ample empirical evidence that Congress needs to conduct a study into these tragic events to determine whether reparations for past losses are in order.

Throughout our nation's history, there are many examples of our government taking steps to correct past wrongs committed against specific groups of Americans.

We have compensated Japanese Americans for the time they were interned in concentration camps during World War II, and we have compensated Native Americans for the loss of their lands to western expansion.

So now the time has come for us to examine the economic and physical losses suffered by African Americans under the old policies of Jim Crow. To do any less, would allow Justice to be denied.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3252

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3252.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today on account of aircraft mechanical trouble.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GANSKE, for 5 minutes, February 10 and 11.

Mr. LOBIONDO, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

ADJOURNMENT

Mrs. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, February 7, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5364. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report entitled, ''Report on the Economic Impacts on Western Utilities and Ratepayers of Price Caps on Spot Market Sales''; to the Committee on Energy and Commerce.

5365. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–229, ''Health Insurers and Credentialing Intermediaries Uniform Credentialing Form Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5366. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–236, ''Closing of a Portion of South Avenue N.E., and Designation of Washington Place, NE., S.O. 01–312, Act of

2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5367. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–237, ''Closing of a Public Alley in Square 5851, S.O. 00–94, Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5368. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–230, ''Uniform Consultation Referral Forms Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5369. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–232, ''Lease-Purchase Agreement Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5370. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–231, ''Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5371. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–252, ''Unemployment Compensation Services Temporary Amendment of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5372. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–251, ''Continuation of Health Coverage Temporary Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–250, ''Uniform Athlete Agents Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–241, ''Closing, Dedication and Designation of Certain Public Streets and Alleys in Squares 5880, 5881, 5882, 5883, 5885, 5890, and S.O. and 01–2384 Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–234, ''Closing of a Public Alley in Square 2837, S.O. 92–195 Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–235, ''Closing of a Public Alley in Square 220, S.O. 01–2388 Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–233, ''Colorectal Cancer Screening Insurance Coverage Requirement Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–238, ''Chief Financial Officer Establishment Reprogramming During Non-Control Years Technical Amendment Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–255, ''Safety Net Temporary Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–254, ''Educational Stepladder Temporary Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–253, ''Ward Redistricting Residential Permit Parking Temporary Amendment Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5382. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–257, ''Operation Enduring Freedom Active Duty Pay Differential Temporary Amendment Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5383. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's FY 2003 Budget Estimates and Performance Plan; to the Committee on Government Reform.

5384. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 2001 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

5385. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2003–2007, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

5386. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ankeny, IA [Airspace Docket No. 01–ACE–7] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5387. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Snake Creek Drawbridge, Islamorada, Florida [CGD07–01–056] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5388. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; 63rd Street Bridge, Indian Creek, mile 4.0, Miami Beach, Miami-Dade County, Florida [CGD07–02–001] received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5389. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Youngs Bay and Lewis and Clark River, OR [CGD13–01–006] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5390. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, NY [CGD01–01–048] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5391. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Missouri River [CGD08–98–020] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: West Bay, MA [CGD01–01–038] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lake Pontchartrain, LA [CGD08–01–022] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; St Croix, USVI [CGD07–01–135] (RIN: 2115–AA97) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Falgout Canal, LA [CGD08–01–051] received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Ponchartrain, LA [CGD08–01–053] received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety and Security Zone; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts [CGD01–01–211] (RIN: 2115–AA97) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Areas, Safety and Security Zones: Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01–01–187] (RIN: 2115–AE84, 2115–AA97) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting to the Committee on Transportation and Infrastructure.

5400. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–

01–066] (RIN: 2115–AE84) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5401. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Longboat Pass and New Pass, Longboat Key, Florida [CGD07–00–006] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5402. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Maybank Highway Bridge, Stono River, Johns Island, SC [CGD07–01–091] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5403. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Terrebonne Bayou, LA [CGD08–01–003] (RIN: 2115–AE47) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5404. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on Implementation and Enforcement of the Combined Sewer Overflow (CSO) Control Policy, pursuant to Public Law 106–554, section 12; to the Committee on Transportation and Infrastructure.

5405. A letter from the Assistant Secretary for Import Administration and the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Department of Commerce, transmitting a report entitled, ''Subsidies Enforcement Annual Report To The Congress''; to the Committee on Ways and Means.

5406. A letter from the Deputy Director, Congressional Budget Office, transmitting the CBO's Sequestration Preview Report for FY 2003, pursuant to 2 U.S.C. section 904(b); jointly to the Committees on the Budget and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GEKAS:

H.R. 3687. A bill to amend the Internal Revenue Code of 1986 to exclude unemployment compensation from gross income; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself, Ms. CARSON of Indiana, Ms. MCKINNEY, Mr. SKELTON, Mr. UDALL of New Mexico, Mr. NADLER, Mr. CLAY, Mr. PHELPS, Mr. BOUCHER, Mr. CLEMENT, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. FROST, Mr. ENGLISH, and Mr. SANDLIN):

H.R. 3688. A bill to direct the Secretary of Education to establish a competitive demonstration grant program to provide funds for local educational agencies to experiment with ways to alleviate the substitute teacher shortage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 3689. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2002; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 3690. A bill to amend title 49, United States Code, to provide that individuals who are eligible to join the Armed Forces of the United States are also eligible to be security screening personnel; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 3691. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Resources.

By Mr. KERNS:

H. Con. Res. 315. Concurrent resolution to require the display of the Ten Commandments in the chambers of the House of Representatives and the Senate; to the Committee on House Administration.

By Mr. PITTS (for himself, Mr. AKIN, Mr. GOODE, Mr. BOOZMAN, Mr. HILLEARY, Mr. DOOLITTLE, Mr. WILSON of South Carolina, Mr. BARR of Georgia, and Mr. NORWOOD):

H. Con. Res. 316. Concurrent resolution expressing the sense of the Congress that government policy should seek to reduce the financial penalties against marriage within the welfare system, and should support married couples in forming and sustaining healthy, loving, and productive marriages; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. BAIRD, Mr. CALVERT, Mr. BOSWELL, and Mr. CANNON):

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress that the President should open a dialog with the Government of Canada to discuss the smuggling from Canada into the United States of large quantities of pseudoephedrine, a necessary ingredient in the production of methamphetamines; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. WILSON of South Carolina.

H.R. 46: Mrs. JO ANN DAVIS of Virginia.

H.R. 367: Ms. NORTON.

H.R. 397: Mr. JACKSON of Illinois.

H.R. 498: Mr. MATHESON, Mrs. CUBIN, Mr. WATT of North Carolina, Mr. ANDREWS, Mr. NORWOOD, Mr. WU, Mr. VITTER, and Mr. KENNEDY of Minnesota.

H.R. 527: Mr. WILSON of South Carolina.

H.R. 658: Mr. SCHAFFER and Mr. MCHUGH.

H.R. 902: Mr. TERRY.

H.R. 950: Mr. WAMP.

H.R. 952: Mr. HORN and Mr. PUTNAM.

H.R. 968: Mr. BARR of Georgia and Mr. WEXLER.

H.R. 1090: Mr. LEACH, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. HONDA, Mr. COYNE, and Mrs. DAVIS of California.

H.R. 1111: Mr. PASCRELL, Ms. WATERS, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Ms. VELAQUEZ, Mr. BAIRD, and Mr. JACKSON of Illinois.

H.R. 1116: Mr. ROTHMAN.

H.R. 1262: Ms. BALDWIN.

H.R. 1268: Mrs. THURMAN.

H.R. 1294: Mr. JONES of North Carolina

H.R. 1434: Mr. KILDEE and Mr. BARCIA.

H.R. 1556: Mr. MARKEY.

H.R. 1622: Mr. FORD.

H.R. 1624: Mr. ISRAEL, Mr. WILSON of South Carolina, and Ms. HARMAN.

H.R. 1626: Mrs. NORTHUP.

H.R. 1645: Mr. CALVERT.

H.R. 1822: Mr. SCHIFF and Mr. KUCINICH.

H.R. 1864: Mr. CONDIT.

H.R. 1904: Ms. ROYBAL-ALLARD and Mr. PETERSON of Minnesota.

H.R. 1935: Mr. BROWN of Ohio, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. GIBBONS, Mr. DICKS, Mr. GEKAS, and Mr. ROHRABACHER.

H.R. 2117: Mr. WILSON of South Carolina and Ms. LOFGREN.

H.R. 2125: Mr. HORN, Mr. CUMMINGS, Mr. DEUTSCH, Mr. GALLEGLY, and Mr. KIND.

H.R. 2158: Mr. HOLT.

H.R. 2163: Ms. ROYBAL-ALLARD.

H.R. 2219: Mr. UPTON and Mr. GORDON.

H.R. 2527: Mr. SIMPSON, Mr. HYDE, and Mr. ISRAEL.

H.R. 2573: Mr. HOEFFEL.

H.R. 2638: Mr. HINOJOSA, Mr. ISRAEL, Mr. CONDIT, and Mr. DICKS.

H.R. 2735: Mr. SENSENBRENNER.

H.R. 2740: Mr. KILDEE and Mrs. CAPITO.

H.R. 2868: Ms. ROYBAL-ALLARD and Mr. FROST.

H.R. 2942: Mr. STUPAK.

H.R. 3038: Mr. WELDON of Pennsylvania.

H.R. 3065: Ms. NORTON.

H.R. 3068: Mr. CANTOR and Mrs. BIGGERT.

H.R. 3113: Mrs. MALONEY of New York, Mr. ORTIZ, and Ms. BALDWIN.

H.R. 3185: Mr. LYNCH, Mr. MATSUI, Mr. COYNE, and Mr. RAHALL.

H.R. 3193: Mrs. KELLY, Mr. GEORGE MILLER of California, Ms. SOLIS, and Ms. CARSON of Indiana.

H.R. 3244: Mr. BARR of Georgia, Mr. HOLDEN, Mr. DEUTSCH, Ms. DELAURO, Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. LEWIS of Kentucky, and Mr. GREEN of Texas.

H.R. 3278: Ms. ROS-LEHTINEN.

H.R. 3341: Mr. INSLEE.

H.R. 3414: Mr. PASTOR.

H.R. 3443: Mr. STENHOLM, Mr. SIMPSON, Mr. BACA, Mr. TURNER, Mr. SANDERS, Mr. LOBIONDO, Mrs. THURMAN, Mr. BOOZMAN, and Mr. STUPAK.

H.R. 3457: Mr. ENGLISH, Mr. TOM DAVIS of Virginia, and Mr. FORBES.

H.R. 3464: Mr. FRANK.

H.R. 3465: Mr. HALL of Ohio, Mr. MORAN of Virginia, Ms. NORTON, Mr. FROST, Mr. PUTNAM, and Mrs. CLAYTON.

H.R. 3524: Ms. NORTON.

H.R. 3574: Mr. NEAL of Massachusetts, Mr. MATSUI, Mr. STARK, Mr. MCNULTY, Mr. DOGGETT, and Mr. BECERRA.

H.R. 3597: Mrs. CLAYTON.

H.R. 3598: Mr. BARTLETT of Maryland.

H.R. 3624: Mr. HAYWORTH, Mr. BACHUS, Mr. ENGEL, Mr. KINGSTON, Mr. GRAHAM, Ms. ROS-LEHTINEN, Mr. DOOLITTLE, Mr. OTTER, Mr. FLAKE, Mr. REHBERG, Mr. DIAZ-BALART, Ms. PRYCE of Ohio, Mr. WELDON of Florida, Mr. CULBERSON, Mr. SIMMONS, Mr. JOHNSON of Illinois, Mr. GOODE, and Mr. JONES of North Carolina.

H.R. 3639: Mrs. CHRISTENSEN and Ms. MCCARTHY of Missouri.

H.R. 3661: Mr. HALL of Ohio.

H.R. 3670: Mr. GONZALEZ, Mr. KILDEE, Mr. WEINER, Ms. PELOSI, Mrs. MCCARTHY of New York, and Mr. CARDIN.

H.J. Res. 6: Mrs. KELLY.

H. Con Res. 266: Mr. PLATTS, Mr. FROST, Mr. WALSH, Mr. TOWNS, Mr. CUNNINGHAM, Mr. PAYNE, Mr. WILSON of South Carolina, Ms. BROWN of Florida, Mr. GREEN of Texas, Mrs. THURMAN, Ms. MCKINNEY, Mr. ENGLISH, Mr. GEKAS, and Mr. KENNEDY of Minnesota.

H. Con. Res. 296: Mr. KERNS.

H. Con. Res. 312: Mr. BAKER.

H. Con. Res. 313: Ms. ROS-LEHTINEN and Mr. DEUTSCH.

H. Res. 225: Mr. GORDON, Mr. FATTAH, Mr CLAY, Mrs. THURMAN, Mr. ROSS, Ms. NORTON, Mr. WAMP, and Mr. CONYERS.

H. Res. 339: Mrs. TAUSCHER, Mr. LANTOS, Ms. KAPTUR, Mr. HASTINGS of Florida, Ms. LEE, Mr. SCHAFFER, Mr. HORN, Mr. PAYNE, Mr. WELDON of Pennsylvania, Mr. ROHRABACHER, Mr. GILMAN, Mr. SHERMAN, Mr. DEUTSCH, Mr. DAVIS of Florida, and Mr. CROWLEY.

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. 3252: Mr. HILLIARD.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The prayer will be offered today by CAPT Alan N. Keiran, Executive Assistant to the Chief of Chaplains, U.S. Navy.

PRAYER

The guest Chaplain offered the following prayer:

Good morning. Will you pray with me, please.

Almighty God, Gracious Father, Sovereign of this great Nation, Lord of creation and Lord of our lives, we stand in awe of Your holiness and mercy. In faith and thanksgiving we pray for Your continuing wisdom and grace as we seek to do Your will. Bless us with peace that passes understanding and strength to sustain us in challenging times.

O God, for every Member of this august body, their staffs and families, we pray Your vibrant presence would empower and uphold them in joyous times and sad times. As the Psalmist tells us, ''those who seek the Lord lack no good thing.'' May we as a nation be those who daily seek Your face and honor You through our lives.

Lord, as a lover of righteousness and justice, sustain us in Your unfailing love. Protect our forces on land, at sea, and in the air. Comfort and console those whose loved ones are deployed around the world. Eternal Father, strong to save, to You we ever lift our praise. In Your strong name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

GUEST CHAPLAINS

Mr. REID. Mr. President, the Chaplain, Reverend Ogilvie, has been out of the city for all of this week, and he has had military chaplains come in. They have been very impressive. Yesterday, we had the Coast Guard Chaplain, today the Navy Chaplain, and the day before the Army Chaplain. I have been very impressed with their stature and their message.

I am sure this means a great deal to the Presiding Officer, who is a graduate of the Military Academy at West Point. It is good that it reminds us on occasion of the importance of these men and women in uniform, and also the fact that they are constantly aware of the need for spiritual guidance.

I think their being here the last few days has certainly indicated that to anyone watching these proceedings.

SCHEDULE

Mr. REID. Mr. President, as the Chair announced, we will be in a period of morning business until 11:30, at which time we will have a cloture vote. At that time, we will vote on the economic recovery act. If cloture is not invoked, the Senate will immediately vote on cloture on the Grassley amendment. Additional rollcall votes, of course, are possible throughout the day.

Following the cloture votes, if cloture is not invoked, I have been directed by the majority leader to inform everyone that he is going to ask unanimous consent that we move forward today on the additional 13 weeks of unemployment insurance, something we have been trying to do for months now. We asked for that in the closing hours of the last session of the Senate before the Christmas recess. That was not accepted by the minority. I hope they will follow the example of the majority leader and not strip everything out of his economic stimulus package, and certainly let us not leave out of consideration these people who are so desperately in need of these additional weeks.

During the first Bush administration, we extended unemployment benefits on

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

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five separate occasions because of economic downturns. We have done that routinely in the past. It should not have taken this long. There are a significant number of people whose unemployment benefits have expired. We have a number of people who won't be able to collect unemployment benefits. It is really too bad that people have fallen through the cracks who have gone from welfare to work and who do not meet the requirements statutorily. They certainly should be included, and I hope some consideration will be given them also.

Again, the majority leader will, after the cloture votes, ask unanimous consent that there be 13 additional weeks of unemployment insurance extended to those people who so desperately need it.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I understand that I have 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator may take up to 10 minutes under the order.

EXTENSION OF THE RESEARCH AND DEVELOPMENT TAX CREDIT

Mr. ALLARD. Mr. President, I am here this morning to express my disappointment that I am not going to have an opportunity to call for the yeas and nays on the permanent extension of the research and development tax credit. It has to be one of the most important provisions and amendments that will be made to the stimulus package.

I again am disappointed that stimulus package is not going to move forward out of the Senate. Many of us have worked hard. We think it is time for us to have a stimulus package. The economy needs to have that happen.

I want to refer to some charts and to what some very key individuals are saying about the R&D tax credit being extended on a permanent basis. Right now, it is not extended on a permanent basis. I think the National Association of Manufacturers is trying to address the question. I think they have said it very succinctly. They ask: Why worry? They say: because the R&D tax credit expires in 2 years and major R&D projects take an average of 5 to 10 years to complete.

If we don't get this passed now and move forward, that is going to be another reason our economy will not move forward. I am very concerned about that.

The Democrats in the Senate also recognize the importance of the R&D tax credit. I looked at what the majority leader said in January of 2002. He said:

> We should act to make the research and development tax credit permanent; the sooner the better.

The action we are getting from the Senate today doesn't show any interest at all in moving forward in keeping up with the ''sooner the better'' pledge. This is a serious problem and a catastrophe.

> The R&D development tax credit is one of the most effective mechanisms to encourage innovation, increase business investment, and keep the economy growing.

Again, that is the majority leader speaking on January 4 of this year.

I am extremely disappointed that we will not have an opportunity to bring this amendment up for discussion.

Just to again point out how important this amendment is to the economic recovery of this country to restore economic prosperity, I would like to show you a one-half-page ad from the Wall Street Journal.

Mr. President, I show you an ad that was put in the Wall Street Journal from Ontario, Canada. It points out: ''The Future's Right Here'' in Ontario, Canada.

They say:

> With pharmaceutical R&D spending up 300 percent in the past decade, Ontario is proving to be an excellent locale for life sciences.

The reason they are saying that is because they have a research and development tax credit of which companies can take advantage.

They go on further to say: ''Protection of intellectual property rights and R&D tax credits, [which are] among the most generous in the industrialized world, are a couple of key contributing factors'' and why it is so important to do business in Ontario.

We are missing the boat. We need to do more to encourage economic research and development in this country. It is key to restoring economic prosperity.

Again, I cannot emphasize enough how very disappointed I am that I am not going to have an opportunity, along with Senator HATCH, who has worked very hard on this particular amendment over the years, to get it passed on a permanent basis.

In addition to what I have shown here, we have looked up studies that say the permanent extension may, in some cases, by 2010, increase domestic economic growth by $58 billion.

We have the tax credit available for incremental research and activities in both the United States and Puerto Rico where 75 percent of research and development tax credit dollars go to salaries and wages of employees associated therewith. These are high-paying American jobs, and high-paying American jobs pay taxes. It is taxes that go to the Federal Government and help us balance our budget at the Federal level.

So it is important. I am disappointed that not only my amendment but other amendments that would lead to economic growth in this country are not going to have an opportunity to be brought up. I cannot emphasize enough how very disappointed I am that this has been stalled because of action on the other side, even after we have had such positive statements made on January 4 of this year as to how we need to move forward with some of these tax cut provisions that stimulate economic growth, such as the research and development tax credit.

Mr. President, I yield the remainder of my time to the Senator from Texas.

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

Mr. GRAMM. Mr. President, if the Senator will yield for a moment—I think this is the order in which we appeared on the floor—so we can all make plans, I ask unanimous consent that when the Senator from Texas finishes, I be recognized for 5 minutes, and then the Senator from Georgia be recognized for 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. And that following that, the Senator from Missouri be recognized for 5 minutes. I think that covers everybody present.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. I was just setting up a procedure where we can all speak.

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

The Senator from Texas.

NEED FOR A STIMULUS PACKAGE

Mrs. HUTCHISON. Mr. President, so many of us wanted a stimulus package. The President asked for a stimulus package. We see the stock market continuing to go up and down, up and down. It certainly has not stabilized yet. We wanted to try to stimulate investment to try to make sure we would have an economy that would be able to remain strong as we are prosecuting a war for the very freedom of future generations in our country. But what we had before us was not a stimulus package. It was the end of a compromise without the compromise part.

There was no tax cut. There was no help for people who pay taxes. There was no stimulation for businesses that would invest in plant and equipment. And that is what we need to make sure we have those manufacturing jobs.

What I had hoped to do—and I had already filed the amendment—was to make permanent some of the tax cuts that are temporary over the next 10 years. I wanted to make permanent the marriage penalty relief that is in the tax bill that Congress has already passed and the President has signed but which could teeter in the next few years if we have a change in Congress.

Why should anyone have to pay a penalty because they get married? Why should they pay a different rate in a higher tax bracket when they get married as opposed to when they were single?

We are trying to correct the marriage penalty. Making marriage penalty relief permanent so people can count on it would be a stimulus.

Repeal of the death tax is one of the most important things Congress has done. Congress has finally acknowledged money that has been taxed when

it was earned, taxed when it was invested, should not then be taxed when it is passed to future generations. What the death tax does is keep family-owned farms and ranches and small businesses from being passed to members of the family. Fifty percent of the family-owned businesses in this country do not make it to the second generation; 80 percent do not make it to the third generation. Who benefits from that? Certainly not the members of a family who have worked to create a business to give their children a chance.

What about the employees who work for that family business. When it changes hands, their livelihoods then are at stake. So who is it good for? It does not even help the Federal Government because the income is minuscule and would be totally overcoming to a thriving business with jobs that are stable that can contribute to our economy.

So we wanted to make repeal of the death tax permanent. We wanted to make repeal of the marriage penalty permanent. That was what we were trying to do to this bill. But now the bill is going to be pulled from the floor before we can offer these amendments.

I do not think that is sound economics. I do not think that is good for our country, and it certainly is not going to stabilize our economy.

So when you talk about people being disappointed, I think all of us are disappointed that we are not going to have a chance to offer our amendments. We had all day yesterday to offer our amendments, but we were held from offering the amendments and having votes. That is just not right.

We adopted an amendment offered by my fellow Senator from Missouri, Mr. BOND, that would have helped small businesses. It would have been a huge help. It would have given them a $40,000 writeoff for investment in equipment. For small business that is huge. Otherwise, they would have had to depreciate it. Instead, they would have a writeoff that would have encouraged small businesses to make those capital investments that create jobs in America.

So we are missing a major opportunity. I will call on Senator DASCHLE to reconsider, after the cloture vote—which, hopefully, will fail because we have not been able to offer our amendments yet. We do not want to pass the bill that is before us because there is no stimulation in it. I ask the majority leader to reconsider because we would like to have a stimulus package that makes permanent the marriage penalty relief, that makes permanent the death tax repeal so businesses and family farms can be passed through the generations without being taxed by the Federal Government and made to sell assets at bargain basement prices and take away jobs from people who work on those farms and take away the ability of the children in a family to continue to make their livelihoods from that family farm. It would take away the opportunity to give small business a boost by giving them a writeoff of $40,000 over a 2-year period for capital investment.

I urge the majority leader to reconsider. Let's work with the President. Let's work with the Democrats and Republicans in Congress. Let's have a stimulus package that really stimulates.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

REDUCING TAXES

Mr. GRAMM. Mr. President, back in January of last year, Senator ZELL MILLER of Georgia and I started working together in support of the President's tax cut. Obviously, I am awfully happy and awfully proud that we succeeded.

Taxes are being reduced for working Americans. The marriage penalty, which my dear colleague from Texas just talked about, is being eliminated. The death tax is being phased out. Rates are being reduced for every American. The net result is that working people are getting the opportunity to keep more of what they earn.

I think that was the right policy. It was supported on a bipartisan basis. It got a strong vote in both Houses of Congress, but because of a technicality in the Budget Act, we have this incredible anomaly that 10 years from now all of that tax cut goes away.

Nothing could be more destabilizing than having a tax system which is not permanent. Nothing could have a greater impact on the economy that would happen 10 years in the future, that you could know about today, than having the specter of a massive tax increase occur automatically.

Congress never intended that. It was a technicality in the budget that forced it. So when the debate started to occur about how do we deal with the recession, how do we stimulate the economy, Senator MILLER and I got back together and tried to come up with a simple program that did not cost money during the recession and drive up the deficit but yet stimulated the economy dramatically, in the process putting people back to work and putting money back in the Treasury.

We concluded there were two simple things we could do that would achieve both those goals: put people back to work, have them paying taxes into the Treasury, and at the same time would not cost the Federal Government much money.

We concluded that the strongest stimulus package that could be adopted that would meet those goals was to make the tax cut permanent by repealing the sunset provisions in the Tax Code so that when we eliminate the marriage penalty, it is forever, and people know it. When we eliminate the death tax, it is gone, and people can plan on it. These new rates are going to be permanent so you can invest and save and work harder knowing it.

The second proposal we had was cutting the capital gains tax rate. I am not sure that is politically correct in an era where the first thing we debate is, would anybody who has any money, make any money. But cutting the capital gains tax rate in the entire 20th century never failed to put money in the Treasury, never failed to stimulate the economy. And based on that experience, we were proposing that we cut the top bracket from 20 percent to 15 and the bottom bracket from 15 to 7.5 percent.

That simple proposal would have raised Federal revenues in the next 2 years—no one debates that—and would have provided a very strong stimulus to the economy. It appears we are not going to have an opportunity to offer it because the debate is going to be ended. We thought it was important that there be a vote on a real stimulus package. We have debated a stimulus package, but no one has really proposed one.

The President, very much to his credit, thought, in light of September 11, that we had enough bipartisanship that he could take half of the ideas the Democrats had, take some ideas Republicans had, make a proposal, and it would be adopted on a bipartisan basis. That turned out not to be the case. But if you wanted a real stimulus package that would stimulate and that would make money for the Government at the same time, our proposal—making the tax cut permanent and cutting the capital gains tax rate—is that proposal.

I am proud of it. I wish we had had an opportunity to vote on it. I don't believe it would have been adopted. But if we are going to debate stimulus, we ought to have a vote on something that will stimulate. If you are trying to produce an economic response, you want something that is going to produce it. We had it, and I am very proud to have had an opportunity to work on this with Senator MILLER.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. MILLER. Mr. President, I ask unanimous consent that in the sequence of speakers already established, Senator CLINTON be recognized following Senator BOND.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will yield, I ask that his unanimous consent request be amended to allow Senator CARPER to speak following Senator CLINTON.

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

The Senator from Georgia.

PARTISAN POLITICS

Mr. MILLER. Mr. President, I hear today we are about to have a funeral, that the stimulus bill is on life support, and that the plug will be pulled sometime today. The cause of death? Partisan politics. It is a shame, although perhaps the money can now be applied to the deficit, which has concerned some of us, and we will be closer to a balanced budget.

The soon-to-be-deceased could have been saved. We had a reasonable compromise right before we adjourned for Christmas. The President supported it. Some Democrats, including this one, supported it. It had a majority of the votes in the Senate. Right now, if it had passed, it could have already been signed, the rebates could be being prepared, a reasonable health care benefit could have been a reality—such promise. Who was it who wrote that the saddest words of word or pen are that it might have been—something like that?

This week we could have made the tax cut permanent. We could have added a capital gains tax cut. That is what Senator GRAMM and I have advocated for some time.

No one ever stated so well how powerful an effect a cut in the capital gains tax could have on the economy as a Democrat, President John F. Kennedy. I quote:

> The tax on capital gains directly affects investment decisions . . . the mobility and flow of risk capital from static to more dynamic situations . . . the ease or difficulty experienced by new ventures in obtaining capital . . . and thereby the strength and potential for growth of the economy.

That was Jack Kennedy, not the Washington Times or the Wall Street Journal or Lawrence Kudlow or PHIL GRAMM or Bob Novak. That was John Kennedy, a Democrat.

Over the years, he was not the only member of my party who advocated cutting the capital gains tax as a good way to stimulate the economy. Senator Patrick Moynihan, that wise and brilliant former Member of this body, consistently advocated it over the years.

What history shows is that, once upon a time, Democrats were tax cutters. I wish I could bring that time back. I rise today to strongly advocate making the tax cut we passed last year permanent and to cut the capital gains tax rate.

Unfortunately, the tax cut we passed last year, although it was a great tax cut, was compromised on its way to final passage. What started out as a broad, immediate, and permanent tax cut became one where some of the tax relief is delayed by several years. Then to add insult to injury, the whole thing is to be repealed in 2010.

We do something that, to my knowledge, Congress never had the gall to do before on a broad basis. We sunset individual tax cuts. We have done that several times with business tax revisions. But to individuals, to families, we have never done it where we gave them their money back and then took it away again later. That is playing games with our taxpayers. We should never do that. Eliminate the uncertainty of this tax cut and you will stimulate our economy. How can anyone make any long-range plans for a business or for a family with a here-today, maybe-gone-tomorrow tax cut, a tax cut that has a perishable date on it like a quart of milk?

The fastest way to show taxpayers we are serious about tax relief—the only way, really—is to make the tax cut permanent. The fastest way to prompt businesses to expand and to invest is to cut the capital gains rate from 20 to 15 percent. We are not in a slump just because consumer sales are down. We are in a slump because venture capital fell 74 percent in the past year. Capital spending by businesses is at its lowest in decades.

As Senator GRAMM said, every time we have cut the capital gains rate—every time—tax revenues have risen, not fallen, and asset values have always shot up.

Today a capital gains tax cut would bring even better results because today's stock market is no longer the playground of the rich. Almost half of all Americans now own stock, and almost a third—one out of three—who earn less than $30,000 a year own stock. Aren't those the people whom we Democrats say we want to help? The American middle class has become, for the first time in our history, the American investment class.

So as I eulogize this soon-to-be-deceased, I think of the bruised and battered Marlon Brando's ''On The Waterfront''—what could have been. We could have had a contender.

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

CONTINUING WORK ON THE STIMULUS PACKAGE

Mr. BOND. Mr. President, I thank my colleagues from Georgia and from Texas for presenting some very cogent arguments as to why we need to keep working on this stimulus bill. I am disappointed by the sounds I am hearing that it is going to be pulled. We need stimulus in this economy, and we have already adopted an amendment that I proposed, on an overwhelmingly bipartisan vote, to allow small businesses to write off immediately their investments.

As I have said, I have two more amendments, frankly, in addition, that are pending at the desk that I think my colleagues, if given an opportunity to vote on them, would vote for overwhelmingly.

First is a measure that addresses the tax benefits for the armed services members who served in the operations in Somalia. I don't think there would be many on this floor who would not vote for it if they had a chance. It provides that those who served during peacekeeping efforts in Somalia should receive the same tax benefits in the same manner as if such services were performed in a combat zone.

As we fight the global reach of the terrorist networks, we are asking our men and women in uniform to perform at the very highest levels and at an unprecedented operational tempo. This amendment I filed would allow the men and women who served within the hostile fire zone in Somalia to file for the same tax breaks afforded to military forces who serve in a combat zone. Anybody who has seen the movie ''Blackhawk Down,'' based on the real world conflict in Somalia, will understand that our forces who served in that conflict were in a combat zone.

The Pentagon criterion for hostile fire pay requires the duty is ''event based, payable to members certified that have been subject to a hostile fire. . . .''

Former SSG Kenneth Chatman, from Oran, MO, served the Army for 16 years as an avionics electronics repair technician. He served in Somalia from August of 1993 to January of 1994 with the 101st Airborne Division, air assault. The only tax exemption soldiers in Somalia got was when they transited to some other zone. In his case, he flew over Egypt and got a tax-free month. That is unjust. I believe anybody who appreciates the battle that our military are taking on against terrorism will understand that the sacrifices made by our forces require that we give these brave men and women the same tax breaks that others under direct fire receive.

The second amendment I have is truly a stimulus measure. It is designed to increase the amount of venture capital available to small business. The Small Business Administration Small Business Investment Company Program—the SBIC Program—has a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million.

Small Business Investment Companies are Government-licensed, Government-regulated, privately managed, venture capital firms created to invest only in original debt or equity securities of U.S. small businesses that meet size standards set by law.

In the current economic environment, the SBIC Program represents an increasingly important source of capital for small enterprises—small enterprises that are struggling to get back on their feet, to grow now in the face of this economic recession we have been in for well over a year. They need to have funding. While debenture SBICs qualify for SBA-guaranteed borrowed capital, the Government guarantee forces a number of potential investors—namely, pension funds—to avoid investing in SBICs because they would be subject to tax liability for unrelated business tax income—UBTI. Thus, they don't put their money in it. As a result, 60 percent of the private capital potentially available to invest for these SBICs to create jobs, put men and

women to work, create wealth in the community, is ''off limits.''

My amendment would correct that problem by excluding Government-guaranteed capital borrowed by debenture SBICs from debt for purposes of the UBTI rules.

When we are looking at the need to diversify pension funds, this gives those who hold pension funds who seek retirement security an opportunity to use Government-guaranteed funds for investment in small businesses in a professionally managed small business investment company the opportunity to put their retirement funds to work and create jobs in their community, create growth and opportunity for men and women who need those jobs now.

I hope and expect, once again, that if this targeted small business stimulus incentive were put up on this floor for a vote, it would be overwhelmingly adopted and we would see jobs and growth of small business.

I urge the leader, the Senator from South Dakota, to give us an opportunity to continue to work on this very important package, which has some good things in it and, if we had the chance to work on it, would have more good things in it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

A ''SPECIAL'' AMERICAN FLAG

Mrs. CLINTON. Mr. President, I rise today to express my deep and profound opposition to a decision by the International Olympic Committee to ban the carrying of a special American flag during the opening ceremonies of the 2002 Olympics in Salt Lake City.

This flag is very special. It was found in the rubble of the World Trade Center after the attacks on September 11. It is a powerful, moving, visual reminder of America's strength, endurance, and freedom.

In fact, I believe this flag carries with it a profound parallel with the original Star-Spangled Banner—the historic flag that flew over Fort McHenry in the War of 1812, and in the battle of 1814 it survived 25 hours of bombardment and inspired the creation of our national anthem.

Now, to those who say that the carrying of this particular flag by American athletes marching into the stadium would be a ''political statement,'' I say this is a ridiculous argument on its face. The American flag from the World Trade Center is the American flag, just as surely as the flag that flanks our Presiding Officer, as the flag that has flown in many classrooms, in front of many homes, and at the top of this great Capitol dome. It is not a symbol of politics. It is the representation of our Nation, and it does what so many of us believe needs to be done right now: It demonstrates clearly our resilience and our persistence in the face of terrorism. We should have the right to carry this flag in whatever national or international setting we choose.

To those who say that the carrying of this flag would set some kind of improper precedent, I say this is an equally absurd argument. First of all, the attacks on our country on September 11 were themselves unprecedented, and there is every reason for us to mark the tragic events of that day by having our athletes hold the flag from the World Trade Center aloft during the opening ceremonies of the Olympics.

Second, should the unthinkable occur and any similar tragedy strike this or any other nation in the years ahead, I cannot imagine any serious objection being raised if any nation wanted to carry its own flag, like this flag, in a future Olympic event. The world was shocked by the attacks of September 11.

Freedom-loving people everywhere are united with us in our determination to fight back against terrorism. While the terrorists may have destroyed buildings and ended lives, they did not destroy the values we share, and those values define our Nation and find expression in the stars and stripes of our flag.

I believe the carrying of this flag that terrorists could not destroy is fully in keeping not only with the spirit of America but with the spirit of the Olympics.

According to the International Olympic Committee, the Olympic movement is meant ''to contribute to building a peaceful and better world,'' and the Olympic spirit is built on ''mutual understanding with a spirit of friendship, solidarity, and fair play.''

I believe the carrying of this World Trade Center American flag does help contribute to building a peaceful and better world, especially because those who attempted to destroy our way of life and who did destroy buildings tried to accomplish the exact opposite goal. They were not trying to contribute to a better and peaceful world but just the opposite.

This flag, in a sense, for the entire world portrays that ''spirit of friendship, solidarity, and fair play'' that underscores the Olympic spirit.

Mr. President, today I am writing to the International Olympic Committee to urge them to reverse their decision regarding the carrying of this American flag during the opening ceremonies of the Olympics. I ask my colleagues for their support and their signatures on this letter.

We are the host Nation for the Olympics. Our athletes and the American people they represent want this flag carried by them on Friday, and I do not believe the International Olympic Committee should stand in the way of this fitting and patriotic act, nor should they have any role in telling us which particular American flag we can carry in the Olympics staged in our country just a few months after the terrible and tragic attacks of September 11.

I hope the Olympic Committee will change this very ill-thought-out, ill-advised, and insulting decision before Friday. But until then, I hope my colleagues will join me in expressing not only our concern but our outrage at what seems to be a demeaning decision meant to undermine what this flag represents and in some clear way to undermine the heroic efforts of the firefighters who found it and hoisted it. I hope this decision will be changed.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

ECONOMIC STIMULUS

Mr. CARPER. Mr. President, earlier this morning—in fact, just a few minutes ago—our colleague from Georgia, Senator MILLER, spoke quite eloquently about a patient on life support and said the life support was about to be withdrawn.

The patient in his comments was the economic stimulus package we have been trying to negotiate since October. I like his analogy, but I think he may not have picked the right patient.

The patient we have been trying to bring back to health is not a stimulus package. The patient that has been in the hospital bed has been the economy. We have had a sick economy, and we have been working to try to figure out how we might ensure the full, complete, and healthy recovery of that economy.

Today, we pull the plug, if you will, from that recovering economy. We pull the plug on hope for a stimulus package. It is not going to happen. I do not think we ought to spend our time today, tomorrow, or this week casting aspersions—Democrats on Republicans or vice versa. There has been a lot of good will and a lot of effort exerted in October, November, December, January, and even earlier this month by both sides, people of good will trying to figure out how we infuse capital investments, how we reach out to those who lost their health care, how we reach out to those who are losing unemployment benefits, how we help States that are struggling financially right now.

There is an old saying which I think everybody has used once or twice: The first rule is do no harm. By essentially walking away from this debate today, we will have done no harm. Had we been able to act in October, November, or December with a reasonable package that was consistent with the three principles we talked about for the last 4 or 5 months—a stimulus should be temporary, it should be truly stimulative, and it should not exacerbate the deficit over the long haul—if we could have come to agreement on that and presented a package for the President's signature, that would have been fine. We just could not do that.

Now we face a time when the Federal Reserve has launched the most aggressive monetary policy, ratcheting down interest rates for the last year, infusing extra money in our money supply,

a drop in energy prices that fueled economic recovery and shortened the recession, and we have been doing a lot of deficit spending.

Those three factors, rather than harm, have done great good. Because of those three factors, as we disconnect from the patient, if you will, this hope of a stimulus package—the economy itself—the patient is going to get well. The patient is going to check out of the hospital and go on to live, hopefully, a reasonably long, healthy life until we have another economic downturn.

Meanwhile, as we turn our attention from the economic recovery and the need for a stimulus package, I would have us keep this in mind: If by a miracle we were able to pass a stimulus package today, before it would have effect, a couple months are going to go by. It has taken almost 12 months for the full force of the monetary policy, the interest rate cuts of the Fed to have their impact, but they are having it today.

Now the Federal Reserve is reversing course. Instead of cutting interest rates when they met last week, they decided not to further their cuts in interest rates. Before long, they are going to be turning their attention not to how we get the economy moving again but how do we dampen down inflationary expectations.

Congress is real good at coming in when the recession is basically over and passing a package which, in the end, will probably be inflationary, and what we really do not want to do is have the Federal Reserve working in a few months on the other side of the domestic monetary policy trying to dampen inflationary expectations by raising interest rates at the same time that a stimulus package from the Congress, adopted late, begins to have an effect. We will be at cross-purposes, which we do not need.

I am encouraged, I am bullish on the economy. I know people are suffering today. I hope we can pass at least an extension of short-term benefits for 13 weeks and help people. That will stimulate the economy and, more importantly, it will help people who are suffering.

Another action we can take—and I hope we will—to promote a healthy recovery for an extended period of time—not a couple of months or a couple of years—is as we go into these investigations as to what led to the collapse of Enron and what led to people losing their pensions, their 401(k)s, to do the hard work, the long work, the steady work that is required to find out why things went wrong at Enron, why so many people got hurt, and how we can ensure that does not happen again to a company, to its employees, to those who invest in a company, and those whose pensions are tied to a company. We can do that.

Today, as we walk away from this economic recovery package, I just want to say a word of thanks to a lot of people who worked very hard to try to get us to a consensus.

We could not get there. It is not the end of the economic recovery. I think we are just beginning that economic recovery, and I am encouraged that it will continue and we will have done no harm.

The PRESIDING OFFICER. The Senator from Oklahoma.

WORLD TRADE CENTER FLAG AT THE OLYMPICS

Mr. NICKLES. Mr. President, first I wish to compliment Senator CLINTON from New York for her speech in criticizing the International Olympic Committee for refusing to allow us to use the damaged flag that flew in the recovery efforts at the World Trade Center. I find that decision very offensive. I am going to join her on that letter, and I would encourage my colleagues to do so as well.

PULLING THE STIMULUS PACKAGE

Mr. NICKLES. Mr. President, I am disappointed today that the majority leader has decided to pull down the stimulus package. We are going to have a cloture vote on the majority leader's package. He calls it a stimulus package, but there is no stimulus in it. There is a lot of spending. He says if he does not get 60 votes, basically preventing any other amendments, he is going to pull down the stimulus bill. In other words, he wants a spending package, not a stimulus bill, and if we are going to put stimulus amendments in it, no bill.

I am looking at an amendment Senator KYL has pending to make the death tax repeal permanent. That would make a real positive change to a lot of businesses, a lot of agriculture. That is a positive amendment. It is added as an amendment to one Senator BAUCUS had dealing with agricultural spending.

I looked at almost all the Democratic amendments, and they are almost all spending: More money for agriculture, more money for Medicaid, more money to increase the Federal payments share, more money for temporary employees to the Federal program—we have never done that in the past—new entitlement programs; no stimulus.

I am looking at the amendment Senator BOND offered on expensing. That passed overwhelmingly. That would help stimulate the economy. The accelerated depreciation that Senator GORDON SMITH offered would help encourage people to make investments. The R&D tax credit Senator ALLARD was offering would help encourage people to make investments, particularly in research and development. Senator DOMENICI had a payroll tax holiday. We are not going to be able to vote on that. Most importantly, we are not going to get to vote on the substitute Senator GRASSLEY, Senator COLLINS, Senator BREAUX, and others worked on. The bipartisan package that I believe we have a majority vote for in the Senate, we are not going to even have an up-or-down vote on. We get a cloture vote on it. If we enact cloture on the Daschle bill, we do not even get a vote. That bill is nongermane. It falls.

We did not get to have votes yesterday. This side was ready to have votes. I made the commitment I would help finish the bill yesterday, certainly by today, trying to limit amendments, trying to have votes on the amendments. Let us pass the bill. Let us pass the bill and see how the votes come out, but no, we cannot do that. We do not want to vote on the Kyl amendment. We do not want to have a vote on making a permanent death tax repeal. We do not want an up-or-down vote on the Grassley-Breaux-Collins amendment. We do not get to have that. So I say to my colleagues, if they really believe in the Senate tradition of allowing Senators to offer germane amendments, in this case stimulative amendments, to vote no on the cloture vote we will have in the next 15 or 20 minutes. I think it is an important vote. I hate to see us give up and not pass a stimulus bill. We have a chance now to make a bill that is not stimulative into a bill that really could create jobs.

The economy is soft. It does need a little shot in the arm. The underlying bill, the Daschle bill, does not do it. There are several proposals, several good amendments on which Senator GRAMM, Senator GRASSLEY, and others have worked. I mentioned about a half dozen. If we could pass some or all of those, I think we would make the bill worthwhile, make it worth passing. Not only would it do no harm, it would do some good. It would help create jobs.

More importantly, for the process of the Senate, I urge my colleagues to vote no on the Daschle cloture petition in a few moments because individual Senators should be entitled to offer those amendments. They should have their day. They should have a chance. Then they will send a bill that truly is stimulative to conference and hopefully we can get a bill on the President's desk that would create jobs.

Let me make it crystal clear; some people said the Republicans are filibustering, but there is no way. No one can say Republicans filibustered this bill. We have legitimate amendments that would stimulate the economy. I urge my colleagues to give us a chance to offer those amendments, to pass a good stimulus bill today, and to vote no on the Daschle cloture petition in a few moments.

I yield the floor.

LEARNING FROM PAST MISTAKES

Mr. KOHL. Mr. President, to distort Shakespeare's words, I come to the floor today to bury the stimulus package, not to praise it. There has not

been much praiseworthy in the way Congress has responded to the recession that started last March and intensified after the attacks of 9–11.

Last fall, and even this month, there were short term actions we could have taken that would have had immediate and beneficial economic and humanitarian results. We could have extended unemployment benefits, as we have in every recession, and as I still hope we will. We could have offered an immediate tax rebate to those lower income workers who did not receive a full rebate from the first tax cut. We could have used the Medicaid payment formula to send financially strapped states struggling to provide health care for their residents an immediate infusion of cash. We could have offered a temporary acceleration of depreciation to encourage reluctant businesses to invest now in the recovering economy.

We agreed on basic principles: help now, and do no harm in the long run. We agreed on the need. But we could not agree to put aside our partisan agendas long enough to do what we all agreed was right. Instead of talking about what we could do to help workers unemployed now, factories lying idle now, we redebated tax cuts passed last spring and pushed tax breaks that wouldn't even take effect for 10 years. We should have focused on workers, investment, consumer confidence. Instead we fought over estate taxes and tried to lay the blame for our inaction.

As the recession winds down and the war on terrorism continues, I sincerely hope Congress will be able to rise above the partisan bickering that doomed the stimulus package. We will have many opportunities this year to act in a bipartisan manner to make this Nation stronger, safer, and better. We will also have many opportunities to wrap the flag around our pet proposals and fight for political advantage. We should commit today to learn from the mistakes that have killed the stimulus package—not to repeat them.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Am I right the time on this side has expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. How much time is on the leader's time?

The PRESIDING OFFICER. Ten minutes of leader time.

Mr. GRASSLEY. I have been informed Senator COLLINS is on her way over and would like a couple of minutes. So I will yield myself 8 minutes and then yield the remaining time to Senator COLLINS.

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

Mr. GRASSLEY. So at the end of 8 minutes, please notify me.

The PRESIDING OFFICER. The Chair will do so.

CENTRIST/WHITE HOUSE COMPROMISE

Mr. GRASSLEY. Mr. President, the distinguished majority leader announced yesterday he is going to kill this bill if he does not prevail on the first cloture vote. Of course, we know if he did get cloture, many good amendments that have been offered to try to improve Senator DASCHLE's skeletal bill will fall. We will not be able to vote on them. All we have asked for all along on this side, and even some Members on that side, is a vote on the bipartisan centrist-White House bill that I have offered as an amendment, along with Senator SNOWE.

In fact, that bill is a product of the work of people such as Senator SNOWE and Senator COLLINS, and Democrats on this side of the aisle such as Senators NELSON, MILLER, and BREAUX. There is a long list of amendments. I do not think I will go through the long list of amendments that we will not have a chance to vote on, but I am going to highlight a couple because I think Senator NICKLES did a good job of highlighting those most important amendments.

Let me take a look at a couple that will be killed if Senator DASCHLE's cloture motion is invoked. My friend, the majority whip, who is with us, Senator REID, offered, along with Senator KYL, so it is bipartisan, an amendment that is designed to help the travel industry. We were told during the debate that this tax credit was very important. If it is that important, we ought to have a chance to vote on it.

Guess what. If the Democratic leadership prevails on the first cloture motion, Senator REID's amendment falls. I guess I can only assume that since this amendment is so important for Nevada and other States where there is a lot of tourism, the majority leader would oppose cloture. Surely he would not vote to kill his own amendment. That is what I would think. I am afraid I am probably being optimistic or maybe naive.

Other Democrats have offered amendments, too. For those Senators, a vote for cloture is a vote to kill their own very important amendment. So I hope these Democratic Senators are not telling their constituents they are for something and then turning around and voting to kill it by supporting this cloture vote.

Let us take a look at Senator ALLARD's amendment, one that is so important to have the United States competitive, particularly in manufacturing and information technology, the R&D tax credit. If cloture is invoked, that amendment is dead as well. We had 70 Senators vote for that amendment on a previous tax bill, as an example. So make no mistake about it, if the distinguished leader's cloture motion is supported, every one of these amendments will be killed, as well as the ones Senator NICKLES brought to our attention.

If the distinguished leader prevails on his cloture motion, then we end up with another conference with the House and that could take weeks or months to resolve. The best we can hope for is delay. That means delay for the unemployed, delay for the stimulus, not helping those who are dislocated because of September 11.

By contrast, the Democratic leadership will not let us vote on the only plan that has majority support in the Senate. They are filibustering the only bipartisan stimulus plan and preventing unemployment benefits from reaching the workers who need them. That is what the second cloture vote is all about. The second cloture vote guarantees an up-or-down vote on the White House-centrist stimulus plan. A vote for that plan is a vote for a bill that the President will sign. He said he would sign it.

If cloture is voted for, Senators are saying with their vote they want to send a bill to the President that he will sign in a New York minute. That means these things will happen and happen fast. Unemployed workers get checks. For the first time, unemployed workers get health care assistance. Payroll-tax payers get a rebate. Income-tax payers get a little more tax relief in their paycheck. Businesses, large and small, get stimulative accelerated depreciation, which is going to mean more jobs. So we have two cloture votes coming up very shortly.

The first cloture vote is an effort by the majority to block further amendments to the bill, which will effectively kill the bill. I urge my colleagues to oppose that cloture vote. The second cloture vote is an effort by our side to force a vote on the bipartisan centrist amendment that the majority leader has been furiously blocking to this point. But we cannot get to this vote unless the majority leader fails his first vote.

Therefore, Mr. President, these votes come down to a choice between action now or endless delay. If we want action now, Senators should vote for cloture on the White House-centrist agreement. If Members want delay, vote for cloture on the Daschle amendment.

How much leadership time remains?

The PRESIDING OFFICER. Four minutes.

Mr. REID. How much time remains on the majority side?

The PRESIDING OFFICER. Six minutes.

A CLASSIC FILIBUSTER

Mr. REID. Mr. President, I will speak briefly about comments made by the Senator from Oklahoma. He is my dear friend, he is my counterpart, but I don't know how he kept a straight face, saying: We are not filibustering this bill. I am sure he went to his office and started laughing. This is a classic filibuster taking place on this bill—for weeks and weeks and weeks.

Of course, amendments have been offered that we like. I heard Senator ALLARD talking about tax credits. We like tax credits. In fact, it is a shame we did not extend those. I ask unanimous consent the vote occur after we have used

our time and the 4 minutes leadership time, so that the time of the vote will be changed.

The PRESIDING OFFICER. That is the parliamentary situation.

Mr. REID. Mr. President, there are a lot of amendments that we offered and the minority offered that are good amendments. Being realistic, we spent all day yesterday talking about the estate tax, making the repeal permanent, which does not take place for 10 years. That is not very stimulative. We have been told by the President and others that to have stimulative efforts, it must be short term and do nothing to exacerbate the deficit. That simply does not apply in this instance.

With all due respect to my friend, the minority whip, this is a filibuster by the Republicans. Everyone knows it is. Members can say it isn't as many times as they want, but it is still a filibuster.

Mr. GRASSLEY. Mr. President, I yield myself 15 seconds.

Let me say why the Senator from Nevada is wrong. Yesterday at about this time, morning business was imposed. We could have discussed the amendments and voted in the morning, and then when we came back at 2:15 after caucuses, there were opportunities to vote. It was announced there would be no more votes. If we are filibustering, how come the other side would not let us have time to vote on our amendments yesterday? Why piddle around the whole day?

I yield 3 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

EXTENSION OF UNEMPLOYMENT BENEFITS

Ms. COLLINS. Mr. President, I praise Senator GRASSLEY for his heroic efforts in trying to bring together a bipartisan group to come up with a package that would help our economy recover. I am disappointed the Senate majority leader has announced his intention to abandon work on the economic recovery package.

In light of that reality, however, it is absolutely imperative that the Senate move today to extend to unemployed workers an additional 13 weeks of benefits. This has been needed for a long time, and it is something I have been working on for the past 4 months.

In October of last year, I introduced a bipartisan bill for a 13-week extension. I was joined by Senators LANDRIEU, GORDON SMITH, CLELAND, and VOINOVICH. We introduced this bill because we thought it was important to quickly pass a measure of additional security for the 7 million unemployed workers across our Nation. Since that time, unemployment rolls have swelled by 900,000 and over 1.2 million Americans have exhausted their unemployment compensation benefits without being able to find new jobs.

Last week, Senator JACK REED of Rhode Island and I wrote to the Senate leaders to ask them to call up legislation extending unemployment benefits as soon as possible. I am pleased that the assistant leader has indicated his intention to do just that.

Unfortunately, we saw the handwriting on the wall, spelling the demise of the broader economic recovery legislation which I believe is still very much needed.

Regular unemployment benefits end after 26 weeks in most States. When times are good and businesses are hiring, that is an adequate period of time for most unemployed workers to either find new jobs or to be rehired to their old jobs. In fact, that usually happens long before the 26 weeks have expired. However, when times are tough—and they are tough now—finding work is much more difficult and many unemployed workers exhaust their 26 weeks of regular unemployment compensation.

Congress needs to do what it has traditionally done whenever our country has been plunged into a recession. That is to temporarily extend the safety net by providing 13 additional weeks of unemployment compensation. This package would do just that for up to an additional 13 weeks for workers who lost their jobs after the economic downturn began in March and who have exhausted their benefits prior to being rehired or finding new employment.

More than 10,000 unemployed workers in my home State of Maine exhausted their unemployment benefits last year without being able to find a new job. They work hard. They want to work. They want new employment. And they have been looking very diligently. However, the economy is such that they simply have been unable to find new work. An unemployment extension would provide immediate relief to hundreds of thousands of Americans, including the 10,000 Mainers who have exhausted their unemployment benefits and have yet to find work.

Over the course of the coming year, approximately 3 million Americans who are out of work and looking for a job would be assisted. This proposal would provide approximately $60 million in assistance to unemployed workers in Maine alone. These are our neighbors; these are families who have been hurt most by the economic downturn.

Let us, therefore, today pass this much needed legislation to extend benefits to millions of unemployed workers. Even if we have failed in coming up with a compromise on the broader package, we can at least do that, and do it today.

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

Mr. DASCHLE. Mr. President, could the Chair inform the Members of the time remaining.

The PRESIDING OFFICER. There are 4 minutes remaining under the majority's control.

ECONOMIC RECOVERY AND ASSISTANCE FOR AMERICAN WORKERS ACT OF 2002

Mr. DASCHLE. Mr. President, I will use my leader time in addition to the remaining Democratic time for my closing comments.

Mr. President, the other day I came to the floor to talk briefly about our current circumstances. I will recount one last time for the record in case there is any question about how it is we got to this point this morning. I will again briefly recount the events over the course of the last several months. There were bipartisan Finance Committee discussions as early as last September about an economic stimulus package. There was a hope that we could come together, Republicans and Democrats, on an economic stimulus package as we did on airport security, on counterterrorism, on the assistance provided to New York and to the Defense Department in the wake of the tragedy of September 11.

We reached out to experts who could give us guidance on what the principles ought to be for an economic stimulus package. We had a number of conversations with Alan Greenspan and Bob Rubin, both, early in the months of September and October.

The bipartisan Budget Committee, I think on a unanimous basis, issued some principles on October 4. Those principles were: If you are going to have a stimulus package, make sure it is truly stimulative. If you are going to have a stimulus package, make sure it is temporary. If you are going to have a stimulus package, make sure it is immediate. If you are going to have a stimulus package, make sure you take into account cost. All of those principles were ones enunciated by the economists and agreed to, in large measure on a bipartisan basis, by the Budget Committee.

That was the lead up to the discussions we had. The House Republicans broke off those bipartisan talks. What they said is that they wanted to use the regular order, move through the committee and present the Senate a bill. The Republicans blocked the Finance Committee bill on a point of order in December, even though they could have amended it. They could have said: Look, we don't like this but we will offer something else. We do not like this but we will amend this bill and have up-or-down votes on amendments.

The Republicans refused to negotiate for a 3-week period of time, as they did mostly throughout the fall. There were no negotiations in large measure because Republicans delayed. First, they didn't like virtually the shape of the table. Then they didn't like who was in the room. They came up with reason after reason why we could not sit down and talk: delay, inaction, and ultimately a conflict that could not be resolved.

In negotiations, the Republicans insisted on a couple of issues: repeal of

the alternative minimum tax and an acceleration of the rates passed last spring. The session ended, obviously, without agreement. We got nowhere. They insisted on these issues. We had ideas they didn't like. So we ended in a stalemate last December.

Over the break I kept examining ways that we might break the impasse, try to find ways with which to deal with the clear inability we had at the end of last year to come to some resolution. So what I did was to work with staff and examine just where the overlay was. Certainly all that the Republicans had proposed was not foreign to what the Democrats had suggested. And all that the Democrats had proposed was not foreign to what the Republicans had suggested. So we came up with a diagram that kind of looks like a MasterCard, ironically.

You take the circle on the right-hand side and these two columns represent basically what the Democrats insisted ought to be in an economic stimulus package. We wanted to increase the unemployment benefits. We wanted to provide coverage for part-time workers and recent hires. Republicans said: Oh, no, we can't do that. That is ripping off the Federal Government. How terrible it would be if we gave those benefits to unemployed workers. Heavens. We can't afford that.

Affordable group health coverage for the unemployed, we can't do that. We aren't going to start new entitlements, for Heaven's sake. Let's get real here.

Job creation tax credit for business is something they said might be a possibility but that clearly isn't as good as a corporate AMT repeal.

Republicans had ideas we did not like. We did not like the accelerated rate reduction. When I say ''we,'' I am talking about probably 95 percent of the Democratic caucus. We did not like corporate AMT repeal, or health coverage for the unemployed going through the individual insurance market, pitting an individual against a company, an individual with a preexisting condition, and just saying good luck—we can't do that.

What I said was if we can't do that, and they don't want us to do it, how about if we do the things we both said might work? We both said we wanted to extend unemployment benefits.

Again, when I say ''we both,'' there were proposals for these issues by large numbers on both sides of the aisle. Not every single Member, but tax rebates, bonus depreciation, and 62 Senators voted for fiscal relief for States—62.

Republicans, to a Governor, across the country, are saying if you are going to do us any good at all, if you are going to help us at all, give us some relief, especially through Medicaid. Letter after letter from Governors has come to the attention of every Member of this Senate, urging support for that fiscal relief.

That was a bona fide effort to try to find common ground. I know the Republicans do not like that either because what they said, basically—and what they are saying this morning—is if you don't give us everything in our circle, we don't want to have an economic stimulus package. It is all of this or it is nothing at all.

We aren't saying if it isn't all of this it is nothing at all. We are saying we will just take what is here and it's a ticket to conference and then let's see what happens. What could possibly be wrong with sending a bill to conference, allowing both the House, the Senate, and the White House to work out a compromise? They don't want to do that. They are saying it is this entire package or we don't want to work with you. We don't want a consensus. We don't want a bill.

They have said that now for 3 weeks. They have rejected the common ground approach. They are continuing to insist on two things that I hope everybody fully appreciates before they vote this morning. They are insisting on making the estate tax repeal and the Bush tax cuts permanent—that is what they are insisting on.

Making the estate tax repeal permanent presents two concerns. If we are serious about listening to the Budget Committee recommendations, the principles the Budget Committee suggested ought to guide us, then I can't imagine that anybody with a straight face would say we want to repeal the estate tax permanently now under the guise of economic stimulus.

First of all, the Budget Committee said—didn't they?—that you have to make sure it is temporary and that it is immediate. This does not take effect until the year 2011. There may be a recession in 2011, and it might be nice to be able to deal with that 2011 recession, but not with the recession happening in the year 2002.

This thing costs $104 billion. We agreed the entire stimulus package should not be more than $75 billion, but they want to spend $104 billion of Social Security money to make it permanent when it doesn't take effect until the year 2011.

The tax cut, they want to make it permanent. CBO has provided an estimate of $350 billion in the first 10 years, $4 trillion in the second 10. There is nothing cost effective about that. And it, too, does not take effect until 2011. Again, what is the stimulative value of a tax provision that takes place in the year 2011? What is the wisdom—I guess that is the word I am looking for—what is the wisdom of exacerbating our already growing deficit this year by adding $350 billion more?

I don't know the answers to those questions, but I know this. On a bipartisan basis the Budget Committee said this is not the direction we should go.

On a bipartisan basis, they said let us try to contain the cost. Let's do something stimulative, and do something immediate—not in the year 2011, but now.

Really, there are only two choices. We can pass it, or we can block it. I do not know of anything else.

I hope our Republican colleagues will pass it. I hope they won't block it. I hope we will do the right thing. I hope we will send the measure to conference so that we can try to work through these issues and resolve them and come back with a bill which we can support and move on to other priorities.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HOPE FOR CHILDREN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 622, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

Pending:

Daschle/Baucus amendment No. 2698, in the nature of a substitute.

Reid (for Baucus) amendment No. 2721 (to amendment No. 2698), to provide emergency agriculture assistance.

Hatch/Bennett amendment No. 2724 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years.

Domenici amendment No. 2723 (to the language proposed to be stricken by amendment No. 2698), to provide for a payroll tax holiday.

Allard/Hatch/Allen amendment No. 2722 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

Smith of New Hampshire amendment No. 2732 (to the language proposed to be stricken by amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001.

Smith of New Hampshire amendment No. 2733 (to the language proposed to be stricken by amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State.

Smith of New Hampshire amendment No. 2734 (to the language proposed to be stricken by amendment No. 2698), to provide that tips received for certain services shall not be subject to income or employment taxes.

Smith of New Hampshire amendment No. 2735 (to the language proposed to be stricken by amendment No. 2698), to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions.

Sessions amendment No. 2736 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and provide for the payment of emergency extended unemployment compensation.

Grassley (for McCain) amendment No. 2700 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services

and Foreign Service in determining the exclusion of gain from the sale of a principal residence.

Kyl amendment No. 2758 (to the language proposed to be stricken by amendment No. 2698), to remove the sunset on the repeal of the estate tax.

Reid modified amendment No. 2764 (to amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a refundable credit for recreational travel, and to modify the business expense limits.

Reid (for Durbin) amendment No. 2766 (to amendment No. 2698), to provide enhanced unemployment compensation benefits.

Lincoln amendment No. 2767 (to amendment No. 2698), to delay until at lease June 30, 2002, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

Thomas amendment No. 2728 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

Craig amendment No. 2770 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

Grassley amendment No. 2773 (to the language proposed to be stricken by amendment No. 2698), to provide tax incentives for economic recovery and assistance to displaced workers.

Sessions (for Kyl) amendment No. 2807 (to amendment No. 2721), to remove the sunset on the repeal of the estate tax.

Dorgan amendment No. 2808 (to amendment No. 2764), to preserve the continued viability of the United States travel industry.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle and others substitute amendment No. 2698 for Calendar No. 71, H.R. 622, the adoption credit bill:

Max Baucus, Mark Dayton, Richard J. Durbin, Harry Reid, Tim Johnson, John F. Kerry, Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Byron L. Dorgan, Jack Reed, Deborah Ann Stabenow, Tom R. Carper, Maria Cantwell, John B. Breaux, Jean Carnahan, and Herb Kohl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle and others substitute amendment No. 2698 for Calendar No. 71, H.R. 622, the adoption credit bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON), the Senator from Arizona (Mr. MCCAIN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—56

Akaka	Durbin	Miller
Baucus	Edwards	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Graham	Reed
Boxer	Harkin	Reid
Breaux	Hollings	Rockefeller
Cantwell	Hutchinson	Sarbanes
Carnahan	Inouye	Schumer
Carper	Johnson	Smith (OR)
Cleland	Kennedy	Snowe
Clinton	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Torricelli
Corzine	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Dorgan	Mikulski	

NAYS—39

Allard	DeWine	Lott
Allen	Ensign	Lugar
Bennett	Enzi	McConnell
Bond	Fitzgerald	Murkowski
Brownback	Frist	Nickles
Bunning	Gramm	Roberts
Burns	Grassley	Santorum
Byrd	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith (NH)
Cochran	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thurmond

NOT VOTING—5

Domenici	Jeffords	Thompson
Helms	McCain	

The PRESIDING OFFICER (Mrs. CLINTON). On this vote, the yeas are 56, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Grassley amendment:

Charles E. Grassley, Bob Smith, Craig Thomas, Pat Roberts, Jeff Sessions, Ben Nighthorse Campbell, George Allen, Larry E. Craig, Jim Bunning, Robert Bennett, Jon Kyl, John Ensign, Michael D. Crapo, Frank Murkowski, Olympia J. Snowe, Don Nickles.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 2773 offered by the Senator from Iowa to the bill, H.R. 622, shall be brought to a close?

The yeas and nays are mandatory under the rule and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON), the Senator from Arizona (Mr. MCCAIN), the Senator from North Carolina (Mr. HELMS), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

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

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—48

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Bennett	Frist	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cleland	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Ensign	McConnell	Warner

NAYS—47

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Chafee	Johnson	Shelby
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

NOT VOTING—5

Domenici	Jeffords	Thompson
Helms	McCain	

The PRESIDING OFFICER. On this question, the yeas are 48, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, it is unfortunate we were unable to move the economic stimulus legislation forward, but I hope at the very least we could recognize, as we have in past recessions, that at some point one has to acknowledge the pain, the uncertainty, the financial difficulty that so many families are facing. In 1992, we extended unemployment benefits for up to 59 weeks. In 1982, we extended them for up to 49 weeks. In 1974, we extended them for up to 65 weeks. I ask unanimous consent that we extend them for at least 13 weeks now.

I have been discussing the matter with our Republican colleagues, and they have had the opportunity to view the language. Let me make one other clarification. This is a simple extension of current law. There is no other

extraneous matter, and there is no other issue I would suggest at this point be included in the extension. So for all Senators, this is simply an extension of current law as we now have it enacted.

AMENDMENT NO. 2819

(Purpose: To provide for a program of temporary extended unemployment compensation)

Mr. DASCHLE. I send an amendment to the desk regarding 13 weeks' extension of unemployment benefits. I ask unanimous consent that the amendment be agreed to, that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object, and I do not object, I believe what Senator DASCHLE is offering is something that this Senate should support in a bipartisan fashion. I ask unanimous consent to add to Senator DASCHLE's request an amendment to the same bill relative to unemployment insurance benefits, which had 57 votes and 3 absentees who are present today, a sufficient number that it be included in this unanimous consent request. It is an effort to improve and increase unemployment insurance benefits by $25 a week to try to keep up with the cost of inflation but, more importantly, to cover temporarily displaced workers as well as expand coverage to low-wage and recent hires. This money is all Federal money going to the States. Governors have entire discretion as to whether or not they want to enhance the unemployment insurance benefits.

I ask unanimous consent to amend the request of the Senator from South Dakota, our majority leader, to include this amendment, which I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, reserving the right to object.

Mr. NICKLES. Madam President, I object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I hope our colleagues on the other side give the Senator from Illinois an opportunity to raise this issue. This is a very modest request to include this amendment as part of the package. The other measures of the bill obviously are going to have to be addressed some other way, but I cannot imagine anyone in this Chamber, regardless of party, who would deny people who have lost jobs under the circumstance of this past number of months would want to turn down what the Senator from Illinois is suggesting. This is basic stuff for people who are hurting, and I urge my colleagues on the other side, whatever differences we may have on other issues, please do not disagree with us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, reserving the right to object, we debated this before. If my colleague from South Dakota wants to, we have a couple of amendments on our side we did not get a vote on that I believe we would have a majority vote on as well.

Now I oppose the amendment of my colleague from Illinois because he is expanding a program that we have never done before. The majority leader mentioned all the times we have expanded unemployment compensation in the past. We have never done that for temporary workers. That is a brand new expansion that doubles the cost. That increases the cost from about $8 billion to $16 billion. So with great respect, I object to the unanimous consent request of my colleague from Illinois.

The PRESIDING OFFICER. The objection is heard.

The Senator from Maryland.

Mr. SARBANES. Madam President, reserving the right to object, I think the proposal the Senator from Illinois offered should be commended. It has been objected to. I certainly hope, the amendment having been objected to, that the proposal being put forward by the majority leader would not be objected to, which is a simple extension for an additional 13 weeks of unemployment insurance under the current arrangement, as I understand it.

I ask the majority leader, is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. SARBANES. This is far overdue already. There are people now out of work who are hurting. The unemployment insurance for many of them has already run out. For others, it will soon run out. This is not an effort, as the Senator from Oklahoma indicated, to broaden the program in terms of its beneficiaries or its benefits. It is simply to extend it in order to take care of people who are in real and desperate need.

So I very much hope the request of the majority leader will be honored and we will at least be able to move on that aspect of this problem. I withdraw my reservation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Reserving the right to object, and I do not intend to object, but I do object to the fact we are standing in the Senate today, and we are taking care of one group of people —and we need to and I support it—in extending unemployment benefits, but there are millions of others who are sitting in their offices watching us working who are afraid that tomorrow may be their day and we are not doing anything to help them keep their jobs. We may be giving them unemployment checks, but we are doing absolutely nothing for the millions and millions of people in America who watch us on television as their neighbors get laid off, who watch what is going on around the country with layoffs, who think they may be next. We have done nothing to help them keep their jobs. We have done nothing in this bill. We will do nothing to help those who have been laid off, who are going to get unemployment checks, to get a paycheck again. That has been the fight all along.

The President from day 1 said we need to extend benefits. We have been unanimously supportive of extending unemployment benefits for another 13 weeks. The problem has been, and consistently is, what are we going to do about the people who want a paycheck, not an unemployment check? What are we going to do about the people who are in jobs right now who are worried about losing their jobs? What are we going to do to help those businesses survive? What are we going to do about helping those individuals who are afraid of what might happen, not what has already happened? That is the problem with what has happened in the Senate. We have provided no security for the 90-plus percent of Americans who have jobs that they will be able to keep their jobs. That is the real unfortunate situation.

Mr. WELLSTONE. Madam President, could I have 30 seconds?

Mr. DASCHLE. Madam President, I will first, again, propound the unanimous consent request, and then I will yield to the Senator from Minnesota.

I ask unanimous consent that all pending amendments be withdrawn. So I propound the unanimous consent request once more.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mrs. HUTCHISON. Madam President, reserving the right to object, I, too, want to say this is too little to late. The Senator from Maryland is right. We would like to have done more. We would like to have helped all the people of this country. We could have had a stimulus package if we had had a compromise. We could have had a stimulus package that would have stabilized our economy, that would have preserved jobs. We could have given tax relief to people so they could have spent their own money that they earned.

So I hope this modest proposal that would extend the benefits for 13 weeks is not the end. I hope it is the beginning.

Mr. WELLSTONE. Reserving the right to object, Madam President, I heard my colleague from Pennsylvania speak; I heard my colleague from Texas speak. My colleague from Pennsylvania was talking about the problem being this or that and we need to make sure people are able to go back to work.

Obviously, political truth can be elusive and there can be different definitions of what we need to do. Most of the people I have talked to in coffee shops in Minnesota cannot figure out how $1 billion for this multinational and $1 billion for that multinational

and $13 billion of tax breaks helps them. But that is almost beside the point.

The real problem is this. We can put aside all of our differences, because we have different views about what needs to be done, and we can say: Let's help people right now. Right now. No more rhetoric. No more speeches.

People are flat on their backs, through no fault of their own. Can we not just at least have a straight extension of unemployment insurance? That is all this vote is on now. The majority leader is asking for unanimous consent for that alone. That is it. Let's end the speeches and end the rhetoric and just support him.

Mrs. FEINSTEIN. Madam President, as I stated on the floor earlier this week, I support a 13 week extension of unemployment Insurance. I do so as an issue of basic fairness to help and protect those who have been hurt by the economic downturn. Unemployed workers need assistance now.

There are people in my State of California, and indeed across the country, who need an extension not because they have not been looking for a job, but because the downturn in the economy has made jobs difficult to keep, and even more difficult to find.

As I stated earlier this week, there are over a million people unemployed in California, and since September 11, unemployment benefits have run out for 190,000 Californians.

Because an average of 40 percent of Californians who go on unemployment exhaust their regular unemployment benefits, over 360,000 people in California alone could be helped by receiving this 13-week extension.

These are the people who would be immediately helped by an extension of unemployment benefits.

Throughout the United States, workers are running out of unemployment benefits while competing for less and less open jobs. In New York, there are 515,000 people without jobs, and over 90,000 of them have exhausted their unemployment benefits since September 11. The same is true for 86,000 Texans, 47,000 Floridians, and 52,000 people from Illinois. In Pennsylvania, over 300,000 people are unemployed, and almost 47,000 of them have exhausted their unemployment benefits.

Extending unemployment coverage will benefit more than 600,000 people nationwide, and help revive an economy that needs a boost to get back on its feet.

Since the program's inception in 1934, Unemployment Insurance has served time and again to act as a stabilizing device—providing direct economic assistance to people who are likely to spend any additional money in providing basic needs for themselves and their families.

The need is no different now. As an issue of basic fairness, I strongly believe that the Senate should act to extend UI benefits by 13 weeks.

Mr. KENNEDY. Madam President, there is good news today for working men and women across the Nation.

For months, we have fought to extend unemployment benefits for the millions of workers who need them in this troubled economy. Today, after weeks of debate, our opponents in the Senate finally relented. They joined us to pass a 13-week extension for all laid-off workers who have exhausted their benefits.

Since the beginning of the recession more than 2 million workers have exhausted their unemployment benefits. Extending benefits will help these workers, including nearly sixty thousand workers in Massachusetts who have lost their jobs, and are still looking for new employment. They have been refinancing their homes, and in some cases, even selling them, just to make ends meet.

The battle is not over. We still need to get approval from the House of Representatives. And then it is up to President Bush to honor the commitment he made in his State of the Union speech to make this achievement a reality for our workers.

Unfinished business remains. Outdated unemployment rules exclude hundreds of thousands of workers who have been laid-off through no fault of their own. Laid-off part-time and low-wage workers have paid into the system, but often fail to receive the benefits they need. Recent data suggest that only 18 percent of unemployed low-wage workers were collecting benefits. For months, we have fought to expand coverage to benefit more than 600,000 additional unemployed part-time and low-wage workers. We will not give up that fight.

We have also fought to increase weekly unemployment benefits by the greater of $25 a week, or 15 percent. Currently, unemployment benefits do not replace enough lost wages to keep workers out of poverty. In 2000, average unemployment benefits replaced only 33 percent of workers' lost income, a major reduction from the 46 percent of workers' wages replaced by jobless benefits during the recessions of the 1970's and 1980's. During an economic crisis, unemployed workers have few opportunities to rejoin a declining workforce. They depend on unemployment benefits. We will continue to work for a benefit increase to ensure that laid-off workers are not impoverished during periods of unemployment.

Benefit levels are too low for laid-off workers to afford the health care they need. Health premiums can cost nearly $600 a month for a family—most of an unemployment check. That is why only about one in five laid-off workers today continue their coverage, even if they are eligible. For months, we have fought to pass an economic recovery plan that would cover 75 percent of the health care premium for those who are eligible to continue their coverage, but can't afford the cost.

Some workers are not eligible for any continuing health plan. Our plan would have allowed states to cover these vulnerable workers. Taken together, our plan would have ensured that men and women who lose their jobs don't have to worry about losing their health insurance as well. We cannot let our workers down when it comes to health care. America deserves better.

We have also fought to provide fiscal relief to the states, which face serious budget shortfalls, yet must meet yearly balanced budget requirements. We have been working to increase Medicaid payments, so that states don't have to cut back on coverage, just as more workers need help. This is the top priority for Republican and Democratic Governors. We should provide our States relief now.

The American people have strongly supported our efforts to give workers the support and assistance they deserve. But some of our colleagues in Congress have stalled our efforts to help these courageous workers. Democrats have proposed an effective and balanced plan to stimulate the faltering economy, but throughout the past few months, our opponents have used procedural maneuvers to block the measure. When House and Senate negotiators tried to reach a compromise, our opponents delayed it at every turn.

They were unwilling to support any recovery package unless it contained tens of billions of dollars for new tax breaks for wealthy individuals and corporations, including $250 million in tax breaks for Enron. It makes no sense to hold laid-off workers hostage to such irresponsible and costly tax breaks.

Our opponents consistently offered plans that fail the nation's workers. They offered a plan to extend unemployment benefits, but only to laid-off workers in a few states. They offered a plan to use National Emergency Grants for unemployment insurance, health care and job training—guaranteeing that few funds would actually go to unemployment insurance. They offered a plan to provide Reed Act distributions that would primarily be used for state tax cuts and could go into state unemployment trust funds, instead of offering new or extended benefits.

Today, we will vote to extend unemployment benefits for 13 weeks, something we have done in every recession. Today, we will celebrate our long-fought for victory. Tomorrow, we will continue the fight for America's workers.

Mrs. CLINTON. Madam President, over the past nearly 5 months, the entire Nation has been inspired by the grit, bravery and selflessness of the workers at the World Trade Center site who have labored around the clock on the rescue and recovery efforts. The courageous images of firefighters, police officers, emergency medical personnel, construction workers and clergy have inspired workers throughout the country.

There are many other images of New York, however, that have not been shown on the news, but that are also

the heart-wrenching results of the terrible September 11 attack and a weak economy.

These images that our Nation has not seen, but that everyone here knows all too well, are the faces of hundreds of New Yorkers who have found themselves without a job. These are the workers whose jobs were literally destroyed, jobs when the Twin Towers collapsed: The janitors, the doormen, the waiters and waitresses, the secretaries, and messengers.

Or, the workers who did not work in lower Manhattan, but who have felt the ripple effect of the so-called frozen zone primarily the hotel workers and small businesses owners.

In New York State, we have 71 percent more workers on Unemployment Insurance than we did one year ago. In New York City, we are experiencing unemployment rates that we haven't seen in years. In December, the unemployment rate continued to spike up to 7.4 percent—2.4 percent above the national average for the same period. New York City is expected to lose 150,000 jobs in the aftermath of September 11 and we are not expected to rebound until 2004.

What is happening to our unemployed who are waiting for the economy to rebound? Well, let me tell you—in the last quarter alone, over 65,000 unemployed workers exhausted their UI benefits.

Over the past two weeks, I have received hundreds of calls and pleas from my constituents in New York—some are being evicted from their homes, others are uncertain how they will continue to put food on their tables, and all are desperate to go back to work.

Senator DASCHLE has put forward a proposal to extend unemployment for an additional 13 weeks. This proposal is not only the right thing to do for our thousands of workers who are without a job, but it is the right thing to do for the economy. In fact, some experts argue that extending unemployment insurance is more likely than any other policy to stimulate the economy.

We may not agree on a comprehensive package to stimulate the economy, but I think we all agree that we must do the right thing for the workers of this country by extending unemployment insurance.

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

The amendment (No. 2819) was agreed to.

The bill (H.R. 622), as amended, was passed.

Mr. DASCHLE. Madam President, I hope the House will take the matter up immediately, perhaps as early as this afternoon, and get it to the President. As has been noted, the President has indicated already he supports the extension. I think it is now up to the House to do their part so that these people will be a little more confident they can be given some assistance now. Too many of them have already run out of benefits to which they are entitled. We have to act now.

For those who have lamented the fact we could not reach a compromise, 56 Senators went on record today looking for that compromise. We only fell four short. There were a couple of absentees. So there is no doubt that there is a growing percentage, an overwhelming majority, in my view, who want to move forward. I would have only hoped some of those who lamented this could have supported cloture so we could have had the ticket to conference. We were denied that. But I have said on the floor before, and I will say it again, I am open to any overtures, any suggestions, on how we might do it, that will allow the 60 votes required to move forward. Anytime I can be assured that a 60-vote margin can be achieved, we will bring this bill back up. It is unfortunate we could not do more than this, but I am very pleased and grateful to colleagues on both sides of the aisle for their willingness to support this.

AMENDMENT NO. 2820

Mr. LEVIN. Madam President, I ask unanimous consent that the title amendment with respect to H.R. 622 be considered and agreed to, and the motion to reconsider be laid upon the table.

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

The amendment is as follows:

Amend the title as to read:

''A bill to provide for temporary unemployment compensation.''

MORNING BUSINESS

Mr. DASCHLE. I ask unanimous consent that the Senate now enter into a period of morning business for 35 minutes.

Ms. LANDRIEU. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. There is another matter we want to try to take care of at this point. I don't know if this is the proper time.

Mr. DASCHLE. If I might say to my colleague, this is not the appropriate time, but we will certainly work with the Senator and find a time, perhaps before the end of the day today, where we can take up the legislation. We need to run a hotline to ensure that we can get a unanimous consent agreement to take the bill up. We will certainly do that and come back to the floor as soon as we have the assurances on both sides of the aisle that this bill can be agreed to.

Ms. LANDRIEU. I remove my objection.

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

The Senator from Oklahoma.

SENATE PROCEDURE

Mr. NICKLES. Madam President, I thank the majority leader and also appreciate his willingness to modify the unemployment compensation amendment to make it basically universal for all States for 13 weeks. I think that is fair, appropriate, and supported by all Senators. I am glad we were able to pass it. I encourage my colleagues in the House to pass it as well.

Also, our colleague and friend, Senator LANDRIEU from Louisiana, has suggested improvements to be made on the adoption credit. Senator BUNNING also has an amendment dealing with adoption and deductibility. We will work with both colleagues to see if we cannot come up with a package in the not too distant future that I hope all of our colleagues will pass and likewise I hope the House will favorably review.

I make one additional comment. I am disappointed we have not been successful at making the bridge in partisan warfare to pass the stimulus package to help create jobs. I urge our colleagues not to be quite so fast in the future with cloture votes. I didn't like cloture votes when this side offered them, and I don't like them when the other side offers them. It denies the Senators the opportunity to offer amendments. We had several amendments on this side that we could not offer because of cloture. If cloture were invoked, they would not have the ability to offer a permanent R&D amendment, which I believe has a majority vote; we could not offer making the death tax repeal permanent, which I believe has a majority vote; we could not offer an amendment that Senator DOMENICI was pushing for, a payroll tax holiday, which many people on both sides of the aisle say has merit.

I hope in the future, when we are talking about the farm bill—and I believe we will go to the farm bill soon—I urge the majority leader not to move forward with cloture. Consider amendments. No one I know wants to filibuster the farm bill, no one was filibustering the stimulus package, but we had several provisions in the stimulus package to try to make it truly stimulative and create jobs. When we get to the farm bill, I hope the first thing we look at is not a cloture vote. Some Members want an amendment to have payment limitations so some farmers are not making millions—corporate farmers are not making millions out of the farm bill. We find out they are under present law. So there is an amendment to have payment limitations. Those amendments would fall if cloture were invoked.

I urge our colleagues to offer amendments, be timely, be considerate of others, have good debate, find out where the votes are, and, hopefully, not go through the idea of a cloture vote, and if we don't get cloture we pull the bill down. That is a recipe for getting nothing done. That is how the stimulus bill did not pass. We cannot get 60 votes; we will pull the bill down. I wish that were not the result.

I suggested we maybe take up the stimulus bill and consider X number of amendments on each side and pass the

bill. That was not the way the majority leader went on this bill. That is fine. That was his decision. I think it is regrettable. I think we could have done some things to increase employment, increase jobs.

I hope when we take up the agriculture bill, it will not be under cloture, it will be with both sides offering constructive amendments to improve a bill that is in desperate need of improvement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to be recognized for morning business.

The PRESIDING OFFICER. We are in morning business.

UNEMPLOYMENT EXTENSION

Mr. REED. Madam President, I commend Senator DASCHLE, the majority leader, for his leadership on this very important measure to extend unemployment benefits. I am pleased this has received the unanimous support of this entire Senate. It is an outstanding issue that needs to be addressed today. There are millions of Americans who are exhausting benefits as we speak. Looking forward, the prospect is that more and more Americans will exhaust their benefits. The benefit extension is just simple justice for these Americans and will also provide real stimulus for our economy.

The reality is, if you have been laid off from work and you are depending upon unemployment checks, you are not typically putting that check under your mattress. You are going out and buying food, buying clothes for your children, paying your rent, doing those things that will put resources directly and immediately into the economy. That is the whole point of any stimulus proposal, to put resources directly and immediately into the economy.

That is why I have to take exception to the comments of some of our colleagues who talk about the fact that we have not done anything to stimulate the economy, to help secure the jobs of those who are still working.

Frankly, we can tell a lot about people from what they support and what they reject. If Members support the permanency of the estate tax, they should know that is not at all stimulative. It occurs 10 years from now, long after we have worked through this economic cycle one way or the other. It provides no immediate stimulus. It provides no immediate incentive for behavior because the estate tax comes with death—not a conscious decision by most people. So it has no stimulative effect. That is what they are proposing to help the Americans who are working today. It will not help people today. It will help a very few, and 10 years from now.

Now, they reject proposals such as Senator DASCHLE's proposal to provide a rebate for working Americans who did not pay income tax. It was quite disturbing to me that the insinuation was that these people are not part of our economy; they did not pay income taxes, why should they get any rebates?

What those Members misperceive and misunderstand is the huge contributions that these millions of poor, working Americans make, in a range of endeavors, that immensely help our economy. They work very hard and, at the same time, payroll taxes are some of the most regressive taxes that Americans pay. As a result, these individuals should get some relief. Again, most likely those resources would go directly and immediately back into the economy.

So the arguments by the other side—their claims that nothing has been done to help Americans who are working today—are not consistent with the proposals they make and the proposals to which they object.

If you look in the President's budget, you'll find another indication of the insensitivity, I would say, to the issue of Americans struggling to keep their jobs and struggling to find jobs—a significant reduction in job training funds. These moneys are necessary to put people back into the workplace, to give individuals the skills they need to enhance their jobs or even keep their jobs in a tough, competitive climate.

So the rhetoric about doing nothing to stimulate the economy is just that. Senator DASCHLE made proposals that would stimulate this economy without long-run detrimental effects to our fiscal discipline.

That stimulus package, that I would argue is the only real stimulus package, was rejected by the other side. So we are left to do something that is absolutely necessary, necessary both on the grounds of providing justice for Americans and also on the grounds of providing some limited stimulus for our economy.

There are nearly 5 million workers who are out of the job market but want to work. Many have left the job market because they have been discouraged, which factors into the slightly lower unemployment rate last month. The unemployment rate went down not because there are more jobs. In fact, we lost jobs. The unemployment rate went down as people left the labor force, many discouraged by the lack of employment opportunities. For those people and for others, these unemployment benefits are important.

In January, more than 2.5 million people had been unemployed for 15 weeks or longer, and nearly half of those people had been unemployed for more than 6 months. We have in the past responded to that dilemma, that crisis, by extending unemployment benefits. I am pleased today this body has taken action to do that.

Even if the economy begins to recover, this problem will stay with us. At the end of the recessions of the last several decades, unemployment, particularly long-term unemployment, continued to linger. On average, long-term unemployment rates grew for 9 months after the official end of the recession. So even if today—and I think we are unsure of this—even if today we are seeing some change in economic conditions, we will still see continued unemployment problems and we will still have to respond to it.

Indeed, this effort should be bipartisan because, not only in this Senate but throughout the country, I believe most people recognize the right thing to do and the smart thing to do is to give unemployed individuals a chance to get benefits until they get the opportunity to work again. Alan Greenspan, the Chairman of the Federal Reserve, has pointed it out. His words:

> I have always been in favor of extending unemployment benefits during periods of rising unemployment. Clearly you cannot argue that somebody who runs past the 26-week level is slow for not looking for a job or not actively seeking to get re-employed. There are just no jobs out there.

Those are Chairman Greenspan's words. We have to respond to that, recognize that, and I am pleased that the majority leader today took that action and received the support of this Senate.

About a week ago Senator COLLINS and I wrote to Senator DASCHLE and to Senator LOTT and urged them to move on this measure if we could not find a compromise on the stimulus package. Again, I am pleased today this measure is moving forward. It does make sense. It is good policy with respect to people who need help. It is good for the economy. These resources will go back immediately and directly into our economy, helping to spur, we hope, consumer demand and help us out of this recession.

I commend the majority leader. I am pleased we are able at least to accomplish this today. I hope we can return to the stimulus debate again, but a debate about real stimulus proposals, not a debate about the warmed over tax proposals of last spring, the second phase of the tax cuts, the second phase of those tax cuts that contributed and will contribute more to the deficit in the years ahead.

Instead of those warmed over proposals, let's look at things that will help Americans and the American economy directly, immediately, in this quarter, not 10 years from now. Let's do those things.

I hope when we return to this debate we will be conscious of trying to stimulate the economy and not simply trying to rehash old tax proposals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I understand my friend from Michigan has a comment he wishes to make. I ask unanimous consent that I be allowed to yield to him for 2 minutes, and then I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Mr. LEVIN. I very much thank my friend from Utah.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. LEVIN. Madam President, I think we have a basic obligation to provide relief to Americans who have lost their jobs. This is one of the most fundamental responsibilities of this Congress. The extension of unemployment benefits today for an additional 13 weeks is a way of carrying out that obligation.

We are all aware of the increase in the number of Americans who have lost their jobs as a result of this recession. Every one of our States is feeling it. Michigan alone has over 300,000 workers who have lost their jobs, and that number, as the numbers in many of our States, is likely to continue to rise in the coming months.

I am terribly disappointed we could not agree on a economic stimulus package, but that is no excuse for failing to address the plight of Americans who have lost their jobs. Extending unemployment benefits is not just about doing what is right and doing what is equitable and doing what is fair; it is elementary economics. It is common sense. Providing additional unemployment benefits is a very good economic stimulus.

The Department of Labor has found that for every dollar invested in unemployment insurance, we generate $2.15 for our gross domestic product. So putting money into the hands of people who need it, we are also putting money into the hands of people who are going to spend it. That helps our economy. That helps create jobs.

I congratulate Senator DASCHLE for offering this legislation today, and I hope now that the House will promptly pass it.

I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

INABILITY TO ACT

Mr. BENNETT. The Chamber seems to be filled with congratulatory messages. We are congratulating ourselves that we have finally acted, when, in fact, all we have done is the least possible, minimum, lowest common denominator kind of action, and we have demonstrated our inability to act on any kind of visionary plan.

The majority leader says he will be happy to bring this subject up again if there is an indication that we can get something upon which we can agree. There is an indication that we can get something upon which we can agree, that we can get something that is a compromise, that we can get something that cuts across party lines. That is the proposal made by the Centrist Coalition.

I have been a member of the Centrist Coalition, and its predecessor names of the group, ever since I came to the Senate in 1993. We started out holding meetings in Senator John Chafee's hideaway. John Chafee was the founder of this group. He said, let's reach across party lines and see if we can't put partisanship aside and come up with some kind of a solution. We have had our good moments. We have had our disappointing moments. But we have hung together as a group, even as the membership has changed in the years since I have been here.

The Centrist Coalition, involving Democrats and Republicans, involving people of very strong positions on the liberal side of issues and very strong positions on the conservative side of issues, have said: For the good of the country, let's see if we can't fashion a package that makes sense. And the majority leader will not allow a vote on that package.

He will not allow us even to debate it. He will not allow us to bring it up. He will not allow people who were not part of the Centrist Coalition to offer amendments. Then as he shuts the process down, he says: I am open to any suggestion from anybody. I will take him at his word, and I have a suggestion for him. I say to the majority leader, bring up the Centrist Coalition stimulus package backed by Republicans as well as Democrats. Put it on the floor and allow it to be amended by those who say it isn't wonderful; allow the normal parliamentary procedure to go forward; and then allow it to come to a vote.

I suggest to you that if the majority leader really believes we need a stimulus package, if he is really true to his word that he is open to any suggestion, if he really does want to move in this direction, that is the way he should go. But he has not allowed that. He has not allowed a vote. Let us understand that.

There is a proposal. It is not a series of rehashed tax ideas, as the Senator from Rhode Island suggested, about some of the things people on this aisle wanted to put in. It is something worked out by a group of Republicans and Democrats acting in good faith and in consultation with the White House—reaching out beyond the Congress to get the opinion of the President of the United States, and receiving from the President the comment that, well, it is not exactly what I want but I would be willing to sign it.

It seems to me this is an extraordinary moment in cooperation, reaching out, and resolution that the majority leader will not allow to come up. This is an extraordinary opportunity which the majority leader will not allow to happen.

I hope the majority leader reconsiders. I hope he recognizes that taking a strong partisan position on one side, or taking a strong partisan position on the other side, has been proven ineffective; that he recognizes that there are those of us who have spent time talking to each other across the aisle outside of the partisan straitjacket who have reached out in an effort to find a compromise that makes sense, who have crafted something that we think will pass and the President has indicated he will sign, and that this is available to the majority leader and to the country if the majority leader will simply allow it to come to a vote.

Mr. President, as you and others know, my father served in this body for 24 years. My first experience here was sitting up in the family gallery as a teenager watching the Senate operate as I tried to understand it. My father said something that was very profound. When people would say to him, why didn't you do this or why didn't you do that, he would say: We legislate at the highest level at which we can obtain a majority.

I think there is a majority for the centrist package. I ask the majority leader to let us find out.

NEED FOR AN ECONOMIC STIMULUS PACKAGE

Mr. BYRD. Mr. President, over four months after the idea was originally proposed, the Senate remains divided on an economic stimulus package.

Much has changed since an economic stimulus was first proposed in response to the September 11 attacks. Both the stock markets and the economy have proved to be more resilient than economists had expected.

Moreover, there are signs, as Federal Reserve Chairman Alan Greenspan told the Budget Committee last month, that some of the forces that have been restraining the economy over the past year are starting to loosen their strangle hold. The Fed Chairman told the Committee that "while 3 months ago, [a stimulus package] was clearly a desirable action . . . I do not think it is a critically important issue to do. I think the economy will recover in any event."

Aside from the positive economic data that have been released by government agencies in recent weeks, there is already a significant amount of stimulus in the pipelines.

That's not to say that we are home free. As Chairman Greenspan pointed out last month, the economy could go either way at this point. Most troubling is the higher unemployment rate since last year.

However, we must not delude ourselves into thinking that an economic stimulus package—whether crafted by Democrats or Republicans—is some sort of panacea. Stimulus packages can't work miracles. We have a $10 trillion economy. That's gross domestic product—the total of all spending. We cannot flip the economy over like a pancake. A boost of $70 billion to $100 billion would amount to less than 1 percent of GDP.

Nobody can say at this point with certainty in which direction the economy is headed.

What we know is that, since the recession began last March, the Labor Department reports that 1.8 million

workers have lost their jobs. We could address this problem by temporarily extending unemployment insurance.

What we do not know, is whether a more comprehensive stimulus package at this point is really necessary.

I submit that the danger we face is not that the economy won't turn around—inevitably it will—but that we may unnecessarily worsen our budgetary position by taking unnecessary, but politically popular, action on a so-called ''stimulus package.''

Any stimulus package, at least in the short-term, will increase the projected budget deficits for fiscal years 2002 and 2003. We may well need to devote more resources to our military overseas and to homeland defense, and we will have to bear the costs of doing so.

The erosion in the budget picture over the past year, along with the defense and homeland security demands placed on our budget and the inevitable long-term Social Security and Medicare deficits overshadowing the retirement of the baby-boomers, suggests that tough choices must be made as to whether the limited dollars we spend will provide a worthwhile return on our investment. From what we have seen from experts ranging from the Federal Reserve Chairman, to Congressional Budget Office officials, to private-sector economists, a stimulus package does not meet that test.

ECONOMIC STIMULUS

Mr. ENZI. Mr. President, I thank you for the opportunity to comment on the Senate's inability to pass an economic stimulus package. I, like most of my colleagues, wanted to pass an economic stimulus package. We wanted to pass such a package not only at the end of last year, but at the beginning of this year in order to jump start our economy.

Finally, the majority leader allowed us an opportunity to look at an economic stimulus bill. But it wasn't a bill that came out of the Senate Finance Committee nor was it the bipartisan/centrist proposal offered by my colleagues and which the President said he would support. Instead, it was a one-man show, put on the floor with no input from other Senators.

As I said on the floor almost 2 weeks ago, the Daschle substitute amendment is much like a patient needing emergency treatment. Our only choice was to patch it up.

So, for the last several days, we were performing emergency surgery—one ''amendment bandage'' at a time. Some of my colleagues have since described the stimulus package or the economy as a patient on life support.

While I am not a surgeon, I do take great pride in being the only accountant in the Senate. As a result, I think I have a good understanding of what is needed to help the economy. So, I had a few amendments to offer to fix up the substitute amendment offered by the majority leader, and to really help stimulate the economy.

One of those amendments would have repealed the special occupational tax on alcohol. This is an unfair tax imposed on all businesses that manufacture, distribute or sell alcohol products. It is one of the most egregious taxes to affect small businesses. My amendment would have taken a regulation and tax off the books which the General Accounting Office has concluded cost too much to administer compared to the revenues it generates. That is a bad tax.

And it is unfair, too. The same tax is paid by little businesses as large ones. Let me explain. Right now, four small family-owned bait shops which sell beer pay as much in taxes as the nation's largest single site brewery—a whopping $1,000.

Repeal of this tax would have helped stimulate the economy. Last year, rebate checks put $300 in American citizens' back pockets, and most people went out and spent it-on much needed back-to-school clothes and supplies; toward that new computer; and to buy groceries.

My amendment would have put $250 to $500 back in the hands of small ''Mom and Pop'' businesses around the country. In turn, those small businesses owners would have used that extra money to make more needed purchases or pay expenses.

I also had a couple other amendments to offer. One would have put more money into the hands of charities, who in turn could buy needed supplies, including food, clothing, shelter, blankets, medicine, and hygiene and other products. When charities buy these things they are not only helping those in need, they are helping businesses and workers who manufacture or sell those products or services. In a small, but important way, this would also stimulate the economy.

How would my amendment have done this? It would have allowed those contributing their IRA's to charities to not have to pay a tax on the distribution to the charity. In other words, the government won't be skimming money off the donation. As a result, charities would have had more money, and the donors would have had the pleasure of giving more and the feeling of helping their communities and our nation.

My colleagues on both sides of the aisle had good amendments to offer too. The senior Senator from Montana and I had a drought relief amendment we could have used to help ranchers and farmers. I proudly endorsed our bipartisan amendment. Wyoming really needs the drought relief contained in that piece of legislation.

The senior Senator from Texas had amendments to speed up the tax rate reductions and tax cuts implemented last year. Senator BOND had an amendment that passed the Senate 92 to 0 to allow an increase in small businesses expensing. This would have given vital assistance to small businesses across this country affected by the recession we are in. The Senator from Idaho had an amendment to make the death tax repeal permanent.

Well, we do have a death right now to contend with, and it's a casualty that even Senator KYL'S death tax amendment can't help. As my colleague from Georgia explained, we are now having to pull the plug on an economic stimulus bill and will be attending a funeral on its demise. Why? Because this country could have largely benefitted from a reasonable economic stimulus package, which now will not be passed.

Like my distinguished colleague Senator MILLER said, we are all here giving our eulogies. Those eulogies extend to those many amendments truly meant to stimulate the economy. It is extremely disappointing we will not be able to help the unemployed, or our American workers and small businesses.

Mr. President, I yield the floor.

THE NEED FOR A STIMULUS BILL

Mr. VOINOVICH. Mr. President, with the votes that have been cast this afternoon, we have once again shown the American people that we have put politics before their needs. Quite frankly, I think this body should be ashamed that we could not rise above our party differences and give the American people a stimulus package that will help secure our economy, put people back to work and respond to the human suffering that is occurring as a result of the recession.

Too often, it seems to me, we spend more time trying to score political points than addressing the needs of real people. And I can tell you, there are real needs in the State of Ohio. Despite claims that an economic turn around is just around the corner, the citizens of my State are still suffering the effects of this recession. Many more are ''shaking in their boots,'' wondering if they are going to be laid-off and the next to join the unemployment line.

Since the first week of December, we have had 320 companies in Ohio announce their intention to lay-off workers, affecting nearly 70,000 people.

Right now, we have some 191,000 people receiving unemployment benefits, and each week, thousands file for initial benefits.

Also each week, around 3,000 people exhaust their benefits without having found another job.

In 2001, initial unemployment claims in my state jumped by 41.5 percent compared to 2000—the highest since 1992.

While the U.S. Department of Commerce reported a two tenths of a percent increase in the economy in the fourth quarter, I consider it anemic economic growth, which is providing little benefit—if any to the men and women of Ohio.

We need robust growth, and a balanced stimulus package is critical to getting us there.

The President was right on target in his State of the Union address last

week when he called for an economic stimulus. He did not advocate for a partisan stimulus measure, trying to maximize his political advantage, but rather he elected to press for the stimulus proposal that was initially proposed by the Senate Centrist Coalition.

I am a member of the Centrist Coalition, and I was proud to work with my colleagues Senators SNOWE, COLLINS, BREAUX, MILLER, and BEN NELSON on a bipartisan measure that would be fair, would help stimulate the economy and would respond to basic human needs.

This proposal does not have everything I, the other members of the coalition, nor the President want. In fact, it includes items I might not necessarily support as freestanding legislation. However, this proposal is the embodiment of compromise, and this is how it should be in an evenly divided Senate. That is why I cannot believe that members of this Senate have allowed economic stimulus to fail.

If we are to have any progress this year, we must work together as our constituents elected us to do.

I voted in favor of cloture on both versions of the stimulus package, since I felt it necessary to move the process along and not demagogue the issue just to score a political victory. I had hoped to move something along to a conference committee.

I think if we all had simply agreed to the majority leader's stimulus package when he proposed it 2 weeks ago, we could have gone to conference with the House, hashed out our differences, and today we could possibly be voting on a compromise stimulus bill.

Conversely, if the majority leader had recognized the bipartisan nature of the Centrist Coalition package—crafted by members of his own party here in the Senate and passed by the House—we could possibly be at a bill signing ceremony today. However, the process has degenerated into a political fight.

The Senate could pass a stimulus bill. Senator GRASSLEY proposed a very good compromise by offering the Centrist Coalition package, which should have been adopted because it gets the job done.

In fact, I believe if the Senate was given the opportunity to cast a straight ''up or down'' vote on the Grassley amendment, it would pass by a large margin since many in this Chamber actually want to pass a meaningful stimulus bill.

However, that is not the way things sometimes work around here, and the American people are the ones who suffer because they will not get the economic relief they need. In the end, the only person who got what he wanted was the majority leader. He did not want a bill, and he got his wish.

Still, I think the American people deserve to know what the Senate could have passed and what the Centrist Coalition package could have provided in the way of economic stimulus to illustrate the good policy that too often falls victim to partisan politics in this Chamber.

One thing the Centrist Coalition proposal would do is provide a real boost to roughly 38 million low-income workers who did not qualify for rebate checks last summer and fall. Those rebates would mean $13.5 billion would go into the pockets of those individuals to help them through these difficult times. And I am sure it would help stimulate the economy because they would likely spend that money rather than save it.

The Centrist Coalition package would also lower the marginal tax rate on individual income from 27½ percent down to 25 percent. That means single people who make between $28,000 and $68,000 a year, and married couples who make between $47,000 and $113,000 a year would find additional money in their pockets. About one-third of the taxpayers in this nation, 36 million people, would benefit with these rate reductions.

Add the 38 million beneficiaries of the rebate checks, and the 36 million who would benefit from the reduction in marginal rates, and the Centrist Coalition package would help a majority of the roughly 100 million American households that file taxes.

The thing I would really like to concentrate on is the part of this package that deals with health care. When we got started debating the stimulus package, the House passed a package that had something like $3 billion for health care. Likewise, the President's package also had $3 billion. The Democratic Finance Committee proposal was $16.7 billion. At the end of the day, the Centrist Coalition and White House compromise package had $21 billion in it for dislocated workers' health care, and money for the States for national emergency grants, including $4 billion to the States for Medicaid funding. This is a tremendous amount of help for the needy.

The Centrist Coalition proposal would also assist displaced workers by providing an extension of 13 weeks of unemployment benefits—benefits that would be available to those who became unemployed between March 15, 2001, and December 31st of this year. An estimated 3 million unemployed workers would qualify for benefits averaging about $230 a week. Those extended benefits would be 100-percent federally funded at a cost of about $10 billion to the Federal Government, so States would not have to pick up the tab.

The bill would allow states to accelerate the transfer of $9 billion from State unemployment trust funds so they could distribute that money earlier than now possible. This transfer of money, which already belongs to the states, would help state treasuries, which are in dire straits today.

With respect to health care benefits, the Centrist Coalition and White House compromise proposal would provide $19 billion in health care assistance for all dislocated workers who are eligible for unemployment insurance with a refundable, advanceable tax credit for the purchase of health insurance—not just individuals who are eligible for COBRA coverage. This is an important distinction since the credit is available to unemployed people who do not have access to coverage through COBRA, since their employers did not provide health insurance or their employer went out of business. Under this bill, these individuals would have been able to get a 60-percent subsidy of their health insurance costs without any cap on the dollar amount of subsidy.

The proposal also would include reforms to ensure that people have access to health insurance coverage in the individual market. If a person has 12 months of employer-sponsored coverage, rather than 18 months as under the current law, health insurers are required to issue a policy and not impose any preexisting condition exclusion.

The Centrist and White House proposal also includes $4 billion in enhanced national emergency grants for the States which Governors could use to help all workers—not just those eligible for the tax credit. They could use this to pay for health insurance in both public and private plans. In other words, we would be paying $4 billion out to the States so they can reach out and help people in their respective States who are not covered by some of the particular provisions in the stimulus package.

The Centrist Coalition package would also provide a $4.6 billion, one-time grant to assist States with their Medicaid programs. Our States are in deep budgetary trouble because, unlike the Federal Government, they have to balance their budgets every year. The money isn't there for them to take care of the many needs they face. This $4.6 billion grant would go out to the States to help them provide Medicaid for the neediest Americans. In many States, they are going to cut Medicaid payments because they simply do not have the money since their State treasuries are in such deep financial trouble.

All in all, I believe the Centrist Coalition and White House compromise package was a good proposal, one that should have passed easily in the Senate before Christmas and which should have easily passed today.

There are a lot of concerned Americans, men and women who have lost their jobs, and who do not know where they are going to get health care for themselves and their families. We have an obligation to help. At the very least, we have provided an additional 13 weeks of unemployment benefits to our constituents who are out of work. It is only a fraction of what we should have done, but it will give some assistance to those who need it. Still, I believe we must address our unfinished business.

I believe that there is still time to set aside our differences, put the needs of the American people ahead of politics and pass the Centrist Coalition proposal. It is fair, it is balanced and it is bipartisan and I believe it is the best thing we can do to restores people's

faith in the economy and restore people's faith that we do care about them.

BIPARTISAN, BICAMERAL STIMULUS PACKAGE

Ms. SNOWE. Mr. President, while I am pleased that this body has passed legislation to extend unemployment benefits for thirteen weeks, I rise to express my deep regret at an opportunity lost to help American workers. . .to help create jobs. . .to bolster our economy. . .to provide vital health insurance benefits. . .and to increase our federal surplus projections for the long term.

I voted for cloture on both the Daschle and the Grassley-Snowe amendments because the bottom line is, I am convinced an economic stimulus plan would make a vital difference when it comes to the strength of our economic recovery. And I cosponsored Senator GRASSLEY's amendment not only because it is the product of the work of the Centrist Coalition, which I co-chair with Senator BREAUX, but also because it was crafted through bipartisan, bicameral negotiations with the White House and already passed the House of Representatives in December on a bipartisan vote.

I want to thank all of us who worked so diligently on that package, most especially Senators JOHN BREAUX, GEORGE VOINOVICH, BEN NELSON, SUSAN COLLINS and ZELL MILLER. And of course I want to thank Senator GRASSLEY for his remarkable commitment to building consensus and getting a strong stimulus package passed. We earnestly believe and I still believe that the adoption of the Centrist package would have been our best means to get a final conference report to the President's desk, and ensure that the economy and America's workers would benefit from the most robust economic recovery possible.

I have said I think it's critical at the beginning of this new legislative session that we start off on the right foot by enacting an economic recovery plan for the American people. I was prepared before Christmas, and many of my colleagues were prepared, to stay here to address the needs of those who have lost their jobs and their health insurance—and to bolster economic growth. Because the fact of the matter is, we knew then what is still very much true today—this economy remains in a recession and people are hurting while Congress has dithered.

We now know we lost more jobs last year than in any year since 1982, which was during the worst recession since the Great Depression, and we lost almost a million jobs since the President proposed an economic stimulus plan on October 5. And while the unemployment rate in January fell to 5.6 percent—the first decline in 15 months and certainly better than the alternative—the two-tenths percent drop was likely more a sign of job-seekers giving up than the economy improving.

As a February 4 Wall Street Journal article put, ''Economists warned the drop in the jobless rate could be misleading. The January decline was largely due to the fact that the Labor Department reported an unusually large drop of 924,000 in the size of the labor force, to 141.4 million people. A shrinking labor force, say economists, could be a sign workers have become discouraged and have stopped looking for jobs.''

And, finally, consider this statement from the Federal Open Market Committee on January 31—in deciding to keep its target for the federal funds rate unchanged at 1¾ percent, it said, ''. . .the Committee continues to believe that. . .the risks are weighted mainly toward conditions that may generate economic weakness in the foreseeable future.''

Of course, the economy may, in fact, be on the road to recovery. I certainly hope that's the case. But it's also a question of what kind of recovery. Will it be a robust recovery with rising employment and new job opportunities, or a ''jobless recovery'' as we had back in 1991? Given our nation's war on terrorism both at home and abroad—the future is far from certain. Any ''shock'' could immediately send our economy reeling, so I am especially disappointed that we haven't taken the appropriate steps to ensure that the road to recovery is an ''expressway,'' rather than a dirt road.

The bottom line is, a well-structured, comprehensive stimulus package is the means by which we could have at least laid the foundation for such a road. The reality is, such a package could have had an impact on the kind of recovery we ultimately realize. And you don't have to take my word for it. Just two weeks ago, Chairman Greenspan testified before the Senate Budget Committee on the state of the economy. And while some have latched-onto Chairman Greenspan's remarks that ''. . .the economy will recover in any event'' and argue that a stimulus package is, therefore, no longer necessary, it's critical to listen to the rest of testimony.

Specifically, when I asked Chairman Greenspan about whether or not a stimulus package could aid in the type of economic recovery we experience, he stated that, although it was difficult to judge how the economy would develop this year, quote:

> . . .with the potential, at least, that the economy may be more tepid than we would like later in this year, some form of stimulus program probably would be useful.

So I, for one, was not prepared to risk a more ''tepid'' recovery—not with millions of Americans already out of work and America engaged in a war that will be carried out over a matter of years, not months. And based on the Chairman's response, a strong and effective stimulus plan could have been the difference.

Moreover, let's not forget—restoring economic growth would not only restore jobs, it would also help restore our projected budget surpluses.

Specifically, last week, the Congressional Budget Office outlined new budget surplus estimates for the coming 10 years. As we learned, the projected surplus through the year 2011 has fallen 70 percent, from $5.6 trillion last year to $1.6 trillion today—the most dramatic decline in budget projections ever. While a combination of factors has brought about this decline—including last year's $1.3 trillion tax cut and $550 billion in projected new spending—the most dramatic impact, fully 40 percent of the lost surpluses—or nearly 1.6 trillion dollars—arose from economic and technical changes linked to our current economic decline.

What is both alarming and instructive is that a downgrading in projections of economic growth for just a relatively short amount of time clearly has a dramatic impact on our 10-year surplus projections. As you can see by this chart, the contents of which I'd like to submit for the record, CBO has only lowered its economic growth projection for 2001 and 2002—by 1.4 percent and 2.6 percent respectively—while 2007 onward remains the same and 2003 to 2007 is actually higher. And yet, those lowered growth projections for just those two years have dramatically reduced the surplus projections in the long run.

This fact, coupled with CBO's estimates that an annual increase in economic growth of only one-tenth of one percent translates into a $244 billion increase in the surplus over 10 years, should tell us something. It should tell us that the benefit of a strong recovery in the near term—and the resulting increase in average economic growth in the long-term—cannot be understated. And the stimulus could have helped us achieve that critical goal.

In fact, Bruce Steinberg, a chief economist with Merrill Lynch, estimated in November that a stimulus package could add one percent to economic growth this year. The White House put the figure at half a percentage point, which would put 300,000 more Americans to work, while Macroeconomic Advisers of St. Louis estimated a stimulus package could actually double economic growth projections.

And Allen Sinai of Decision Economics argued that a package could mean the difference between a weak rebound, such as in the 1991 recovery, and one with real potency. He said, ''At this point what you're doing, with both monetary and fiscal stimulus, is loading powder into the recovery.''

Which brings me to what happened today on the floor of the Senate. The fact of the matter is, we should have passed the bipartisan Centrist plan that already passed the House of Representatives on a bipartisan vote and enjoyed the support of the White House—and that accomplished what several weeks of bicameral negotiations failed to achieve at the end of

last year: a consensus on all provisions addressing the needs of the unemployed, including health insurance assistance, and providing a boost for the economy.

And the bottom line, is that developing a consensus requires compromise. The bicameral negotiators made significant progress during their negotiations last year, but, unfortunately, were unable to break through on several final issues and, consequently, negotiations broke down.

So, given this stalemate and the risks it posed to workers and the economy, members of the Centrist Coalition—which I co-chair with Senator BREAUX and which had already put forward a compromise proposal in November—sat down with Republican leaders and the White House to see if we could reach the agreement that had proven so elusive. And I ask unanimous consent have printed in the RECORD at the conclusion of my remarks a time line of all our efforts on the stimulus package, because I think it illustrates why we had such a strong bipartisan basis for moving forward.

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

(See exhibit 1.)

Ms. SNOWE. The fact of the matter is, we already had bipartisan agreement on issues like stimulus checks for low-income individuals, accelerated depreciation, increased expensing, and an extension of and increased funding for unemployment benefits. So we had a sound foundation for a compromise, and the package that cleared the House was the product of our negotiations.

That package truly reflected the middle ground on both tax and spending issues that had confounded the bicameral negotiators. Just consider where we started on many of these issues and where we ended up.

At the outset, one of the most controversial issues was that of accelerating marginal rate reductions that were adopted last year. While President Bush called for an acceleration of all marginal rate reductions and Democrats opposed any acceleration, the Centrist package would have accelerated the reduction in the 27 percent bracket only, to 25 percent—an imminently reasonable middle ground approach.

This change—which only applied to taxable incomes of $27,050 to $65,550 for individuals and $42,500 to $109,250 for married couples—would have put money in the hands of 36 million taxpayers, or one-third of all taxpayers, at a time when consumer demand needs a boost. And let me make one point perfectly clear—more than two-thirds of these beneficiaries have incomes under $100,000.

Or consider another controversial issue: corporate AMT. While the original House-passed package would have repealed the corporate AMT, the Democratic proposal only included a ''hold-harmless'' so that businesses taking advantage of accelerated depreciation and other provisions in the stimulus package would not see an increase in their AMT liability.

The Centrist package found the middle ground by ensuring that items that are currently added-back to a company's taxable income for purposes of calculating the AMT—namely, depreciation, net operating losses, and foreign tax credits—would no longer be included in this calculation. And by achieving that compromise, we dramatically reduced the cost of the proposal as well—falling from $25 billion in 2002 in the House-passed package, to $1.3 billion in the White House-Centrist package.

But as we learned from the breakdown in the bicameral negotiations, the most controversial element of the stimulus debate proved not to be over tax policy, but on health care assistance for workers who lost their jobs. However, policy trumped ideology and politics during the Centrist negotiations—and our package provided a better benefit more rapidly for more unemployed workers than anything that had been previously proposed.

The starting positions on this issue were stark, as the original House-passed measure—and White House position—called for $3 billion in funding to states to help those who could lose their health coverage if they lost their job. The original Centrists package went further by proposing $13.5 billion in federal health care assistance for displaced workers.

The $16.7 billion package put forward by Democrats last year proposed a 75 percent subsidy to help displaced workers afford COBRA health coverage, and assistance and coverage through the Medicaid program for individuals who are not eligible for COBRA benefits. The Democratic proposal also offered a temporary increase in federal Medicaid matching funds for states that are struggling with increased Medicaid costs.

Many people, including the nation's governors, did not believe the Democrat's proposal for relying on Medicaid was feasible because states would have to contribute about 25 percent of the cost—funds the states do not have because of estimate state revenue shortfalls of $15 billion due to the economic downturn. In fact, the governors were calling for increased federal funding for Medicaid just to maintain coverage and benefit levels for current Medicaid recipients.

On the health care issue too, the Centrist package found the middle ground and even went further. Specifically, our bipartisan package would have provided a total of $21 billion in federal health care assistance—or $21 billion more than Senator DASCHLE proposed in his amendment. I can't understand why or how we could have denied four million hardworking Americans this kind of assistance this year for the sake of shadings in philosophical dispositions.

The fact of the matter is, it didn't have to be that way. Our package provided $13 billion in health care tax credits to displaced workers who are eligible for unemployment insurance who do not have other health care coverage, $4 billion in National Emergency Grants, and almost $5 billion in emergency Medicaid funding so states would not have been forced to cut back their current health care programs for children, workers, and families with low-incomes.

Indeed, our displaced worker proposal went further in covering displaced workers than any other proposal that was considered—increasing funding to provide health coverage to displaced workers by almost 700 percent from where we started. This package would have helped those workers who lost their jobs regardless of whether they worked for the largest corporation or the smallest business or even if they were self employed.

Under this plan, any worker who involuntarily lost their job and who is eligible or formerly eligible for unemployment insurance benefits would have been eligible for a 60 percent tax credit to use for continued health coverage. Workers would have automatically received a tax credit certificate when they applied for unemployment compensation.

The tax credit certificate could have been used toward COBRA coverage from their former employer, if eligible, or for purchasing health insurance coverage of the individual's choosing. The monthly premium payment would have been reduced by the amount of the tax credit so that displaced workers would not be forced to pay the full cost of their health coverage up front, while waiting for federal assistance that would arrive at a later date. In addition the states would have used the $5 billion in National Emergency Grant funding to provide further assistance and additional benefits.

The bipartisan agreement gave displaced workers portable assistance that they could use in any part of the country to get health coverage. Displaced workers who cannot continue coverage with their current plan, would have had federal-law protections that require health plans to offer guaranteed issue coverage with no pre-existing condition exclusions.

Our proposal for assisting displaced workers with their health benefits was a straightforward proposal that could have been implemented quickly for all firms and all states because the Department of Labor would have made the funds immediately available to states so they could deliver assistance to displaced workers.

The bottom line is that the Centrist package provided the most comprehensive approach to addressing the needs of those who are out of work and an economy trying to pull itself out of a recession. And by enjoying bipartisan, bicameral support as well as the support of the White House—it would have ensured that this relief would be on the way in the fastest manner possible.

Again, I deeply regret that stimulus delayed has now become stimulus denied.

EXHIBIT 1

CBO PROJECTED ECONOMIC GROWTH

	2001	2002	2003	2004–07	2008–11
January 2002	1.0	0.8	4.1	3.3	3.1
January 2001	2.4	3.4	3.3	3.0	3.1

CBO January 2002, Budget & Economic Outlook.

TIMELINE

September 25, 2001: Finance Committee meets with former-Secretary Rubin and Chairman Greenspan to discuss basic principles of economic stimulus package.

October 17, 2001: Centrist Coalition lays out principles to leaders Daschle and Lott.

October 24, 2001: (1) Centrist Coalition meets with Secretary O'Neill; (2) House passes first version of stimulus plan.

October 31, 2001: Centrist Coalition meets to consider compromise package.

November 8, 2001: Stimulus markup in Finance Committee, Democrat package reported.

November 13–14, 2001: Senate Finance stimulus plan (Baucus) on Senate Floor. Plan was defeated on a Budget point of order. On the same day (11/14), Centrist group laid out its alternative plan.

November 15, 2001: Leaders of both parties and both houses agreed to try to come together and pre-negotiate . . . but couldn't agree on who would comprise the negotiators.

November 16, 2001: Talks stalemated.

November 19, 2001: Centrists, including Senators Snowe, Breaux and Grassley, had conference call with Secretary Paul O'Neill about their plan; O'Neill called it a ''basis for a deal''.

November 20, 2001: Secretary O'Neill, on Good Morning America, called Centrist approach a basis for a deal; Senators agreed to talk after Thanksgiving.

November 26, 2001: Senators returned from recess; recession declared by National Bureau of Economic Research. There was still no agreement over who would negotiate.

November 28, 2001: Wednesday Leadership Meeting with Bush—breakthrough on negotiators to jumpstart negotiations.

November 29, 2001: Divisions over exactly how negotiations could begin remained.

November 30, 2001: Continuing impasse over negotiations; House wanted more negotiators Senate, fewer.

December 3, 2001: Negotiations began.

December 11, 2001: Centrists meet with Senator Lott and President Bush at the White House on a plan.

December 15–16, 2001: Centrist plan emerged as likely basis for any final deal.

December 19, 2001: President Bush meets with Centrists, declares agreement on plan.

December 20, 2001: House passes Centrist plan.

Ms. SNOWE. Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to cal the roll.

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

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

Mr. REID. Mr. President, the hour of 1:30 having arrived, I call for the regular order.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

Wellstone amendment No. 2602 (to amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation.

Harkin modified amendment No. 2604 (to amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals.

Burns amendment No. 2607 (to amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program.

Burns amendment No. 2608 (to amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.

Mr. REID. Mr. President, what is the pending issue before the Senate on the farm bill?

The PRESIDING OFFICER. The Burns amendment No. 2608.

Mr. REID. 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. 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, here we are. It is now February 6, 2002. That comes as no shock to anyone. We are back on the farm bill—where we were back on December 6, 2001.

Again, we are trying to get this bill finished before it gets too late in the planting season. I am hopeful that we can work out some arrangements to do that. The beginning of a new session always marks an opportunity for a renewed effort to solve the challenges before us. In a spirit of cooperation, I look forward to working with my colleagues to pass this new farm bill without further delay, in order to provide farm families in rural communities critically needed stability and insurance for this year and in the future.

There is widespread agreement that farm families and rural communities are in dire need. The Senate has dealt with the farm bill for 12 days already. Again, I want to underscore that rural America cannot survive under the current Freedom to Farm bill. It will suffer severely if the farm bill here is further delayed. I look forward to working with Senators on both sides of the aisle to get the bill finished deliberately but quickly, and we will work our way through amendments. I hope that maybe even this afternoon sometime we may reach an agreement on a finite list of amendments, with a reasonable amount of time to debate them. Then we can work through that list of amendments and, hopefully, within 2 or 3 days, go to third reading and passage.

I believe we can get the conference done in adequate time to have the bill enacted for this crop year. A tremendous amount is at stake in this farm bill, not only for farmers but for rural and agriculture-related businesses, rural communities, conservation, trade, nutrition programs, and renewable energy.

The Department of Agriculture recently predicted a 20-percent drop in net farm income for this year if we do not take action on this new legislation—20 percent. Farmers are struggling as it is. They most certainly cannot afford to take a fifth off their net income.

I understand that after the farm bill the Senate will take up an energy bill. During debate on the energy bill there will be a lot of discussion about CAFE standards, and about drilling for oil in the Arctic National Wildlife Refuge, which I am sure will be a hotly contested issue. Well, this farm bill has a new energy title in it. As it is written now, the energy title calls for an investment of half a billion dollars in mandatory money over 5 years to spur production of renewable energy.

Even if we do drill for oil in ANWR, we will remain dependent on foreign oil unless we begin making significant investments in the production of renewable energy. Moreover, a greater emphasis on renewable energy in our nation's energy policy will also create new markets for agricultural products. We need to develop these new markets, and I submit that one of the biggest opportunities we will have to do this in the future will be in the area of renewable energy. It has been said that anything that can be made from a barrel of oil can be made from a bushel of corn, soybeans, cottonseed oil, or any number of other crops that we grow in this country.

I visited a project in northern Iowa last week involving agriculture-based industrial lubricants. It is a project sponsored and supported by the University of Northern Iowa. I actually visited a farm where they have set up equipment. They bring in raw soybeans, crush them, take out the oil, and they mix it and put it through another machine I can't describe, and they get grease, like axle grease. It looks just like that—the same thing you use in your grease gun when you

are greasing a car, or an axle, or anything such as that. I understand the Norfolk Southern Railway has begun using this product to grease the railroad tracks. Trucking companies are using it for the fifth wheels on trucks, where they put a lot of grease.

The beauty of this is it is all biodegradable. I understand some railroads, because of the grease going down the railroad track lines, have to put down liners underneath the tracks. This agriculture-based industrial lubricant is a new product that can take the place of all the grease we use, it is made out of soybeans and it is biodegradable. All the hydraulic fluid required by machinery could one day be made out of soybean oil.

And then there is ethanol. We haven't even scratched the surface in terms of the use of ethanol. Fuel that is 80 percent ethanol—developed over the next 10, 15 years—can drastically reduce our dependence on foreign oil and help clean up our atmosphere. Again, that is biodegradable, and it is renewable every year, with every corn crop.

So I think if we really want to become more energy independent and less dependent on the Middle East for our oil, it is not drilling in ANWR that will accomplish that—at least not from the data I have seen—it is developing new markets for agricultural products in this country by supporting the development of renewable fuels made from agricultural commodities.

We now have over 30 buses running in Cedar Rapids, IA, on soy diesel. All the trucks on the nation's highways could one day be burning soy diesel. When one thinks about the potential market for agricultural-based lubricants, fluids, and fuels, that market is the same as the market for the oil we are getting from the Middle East now. Maybe we cannot take up all of that market with renewable lubricants, fluids and fuels, but we can take up enough of it so the producers of oil in the Middle East will not have us by the throat any longer. We can have enough of that market that the Middle East will be a minor supplier, not a major supplier, of the energy we use in this country. There is a lot in this farm bill to start moving us in that direction.

We have done our work in the Committee. We had an aggressive schedule of hearings on the farm bill. We had hearings here in Washington, DC, and in several States across the country. Then, of course, our timetable was set back by the terrorist attacks on September 11. Nonetheless, we moved ahead and started marking up the bill on October 31, voted to report the bill out of committee on November 15, and we were on the Senate floor November 29. We acted expeditiously to get this bill done. We went from markup on October 31 to the Senate floor on November 29, and yet we are still here today, February 6, 2002.

It is essential that the new farm bill be completed without further delay before the planting of this year's crop. Again, if we do not pass it in time, this year's crop will be covered by the existing Freedom to Farm legislation and, Mr. President, as you know, we will probably have to come up with another supplemental payment for this year's crops. That is why we need a new farm bill and not more uncertainty.

The longer the bill is delayed, the greater the risk the $73.5 billion in new farm bill funding will be forfeited. As I said, the planting season is here. The stimulus bill just went down, as I understand it, but this farm bill is also a stimulus bill a stimulus bill for rural America.

President Bush was recently in Moline, IL, which is part of the quad-cities area, across from Davenport and Bittendorf, IA. Of course, Moline is the home of John Deere. A lot of Iowans across the river work at that Moline plant. We also have John Deere plants in Iowa.

President Bush visited that plant a couple weeks ago. I was with him, as were other Senators and Congressmen. In a meeting with the CEO of John Deere, it was said by him or by some of the other people in the management of John Deere that they have laid off a lot of people. They have 300 people working at the plant who are working because of contractual arrangements with the union, but they are not building anything. I asked whether there is any hope that these people can start building again.

The response was: Yes, we know there are orders out there or pending orders for new combines, tractors, planters, and other equipment, but the farmers are going to the bankers to get the financing to buy the equipment, and the bankers are saying: What is your income going to be like this year? What are you counting on? And the farmer says: I don't know, they haven't passed the farm bill yet.

The message came through clear to me and others and, I hope, to the President that we have to get this bill done. It not only helps the farmers, but it helps rural America and it helps the workers in that John Deere plant, too. It helps them get back to work. That is why we need to get this bill through in as short order as possible.

I believe bipartisanship has been the hallmark in our work of crafting this farm bill. At the outset, Senator LUGAR, the committee's ranking member and former chairman, and I developed a set of objectives. We worked in consultation with other members of the committee on all titles of the bill that the committee reported out, with the exception of the commodity title, to be honest, where we recognized we probably would not find any agreement.

Other than the commodity title, all reported titles were approved by voice votes. Of the votes on amendments to those titles, not one was along party lines. We did have a recorded vote on adopting the commodity title, as I said, and even that was a bipartisan vote.

We have tried to come out with as bipartisan a bill as possible, and I believe that is what we have done. This is a balanced, comprehensive bill. It is a bill that does very well by commodities but also goes well beyond the commodity programs to address needs in the areas of conservation, trade, rural development, research, energy, which I mentioned earlier, credit, nutrition, and forestry.

On the commodity side, we have maintained full planting flexibility, and we have restored a stronger countercyclical income protection system. The bill continues fixed direct payments but phases them down, not totally out, as a new countercyclical payment system is phased in.

Also, farmers may elect to update their program bases and payment yields instead of using outdated ones, but they may keep the old bases and yields if that is more advantageous to them. We leave that choice up to farmers.

The bill continues marketing assistance loans with modestly higher loan rates for feed grains, wheat, and cotton. The soybean loan rate is reduced by 6 cents but that reduction is offset by new fixed and countercyclical oilseed payments which were not in the previous Freedom to Farm bill. Keep in mind, all of these loans are marketing assistance loans, so the higher loan rates will not build stocks and will, in fact, enhance our international competitiveness.

When I hear arguments that somehow the higher loan rates will price us out of the market, I do not understand that. These are marketing assistance loans so that cannot be true.

One key difference between the Senate bill and the House bill is the approach to farm income protection. The Senate bill puts a greater emphasis on countercyclical income protection. If commodity prices are not as high as predicted, which is usually the case, then the Senate bill offers the better income protection. There is a built-in price protection mechanism to increase payments if prices fall.

Again, one of the biggest outcries I heard about the Freedom to Farm bill is that in the good years—the initial years under Freedom to Farm when farmers were making good money from the market—they were still getting Government payments. That did not seem to make sense to anyone.

What we have done is phase those payments down, and we will have a countercyclical program so if prices go down, farmers will be held harmless.

The majority of people in this country do not know a lick about agriculture but would support it. They say there are certain times when for certain reasons—whether it is trade, the strength of the dollar, or other factors—prices for agricultural commodities just go all to heck.

I think most people recognize the cyclical nature of agriculture, that it is

different from a hardware store, that it is very reliant on so many outside factors over which a person has no control.

I believe most Americans would say: Yes, if these things happen and prices fall, you ought to support the farmers until we can get the prices back up. I find general acceptance of that. What I do not find is any support anywhere for the proposition that if farmers are doing well in the marketplace we ought to give them more money. I do not find any support for that anywhere. That is what we tried to do in this bill: to get off that old system and get onto a new system of countercyclical payments.

Regarding international trade, the Senate bill will comply with our WTO commitments and will put our Nation in a strong position to negotiate new trade agreements.

This bill gives the Secretary of Agriculture the authority to adjust support payments to make sure we do not violate WTO limits. However, there is only a very remote chance this authority will ever be needed. Under the expected market conditions for the next 10 years, the amber box limit ''amber box'' means that under WTO agreements we can only spend so much money on certain types of support—is $19.1 billion. Under all of the scenarios we have run on our bill, the most we can see is about $16 billion in amber box payments.

Now I have heard—I will admit I have not heard it lately, but last December I heard a lot of talk from the administration and the Department of Agriculture that somehow what we had in our bill would bump us up against the WTO limits, and that would take us to court and all kinds of dire things would happen. At that time, I challenged those who were making such statements to come forward and give us the proof, give us the data, show us what they mean, how we were going to bump up against the $19 billion limit. Well, I have been waiting since then. I still do not have it.

So I said at the time, if the administration keeps saying this, then I am simply going to have to call another hearing of the Agriculture Committee and we will have to have the Secretary of Agriculture down to tell us. If they have data, I would like to see it. I think the fact is that it is not so. Even if we do get up around $16 billion or $17 billion, so what? That is well within our limit.

It seems to me there is some thought we ought to be down around $10 billion or less. I say, why? Do you think the Europeans would do that? Of course not. They are going to be right up to their limits under the WTO.

Well, we are not even that close. We are still quite a bit under the limit. All I can say is, if we ever got to the point where our payments would bump up against that $19.1 billion, we would be in such bad shape that the WTO would be the least of our worries.

Mr. REID. Madam President, I ask the Senator from Iowa if he would yield for a unanimous consent request.

Mr. HARKIN. Yes, I am glad to yield to our assistant majority leader.

Mr. REID. While the two managers have been speaking, I did what they asked me to do, and we now have a unanimous consent agreement that will move us through a good part of the afternoon. I ask unanimous consent that there be a time limitation on the following pending amendments: 40 minutes equally divided on both of the pending amendments by Senator BURNS, Nos. 2608 and 2607; 40 minutes equally divided on Senator WELLSTONE's amendment No. 2602; and 30 minutes equally divided on Senator HARKIN's amendment No. 2604.

I further ask unanimous consent that Senator HARKIN do his amendment first—there has been a request that he do his amendment first and the others can come up later—that all times be divided in the usual form; that no other amendments be in order prior to disposition of the above listed amendments; that at the conclusion or yielding back of time on all of these amendments, the Senate proceed to a vote on or in relation to each amendment, with 2 minutes for debate equally divided between the votes following the first vote; that the vote sequence be as follows: Senator HARKIN be first; Senator BURNS; Senator BURNS; and then Senator WELLSTONE; that if any amendment is not disposed of after the first vote, they remain debatable and amendable.

The PRESIDING OFFICER (Ms. STABENOW). Is there objection?

Mr. LUGAR. Madam President, reserving the right to object, I think the agreement is an excellent one. I simply want to raise the question with the distinguished Senator. After Chairman HARKIN has completed his opening statement, I would like to make an opening statement before we proceed to the amendments.

Mr. REID. I think that would be entirely appropriate. Does the Senator request up to half an hour?

Mr. LUGAR. That would be adequate, yes.

Mr. REID. I further ask unanimous consent—the only change that has been brought to my attention by the staff on both sides—that the language be that ''no other amendments be in order prior to the votes in relation to the above listed amendment'' rather than ''the disposition of the above listed amendments.''

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. A point of clarification: Is that 40 minutes on each of the Burns amendments?

Mr. REID. Forty minutes total.

Mr. LUGAR. I have a question for the distinguished manager. Then we would have four stacked votes? Members could anticipate, once we begin voting, there will be four votes?

Mr. REID. Probably around 4 p.m.

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

Mr. HARKIN. That is good news. I thank the assistant majority leader for working this out, and I thank Senator LUGAR for working this out on all sides. That is progress. So we are going to be able to dispose of four amendments that have been hanging since December, and hopefully that indicates some progress on this farm bill. So I will wrap up my comments very shortly.

I was talking about the WTO, and I will wrap it up in terms of income protection for farmers. I describe our bill as having four legs, which makes it very sturdy. We have fixed payments, countercyclical payments, marketing loans, and conservation payments, all of which will help support farming.

Lastly, I want to talk a little bit about the conservation title. We have been able to accomplish a great deal on the conservation title. It is important in and of itself. Farmers and landowners desire to conserve soil, water, and other natural resources. Sound conservation is one of the best ways for agriculture to continue to build good will with the rest of America. Plus, it is also a way in which we can help promote better farm income. So we have funded programs like the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Incentives Program. Those three programs, I might add, are all out of money right now. So every day we do not pass this farm bill and get it through, none of those programs will be funded.

We made a large increase for the EQIP, the Environmental Quality Incentives Program, and I think improved that substantially for livestock, dairy, and poultry producers.

Our main emphasis in conservation in this bill has been on land in agricultural production. I believe that is where our focus should be, and the Senate bill reflects that. It contains the new Conservation Security Program, which will provide incentive payments for maintaining existing and adopting new conservation practices on lands that remain in production. Thus, it does both, promotes conservation and supports farm income.

The other good thing about it is that it is fully within the WTO green box. So whatever we spend to help support farm income does not bump up against our WTO limits.

One other thing I will mention before I yield the floor is what I said before, in December—I think I may have said it in committee, too: If this farm bill devolves into being a commodity bill, then I think we will do a great disservice to our farmers and to all of America because we will have narrowed the farm bill to a very small scope of people who produce storable commodities. I think the farm bill is much broader than that. It speaks not only to those who produce the food and fiber and to those who produce our livestock, but also to those who produce

fruits and vegetables, specialty crops, orchards, many of the items we buy in our grocery stores that do not come from row crops.

And it is even more than that. It is rural economic development. It is small towns and communities. It is making sure we have jobs and economic opportunity in our small towns. This bill has a very strong rural economic development portion to it. There are even things in the bill to get broadband access to our small towns and communities.

I happened to meet a farmer this morning from northwest Iowa. I asked him what he was doing here. He said his wife was here on a business trip and he was accompanying her and sort of relaxing a little bit, going down to the Smithsonian and coming to watching the Senate—things like that.

I asked him what kind of business his wife is in. Well, it is over my head, but it has something to do with computers and software. So I got to thinking about that and thinking, here is someone who lives in a small town in northwest Iowa doing a job that normally might be done in a large city. Now, again, the problem is getting broadband access so that they have all of the access to the Internet in a high-speed setting. We can develop those types of job opportunities for people who live on our farms in rural America. That is in this bill, too.

Commodities, yes, but it is broader than that. Rural economic development, as I mentioned, is so important. That is why in this bill we have a treasury equity fund, a rural business investment program to support equity groups. We have a national rural cooperative and business equity fund to try to get equity capital to rural areas so we can promote the kind of business development we need. We have a fourfold increase in the value-added agricultural product market development grants. These grants help develop solid value-added enterprises owned by agricultural producers. The business and industry loan guarantee program is improved. We provide $100 million a year for broadband Internet access to our small town communities.

This is a broadly based bill. I not even touched on the enhanced nutrition, forestry, or trade programs. We put more funds and guidance and direction into the foreign market development program and the foreign market access program. We enhance our trading abilities. For forestry, we have new language and new programs to provide more support for the private forests and renewable forestry incentives.

There is a lot more than just commodities in this bill. That is as it should be. Agriculture touches everyone in America. It is more than just that one person on a farm. It is people all up and down the food chain: our processors, shippers, wholesalers, grocery stores, and consumers. We have put a lot in here to protect consumers, to make sure we have the safest and most affordable and steady food supply of any country in the world.

That is why this bill is so important and why we have to move this bill. I think it does no one any good to continue a filibuster or delay. I am hopeful with the breakthrough we had this afternoon with these four amendments, we look forward tomorrow to continuing to debate some amendments. I hope some time, perhaps even later today, we can reach an agreement on a finite list of amendments, and how much time. Then we will know exactly when we will finish the farm bill and get to conference and get it to the President as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I appreciate the excellent statement by the distinguished chairman of our committee. I join him in attempting to work constructively for completion of a good piece of legislation.

There is broad agreement among Members of the Senate Committee on Agriculture, Nutrition, and Forestry, on the titles, aside from the commodity title. We have had amendments that have pertained to the other title and some may still be heard from Members who were not a part of our committee deliberations.

Clearly, the bill before the Senate does excellent things in the area of conservation, possibly a credit for young farmers, rural development, nutrition, agricultural development, to try to get jobs in rural America for people not engaged in farming.

This is why I regret that the commodity section, as it now stands, seems to me to be a considerable step backward. I am not going to engage in extravagant language about the situation. Honest Senators can differ as to the implications of this. One good reason the Senate chose not to pass legislation before Christmas was that this disagreement pertains to a lot of farmers and other Senators who are not farmers wanted to take a second and third look at this legislation.

I want to talk during these informal remarks at the beginning of our session today about the prospect of some who are well informed who have looked at our work so we might improve it through the amendment process we are about to undertake. I mention, first of all, a report by the Food and Agricultural Policy Research Institute, well-known to Members of our Agriculture Committee, and, I think, to the general public as an extraordinarily reputable agricultural institution at the University of Missouri and Iowa State University. I cite specifically their report of November 2001, at the time we were last deliberating on the farm bill, on the trade issues.

The distinguished chairman has mentioned the attempt by the committee to stay clear of ceilings that might lead the United States to severe difficulties with the World Trade Organization and our other trading partners. Some Senators might say that is the tough luck of anybody else who happens to stand in our way; this is the United States of America, and if we want to spend money on our farmers, by golly, we ought to do that—leaving aside whether we run into conflict that is likely to lead to lawsuits, less exports, and blockages that are already considerable with foreign trading partners.

Clearly, in most of our debates on agriculture, we are in agreement that if farm income is going to go up substantially in the United States, it will have to be through exports because we have a market in the United States which is often termed mature. There is only so much food that we can consume in the United States of America. Even though we must do a better job with our food pantries, with feeding programs—and this farm bill does address those issues and they are important for low-income Americans and for those who are unfortunate—the fact is, given the productive capability of American agriculture, we have to move the product.

In order to move the product, we have tried to work with other nations under an agreement called the World Trade Organization. That gives us some certainty of legal status in other countries. If they complain and were to take action to stop our exports, we have an action to get moving, to move this through arbitration or decisions of the World Trade Organization. Most people in the agricultural business understand that.

What is in dispute is whether the Harkin-Daschle bill now before the Senate bumps up against the ceilings or, in fact, goes through them. The distinguished chairman has said in his best calculation, in fact, we are well below the ceiling, in a safety margin. However, if the FAPRI is not so assertive, and I read from page 7 of the November 2000 report:

> Under the Uruguay Round Agreement on Agriculture, the United States agreed to limit spending on domestic support programs that are considered trade distorting to $19.1 billion per year.

We made that agreement.

> Given the structure of the proposed policy changes, we calculate a 30.3 percent chance that the United States will exceed this limit in the 2002 marketing year.

This is the marketing year that will begin later this calendar year after the 2002 crops are harvested this fall.

> Over the projection period, price increases result in smaller marketing loan expenditures, which will tend to decrease this probability. But the counter-cyclical program begins payments in the 2004 marketing year, essentially replacing green box expenditures. . .with amber box expenditures.

Those are ones that become more dangerous in the calculations.

> This substitute increases the probability that the U.S. exceeds its WTO limits.

I mention that because clearly this can still be remedied. We are in the course of having a debate in which

other Senators or other institutes may make calculations. But I am suggesting that we have a serious point of jeopardy here that may not be well understood by Senators. That is why in this opening statement I move, not to the rhetoric of my colleagues, but rather to an independent organization that is in a position to make informed comment on this.

We have a further problem that is posed simply by the way this bill is structured in the payments. I cite an article by Philip Brasher of the Associated Press, dated today, in which he points out:

A Democratic-backed farm bill pending in the Senate would use an estimated $45 billion by the end of 2006

This is of the $73.5 billion in new spending over a 10-year period of time that has been often mentioned—leaving but $28.5 billion for the remaining 5 years. The problem comes up that the Department of Agriculture has spoken, through the Secretary, Ann Veneman, who said, again yesterday, that the money should be distributed evenly over the 10-year period of time.

Secretary Veneman says:

We feel strongly that we shouldn't front-load a farm bill.

Let me mention that this is a fairly large sum of money. Just a quick division of the $73.5 billion, if one agrees that much more on top of the baseline ought to be spent, would mean if we were to have fairly level payments, our work should come out at something less than $37 billion.

The Daschle-Harkin bill amounts to $45 billion now. Some others have cited figures between $42 billion and $43 billion. It would appear to be $5 billion or $6 billion too rich in the first 5 years. It got that way through a number of compromises.

I sympathize with the distinguished chairman of the committee who must entertain all sorts of suggestions from people who come in and have enthusiasm for doing it now, but I would point out one reason for not moving ahead in November or December, with the farm bill, is that, obviously, we have a disagreement.

One may say the Secretary of Agriculture is entitled to her opinion and we may be entitled to ours. If we want to stack the $73.5 billion, $50 billion in the first 5 years, that is up to us. But on the other hand, at this point the administration has indicated the $73.5 billion is available, that the budget assumptions that have been made are the ones that have been followed through, and, indeed, the President's budget submission includes this.

But she is saying maybe enough is enough. We don't want to spend any more of that money in the first half because that is going to make for a very difficult period following that, in which the suggestions of Senators will be: Let's at least do what we have been doing before. At that point we have a much richer product over the 10-year period of time than the administration or the Budget Committees have agreed to. In any event, we will address that, I am certain, in several amendments that will reduce that sum of money in the first 5 years.

A more comprehensive critique of what we have been doing appeared in the Washington Post this morning. It appeared earlier in Newsweek magazine under the byline of the noted economist Robert J. Samuelson. I wish to quote directly from some of the paragraphs of economist Samuelson's analysis.

He starts with the proposition:

Government programs are, for all practical purposes, immortal.

Perhaps so and perhaps not. But then he offers as evidence of this.

Anyone who doubts this last proposition should examine the farm subsidy programs, which are the classic example of how unnecessary spending survives. Here is a parable for our larger budget predicament. Every year the government sends out checks to about 700,000 to 900,000 farmers. Since 1978, federal outlays to support farmers' incomes have exceeded $300 billion. How large is that? Well, the publicly held federal debt (the result of past budget deficits) is about $3.3 trillion. The past 23 years of farm subsidies equal almost 10 percent of the debt.

But wait: Congress is about to expand the subsidies. The Congressional Budget Office estimates that new farm legislation would increase costs by $65 billion over a 10-year period, on top of the $128.5 billion of existing programs. (And these figures exclude costs for agricultural research, trade and nutritional programs.) The Republican-controlled House has passed one version; the Democratic-controlled Senate is about to debate a slightly different version. And the Bush administration has supported what it calls the bill's ''generous'' funding levels. ''Extravagant'' would be more like it.

Government spending should reflect some ''public interest.'' For farm subsidies, this is hard to find.

Let's examine the possibilities. Do we need subsidies to ensure food production? No. The subsidies go mainly for wheat, corn, rice, cotton, soybean and airy production, representing about a third of U.S. farm output. The rest (beef, pork, chicken, vegetables, fruits) receive no direct subsidies. Has anyone noticed shortages of chicken, lettuce, carrots or bacon? The idea that, without subsidies, America wouldn't produce ample wheat for bread, milk for ice cream or corn for animal feed is absurd. Before the 1930s no federal subsides existed, yet annual wheat production rose 77 percent to 887 million bushels from 1880 to 1930.

Do subsidies ''save the small family farm''? In the 1930s, or even 1950s, this argument might have been plausible. No more. Mechanization and better seed varieties have promoted farm consolidation. In 1935 there were 6.8 million farms. In 1997 there were 1.9 million and, of these, about 350,000 accounted for almost 90 percent of farm production. These farms had at least $100,000 in sales. About 42 percent of food production came from farms with $1 million or more in sales. Countless newspaper stories complain that subsidies go overwhelmingly to large, wealthy farmers. But given the distribution of food production, they must go to large farmers—unless government decides to subsidize farmers who essentially don't farm.

Do subsidies stabilize farm incomes, offsetting period of low prices? Not much. There are two problems. First: When crop prices drop, the subsidies promote overproduction, which prolongs and deepens the price decline. Second: The value of the subsidies increases the prices of agricultural land by about 20 percent, according to the Agriculture Department. This raises the purchase prices for new farmers or lease payments for farmers who rent their fields.

We found in the USDA report this year, 42 percent of farmers are, in fact, renters.

About 45 percent of crop land is leased [according to Samuelson] as opposed to the 42 percent USDA suggested. And of course, there's this question: Why should government stabilize farmers' incomes? It doesn't stabilize incomes of plumbers, print shops or most businesses.

Despite farm programs' nonexistent public benefits, Congress routinely extends the programs for political reasons. On the public-relations front, farmers are thought to be hard-working and, therefore, deserving. Somehow, it seems unfair to withdraw a government benefit they're accustomed to receiving. And if farm programs didn't exist, the congressional agriculture committees would be less powerful. So would various farm lobbies and interest groups. They all have an interest in perpetuating the subsidies. Finally, there's control of Congress.

At this point, Mr. Samuelson quotes me. So this quote was my own.

''The main factor is a concern among lawmakers of both parties that power in Congress could hinge on a few races in heavily subsidized agricultural regions,'' Sen. RICHARD LUGAR, Republican of Indiana, bravely wrote in The New York Times. ''If either party stands in the way of this largesse, they risk being labeled the 'anti-farm party' and targeted with sentimental imagery associated with farm failures.''

Back to Samuelson:

Farm subsidies are huge political bribes. Though they're perfectly legal, the ethics are questionable. The trouble is that hardly anyone raises the questions. The silence defines Washington's self-serving and hypocritical ''morality.'' Everyone in Congress is justifiably outraged these days by Enron's collapse and the losses for workers and investors. But the same legislators will vote for massive giveaways of billions of dollars to farmers without any sense of shame or outrage. There is no inkling that they might be plundering the public purse and doing wrong. (The press is guilty of similar hypocrisy. Farm subsidies excite casual, intermittent curiosity.

I am hopeful that these remarks will excite both Senators and the press because I think we are on the threshold of a very large mistake in the commodity section.

I have made these points before, but let me tick through them quickly.

One problem with the farm bill that now lies before us is that it does increase subsidies very substantially.

From the beginning of the debate, the suggestion has been that the Budget Committee set aside $73.5 billion for additional farm subsidies over the next 10 years. The dilemma here is that the subsidies will create incentives for more production. They are production based. The more bushels, the more dollars for the farmer who produces the bushels. As a result, unless El Nino, or some extraordinary weather phenomenon such as a comet crash, or something of that variety occurs, it is

very predictable that production of the five basic row crops—cotton, rice, soybeans, corn, and wheat—will increase very substantially over the next 5 years. Perhaps export demand will escalate rapidly. Perhaps we will do the things we need to do and evade the blockages of the World Trade Organization and our trading partners that for the moment are outraged by this bill.

Letters I have received from ambassadors from friendly trading countries—the Australian Ambassador, for example, or Commissioner Fisher of the EU, and others—point out very troubled waters ahead. But perhaps we will overcome that. I hope we will because there is no way out of the box unless we export a whole lot more to meet the production gains we are going to have.

The genius of American agriculture is that the yields continue year by year. That is the potential salvation for feeding people all over the world. But between now and then, the question is, How do we get the product out of the country? Failure to do that will lead to oversupply in the country and lower prices. That will trigger higher subsidies. This is what countercyclical is all about. It never counters, it goes one way —down.

If that were all of it, that would be bad enough. But the problem is that only 40 percent or fewer of American farmers are going to receive any of these subsidies. That is the nature of the row crop situation.

Sixty percent—three-fifths—a majority of farmers, really have no interest in these subsidies at all. At least they are not going to receive them. That is not widely understood among farmers, quite apart from the public as a whole. The public as a whole, when they hear of that, say: How can this be? This is the way the program started in the 1930s, and it has been perpetuated.

That is not the half of it. Take this 40 percent. The statistics show in State after State over two-thirds of the money—just in this 40 percent—goes to this 10 percent of the 40. The 4 percent is the total. Stated another way, we are now down to 60 percent at zero, and 10 percent of the 40, or 4 percent, are getting about two-thirds of all the money. The public say, that is preposterous; how in the world can people in a democratic legislative body skew the payments in such a distorted manner that 4 percent of the farms get two-thirds of all the results? We are doing it. We have done it, and we are about to compound it.

It is no wonder that small farmers go out of business. These bills guarantee it. The same Senators on the floor today who will say, What about the small family farmer, and what about the medium-sized family farmer—I am here to tell you that farmer is not going to do well under this bill. Land prices will continue to go up. I do not predict a bubble. Nevertheless, in my own farm situation, I have witnessed management—I have owned farms since 1956—and at least two situations of crash and burn. I can recall—I think most Senators who are following this in our committee will recall—the boom of the 1970s in which those of us who had land throughout that greater time saw an increase of two or three times the value only to see 50 or 60 percent of that stripped away in the early years of the 1980s.

Why is it that we are failing by going through this history again and again? We do it because our programs almost mandate it. USDA's 120-page booklet goes through chapter and verse about how it happens. It is no mystery.

The problem is, for young farmers looking into this, it is a tragedy in terms of entry. For 42 percent of our farmers who rent, it is a tragedy because their rents go up. That is a big percentage.

Whether Members understand who the farmers are in their States or not, the farmers understand their predicament, and the 60 percent who are getting nothing understand that zero. By now, given the Environmental Working Group site, the rest of the farmers understand who the 10 percent are who are getting two-thirds of what happens in their States. They have them listed by name. That is new. And a good number of farmers are suggesting is not fair because it is an intrusion of Government payments. It is an intrusion because in some cases farmers have been receiving hundreds of thousands of dollars a year.

I don't go into the extraordinary cases of movie stars, basketball players, universities, and so forth. After all, under the rules of the game, they own the land and they produce the stuff. Nevertheless, there are some anomalies here that have not been taken well.

The predicament is that we have a farm bill as it stands before us, before we start amending it, that, in my judgment, almost guarantees lower prices, guarantees larger payments, and the payments we know go to very few people. They are huge.

In November and December, I made the point—and I will make it even more forcefully now—that this debate occurs in almost an ''Alice in Wonderland'' situation in which somehow we can talk about farm policy as if it were totally divorced from the budget of the U.S. Government or from the needs of ordinary people.

The distinguished chairman of the Budget Committee, Senator CONRAD, and others on the committee have pointed out that the billions of dollars in deficit that we are now piling up are taken out of the Social Security funds. That is now clear. We are in deficit finance. We are not in surpluses. This is not free money. Social Security recipients surely understand that the $73.5 billion is coming out of the Social Security fund. It is money that could be spent perhaps for reform of Medicare, prescription drugs for the elderly, and other items that most of us in our campaign talked about and promised but clearly are not going to occur so long as our Government is running huge deficits.

We are doing the deficits because we have a war on. And that is proper because terrorists hit our country on September the 11th. But that is the country in which we live. Agriculture is not divorced from that which is our country. It is not another world in which we deal with a very few farmers, maybe 4 percent of the people who are doing business.

How farmers could get into such a predicament is easily predictable, given the types of policies we are about to formulate; albeit, telling the farmers: We are doing it for you and we want your support.

If farmers ever figure this out, we will not have their support. They will wonder how misguided we could have been.

We have been through these arguments several times. I appreciate the indulgence of my colleagues in listening to them again. But we do have a second chance. Thank goodness we did not adopt this legislation in unamended form in November or December because we will be coming into conference with a House bill that, in my judgment, is equally disastrous.

Madam President, with these thoughts in mind, I hope we can proceed through the amendments in an orderly way. I promise to work with the distinguished chairman to make that so.

We are now getting the ideas from all of our Senators on this side of the aisle. I understand that is occurring with the chairman. Hopefully, we will have a finite list of amendments and have an idea of a roadmap for a successful conclusion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2604

Mr. HARKIN. Madam President, parliamentary inquiry: What is the business before the Senate at this time?

The PRESIDING OFFICER. The Senator's amendment No. 2604 with a 30-minute time limit.

Mr. HARKIN. With a 30-minute time limit?

The PRESIDING OFFICER. That is correct.

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

Madam President, this amendment is cosponsored by Senators GRASSLEY, FEINGOLD, WELLSTONE, and ENZI. This is the livestock production contract amendment that I offered in December. This amendment furthers one of the

most important goals of this farm bill, and that is to promote competition.

We had a competition title in the original farm bill I introduced in the committee. Two other amendments have already been adopted: Senator FEINGOLD's amendment prohibiting mandatory arbitration in livestock contracts, and Senator JOHNSON's amendment on packer ownership.

My amendment will address yet one more issue in the competition arena, and that is livestock production contracts and the right to discuss contracts with close advisers.

The amendment does two things: It closes a loophole in the Packers and Stockyards Act by including livestock production contracts under its jurisdiction; and, secondly, it provides livestock producers the ability to discuss terms of their contracts with certain people, such as their attorney, banker, landlord, and Government agencies charged with protecting a party to the contract.

Livestock production contracting is an arrangement between a packer or another owner of livestock and a farmer. The basic contract requires a farmer to provide the buildings, the equipment, and the labor to raise the livestock; and the livestock is owned by someone else, the contractor.

This type of arrangement differs from the traditional livestock industry structure where the farmer both owned and raised the livestock. In the poultry sector, production contracting is nearly universal and, I might add, has been covered by the Packers and Stockyards Act since 1935. It is becoming more prevalent in hogs, and is growing in the cattle industry.

What this amendment would do is protect livestock production growers from unfair and deceptive acts. The same type of fairness rules are common in other markets where people are threatened by inequitable bargaining positions. For instance, Federal law affords similar protections to produce and vegetable growers, automobile dealers, gasoline franchisees, individual securities investors, and livestock farmers who own the livestock.

Currently, the Packers and Stockyards Act provides protections for farmers who sell livestock to packers. That has been in the law since 1921. But the act does not protect those who raise livestock, under a production contract, for someone else. The amendment would close this loophole. Current law does not fit current practice. Production contracts, as I said, are becoming more common.

In 1990—just 11, 12 years ago—production contracting in the hog industry was almost unheard of. By the year 2000, 34 percent of hogs were raised under production contracts.

So again, farmers and ranchers need this amendment because the consolidation and vertical integration of the markets are providing them an unequitable bargaining position.

Livestock production contract growers are the ones most at risk of unfair conduct because, like a franchisee, they tend to make large investments to enter into a contract, and then they feel constrained to endure unfair treatment because of their large capital investments.

Basically, the amendment would allow a producer to share his or her contract with their attorney, business adviser, landlord, manager, family, and State and Federal agencies charged with protecting parties to the contract.

The amendment does not require anyone to share the contract if they do not want to. And it does not say the contract should be made public in any way. The provision even allows contracts between a contractor and farmer to prohibit farmers from sharing a contract with their neighbors or the contractor's competitors, for example.

So, again, the amendment enjoys broad support. The American Farm Bureau Federation and the National Farmers' Union—the two largest general farm organizations—as well as dozens of other farm and consumer groups, support the amendment.

It is bipartisan. As I mentioned, there is support on both sides of the aisle for this amendment. I am hopeful we can adopt the amendment.

AMENDMENT NO. 2607, AS MODIFIED; AMENDMENT NO. 2608, AS MODIFIED; AND AMENDMENT NO. 2602, AS MODIFIED

Mr. HARKIN. Madam President, I ask unanimous consent that amendment Nos. 2607 and 2608 be modified with the text at the desk, and that Wellstone amendment No. 2602 be modified with the text of amendment No. 2631.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendments (No. 2607, as modified; No. 2608, as modified; and No. 2602, as modified) are as follows:

AMENDMENT NO. 2607, AS MODIFIED

On page 205, strike lines 8 through 11 and insert the following:

(c) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (3), the Secretary'';

(2) by striking ''36,400,000'' and inserting ''41,100,000''; and

(3) by adding at the end the following:

''(2) PER-FARM LIMITATION.—In the case of a contract entered into on or after the date of enactment of this paragraph, or in the case of a contract entered into before that date that expires on or after that date, an owner or operator may enroll not more than 50 percent of the eligible land (as described in subsection (b)) of an agricultural operation of the owner or operator in the program under this subchapter.

''(3) EXPENDITURE OF FUNDS.—In carrying out this subsection, the Secretary shall ensure, to the maximum extent practicable, that the total amount of payments made under the program under this subchapter does not exceed the amount made available to carry out the program for the fiscal year in which the payments are made.''.

AMENDMENT NO. 2608, AS MODIFIED

On page 212, strike lines 13 through 15 and insert the following:

reduce the amount of payments made by the Secretary for other practices under the conservation reserve program.

''(j) PER-ACRE PAYMENT LEVELS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall conduct a study to determine, and promulgate regulations that establish in accordance with paragraph (2), per-acre values for payments for various categories of land enrolled in the conservation reserve program.

''(2) VALUES.—In carrying out paragraph (1), the Secretary shall ensure that—

''(A) the per-acre value for highly erodible land or other sensitive land (as determined by the Secretary) that is not suitable for agricultural production; is greater than

''(B) the per-acre value for land that is suitable for agricultural production (as determined by the Secretary).

''(3) EXPENDITURE OF FUNDS.—In determining the per-acre values for land under paragraph (2), the Secretary shall ensure, to the maximum extent practicable, that the per-acre values are such that the total amount of payments under the program under this subchapter made in accordance with those values will not exceed the amount made available to carry out the program for the fiscal year in which the payments are made.''.

AMENDMENT NO. 2602, AS MODIFIED

Beginning on page 226, strike line 1 and all that follows through page 235, line 6 and insert the following:

''(4) LARGE CONFINED LIVESTOCK FEEDING OPERATIONS.—

(A) DEFINITION OF LARGE CONFINED LIVESTOCK FEEDING OPERATION.—In this paragraph:

(i) IN GENERAL.—The term 'large confined livestock feeding operation' means a confined livestock feeding operation' means a confined livestock feeding operation designed to confine 1,000 or more animal equivalent units (as defined by the Secretary).

(I) WAIVER.—The Secretary may on a case by case basis grant states a waiver from the requirement in (4)(A)(i), of this section, in accordance with Volume 62, No. 99 of the Federal Register.

(ii) MULTIPLE LOCATIONS.—In determining the number of animal unit equivalents of the operation of a producer under clause (i), the animals confined by the producer in confinement facilities at all locations (including the producer's proportionate share in any jointly owned facility) shall be counted.

(B) NEW OR EXPANDED OPERATIONS.—Subject to (4)(A)(i)(I) of this section, a producer shall not be eligible for cost-share payments for any portion of a storage or treatment facility, or associated waste transport or treatment device, to manage manure, process wastewater, or other animal waste generated by a large confined livestock feeding operation, if the operation is a confined livestock operations that—

(i) is established as a large confined livestock operation after the date of enactment of this paragraph; or

(ii) becomes a large confined livestock operation after the date of enactment of this paragraph by expanding the capacity of the operation to confine livestock.

(C) MODIFICATION OF OPERATION.—A modification of a large confined livestock operation shall not be considered an expansion under subparagraph (B)(ii) of this section, if as determined by the Secretary, the modification involves—

(i) adoption of a new technology;

(ii) improved efficiency in the functioning of the operation or,

(iii) reorganization of the status of the entity; and

(iv) the capacity of the operation to confine livestock is not increased.

(D) MULTIPLE OPERATIONS.—A producer that has an interest in more than 1 large confined livestock operation shall not be eligible for more than 1 contract under this section for cost-share payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by the large confined livestock feeding operation.

(E) FLOOD PLAIN SITTING.—Cost-share payments shall not be available for structural practices for a storage or treatment facility, or associated waste transport device, to manage manure process wastewater, or other animal waste generated by a confined livestock operation if

(i) the structural practices are located in a 100-year flood plain; and

(ii) the confined livestock operation is a confined livestock operation that is established after the date of enactment of this paragraph.

(e) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall allocate funding under the program for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

(2) AMOUNT.—The allocated amount may vary according to—

(A) the type of expertise required;

(B) the quantity of time involved; and

(C) other factors as determined appropriate by the Secretary.

(3)LIMITATION.—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

(4) OTHER AUTHORITIES.—The receipt of technical assistance under the program shall not affect the elgibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

(5) INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

(B) PURPOSE.—The purpose of the payment shall be to provide a producer the option of obtaining technical assistance for developing any component of a comprehensive a nutrient management plan from a certified provider.

(C) PAYMENT.—The incentive payment shall be—

(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land-management practices,

(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

(iii) in an amount determined appropriate by the Secretary, taking into account—

(I) the extent and complexity of the technical assistance provided;

(II) the costs that the Secretary would have manned in providing the technical assistance; and

(III) the costs incurred by the private provider in providing the technical assistance.

(D) ELIGIBLE PRACTICES.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

(E) CERTIFICATION BY SECRETARY.—

(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

(ii) QUALITY ASSURANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a produce on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination is in the public interest.

(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

(1) maximize environmental benefits per dollar expended; and

(2)(A) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to production systems and practices that avoid subjecting an operation to Federal, State, or local environmental regulatory systems;

(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;

(iii) comprehensive nutrient management;

(iv) water quality, particularly in impaired watersheds;

(v) soil erosion;

(vi) air quality; or

(vii) pesticide and herbicide management or reduction;

(B) are provided in conservation priority areas established under section 1230(c);

(C) are provided in special projects under section 1243(f)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the same conservation or environmental purposes; or

(D) an innovative technology in connection with a structural practice or land management practice.

SEC. 1240D. DUTIES OF PRODUCERS.

(a) To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—

(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;

(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

(3) on the violation of a term or condition of the contract at any time the producer has control of the land—

(A) if the Secretary determines that the violation warrants termination of the contract—

(i) to forfeit all rights to receive payments under the contract; and

(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary, or

(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;

(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program, and

(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) IN GENERAL.—To be eligible to receive technical assistance cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary considers necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing the producer with information, education, and training to aid in implementation of the plan; and

(4) encouraging the producer to obtain technical assistance, cost-share payments, or

grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost share and incentive payments paid to a producer under this chapter shall not exceed—

(1) $30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year,

(2) $90,000 for a contract with a term of 3 years,

(3) $120,000 for a contract with a term of 4 years, or

(4) $150,000 for a contract with a term of more than 4 years.

(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts this chapter that exceed $30,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer, and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time does the Senator want on this amendment?

Mr. GRASSLEY. Could I have 10 minutes?

Mr. HARKIN. I yield the Senator 10 minutes.

Mr. GRASSLEY. I am sorry, I did not realize we were under time agreements.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to go back to a very important subject that the Senator from Indiana brought up, and that is whether or not the bill is compliant in the future with some of our World Trade Organization obligations.

I think it is very obvious that the committee anticipated that it might not be compliant because on page 35 of the report there is a paragraph on the Secretary of Agriculture doing an adjustment to farm payments if that becomes a problem.

I cannot find fault with the writers of the legislation for putting this in here because in the other body, in the House bill—a Republican bill—they saw this as a problem, too.

On page 131 of that House bill it says: The Secretary may make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed but in no case be less than such allowable levels.

To me, it is a very serious problem we have; albeit, you might say it is going to happen—if it happens at all—in a minority of the instances because, as the Senator referred to FAPRI of Iowa State and Missouri, you said you think they said it would happen 30 percent of the time.

But if you are in a situation where it happens that 37 percent of the time and we exceed and we are retaliated against, and that would be legal retaliation and it would be retaliation at a time, presumably, we get high payments, farmers are already in trouble or they wouldn't get the additional payments. So you could find yourself in a situation where at the very time prices are going down, and we also have the additional problems that we can't export because we are being retaliated against, that just at the time farmers need the safety net, then that safety net has one great big hole in it.

We need to find some way to protect the American farmer so that the safety net the farmer has doesn't have a big hole in it. And we ought to also do it because we are in the leadership of all the nations of the world on reducing barriers to trade, particularly through our work in the Cairns group of nations. We are trying to get impediments to agricultural trade down to zero, both from the standpoint of market opening and from the standpoint of tariffs. That is our goal in the next round of negotiations under WTO.

If we are a nation in trade that believes in the rule of law, we have to follow the rule of law. We anticipate we would be in trouble on that because of the farm bill. It seems to me at a time that we are talking about a safety net for farmers, we ought to do what we can to make sure that hole is mended before this bill leaves the Senate. If it goes to the House and the House is willing to ignore it, then where are we? We are in a situation where down the road 5 to 10 years, depending on how long a farm bill we have, we have a big potential problem for the American family farmer. When they need help, they aren't going to get it. We can't go to the WTO and complain because we ourselves have recognized the possibility we might be in jeopardy.

In this regard, since we are going into the negotiations in the WTO—they start next week—I think, in the special round on agriculture that is going to be discussed in Geneva, for example, even the larger negotiations of the Doha development round, we are hoping to accomplish a great deal in reducing or eliminating tariff barriers and tariffs on agricultural products. In fact, it is such an important item, I think eventually we are going to start referring to this as the agricultural round. We are going to set an example. We have always tried to set an example.

Where we are, if we pass a bill that potentially violates WTO, we are giving encouragement to the competitor that we most have trouble with—Europe. Europe has about 85 percent of all of the subsidies for exports in the entire world. Europe has about a $400 billion common agricultural program.

We want that common agricultural program reduced. I think Europe knows they have to reduce it. We are going to be in a situation where we pass this legislation and, as they are looking at their common agricultural program, which they are doing, they are going to put off the big decisions of reducing that until probably the year 2005.

In the process of our complaining to them about they aren't doing enough, they are obviously going to cite not only what they believe the impact of our legislation is, but they are also going to cite that our legislation actually recognizes that as based upon this paragraph on page 35 and based upon the House bill.

I don't know why we don't live in the real world and why we don't try to deal with this. I am not saying that in a denigrating way to the Senator from Indiana. I am just saying that in a commonsense approach because he recognizes it. I suppose for the people who write the bill, they don't find an easy way to get out of it other than putting this paragraph and this language in the respective bills of the House and the Senate. This isn't directed towards Democrats because Republicans have put us in this boat as well.

I know that the White House sees this as a problem. They want us to work our way out of it. I happened to be able to have breakfast this morning with the person who is going to succeed Mr. Mooree as executive for the World Trade Organization, Dr. Supachai Panitchpakdi of Thailand. He is a parliamentarian there. He is going to take over in September. He expressed this concern to me as well. And, by the way, his country is very much a participant in the Cairns group that wants to eliminate agricultural subsidies. He reminded me, even though he has a small country, his agricultural subsidies are $1.3 billion compared to Europe's $400 billion. But regardless, he says that it does not put the United States in a very good position going into the Doha round of negotiations to be able to say to the other 142 nations, in particular, as we address the 77 developing nations within the World Trade Organization that tend to be more protective about their agriculture, and wanting to do less in this area, it doesn't put us in a very good position if we are writing legislation that we recognize is a potential violation of the world trading organization because we are exceeding the $19.1 billion that is in the amber box limit.

I have put forth some suggested amendments, a couple different approaches that I would have to confess maybe don't totally meet our requirements under the WTO, but I think tend away from heavy reliance upon price and heavy reliance upon production, which are the two items that if we tie our payments to tend to make us violate amber box requirements.

I want to work with both managers of the bill and see what we can do about this. To repeat the two or three reasons why I want to work with them, because, No. 1, we brag about passing a safety net for farmers, that safety net

should be a pretty certain safety net for the next 5 to 10 years, the length of the legislation. At a time when it is most needed, it should be most predictable what would happen.

This language tells me that the bankers, to whom we are always listening, have to know what the farm program is going to be so they can make loans to farmers. They are going to look at this and say: We really don't know.

The PRESIDING OFFICER. All time has expired.

Mr. GRASSLEY. May I have 30 seconds?

Mr. LUGAR. I am happy to yield 30 seconds of the opposition time.

Mr. GRASSLEY. No. 2, then, so that we maintain our leadership in this effort to reduce trade barriers.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, may I ask a question of the Chair? Is there 15 minutes of opposition time, minus the concession to the distinguished Senator from Iowa?

The PRESIDING OFFICER. That is correct.

Mr. LUGAR. Mr. President, the legislation offered by the distinguished occupant of the chair contains provisions that respond, in my judgment, to a number of unintended consequences for the farm sector of our economy.

I believe it is a matter of fact that in order for Senators to have a pretty good idea, at least, of how this amendment shapes up, a letter has come to me from a number of groups that are affected. Let me cite those groups. It was signed by the American Cotton Shippers Association; American Soybean Association; National Cattlemen's Beef Association; National Chicken Council; National Corn Growers Association; National Cotton Council; National Pork Producers Council; National Sunflower Association; United Egg Producers; U.S. Canola Association, and the Wheat Export Trade Committee.

They have written the following letter, which responds to the Senator's amendment:

The Senate Agriculture Committee may soon be considering legislation as part of the Farm Bill to address the issue of agricultural competition and concentration. This extremely broad legislation would give the U.S. Department of Agriculture unprecedented authority to regulate corporate relationships, commercial practices and contracts for the production of agricultural commodities.

Tough laws already exist to ensure open and fair competition throughout the U.S. economy—including agribusiness. The current laws should be aggressively enforced. Creating new laws in an already complex regulatory environment is unnecessary and could result in serious unintended consequences. Legislation limiting the ability of agribusiness to attract the needed capital for future development could harm the constituents that this legislation is intended to serve.

Risk is an ever-present element of agriculture and effectively managing risk is a fundamental goal of agricultural producers. The key to effectively managing risk involves the use of creative risk management tools. Farmers and ranchers have worked with agribusiness firms to develop creative solutions for managing risk. Implementing these solutions requires capital investment, and to attract the necessary capital, firms must offer attractive rates of return. Statutory and regulatory burdens that focus on agriculture—ignoring the broader economy—inhibit the ability of agribusiness to attract the necessary capital to stay competitive and provide innovative risk management solutions.

Unique marketing opportunities and new products present premium opportunities for producers. Placing agriculture under an isolated legal umbrella could well inhibit progress and limit the ability of agricultural producers to adopt new and innovative systems that increase profitability and sustainability. Modifying existing laws and statutes could segregate agriculture from the rest of the economy, causing capital flight and hurting long-term growth, investment, competitiveness and success of agribusiness and consequently American agriculture.

Several state legislatures have taken steps such as the ones we are concerned about, and the results have been negative not only for agribusiness, but for producers as well. For instance, South Dakota and Missouri passed well-intentioned price discrimination legislation that resulted in severe cash/spot market disruptions, and Minnesota has passed legislation that has hindered the availability of some risk management and quality-based production contracts.

In this day and age, agriculture needs more capital and human investment in order to remain productive for the long term. The undersigned organizations will not support legislation that would create unfair regulatory burdens or cause scarce capital resources to be diverted away from agriculture toward other sectors of the economy.

Sincerely,

American Cotton Shippers Association
American Soybean Association
National Cattlemen's Beef Association
National Chicken Council
National Corn Growers Association
National Cotton Council
National Pork Producers Council
National Sunflower Association
National Turkey Federation
United Egg Producers
U.S. Canola Association
Wheat Export Trade Education Committee

I find merit in what has been suggested by these groups. I regret that the amendment would add, in my judgment, burdens and costs, restrictions, and more regulations for producers. It appears to me the tools that have been created are, in fact, both innovative and do help to manage risk. I hope they will be perpetuated.

Processors use contracting, which is a specific subject of the Senator's amendment, to secure stable and consistent supplies of the products that the market desires, as well as increasing operating efficiency.

A Purdue University study of agricultural contracting conveys the concern that legislation prohibiting or impeding contracting in agriculture could spur increased coordination in agribusiness. The study discusses the need for a contract in order for a process or to guarantee a quality and consistent product to consumers. I think that is the heart of the argument.

In essence, contracting is helpful in managing risk. It is helpful, at least to the buyer, to make certain of the quality and quantity and the supply of what is required for the benefit of consumers down the trail. Therefore, I am hopeful that the amendment will not be adopted. I appreciate the spirit in which it has been offered. I hope Senators will take seriously the arguments I have presented and, even more importantly, the arguments presented by the distinguished list of agricultural producers that authored the letter I cited.

I yield the floor.

(Mrs. CARNAHAN assumed the chair.)

Mr. HARKIN. Will the Senator yield for a mild colloquy?

Mr. LUGAR. Yes.

Mr. HARKIN. I ask the ranking member, is that the letter that came last fall or is it a new one? I am not familiar with that. If that is the one——

Mr. LUGAR. It came in November of last year.

Mr. HARKIN. I think that letter is just opposed to the whole competition title that we had in the chairman's mark of the farm bill last fall.

Mr. LUGAR. I am sure the Senator is correct. There are a number of aspects of the competition title to which it would refer.

Mr. HARKIN. Yes. That is why this amendment I have offered is much more limited in scope than the broad issue they were talking about.

Mr. LUGAR. They cited contracting in that part of it specifically, but it covers, obviously, a much more comprehensive set of circumstances.

Mr. HARKIN. I wanted to make sure this wasn't a different letter. I thank the ranking member.

Madam President, when I took the chair, I had yielded some time to Senator GRASSLEY from Iowa. I thought he was going to talk on this amendment. He wanted to talk on something else. I think my time has expired on this side.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Madam President, I ask unanimous consent for 2 more minutes to respond a little bit to the letter written.

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

Mr. HARKIN. I think, again, the letter that was read addressed the entire competition title and it was comprehensive. This amendment is much more narrow. It only affects production contracts in livestock. The letter does not point out, nor have I heard anybody point out, any specific negative consequences that could occur from this very limited type of amendment. This provides for fairness in production contracting. It closes a loophole in the Packers and Stockyards Act. That act already covers production contracting in poultry and has since 1935, if I am not mistaken. But at that time there

was no such thing as production contracting in other areas, such as livestock, cattle, and hogs, it was not addressed. Since then, production contracting has become much more prevalent in livestock.

As I pointed out, in 1990, there wasn't such a thing. Now, 30 to 35 percent of all our hogs are raised under production contracts. If we will provide fairness rules for gasoline station owners, for Dairy Queen owners, or securities dealers, or others that are franchisees, to give them a little bit of fairness in their contracts, that is all we are trying to do with our cattle and hog producers.

Again, this is to close the loophole in the Packers and Stockyards Act. I cannot imagine why our cattle producers or any organization that represents them would be opposed to that. Who are they representing? What organization is going to tell my farmers they can't have protections under the Packers and Stockyards Act like our poultry producers do?

The packers, of course, want unlimited power. All we are trying to do is put in some fairness, and this amendment does that.

I thank the Chair for yielding this additional time.

Mr. ENZI. Madam President, today I rise in support of the amendment offered by Senator HARKIN. This amendment puts ranchers with production contracts under the same umbrella of protections the Packers and Stockyards Act provides to other livestock producers. Producers with production contracts, excluding those that raise poultry, are not included in the Packers and Stockyards Act. They are not protected from unfair and deceptive practices as other livestock producers are.

In a production contract, a producer provides the labor and materials to raise livestock owned by another individual, the contractor. Until recently, the contractor could be a packer or another person. On December 13, 2001, this body passed an amendment to the farm bill that prevents packers from owning, feeding, or controlling livestock more than 14 days before slaughter. This means that packers can no longer directly enter into production contracts because they would own the livestock more than 14 days before slaughter. However, the amendment we passed in December does not prevent other individuals from production contracting with producers. These producers with production contracts need the same protections other producers receive against unfair and deceptive practices.

We should not be fooled into thinking that this ban of packer ownership we passed in December will completely shrink packer influence over the market. This bill must still go to conference and the ban will face incredible scrutiny. The ban will probably go the way many similar amendments have gone in the past. Amendments that reduce the choke hold of the packers have routinely disappeared in conference. It took years of work to get mandatory price reporting into law. However, we all know the packers are still withholding a fair amount of pricing information from producers.

Many of you may be wondering why these producers need protection from their contractors. A production contract entails a large capital investment to feed, shelter, and care for the livestock that the producer does not own. Many producers have suffered through unfair treatment because their contract was too large to risk contending with the unfair practices. This great pressure from the contractor was also the reason the second part of the amendment was included.

The second portion of the amendment guarantees that the producers have the right to discuss the contract with their business advisors, landlord, managers, family, and State and Federal agencies charged with protecting parties to the contract. In States where producers already have this right, the pressure and intimidation from contractors is so extreme producers forego sharing the contents of their contracts. They fear retribution. Other producers are given contracts with secrecy clauses that prevent them from discussing the contract terms with individuals that could help protect their interests.

This amendment offers an overlooked group of livestock producers the same protections others in their industry already have. They would be protected from unfair and deceptive acts and given the right to discuss their contracts with certain individuals. I urge my colleagues to throw your support behind this amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I appreciate the arguments made by the distinguished Senator. It would appear to this Senator, however, that the objectives of the Harkin amendment are already met on the statute books. The reason I have suggested that the amendment creates confusion is that it might subject the current law to reinterpretation. To that extent, it seems to me that this amendment is not productive, except of potential confusion and difficulty. Very clearly, current statutes are against fraud, unjust practices, and abusive activity in contracting.

I say to the Presiding Officer, the groups I cited, that at least a good number of members who are subject to the competition section, as the distinguished Senator from Iowa has pointed out, and this part of it in particular, object for good reason and cite this is going to be disruptive at least in terms of their operations and capital flow in what they are doing.

For those reasons, I do not perceive the necessity for the amendment and ask Members to vote in opposition.

Madam President, unless there is further need of debate by my distinguished colleague, I yield back my time on this issue.

The PRESIDING OFFICER. All time is yielded back.

Mr. HARKIN. Madam President, parliamentary inquiry: Under the unanimous consent agreement entered into some time ago, what is the next order of business?

The PRESIDING OFFICER. The next order of business is 40 minutes of debate on the two amendments by the Senator from Montana.

Mr. HARKIN. I understand the Senator from Montana will be in the Chamber very shortly. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2607, AS MODIFIED, AND AMENDMENT NO. 2608, AS MODIFIED

Mr. BURNS. Madam President, I thank my ranking member. I assume my two amendments are in order.

Mr. LUGAR. The Senator is correct. I yield to the Senator 20 minutes of the 40 minutes allocated for debate on the amendments for his control.

Mr. BURNS. I thank my good friend from Indiana. I do not think I will take that much time because these amendments were pretty well discussed prior to the holiday break.

There was some question about a budgetary point of order. I have since modified these amendments, and they are in concert with the budget and ready for consideration because it is a change in policy on how we handle CRP, the Conservation Reserve Program.

One of the amendments limits the number of acres—these will be the new acres coming into the system or any acres that are renewed—a farmer can enroll in the CRP.

What we are seeing in rural America is that instead of selling the farm or the ranch to a younger farmer or putting the acres into production, those acres are enrolled in the CRP and they do not produce anything. In other words, the farmer who enrolls them takes the check and it is like going to Arizona—he is still getting the paycheck and still paying for the farm.

I think this is wrong. Those acres are enrolled for a good purpose. The original intent of CRP was to put marginal acres in the CRP and leave the good acres to production. What happened? The trend has reversed, and farmers are putting in some good land. It forced some of the fellows who needed to raise their production into breaking up some land that was marginal for grain production.

This one amendment calls for a limitation on the number of acres a farmer can put in the CRP. It is not the total

acres of a county or a State but for each farmer.

The other amendment deals with the form of payment. As I said, we had one payment for everything. It was designed to take those marginal acres, highly erodable acres, out of production for a conservation reason—wildlife habitat. It worked. Land was set aside. The population of upland birds, sporting birds, and wildlife returned to those areas.

Then, because payment for the acres increased, good land was being put into the CRP. That was not the intent of the Conservation Reserve Program.

What my second amendment says is we will pay higher prices for those acres that are highly erodable and should not be farmed and should be set aside for conservation purposes—in other words, it is just good conservation—and a lower price for the highly productive land because that is the land that should be in production.

I do not know how many people have gone through our rural areas, but CRP has not been a great thing for our smaller towns. One does not see dealerships. Machinery dealerships have gone away, and feed and wheat houses have gone away because good land was put into the CRP and taken out of production, and nothing happens on that land. That is not what the original intent of CRP was about.

As I stated to the ranking member of the Agriculture Committee, these issues have been pretty well aired. The purpose, as far as I can see, is good conservation. It also is good business practice.

If there are questions, I will certainly entertain some conversation on these amendments. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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, in conversations with my friend from Montana and with the staff, I understand there is a budget score on these amendments that may be a problem. In discussions with the Senator from Montana, he has obviously raised some good points. Part of the bill addresses some of the problems already. I refer to page 213 of the bill, section 212. We provide for a study on economic effects regarding the Conservation Reserve Program.

Our staffs are going to work together to develop further language, as I understand, that could be added to this section to for additional studies in the area that the Senator from Montana is concerned about, but that would not have a budget scoring implication. We will work together with the staff of the Senator to try to develop that language.

Mr. BURNS. Madam President, I thank my friend from Iowa. I don't think we have any other route until we complete this study. Maybe we can enlighten our friends down at the CBO. They came up with unbelievable numbers. We changed our language, on their recommendation. There was a point of order raised when we first offered the amendments; they were wrong then. Then they suggested the language. Now they say the language is not good enough. So here we go again.

I take issue with their numbers. However, I will not take issue with the recommendation made from the chairman of the Committee on Agriculture. We need to complete some sort of a comprehensive study of rural areas and the impact that CRP, specifically this program, has had on rural communities, when you take good land out of production or you pay the same for highly erodable land and highly productive land. I think we can work on some language.

We would like to see what happened. Maybe they will put some little fellow somewhere to work, give him a job for the next 2 or 3 months and maybe we can come back and change some of this.

It defies common sense. They say that is about all the sense I have—pretty common—but it defies common sense that this would have an impact on the budget or outlays of money when we talk about the enrollment of acres into a conservation program, designed for a good reason, but that has gone astray. We are trying to fix that. That is all we are trying to do. If it requires a study and we have to go back and visit with those people, that is what we will have to do.

I thank my friend and his staff for that recommendation. I think it is a good recommendation.

AMENDMENT NO. 2607, AS MODIFIED, AND AMENDMENT NO. 2608, AS MODIFIED, WITHDRAWN

Mr. BURNS. Madam President, I will withdraw these amendments.

If the manager of the bill will permit me a hold somewhere in there, say, if we get the language worked out, then we can reoffer these amendments, referring to the section that he recommended in his opening statement.

I appreciate the help of my good friend from Iowa.

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

The amendments (Nos. 2607 and 2608, as modified) were withdrawn.

Mr. HARKIN. I say to my friend from Montana, we will work together to try to get this language modified. I guarantee the Senator he will have the opportunity to offer that at some point before we finish this bill.

Mr. BURNS. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2602

Mr. WELLSTONE. Madam President, I call up my amendment No. 2602.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WELLSTONE. Madam President and colleagues, this is a simple reform amendment. We have done a lot of good in the farm bill—I thank the chairman, Senator HARKIN—which I really think represents a reform measure. The energy section of the bill is very important, economic development, and the Conservation Security Act, and the list goes on.

I think the amendment Senator JOHNSON offered—I was proud to offer it with him—on captive supply is extremely important. The country-of-origin label is really important. Later in this debate, we will consider a payment limitation amendment that I am in favor of which would stop subsidizing the megafarms that have driven independent producers out of business.

Part of the problem right now in the food industry is a few conglomerates have muscled their way to the dinner table exercising their raw economic and political power over independent producers, over taxpayers, and over consumers.

This debate has made me a true conservative. I am interested in putting more free enterprise into the free enterprise system. I want more competition in the food industry and more competition in agriculture.

If you support a payment limitation, you should certainly be in support of this amendment. This amendment is about stopping the flow of benefits to these large livestock conglomerates that over the years have been squeezing out the independent producers and that have also all too often represented an assault on the environment.

The amendment is simple. It says we in the Congress should and will work to help alleviate the environmental and public health threat posed by existing large-scale animal factories. However, Congress should not be subsidizing the expansion of these large animal confinement operations.

My colleagues should know that this amendment has broad support from both the farm and environmental community with groups such as the National Farmers Union, Defenders of Wildlife, Environmental Defense, Environmental Working Group, the Humane Society, the National Wildlife Federation, National Resources Defense Council, and the Sustainable Ag Coalition.

Problem: Current law limits payments under the Environmental Quality Incentives Program—we call it EQIP—to small- and medium-sized operations. Any operation with over 1,000 animal units is not now eligible for EQIP farms. Again, any operation with over 1,000 animal units is not now eligible for EQIP funds.

For colleagues who are not from agricultural States, what does 1,000 animal

units mean? It means 1,143 cattle, 714 dairy cows, 5,400 hogs, 454,545 boilers, and 66,667 turkeys.

Unfortunately, the farm bill of the House of Representatives removes the 1,000 animal unit cap, opening millions of dollars to factory farms for managing their livestock waste. The House bill also raises the current payment limitation to $50,000 a year. The Senate Agriculture Committee's farm bill also eliminates the 1,000 animal unit cap and raises current payment limits to $50,000 per year.

Over the last decade, there is little doubt and little debate that we have seen these large-scale animal factories proliferate across the Nation. These big operations have grown with little regard for environmental damage and public health threats rising from the huge amounts of animal waste generated by these operations. Many rural communities have seen drinking water supplies and recreational waters degraded. In some cases, neighboring property owners, including those who have lived in their communities for generations, have been driven from their homes as a result of the animal waste. Farmers and ranchers have joined with others in bringing legal action against these factories for the unbearable stench from millions of gallons of liquid animal feces and urine or tons of poultry waste for the degradation of surface and ground water.

This is an environmental amendment, but it is more than that. Additionally, the expansion of these factory farms has, in large part, led to the disruption of family farms. Across America you see this concentration of livestock production into fewer and larger industrial operations taking over, driving out the small businesses.

I am saying that these large operations can right now get technical assistance. They can receive EQIP money with no problem whatsoever.

But what I am saying is they want to expand. Later in the Chamber we are going to be talking about this again. If they want to expand, they will be receiving more Government money. The Government ought not be in the business of promoting this expansion by giving money to these large conglomerates which quite often are destructive of the environment and destructive of what is good for consumers and are driving independent producers out of business.

Again, Senators, I will repeat what I said earlier. There is going to be a payment limitation amendment on the floor. Anyone who is for that certainly ought to be supportive of this amendment.

It is very simple. My amendment is simple. It says new or expanding large-scale animal factories shall not be eligible to receive cost-share funds under the EQIP program for animal waste structures. Existing large animal operations would continue to be eligible.

That is a very important point for EQIP assistance. Let me be crystal clear about that. Let me also say that there has been language added in consultation with both the majority and the minority committee staff to my amendment to clarify the point that adoption of new technologies does not, absent expansion of capacity, trigger new or expanding provisions. You can always add technology. It is not a problem. We are not talking about new technology. We are talking about the actual expansion of these operations.

Another point: What you have going on with these CAFOs is some of these big conglomerates don't own just one but there is multiple ownership.

What I am simply saying is to let us do something but let us do something for the family farmers. Let us not oversubsidize corporate operations that own multiple CAFOs around the country. Some of the biggest hog producers in the United States are these large corporations that own 10, 15, or 20 CAFOs.

My amendment says if you own more than one CAFO, you don't get any taxpayer subsidy. I am sick and tired of this taxpayer subsidy in inverse relationship to need in agriculture. By the way, so are consumers, so are taxpayers, and so are the citizens we represent.

Finally, this amendment also disqualifies funds for construction of new livestock waste facilities located in a 100-year floodplain. That is a no-brainer. I don't I think even need to explain it.

But I do want to point out that this revised amendment would allow livestock operations to expand up to 1,000 animal units, even if they are in a 100-year floodplain, but would retain the restriction on establishing new facilities in the floodplain.

Colleagues, I have already made it clear that the payment goes not from 10 to 50 but 10 to 30. So we increase the payment.

I have also made the case that for those who say we ought to be targeting the assistance, we ought not to have this largess going out to the largest conglomerates, we ought not be using taxpayer money for subsidizing environmental degradation, we ought to be getting this to the independent producers, this amendment is a dream for you.

If we do not pass this amendment, you are going to have editorials, and I am sure there will be a Web site somewhere that is going to track these CAFO payments and reveal just how these integrators and corporations are receiving them. Frankly, the reason for that is Congress just gave it away.

This is a reform amendment. I urge my colleagues not to go down this road again. I urge my colleagues to retain some degree of reasonableness on the payment limit issue.

For those who support reform on the crop side, we should support this measure. If we don't pass this amendment, we will see the same abuses in the EQIP program as we have seen under the commodity programs with all of the money going to the very biggest of the operators. Let us make sure that the small and midsize producers are the ones that get the help. Let's make sure they have access to environmental quality incentive payments. Let's not open the floodgates wide to take care of the full costs of any operation no matter how large it is and no matter its environmental degradation.

I simply say the limits in my amendment are triple the size in current law and nearly 10 times larger than the current average payments. It is reasonable. I urge your support.

This is a reform amendment for agriculture. It should be adopted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Madam President, how much time does the Senator from Minnesota have?

The PRESIDING OFFICER. Nine minutes.

Mr. HARKIN. Madam President, I ask the Senator if he will yield me a couple minutes.

Mr. WELLSTONE. Madam President, absolutely. I am very proud to have the support of the chairman.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, during the 1996 farm bill debate, I successfully offered an amendment to limit cost-share funding under EQIP for large confined animal feeding operations, which is present law.

I offered that amendment because of the special environmental concerns associated with these large operations. Again, let's keep in mind, as the Senator from Minnesota said, these are large CAFOs, operations larger than 1,000 animal units. That is 4,000 head of veal, or 5,400 head of swine, with an average weight of 185 pounds. So, again, we are talking about pretty large operations.

I believe we need to help producers comply or avoid the need for regulations. I believe we should provide cost-share funds to these CAFOs to build structures that will contain waste to protect and improve water quality, and to protect the quality of the environment.

However, as the Senator from Minnesota has said, EQIP was never designed to subsidize expansion of livestock operations.

The underlying bill allows for the use of cost-share funds for existing and expanding CAFOs. This amendment, as I understand it, does not prevent the use of funds for existing CAFOs but prohibits cost-share funding for new or expanding CAFOs; that is, operations over 1,000 animal units, but with several exceptions like for operations that expand using innovative technologies.

So this amendment still allows cost-share funding for existing and smaller facilities but does not subsidize growth of the very largest livestock operations that are not yet in existence. Remember, it grandfathers the ones that are

already large. That is, the existing CAFOs are not limited or excluded.

I believe this amendment is consistent with the underlying bill. It still helps all livestock producers now in operation. But, as the Senator said, we should not be in the business of subsidizing for further expansion. I do support the amendment and hope that it is adopted.

I thank the Senator for yielding me time.

The PRESIDING OFFICER (Mr. CLELAND). Who yields time?

If no one yields time, the time will be charged equally to both sides.

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

The PRESIDING OFFICER. The Senator from Indiana is informed we are not in a quorum call.

Mr. LUGAR. I thank the Chair.

Mr. President, I yield myself 5 minutes of the opposition's time.

Mr. President, I will not, in fact, oppose the Wellstone amendment because it appears to me to be consistent with the legislation that is before us with some modification with regard to expansion. But I want to take this time to try to indicate the logic for my views on this in view of an amendment I will be offering tomorrow that is obviously a great deal more restrictive than the Wellstone amendment today or, in fact, payment limitation amendments that will be offered by distinguished colleagues.

Essentially, tomorrow, I am going to offer an amendment that would displace the entire commodities section of the bill and substitute for that a system of payments to farmers in this country that has basic, fairly simple elements, unlike the present system in which 60 percent of farmers do not receive subsidies, which includes, in most cases, farmers who are purely in the livestock business, as well as those who are involved in vegetables and fruits and various other agricultural products that do not have row crop situations.

In the current situation, 40 percent of farmers receive money, and in that group about two-thirds of the money goes to 10 percent of the farmers. As I have mentioned earlier today, using arithmetic, this reduces to 4 percent the number of farmers—principally, those in the five row crops: cotton, rice, soybeans, corn, and wheat—receiving two-thirds of the money.

I want to end all of that and, as a matter of fact, now consider every farm in America that has $20,000 of revenue. I select that figure because that at least denotes, in much agricultural literature, a farm that is a serious farming effort as opposed to a hobby farm or someone who is involved in incidental planting.

In America, there are about 800,000 farms that have $20,000 of income—farm entities that would meet that criteria. In some of these cases, these farms have an owner and those who are doing the farming and they share the risk. So both of those would count for a farm entity provided the amount of revenue coming into the farm meets my criteria.

Essentially, under my plan, each of these 800,000-plus farm entities in the country would receive $7,000 a year for the 4 years starting with fiscal year 2003. That means 100 percent of farms—not 40 percent—would receive money. That would be the safety net, the cashflow, the money that we have often talked about as saving the small family farmer and keeping everybody alive.

But it also means farmers who are now receiving hundreds of thousands of dollars a year would, in fact, receive $7,000. We would finally come back to market economics in terms of what we plant. We would come back to a situation which is clearly competitive in the world trade situation without danger of running into retaliation for trade practices which I believe the legislation in front of us now brings us to.

We would end the bubble effect of agricultural land being priced beyond that which the young farmer has any hope of meeting.

We would meet the situation of 42 percent of farmers who rent as opposed to own and do not benefit from our farm program that escalates land values artificially.

In short, we turn around a bill which I believe has very unfortunate implications for the future in agriculture to one of equity. And we do so for tens of billions of dollars less than the moneys that are now talked about in this farm bill.

That, I believe, is important for each one of us who wants to reduce deficits, who wants to take less money from the Social Security account, who wants to at least make possible some type of forum in which we might talk about medical reform and other issues that are important to the American people.

For that reason, because I am going to present that kind of an idea, I do not plan to oppose the Wellstone amendment which in fact does have some modest limitations in the livestock area. My amendment and others that deal with payment limitation really pertain principally to the CCC payment, commodity payments. It would be inconsistent to support that kind of limitation and to find that it occurred, only to find that in another part of agriculture people were able to proceed without restraint and sometimes in ways which the Senator from Minnesota has pointed out are environmentally destructive.

For these reasons, my own view is that the legislation that we now have before us in this area is in fact reform and is important. And the distinctions made by the Senator from Minnesota are there, but they are not large. Therefore, I do not plan to oppose the legislation, but I did want to explain why I took that point of view and at least the logic of my own position in view of an amendment which will be before Senators tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. WELLSTONE. Mr. President, if the other side wants to yield back time, I will.

I thank the Senator from Indiana for his intellectual integrity. The argument he made, if I understood—and I do not want to at all misconstrue his point—was that he will not oppose this amendment because that would be inconsistent with his very strong focus on payment limitation. I am thrilled because I very much want to pass this amendment. I think it is the right thing to do.

If the other side wants to yield back its time, I will as well. We can move forward.

Mr. LUGAR. Mr. President, I know of no other Senator who wishes to speak in opposition. And having called for such and not finding the same, I am prepared to yield back. Let me ask, however, for just a moment to make sure, as we check our cloakroom, that there is not someone who wants to speak and who will be precluded from doing so. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I yield 3½ minutes of the opposition time to the distinguished Senator from Iowa and 3½ minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment offered by my colleague, the Senator from Minnesota. I certainly commend the Senator's role of reversing the trend towards larger farms and greater concentration in agriculture. I have been pleased to work with Senator WELLSTONE to address a number of concerns related to concentration and consolidation in the agricultural industry. Most recently we worked together to secure passage of the bipartisan amendment to address vertical integration by limiting packer control over livestock.

While the Senator from Minnesota and I share the goal of reversing that, I am concerned that this amendment would fall short of that goal. In short, Senator WELLSTONE's amendment would have the detrimental effect on many midsize family farmers who are struggling to comply with stringent new environmental regulations by slashing the amount of funding available to make responsible environmental improvements in rural areas.

The reason I take some caution in addressing opposition to his amendment is that I complimented the Senator from Minnesota, as we were debating this bill in December, that he was going to offer this amendment. But when I held meetings in my State of Iowa during the month of January—I held several town meetings just on the farm bill— I had this concern from people who are strictly family farmers who came to my meetings. They were very concerned about the CAFO regulations that they have to meet and the fact that if they have to meet those, they may not be able to stay in livestock. They did find EQIP provisions in the original farm bill to be helpful to meet those requirements so they could stay in agriculture.

So I changed my mind, I need to tell the Senator from Minnesota. I say it apologetically, in the sense that I had encouraged him in the first instance. I think these stringent, new regulations proposed by EPA are meant to get help from the provisions of this farm bill in addressing water pollution from livestock operations. According to EPA's own estimate, the new regulations could cost producers from $280,000 to $2.4 million over 10 years.

While the goals of the new regulations are certainly commendable, we obviously have to take the financial costs of the regulations into consideration. I drew the conclusion, after my meetings in January, that it was too much for many family farmers to absorb.

Recognizing the dire situation of these farmers, last year the Senate supported the amendment I offered to the budget resolution to increase EQIP funding by $350 million in each of the next 10 years. This important funding will provide cost-sharing assistance to family farmers to help them comply with the new CAFO regulations.

The Wellstone amendment would significantly reduce the level of EQIP funding available to family farmers. According to EPA estimates, over 1,000 livestock operations in Iowa would be ineligible for EQIP funds.

Mr. President, again, I am in opposition to the amendment offered by my colleague, the Senator from Minnesota. Let me first say that I certainly commend the Senator's goal of reversing the trend toward larger farms and greater concentration in agriculture. I have been pleased to work with Senator WELLSTONE to address a number of concerns related to concentration and consolidation in the agriculture industry. Most recently, we worked together to secure passage of a bipartisan amendment to address vertical integration by limiting packer control over livestock.

While the Senator from Minnesota and I share the goal of reversing concentration, I am concerned that this amendment falls far short of that goal. In short, the Senator's amendment would have a detrimental effect on many of my state's mid-sized family farmers who are struggling to comply with stringent new environmental regulations by slashing the amount of funding available to make responsible environmental improvements in rural areas.

Mr. President, the future prosperity of Iowa's family farmers, and farmers across this nation, is currently threatened by stringent new regulations proposed by the EPA aimed at addressing water pollution from livestock operations. According to EPA's own estimates, the new regulations could cost producers from $280,000 to $2.4 million over the next ten years.

While the goals of the new regulations are certainly commendable, the financial costs of these regulations will simply be too much for many family farmers to absorb.

Recognizing the dire situation of these farmers, last year the Senate supported an amendment that I offered to the budget resolution to increase EQIP funding by $350 million in each of the next ten years. This important funding will provide cost-sharing assistance to family farmers to help them comply with these new regulations.

The Wellstone amendment, however, would significantly reduce the level of EQIP funding available to family farmers. According to EPA estimates, over 1,000 livestock operations in Iowa would be ineligible for EQIP funds. Another 500 to 1,000 could be ineligible if they expand in order to remain competitive or to comply with the new rules by building new structures with new technologies.

The bottom line is that if these family farmers are denied EQIP assistance, the result will be poorer management systems and practices, and the environment will suffer.

The farm bill reported by the Agriculture Committee makes reasonable changes to the rules of the EQIP program by limiting eligibility by a simple and reasonable payment limit—not by the size of the operation. A payment limit puts livestock and poultry operations on an even footing with the program limits for row-crops.

Without the technical and cost-sharing assistance provided by EQIP, many family farmers in my state will be forced out of business—leaving only the largest farms who can absorb the costs—and leading to even greater concentration in the industry. In this farm bill, we have made great strides toward reducing the level of concentration and vertical integration in agriculture. Unfortunately, this amendment would be a step backwards.

Over 80 percent of Iowa's farms are individually or family-owned. It's these producers I have always sought to help. These are the people who produce our food and keep main streets in rural America in business. These are the farmers who depend on the assistance from the EQIP program. It is for these farmers that I will oppose this amendment and support a strong EQIP.

The PRESIDING OFFICER. The Senator from Wyoming is——

Mr. WELLSTONE. Might I inquire, Mr. President, how much time remains?

The PRESIDING OFFICER. There are 5 minutes remaining.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise in opposition to this amendment. I think what we really have to do, as in the case of other kinds of issues, is look at what it is we are seeking to do. If the purpose of this EQIP program—which, by the way, is used thoroughly in my State with a lot of good success—is to limit the environmental impact, or if it is to help with the technical information necessary for operators to do something about the impact of the CAFO regulations or those kinds of things—if you want to try to find a way to limit the size of farms and redistribute income, those are two different things.

The purpose here is to find the most efficient way we can to deal with the most livestock out there putting the environment at risk, so we can do something about it, and to then provide it to those people who can have the most impact on doing something about the environment. That is what it is all about. It is not about trying to keep farmers smaller or having to do with size. There is a limitation under the law on how much money can go to any operator during the period of the life of the farm bill, over the 6-year period. So I think we may want to, obviously, do something about payments, total payments. That is a different question.

The question here is, how do you best utilize the resources in an effort to help farmers and ranchers deal with the question of environment and, more particularly, to deal with the regulations that have been put in place for nonpoint source pollution, and the idea of having lots and corrals and feedlots along water supply sources. I think it is very important that we look at it in a broader sense. If EQIP cost-sharing assistance is not made available to operations with a thousand animal units or more, EQIP would fail to meet the needs of the producers managing more than half the livestock in the country.

If you are trying to do something about the pollution problems and give help to people who are seeking to limit the livestock's involvement in pollution of water and nonpoint source waters, then I think this kind of a limitation is not in keeping with that purpose and indeed hinders that purpose. Like my friend from Iowa, I joined with the Senator from Minnesota on several amendments, and I certainly want to continue to do that. I just don't believe this amendment helps to accomplish the goals out there for the EQIP program. So I hope people will vote against this amendment so we can move on to accomplishing environmental solutions.

I yield the floor.

Mrs. BOXER. Mr. President, the farm bill before us recognizes the importance of environmental conservation in agriculture and provides funding for programs that support those measures. California livestock operations come in all sizes, but many of them are large operations requiring substantial environmental management activities. Access to programs that support environmental improvements is key to ensuring that the best environmental practices are undertaken on these farms.

Senator WELLSTONE's amendment, which would limit access to conservation funding based on factors like the size of the farm, falls disproportionately hard on California farmers and would ultimately slow down environmental improvements. Limitations on these payments will not eliminate those farms, it will only limit support for conservation efforts that are so critically important in these operations. For those reasons, I must vote against the Wellstone amendment and support conservation funding for California farmers.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, both my colleagues and good friends, the Senator from Iowa and the Senator from Wyoming, break my heart. First of all, actually with this amendment, under current law, if you are over a thousand animal units, you don't get any EQIP money whatsoever. Under my amendment, if you are over a thousand animal units, you can get the money. We go from $10,000 to $30,000 a year. If you are over a thousand units, you can get money. You can't right now.

We are saying that if you are under a thousand units and you want to expand to over a thousand, or you are over and you want to expand even further and you want to get bigger and bigger, at that point the Government ought not to be subsidizing this expansion.

This is a reform amendment. This is consistent with those who are in support of payment limitations. This is ranked by the environmental community as a key environmental amendment because it is crazy for the Federal Government to be subsidizing this environmental destruction.

I say to my colleague from Iowa, we are going to provide the money. Right now, under current law, if you are over a thousand animal units, you can't get EQIP money. Under this amendment, you can. If you want to expand it more and get bigger, at that point it is not appropriate for the Government to provide the payments. That is exactly what the Grassley amendment is going to say when it comes to payment limitations. It is exactly the same philosophy.

This is a reform amendment. It is an environmental amendment. It is an amendment that is for our independent producers. If you look in your State and at your producers, the vast majority of them are helped by this amendment, as opposed to current law. The only thing this amendment says is, if you want to get bigger and expand even more, at that point, you are not going to get any more Government money. This is a reform amendment. It deserves support.

I yield the floor, and if my colleagues want to yield back the remainder of their time, I will do so also.

Mr. LUGAR. How much time remains on our side?

The PRESIDING OFFICER. Fifteen seconds.

Mr. LUGAR. I thank the Chair. We are prepared to yield back that time.

Mr. WELLSTONE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. WELLSTONE. Mr. 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. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

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

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—44

Akaka	Durbin	Mikulski
Biden	Ensign	Reed
Byrd	Feingold	Reid
Carnahan	Gregg	Rockefeller
Carper	Harkin	Santorum
Chafee	Hollings	Sarbanes
Cleland	Inouye	Schumer
Clinton	Johnson	Smith (NH)
Collins	Kennedy	Snowe
Conrad	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Leahy	Stevens
Dayton	Levin	Torricelli
Dodd	Lieberman	Wellstone
Dorgan	Lugar	

NAYS—52

Allard	Edwards	McConnell
Allen	Enzi	Miller
Baucus	Feinstein	Murkowski
Bayh	Fitzgerald	Murray
Bennett	Frist	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Bond	Gramm	Nickles
Boxer	Grassley	Roberts
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (OR)
Burns	Hutchinson	Thomas
Campbell	Hutchison	Thurmond
Cantwell	Inhofe	Voinovich
Cochran	Kyl	Warner
Craig	Landrieu	Wyden
Crapo	Lincoln	
DeWine	Lott	

NOT VOTING—4

Domenici	McCain
Jeffords	Thompson

The amendment was rejected.

AMENDMENT NO. 2604 TO AMENDMENT NO. 2471

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to the vote on the Harkin amendment.

The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment closes a loophole in the Packers and Stockyards Act by including livestock production contracts under its jurisdiction. It also provides livestock producers the ability to discuss the terms of the contract with certain people, such as their attorney, banker, landlord, and government agency charged with protecting a party to the contract. It does not say they have to but they are so allowed.

Basically, since 1935, poultry producers have uncovered production contracts under the Packers and Stockyard Act but other livestock were not—for example, swine and cattle were not. But production contracts are becoming a bigger and bigger part of the establishment. Yet they are not covered under the Packers and Stockyards Act.

The two largest farm organizations, the American Farm Bureau Federation and the National Farmers Unions, as well as dozens of other farm groups, support this amendment. It does not create any regulatory burden.

As I said, we have had this provision under the Packers and Stockyards Act since 1935. If we can help Dairy Queen franchisees and gasoline franchisees, and if the poultry people have lived under this since 1935, I think it is time we give the cattle producers and the pork producers in this country the same kind of protections under the Packers and Stockyards Act.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I oppose the Harkin amendment on the basis that it is likely to confuse interpretation of the contract issue. It is a narrow issue we are discussing. The amendment offered by the distinguished chairman of the committee is a narrow issue. On balance, it appears to me to be unnecessary and redundant.

It is opposed by a host of livestock and poultry organizations for those reasons. I cited a letter from many of them with regard to a number of competitive issues that are in the bill, and this one in particular.

For these reasons, I suggest a ''no'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for all Members, this will be the last vote of the day. We have an agreement tentatively worked out that is being cleared by both sides that there will be debate on an amendment offered by Senator DURBIN tonight. There will be a second-degree amendment offered by Senator GRAMM of Texas on that amendment tonight or in the morning. I think Members can expect a rollcall vote around 10 or 10:30 in the morning,

after which there will be two amendments that will take approximately 4 hours. There will be a vote after each one of those. So we have until 3 or so tomorrow afternoon already tentatively worked out on this bill.

We also are going to try to work out a finite list of amendments. The minority and majority staffs are now working to whittle that down. It is down now, even as we speak, to a fairly small number of amendments. So hopefully there is some end in sight for this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 2604, as modified. The Senator from Iowa.

Mr. HARKIN. Mr. 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 legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

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

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—82

Akaka	Edwards	McConnell
Allard	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Chafee	Hutchinson	Sessions
Cleland	Inhofe	Shelby
Clinton	Inouye	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Thomas
Crapo	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Lott	

NAYS—14

Allen	Craig	Smith (NH)
Biden	Helms	Smith (OR)
Campbell	Hutchison	Stevens
Carper	Kyl	Thurmond
Cochran	Lugar	

NOT VOTING—4

Domenici	McCain
Jeffords	Thompson

The amendment (No. 2604), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: For the benefit of all Senators, what is next on the agenda under the unanimous consent agreement?

The PRESIDING OFFICER. That particular unanimous consent agreement has run its course.

Mr. REID. I did not hear the Chair.

The PRESIDING OFFICER. That particular unanimous consent agreement has run its course. The pending question is now the Harkin substitute.

Mr. HARKIN. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that Senator DURBIN be recognized now to offer a Durbin-Lugar amendment, as modified, regarding cropping history and nutrition, with 60 minutes for debate in relation to the amendment this evening, equally divided in the usual form, with no amendments in order prior to a vote in relation to the amendment; further, that when the Senate resumes consideration of the farm bill at 10 a.m., on Thursday, there be 5 minutes for closing debate in relation to the Durbin-Lugar amendment, followed by a vote in relation to the amendment; further, that following the vote, regardless of the outcome, Senator DORGAN, for himself and Senator GRASSLEY, be recognized to offer an amendment regarding payment limitation; that there be 105 minutes for debate in relation to this amendment, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Dorgan-Grassley amendment, with no second-degree amendments in order prior to the vote; further, that following the vote, regardless of the outcome, Senator LUGAR be recognized to offer an amendment regarding payment mechanism, that there be 2 hours for debate, equally divided in the usual form, with no second-degree amendments in order prior to a vote on the Lugar amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, the RECORD should be clear that on the Lugar amendment, the unanimous consent agreement should read: ''On or in relation to the Lugar amendment,'' rather than ''on the Lugar amendment.'' I ask unanimous consent for that modification.

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

Mr. REID. I advise all Members, we are trying to work on a finite list of amendments. We are whittling ours down significantly. The staff is going to exchange those shortly. Maybe tonight we can enter into an agreement as to a finite list of amendments on both sides.

Mr. DURBIN. Will the Senator from Nevada yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I thank the Senator for his unanimous consent request he propounded. I do not believe I am going to use the 30 minutes allotted to me, but I would like to have the opportunity to yield, during the course of that time, to the Senator from Michigan, who has asked for a brief period of time to speak.

If there is no objection, I would like to have that included in the unanimous consent request.

Mr. REID. It is certainly appropriate. The Senator has been waiting all afternoon to make this statement. She can do so whenever it is appropriate.

Mr. President, before I yield the floor, it is my understanding that Senators DURBIN and LUGAR have worked out their modification on this amendment.

Is that right?

Mr. DURBIN. Responding to the Senator from Nevada, Senator GRAMM is working on language which is coming during the course of this debate. I have agreed to accept his second-degree amendment, and I will speak to it during the course of my remarks.

Mr. REID. If, for some reason, you cannot work this out, we would have to come back later and revisit this.

Mr. DURBIN. That is correct.

Mr. LUGAR. Mr. President, may I respond briefly to the leader's comment?

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. My understanding, as Senator DURBIN has represented it, is that Senator GRAMM has offered language that has been accepted. The language is being written even as we speak. The presumption is that it will be acceptable. In the event, for some reason, it should not be, then, at that point—I suppose tomorrow morning—we would have to deal with a second-degree amendment. But, obviously, we hope we have dealt with it this evening. And I believe we have.

On a second point, I understand staff will be working—even as we debate this amendment—on the overall list. There has not been agreement, as I understand it, but, nevertheless, constructive work has occurred in defining the issues that still remain.

Mr. REID. I am confident that Senator GRAMM of Texas and Senator DURBIN will work this out. They have already agreed. You always have to be careful when people start putting things in writing; there could be a problem.

I say to the distinguished manager of the bill, the senior Senator from Indiana, in his usual, deliberate manner, with the background of being a Rhodes scholar, he has explained it better than I did.

Mr. LUGAR. I thank the Senator.

Mr. DURBIN. Will the Senator from Indiana yield?

Since I have not seen the language from Senator GRAMM, and I want to have a chance to reflect on it this evening, could we leave open the possibility, if there is any disagreement—I want to make it clear on the floor, I will protect Senator GRAMM's right to offer and debate the second-degree amendment without any objection—then I would have a chance, after his second-degree amendment has been considered, to offer my amendment.

Mr. LUGAR. That is our understanding.

Mr. DURBIN. Any disagreement would have to be reflected on the contents.

AMENDMENT NO. 2821

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRAHAM, Mr. WELLSTONE, Mr. KERRY, and Mr. SMITH of Oregon, proposes an amendment numbered 2821.

Mr. DURBIN. 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 restrict commodity and crop insurance payments to land that has a cropping history and to restore food stamp benefits to legal immigrants who have lived in the United States for 5 years or more)

On page 128, line 8, strike the period at the end and insert a period and the following:

SEC. 166. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND; FOOD STAMP PROGRAM FOR CERTAIN QUALIFIED ALIENS.

(a) RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 945) is amended to read as follows:

"SEC. 194. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.

''(a) DEFINITION OF AGRICULTURAL COMMODITY.—In this section:

''(1) IN GENERAL.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

''(2) EXCLUSIONS.—The term 'agricultural commodity' does not include forage, livestock, timber, forest products, or hay.

''(b) COMMODITIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, except as provided in paragraph (2), the Secretary shall not provide a crop payment, crop loan, or other crop benefit under this title to an owner or producer, with respect to an agricultural commodity produced on land during a crop year unless the land has been planted, considered planted, or devoted to an agricultural commodity during —

''(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

''(B) at least 3 of the 10 crop years preceding the 2002 crop year.

''(2) CROP ROTATION.—Paragraph (1) shall not apply to an owner or producer, with respect to any agricultural commodity planted or considered planted, on land if the land—

''(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

''(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

''(c) CROP INSURANCE.—Notwithstanding any provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation shall not pay premium subsidies or administrative costs of a reinsured company for insurance regarding a crop insurance policy of a producer under that Act unless the land that is covered by the insurance policy for an agricultural commodity—

''(1) has been planted, considered planted, or devoted to an agricultural commodity during—

''(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

''(B) at least 3 of the 10 crop years preceding the 2002 crop year; or

''(2)(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

''(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

''(d) CONSERVATION RESERVE LAND.—For purposes of this section, land that is enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C.3831 et seq.) shall be considered planted to an agricultural commodity.

''(e) LAND UNDER THE JURISDICTION OF AN INDIAN TRIBE.—For purposes of this section, land that is under the jurisdiction of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) shall be considered planted to an agricultural commodity if—

''(1) the land is planted to an agricultural commodity after the date of enactment of this subsection as part of an irrigation project that—

''(A) is authorized by the Bureau of Reclamation or the Bureau of Indian Affairs; and

''(B) is under construction prior to the date of enactment of this subsection; or

''(2) the land becomes available for planting because of a settlement or statutory authorization of a water rights claim by an Indian tribe after the date of enactment of this subsection.''.

(b) PARTIAL RESTORATION OF BENEFITS TO LEGAL IMMIGRANTS.—Section 403(c)(2)(L) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(L)) (as amended by section 452(a)(2)(A)) is amended by inserting ''provided to individuals under the age of 18'' after ''benefits''.

(c) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—

(1) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 452(c)(2)) is amended by adding at the end the following:

''(M) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who has continuously resided in the United States as a qualified alien for a period of 5 years or more beginning on the date on which the qualified alien entered the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on April 1, 2003.

Mr. DURBIN. Mr. President, I thank my colleagues who are cosponsoring this amendment, Senators HARKIN and LUGAR, who come to this floor in their capacities as chair and ranking member of the Agriculture Committee, both of whom have joined me in cosponsorship of this amendment, together with several of my other colleagues.

What we are trying to do in this amendment is twofold. In the first instance, we are trying to avoid overproduction on farmland in America that would be encouraged by the farm bill—not by the market, not by any other consideration. We don't want to create a farm bill which pushes farmers into overproduction, bringing prices down. What we are trying to do is to increase production but only in a way that is at a price level, a cost level so that a farmer can make a fair living. And so we are trying with this amendment to protect from that possibility.

The second part of the amendment sounds so totally unrelated, people may wonder why it is in the farm bill. The second part relates to the Food Stamp Program. If my colleagues are aware of the Department of Agriculture, they know that it administers the Food Stamp Program. A decision was made some years ago—I will address it in my remarks—that those who are legal immigrants to the United States would not qualify for food stamps. On reflection, we have seen that the victims of that policy have primarily been poor children in America. I am heartened by the fact that President Bush, in his budget message, has decided to change this policy. He has said that we will allow legal immigrants to receive food stamps. That is the right and humane thing to do. It is the right thing to do to make certain children are healthy. If we are going to have a strong Nation, we need healthy kids. So the second part of my amendment addresses the restoration of eligibility for food stamps for legal immigrants.

Senator GRAMM of Texas has his own opinion as to what we should include in the food stamp portion of the amendment. He is preparing that now. We have discussed it briefly. I will repeat what I said earlier: If the second-degree amendment that he has proposed ends up being something I cannot personally accept, I promise that I will protect his right to offer and debate that amendment and bring it to a vote before there is a vote on my amendment. So there will be no disadvantage to Senator GRAMM, even if there is some disagreement in terms of the content of his amendment.

Let me speak briefly to what my overall amendment does. This amendment has one basic purpose, and that is to provide a safety net for farmers

without distorting the marketplace. Everybody in this debate on the farm bill wants to protect farmers. I hope we can agree that we don't want to do it at the expense of the supply and demand laws which govern our economy.

This amendment will help to meet both goals. It simply states: Crop support payments will not be made for crops that are grown on land that is not already being used for agricultural production. It only applies to land that has not been cropped even 1 year in the past 5 years or 3 years in the past 10. So if I am a farmer in downstate Illinois and I have acreage that has not been used for agricultural production, even 1 year out of the last 5 or 3 out of the last 10, I cannot bring that into the program and say: Now that you have a farm bill that may compensate me, I am going to produce on this land and I am going to get payments from the Federal Government.

That land was taken out of production for market reasons or other reasons. And we believe that no farm bill should drag it back into production.

If I am a farmer, though, and want to produce on the land, that is my right; I own the land. But I can't go to the Federal Government, having made that decision, if I haven't put a crop on that land for 1 out of 5 years, 3 out of 10 to support this effort.

I yield to the Senator from Michigan.

(The remarks of Mrs. STABENOW are located in today's RECORD under ''Morning Business.'')

Mr. DURBIN. My goal is to make certain that farmers make decisions based on the marketplace, not based on the farm bill, particularly when it comes to that land that has not been in production. That is what this amendment seeks to achieve.

It is in no way a restriction on a farmer's freedom. A farmer is still free to plant any new ground he wishes. What we are talking about is eligibility for Federal payments. The amendment uses an extremely broad definition of agricultural commodity. Farmers can switch crops on land and, despite that switching of crops, not lose eligibility under this amendment. That is only fair because in many good farming practices, that is done on a regular basis. It allows long-term crop rotation, permits an exception for that. There are some lands primarily used for hay but that may be cropped 1 or 2 years between hay plantings. This amendment would not deny support payments to the crops during that period. However, it is intended to be a narrow amendment, only for those who can demonstrate that they have both established and are maintaining such long-term rotation.

The amendment does not interfere with the CRP program in any way. The Conservation Reserve Program is an important program. It conserves America's natural resources. This amendment simply provides that when farmers decide to plant on new ground, they will do it because of the market, not because of Government subsidy.

Prior to the 1996 farm bill, the farm policy of our country recognized that our support programs could drive up supply. So for decades, farm policy attempted to limit subsidies in one form or another.

This was done through various definitions of base acres. I remember as a Member of Congress for many years in the House, and now in the Senate, dealing with farmers who were trying to establish their base acreage and qualifications eligibility for Government payment. In 1996, Congress did away with all these rules on the theory that it was going to phase out support payments.

We now know that, at least today, we can't phase out support payments without jeopardizing our farms. However, we need to be careful that we don't inadvertently encourage farming of new land when market conditions don't warrant it.

In essence, under prior farm policy, support payments had a foot on the pedal driving new production, but also with a foot on the brake. New policy, as currently envisioned, fails to add in the brake. That is what this amendment does.

This amendment will not reinstate it completely, but it will ease up on the pedal. The farmers can still drive themselves into new cropland, but the Government would no longer drive them there.

What is the environmental impact of this amendment? The facts show that this amendment is needed. According to the USDA, the United States lost 22 million acres of grassland between 1982 and 1997. The vast majority of that became new croplands.

This occurred even while the Federal Government was laying out roughly $30 billion over the same period to take more than 30 million acres of cropland from production through the Conservation Reserve Program, the twofold purpose of which was to increase conservation efforts and limit supplies so as to boost prices.

What this means is that while our Government was trying to limit supplies in order to boost prices on the one hand, it was effectively encouraging farmers to convert new land into cropland on the other. This has undoubtedly contributed to the current situation in which farmers have faced record low prices in recent years.

This loss of grassland as an environmental impact throughout the country contributed to the decline of many bird species that nest in grasslands. Grassland birds as a whole are the most threatened category of birds in our country. This amendment makes environmental sense as well as economic sense.

This amendment has the added benefit of saving money. The Congressional Budget Office estimates that the Durbin amendment would reduce crop overproduction which will result in $1.4 billion in savings over the next 10 years.

Let me tell you that the second half of the amendment takes the savings and uses it for the Food Stamp Program. The savings generated by this bill will further strengthen the nutrition title of this same farm bill. This is really a farm and nutrition bill. I think addressing the Food Stamp Program along with the farm program is appropriate because both are under the jurisdiction of the Department of Agriculture.

Food stamps are a part of our Nation's first line of defense in America to protect families in a recession. Now, as we reauthorize the Food Stamp Program, we should make sure to effectively put into place protections against economic downturns.

This farm bill passed by the Agriculture Committee makes some important changes in the Food Stamp program. I join in thanking the committee's ranking Republican for the hard work he has put into this section of the bill.

Here is what my amendment does. It restores eligibility for the Food Stamp Program to legal immigrants who have lived in the United States for 5 years or longer. I will repeat, it restores eligibility for legal immigrants living in the United States for 5 years or longer.

This amendment will be an addition to the immigrant restoration provisions already in the farm bill, including the immediate restoration of eligibility to all poor children. I salute Senators LUGAR and HARKIN for that provision. I will not go into a long story about how important immigrants have been to the United States. Suffice it to say that my mother was an immigrant to this country. I am proud of that fact, and I am happy to be a first-generation American and to have this chance to serve as a Senator from the State of Illinois. I keep in my office, very near my desk, the framed copy of my mother's naturalization certificate. I am very proud of it. I look at it every day as a reminder of my family and a reminder of from where I came. I think it is a reminder to all of America how many of us are close to new immigrants in this country.

At the turn of the century, many of our relatives arrived from all over the world. They were poor and didn't speak the language, and they came looking for a better life. At that time, survival meant sending all members of the family to work. Young children worked in factories and sweatshops instead of going to school.

Eventually, we realized that families should not have to send their 7-year-old to work just to be able to put food on the table. Jane Addams of Illinois, quite a well-known figure in Chicago with her settlement houses, was one of the great American social reformers. She inspired us to lobby for child labor laws because of her experiences with the working men, women, and children in the immigrant neighborhoods of the city of Chicago.

Those arriving in the United States today are no different than our great

grandparents. And we continue to rely on immigrants to fill jobs at all levels of the workforce.

Legal immigrants here not only work, they pay taxes. The National Academy of Sciences and the National Research Council conducted studies that show that, overall, immigrants pay more in taxes than they use in government benefits.

Allow me to digress and tell you that a little over 2 weeks ago I was at an air base near Kabul in Afghanistan. I ran into a soldier from Illinois. He told me of his high school in the suburbs of the city of Chicago, and he said: When I get through with my Army experience here, can I come to your office and will you help me to apply to become a citizen? He is a member of the U.S. Army, a soldier risking his life fighting terrorism in Afghanistan, but he is from Panama. He is legal here, and he volunteered to serve this Nation, but he is not a citizen. I said of course I would help him. He is a legal immigrant to America who would be denied, under many circumstances, food stamps. Yet he has volunteered and is serving our Nation in uniform. How do you make any sense out of that kind of policy? This amendment tries to do that. It says immigrant families with children, who tend to have lower income levels than native-born families with children, need a helping hand with food stamps.

Most low-income children of immigrants live in working families with two parents who are married. The vast majority of legal immigrants are not permitted to receive food stamp benefits.

In 1996, as a result of changes in the law, the Physicians for Human Rights interviewed 700 legal immigrant families and found that adults in one out of three households had skipped meals in the previous 6 months. One in ten recalled missing a meal, not being able to eat for at least a whole day. One in four reported cutting the size of a child's meals due to inadequate resources.

The Urban Institute reports that, nationwide, 37 percent of all children of immigrants live in families that worry about providing food for the table. In California, Illinois, and Texas, legal immigrants' food insecurity rates were seven times worse than the general population in our country.

These harsh eligibility rules today translate into future citizens not getting the benefits for which they are eligible. The vast majority of immigrant families are mixed-status families that include at least one U.S. citizen. That citizen is typically a child. When legal immigrant parents are not aware that their children are eligible for food stamps, the kids don't get enough to eat.

Participation in the Food Stamp Program among children with legal permanent resident parents dropped 40 percent from 1994 to 1999, without a corresponding decrease in need.

Can America be a better place if these children who are legally in the United States don't receive the proper nutrition? If they suffer disease and illness, if they are not prepared to learn, and if they come to a classroom and can't stay awake and are listless because of not having enough to eat, how can we be a better Nation?

Since 1996, many States have worked to pick up the slack. Seventeen States, including mine, provide State-funded food stamps to some or all legal immigrants who are ineligible for the Food Stamp Program—because of the changes in the law. In most of the States, eligibility is limited to very narrow categories of immigrants.

On Monday, President Bush released his fiscal year 2003 budget proposal. I am certain there will be many items I will disagree with in that proposal. But I congratulate him for including a restoration of benefits for legal immigrants identical to that in my amendment.

When this provision was first made public in January, a senior administration official was quoted as saying:

> We believe this will go a long way to meeting the needs of children and adults who need additional benefits. It will allow them to have access to nutritious food and will improve their well-being.

Applause to the President and to the White House. Congratulations for a good idea, a bipartisan idea.

The author of this idea of limiting food stamps to legal immigrants was the former Speaker of the House, Newt Gingrich, who was also the author of the Contract with America. He said this in the New York Times last month about that decision in 1996:

> In a law that reduced welfare by more than 50 percent, this is one of the provisions that went too far. In retrospect, it was wrong.

Even Speaker Gingrich can have this epiphany and realize that a mistake was made. I acknowledge and congratulate him for publicly saying this and saying why this amendment is so important.

What we have learned from the 1996 cuts is that making food stamp benefits available to legal immigrants doesn't open the floodgates at our borders. The average food stamp benefit is $74 a person monthly—not exactly a fortune. It is difficult to imagine families flocking to the United States because they could be eligible for food stamps if they just wait legally for 5 years.

Food stamps do not bring families to the United States who would not otherwise come here. It is a vital support for low-income families.

This amendment is a bipartisan opportunity to support farmers throughout America with a sensible limitation so there will not be overproduction, and to take the savings from that limitation to provide food for needy children of legal immigrant families.

This is a bipartisan amendment. It is one that does the right thing. I am pleased my colleagues, Senator LUGAR and Senator HARKIN, and President Bush have joined in supporting this concept. I hope all my colleagues on both sides of the aisle will vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Who yields time?

Mr. WELLSTONE. I ask the Senator from Illinois if he has 5 minutes.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Nine minutes 10 seconds.

Mr. DURBIN. I am happy to yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am honored to be a cosponsor of the Durbin amendment which makes legal immigrants who have lived in this country 5 years eligible for food stamps.

My colleague from Indiana, Senator LUGAR, has been a strong advocate as well, and a number of Senators voted for Senator LUGAR's amendments which work to improve the nutrition programs.

First a disclaimer. On this whole question of illegal immigrants, we are all products of our personal experience. I remember during the debate on the welfare bill in 1996, one of the things I said was that to vote for the bill would be to me like cutting off my hand because I am a son of immigrants. I am first-generation American. My father fled persecution from Ukraine and Russia.

The Senator from Illinois mentioned the former Speaker saying we went too far, and I felt that way. I had a number of objections; I never understood what we were doing. I thought it was too harsh, too punitive.

Then in 1998, Congress restored some of the benefits to categories of immigrants. It was children, elderly, and disabled, but only if they were here prior to 1996.

The Food Stamp Program is a critical safety net program and, by the way, an astounding success. This is a program that has made a huge difference.

One of the problems is, even if the children are eligible and the parent or parents are not eligible, it does not work. Quite frankly, it does not work. One of the reasons we have seen this huge decline, which should concern us—since the bill passed, there has been maybe a 25- to 35-percent decline in food stamp participation—is because of these cuts. Even when the children are supposed to be helped, if the parents are not eligible, they do not know about it, they do not know where to go, and they are not able to help their kids.

This amendment is about helping a lot of people. Altogether, 360,000 legal immigrants would be helped—men, women, some elderly, some middle aged, some children. It is the right thing to do. It corrects a huge injustice.

I also give credit to the White House for taking a strong lead on this. I give credit to my colleagues, Senator DURBIN and Senator LUGAR, and I know Senator HARKIN supports this effort. There is bipartisan, strong support.

I wish to say one other thing which is a little bit different, and it is not inconsistent with what I just said but is interesting to me. This is a social justice amendment. I thank Senator DURBIN for it. It is the right thing to do. It is extremely important to get this assistance to families who need this assistance.

The other thing that has happened, as opposed to 1996—and I think of Minnesota—is in a way we have new politics in Minnesota and new politics in the country. The immigrant populations—my mother, father, and grandparents did this as well—are finding a voice. They are becoming active in their communities. They are becoming their own leaders. They are speaking for themselves. They are becoming a political force, and there is much more recognition of who they are, what their needs are, and how we can support them.

There are so many activities going on in the country right now that are so important and positive for these immigrant communities.

Unfortunately, in my opinion, these cuts were not the only harsh feature of the welfare bill, but this was one of them. This amendment improves on the Agriculture Committee's work. That work in the committee vastly improved on the mistakes we made in 1996. This is a hugely important amendment, and I am very proud to support it.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, although I will speak in favor of the Durbin amendment, I note there are no Senators present who are prepared to speak in opposition to it. Therefore, I ask unanimous consent that I be able to yield myself 30 minutes from the opposition.

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

Mr. LUGAR. I yield myself as much time as I may require.

Mr. President, I appreciate very much the advocacy of Senator DURBIN in bringing forward this amendment. I believe he has rescued a situation that has been well described by my colleague, Senator WELLSTONE, a valued member of the Agriculture Committee, and Senator HARKIN, our chairman.

We worked together to try to provide a much stronger safety net for nutrition in this country. As it turned out, in some of our deliberations—and the distinguished Presiding Officer was there for those—there were many Senators who during that period of time questioned when we were going to get to the commodity section and what money would be left at the end of the trail as we dealt with very vital issues of community development, research, loans for young farmers—many issues that have been resolved in a very strong bipartisan fashion.

As a result, the amendments I offered at that time were a bridge too far. I have been rescued by Senator DURBIN and by the President of the United States in a bipartisan way because as it now turns out, it may be possible through this amendment to find resources that, in fact, restore us to a situation we might have attained during our deliberations.

Let me follow through on many of the arguments the distinguished Senator from Illinois has made. Simply, the amendment generally prohibits taxpayer-provided crop insurance and farm program benefits on acreage which has not been cropped at least once in the last 5 years or 3 of the last 10 years from the time of the enactment of the farm bill.

Exceptions to this general prohibition are made for acreage idle in the Conservation Reserve Program. That has been a major objective of the committee and the Senate and for long-term crop rotations as determined by the Secretary of Agriculture.

The amendment does not change the structure of farm commodity programs as they have been designed in the underlying bill.

The bill would still have higher marketing loan rates, a new commodity-specific countercyclical payment program for major crops, and all the other commodity provisions we previously discussed.

As I mentioned earlier in the debate this afternoon, I will be offering an amendment tomorrow that will radically change the whole commodity payment system, but this amendment does not. It is benign with regard to everything that has preceded and should be debated on its own merits.

In this respect, the Durbin amendment offers much less commodity title reform than I would like, and I admitted as much as a preview of what may be coming. Nevertheless, it makes an attempt to lessen the overproduction problem that will surely only worsen if we approve the underlying farm bill without change.

The Congressional Budget Office has scored the Durbin amendment as saving $1.4 billion over 10 years in the commodity title of the underlying farm bill, and that is not an immodest saving. I appreciate and support my colleague's proposal to improve the Food Stamp Program with the savings, and his allocation of that, it seems to me, is highly merited.

With the amendment, the Senate farm bill will now incorporate proposals I made originally and President Bush's budget proposal. It does both. The President and I are grateful to have found this partnership with Senator DURBIN and with our distinguished chairman, Senator HARKIN, as Senator DURBIN mentioned. These new rules restore the extension of regular food stamp eligibility criteria to legal immigrants, and Senator DURBIN has stressed that, as I do.

A question has been raised in previous debates on food stamp eligibility, and let me be unambiguous. We are talking about legal immigrants who meet either a 5-year U.S. residency or 4-year work requirement. Those are fairly strong thresholds. Combining these with Senator HARKIN's proposal to extend eligibility to all immigrant children will improve the Food Stamp Program's capacity to serve the vulnerable, but we do not offer a free ride. The criteria I have illustrated again, as Senator DURBIN has, are substantial.

Currently, most legal aliens are ineligible for food stamp benefits even if they meet that program's strict asset and income criteria. An estimated 500,000 legal immigrants who meet the financial rules remain categorically ineligible under current law. In addition, these rules have had the unintended effect on citizen children living in immigrant families. Because of confusion, fear, or a combination of these factors, there has been a 70-percent decline in food stamp participation among this group of children. That is an awesome change as to children who clearly were eligible.

Although immigrant restrictions apply to participation in other Federal assistance programs, the Food Stamp Program has particularly strict rules. For example, in Medicaid and cash assistance, also known as TANF, legal immigrants in the United States before August 22, 1996, are eligible, at State option, under the same rules that apply to all others.

In contrast, most adult legal immigrants here before that date are categorically ineligible for food stamps until they meet the 10-year work requirement. Further, children who emigrated after 1996 remain ineligible until their parents meet the work requirements or become citizens.

Considering the fact many legal immigrants work in low-paying service jobs, they are among the first affected during economic downturns such as the one we are now enduring. The current immigrant work requirement thus penalizes those who have little or no control over their employment situation. The food stamp immigrant provisions that would result from the Durbin amendment do not open the door to those who come to the United States looking for a handout. Rather, they help children who are unable to support themselves, individuals who came to escape persecution in their native countries, and adults who have a documented work history or support from their U.S. sponsors.

There is genuine need among this population. Studies of both local and national scope indicate serious food insecurity and hunger occur. For example, the Physicians for Human Rights reported that among 700 immigrant families, adults in one-third of them skip meals; one-fourth cut meal size

due to inadequate resources; one-tenth reported not eating for an entire day at least once in the last 6 months.

States are vocal about the problems created by current eligibility restrictions for immigrants. Sixteen of them provide food stamp replacement benefits with their own funds. Many others, according to the National Conference of State Legislatures, have appropriated additional resources for food banks and a variety of charitable programs serving the immigrant population.

The Food Stamp Program is the foundation of our country's nutrition safety net for vulnerable people. Until 1996, eligibility was based only on a family's financial need. Many, including President Bush, now voice the opinion that the food stamp immigrant policies legislated at that time were too harsh. I congratulate the President for his advocacy and the publicity that has surrounded that. It was a high-profile advocacy.

I ask that each of us in the Senate endorse the Bush administration's food stamp policy by voting for Senator DURBIN's amendment, which the Senator has pointed out encompasses exactly the same goals. It is our opportunity, in a bipartisan way, hopefully in a unanimous way, to improve the capacity of the Food Stamp Program to operate as a genuine nutrition safety net for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

JEAN MARIE NEAL

Ms. STABENOW. Madam President, I rise to invite Members and staff to join me and my staff as we celebrate and thank this evening, in the Mansfield Room, Jean Marie Neal, who has been my chief of staff for the last year, my first year in the Senate. While I understand the rules of the Senate do not allow me to acknowledge her presence in the gallery, I do want to indicate that I believe it is important to recognize the service of this wonderful woman who has spent 21 years in the service of the Congress, the majority of that in the Senate, working for Senator Dick Bryan.

It is important to note that when we have someone who is dedicated to the Senate, to helping us achieve our goals, to be able to put forward those matters that allow us to represent our constituents and make our States and our country better places, that when that person decides to retire from their position and move on to other challenges, it is important that we recognize them and say thank you. That is what I want to make sure we are doing officially this evening in the RECORD of the Senate.

We have enjoyed in the last year the wonderful leadership of Jean Marie Neal in my office. As you know, I came from the House of Representatives and, while bringing some outstanding people with me, we had to put together a team of staff. It was under Jean Marie's leadership that we were able to find outstanding people who had been in service both in the Senate as well as in other places and who have come now to be a part of my office and my team.

As we come into our second year, we are building on a foundation and a gift that she gave me of putting together a wonderful team that is committed and intelligent and loyal and hard working. We in our office are going to miss her greatly, and we are very grateful for all of her hard work.

I know her previous employers, Senator Bryan and Congressman JOHN SPRATT, and all of those who have come in contact and have benefited from Jean Marie's intelligence and hard work and loyalty and ability to see and create a vision in terms of the office, as well as issues and advocacy for our States, are really happy for her.

Again, I invite anyone who is within earshot to come by until 7 o'clock this evening and join us to have an opportunity to celebrate Jean Marie's service to the Senate and to thank her for that and to wish her well as she moves on to, I am sure, many more successes.

AMERICA'S UNINSURED

Mr. SMITH of Oregon. Madam President, I come to the floor once again to talk about the uninsured in America. I think it is important that, as we sink our teeth into this year's budget, we remember the men, women, and children who live, work, and go to school every day without health insurance, knowing that any illness could threaten their livelihood and even their lives.

I have spent a great deal of time in recent months learning about the uninsured—who they are, why they have no health coverage, the effects on individuals and their families, and what can be done to resolve this crisis.

This year, the president's budget contains $89 billion to help the uninsured. This is no small number, to be sure, and it demonstrates the president's commitment to providing health coverage for all Americans; however, this proposal is only projected to provide coverage for up to six million of the forty million uninsured—leaving thirty-four million men, women, and children without health insurance. Therefore, I see the president's proposal as a starting point from which to make insurance both more accessible and more affordable for all working families.

Yesterday I pressed Office of Management and Budget Director Daniels to explain how the uninsured would fare under the president's new budget proposal. I also met with Centers for Medicare and Medicaid Services Administrator Tom Scully to urge him to assist in improving upon President Bush's proposal to provide health coverage to more low-income Americans.

In my visits to community health centers across Oregon, it has become clear to me that the uninsured—working mothers, fathers, children, single adults, students—are not interested in budget battles that may prevent action on this important matter. What Americans need is access to high quality, affordable health insurance. There are a lot of good ideas out there to help the uninsured, but no single proposal is going to help or please everybody. We need to take the best these plans have to offer and come up with a comprehensive solution as soon as possible.

There has never been a better, or more important, time to act with respect to the uninsured. I understand the demands on our treasury are great as we fight the war on terrorism both at home and abroad; however, the demands on our health care system are also increasing. With a recession and rapidly rising health care costs, more and more Americans will find themselves without health insurance. This is no time to ignore them. I look forward to working with my colleagues and the Administration to find a way to make room for as many of them as we can in this year's budget, as we work toward a day when every American has access to high quality health care coverage.

MENTAL HEALTH

Mr. DURBIN. Madam President, I submit for the RECORD an article that ran in The Washington Post yesterday about the discrimination that individuals with a history of mental illness face in our current health insurance market. The story documents the dilemma of Michelle Witte who was denied health insurance coverage because she was successfully treated for depression during her adolescence. In fact, more than 50 million Americans each year suffer from mental illness. About 19 percent of the Nation's adults and 21 percent of the youths aged 9 to 17 have a mental disorder at some time during a one-year period.

Last Congress I introduced legislation to address the barriers faced by Michelle Witte and thousands like her who have been treated for a mental condition. I plan to reintroduce this legislation this spring, and I urge my colleagues to join me in this effort.

The Mental Health Patients' Rights Act limits the ability of health plans

to redline individuals with a preexisting mental health condition. I undertook this initiative when I learned that some of my constituents were being turned away from health plans in the private non-group market due solely to a past history of treatment for mental conditions. Unfortunately, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult to obtain private health insurance, especially if they must purchase it on their own and do not have an employer-sponsored group plan available to them. In part this is because while the Health Insurance Portability and Accountability Act, HIPAA, protects millions of Americans in the group health insurance market, it affords few protections for individuals who apply for private non-group insurance. While the majority of Americans under age 65 have employer-sponsored group coverage, a significant minority, approximately 12.6 million individuals, rely on private, individual health insurance.

The Mental Health Patients' Rights Act closes this loophole by limiting any preexisting condition exclusion relating to a mental health condition to not more than 12 months and reducing this exclusion period by the total amount of previous continuous coverage. It prohibits any health insurer that offers health coverage in the individual insurance market from imposing a preexisting condition exclusion relating to a mental health condition unless a diagnosis, medical advice or treatment was recommended or received within the 6 months prior to the enrollment date. And it prohibits health plans in the individual market from charging higher premiums to individuals based solely on the determination that the individual has had a preexisting mental health condition. These provisions apply to all health plans in the individual market, regardless of whether a state has enacted an alternative mechanism, such as a risk pool, to cover individuals with preexisting health conditions.

The Mental Health Patients' Rights Act complements ongoing efforts to enhance parity between mental health services and other health benefits. This is because parity alone will not help individuals who do not have access to any affordable health insurance due to preexisting mental illness discrimination. The Patients' Rights Act does not mandate that insurers provide mental health services if they are not already offering such coverage. It simply prohibits plans in the private non-group market from redlining individuals who apply for general health insurance based solely on a past history of treatment for a mental condition.

I have also asked the General Accounting Office to examine the types of mental health conditions for which individual health insurers typically underwrite; the degree to which there is an actuarial basis for these carrier practices; the prevalence of medical underwriting for mental health conditions that results in denying coverage or raising premiums; and the extent of state laws that prevent or constrain insurers from denying coverage or raising premiums due to a history of mental health conditions, including consumer protections such as appeals procedures and access to information. This report is due out next month.

It simply does not make sense that a person is rendered uninsurable for all health needs simply because he or she seeks treatment for mental illness. I invite my colleagues to enlist in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage.

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

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

[From the Washington Post, Feb. 5, 2002]

SECOND OPINION: THE PERILS OF DOING RIGHT

(By Abigail Trafford)

Michelle Witte did everything right. She graduated from the University of Maryland last June with a degree in English. She got a job she loves with a Washington communications firm that is too small to qualify for a group health plan. But her employer will pay for an an individual policy, so she applied to CareFirst BlueCross BlueShield. In answer to questions on the form, she stated that she has chronic asthma and had been prescribed antidepressant medication for a short period when she was in high school.

The health plan rejected her.

''Upon review of the Individual Health Evaluation Questionnaire, you have documented that you have been or are currently being treated for depressive disorder,'' stated the letter from the health plan. ''Based upon our medical underwriting criteria, we are unable to approve this coverage for you.''

''I just think it's shocking,'' said Witte, 23. CareFirst has refused to comment on the case. But in its official reply to her application, the plan expressed no concern over her ongoing problem of asthma. It was one episode of successfully treated depression in adolescence that turned Witte into a health plan pariah. ''It didn't occur to me that it could be such a liability,'' she said.

This is how discrimination works against people with mental diseases. For all the rhetoric about removing the stigma of mental illness and treating disorders of the brain the same way as disorders of the body, the bias persists. A physical disease like asthma is okay; a mental disorder like depression is not.

If anything, Witte ought to be a prized health plan client. She has demonstrated that she knows how to take care of herself. Six years ago, when she was in high school, she developed anorexia, an eating disorder. Her parents promptly took her to a psychiatrist at Children's National Medical Center who diagnosed depression and prescribed a six-month course of the antidepressant Zoloft. Witte responded well. She overcame her eating problems. She has had no problems with depression since that time.

How many teenage girls try to keep their destructive eating habits secret? How many go for years without proper treatment? They can end up needing hospitalization and may suffer long-term complications. In the end, that is much more expensive to a health plan than covering outpatient psychotherapy and medications for six months.

In short, Witte and her parents—her father works for the federal government, her mother for a health maintenance organization—did everything right in getting prompt treatment. ''It was a success story,'' said Witte. ''I'm a proponent of drugs when they're used properly. They can really help.''

Why should she be penalized for being a success story?

It's legal for health insurers to consider a person's health status when they offer individual policies. Otherwise some people might not buy insurance until they were diagnosed with a major medical problem and needed coverage to get care.

But this is obviously not the case with Witte, a healthy young woman who runs regularly and likes to take day-long hikes. As a health insurance reject, she is eligible for programs designed for high-risk individuals, but the costs of coverage are generally higher and the benefits more limited compared to a regular plan. That's a steep price to pay for having had a six-month prescription for Zoloft.

In many parts of the country, the infrastructure of mental health services is unraveling. Headlines have rightly focused on the collapse of public programs for people who need government-funded treatment.

But a much larger population with mental disorders remains in the private sector. They are holding jobs and raising families. They rely on private insurance and private therapists for treatment. Support for them is eroding, too, as insurance agencies stint on payment for mental health services, managed care plans place limits on benefits, and the burden of co-payments and other out-of-pocket expenses continues to increase.

Even people with good jobs and supposedly good health coverage are hurting. One man who works for the federal government has been treated for major depression since his first episode at age 38. He has seen the same psychiatrist, who monitors his medications and provides psychotherapy, every week for 15 years.

This year his insurance plan has eliminated the more generous high-option policy that covered 50 visits to the doctor. His current plan, with a premium that is a few dollars cheaper every month, covers only 25 sessions. His psychiatrist charges $165 an hour; the plan now covers about half the hourly fee, and only half the time. Bottom line: His doctor bills come to $8,250 a year. His plan pays $1,800; he pays the rest.

''It's not fair,'' he said, ''it has to cost us so much money when there's supposed to be parity'' in coverage of mental and physical illnesses. ''Parity keeps slipping away.''

The president last week came out in favor of patients' rights. That ought to include the millions of Americans with mental illness.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 17, 1993 in Portland, ME. Two men assaulted a father and son they mistook for a gay couple. The assailants, James G. Miezin, 23, of Parma, and Thomas J. Lengieza, 22, were charged with harassment and assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office.''

S. 970. An act to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the ''Horatio King Post Office Building.''

S. 1026. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building.''

S. 1888. An act to amend title 18 of the United States Code to correct a technical error in the codification of title 36 of the United States Code.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 577. An act to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised.

H.J. Res. 82. An act recognizing the 91st birthday of Ronald Reagan.

The message further announced that the House has disagreed to the amendment of the Senate to the bill, H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purpose, and agrees to the conference asked by the Senate on the disagreeing votes of the two House thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. HYDE, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. CONYERS, Mr. FRANK, Mr. SCOTT, and Ms. BALDWIN: Provided, That Mr. BERMAN is appointed in lieu of Ms. BALDWIN for consideration of section 312 of the Senate amendment, and modifications committed to conference.

From the Committee on Energy and Commerce, for consideration of sections 2203–6, 22–8, 2210, 2801, 2901–2911, 2951, 4005, and title VIII of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BILIRAKIS, and Mr. DINGELL.

From the Committee on Education and the Workforce, for consideration of sections 2207, 2301, 2302, 2311, 2321–4, and 2331–4 of the Senate amendment, and modifications committed to conference: Mr. HOEKSTRA, Mr. CASTLE, and Mr. GEORGE MILLER of California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 577. An act to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Special Report entitled ''History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources during the 106th Congress'' (Rept. No. 107–135).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. VOINOVICH:

S. 1913. A bill to amend title 5, United States Code, to establish an exchange program between the Federal government and the private sector to develop expertise in information technology management, and for other purposes; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 595

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 595, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 677

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 806

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 806, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1107

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1107, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1210

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1210, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1677

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1677, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to cerate a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1761

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

AMENDMENT NO. 2533

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BURNS) were added as cosponsors of amendment No. 2533 intended to be proposed to S. 1731, an original bill 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.

AMENDMENT NO. 2573

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 2573.

AMENDMENT NO. 2727

At the request of Mr. ROCKEFELLER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. SNOWE), the Senator from Oregon (Mr. SMITH), the Senator from New York (Mr. SCHUMER), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. BENNETT), the Senator from New York (Mrs. CLINTON), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2727 intended to be proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENT NO. 2776

At the request of Mr. HUTCHINSON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 2776 intended to be proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2814. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table.

SA 2815. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2816. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2817. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2818. Mr. DEWINE (for himself, Ms. COLLINS, Mr. CLELAND, Mrs. CARNAHAN, Mr. THURMOND, Mr. MILLER, Mr. HELMS, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2819. Mr. DASCHLE proposed an amendment to the bill H.R. 622, supra.

SA 2820. Mr. LEVIN (for Mr. DASCHLE) proposed an amendment to the bill H.R. 622, supra.

SA 2821. Mr. DURBIN (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRAHAM, Mr. WELLSTONE, Mr. KERRY, and Mr. SMITH, of Oregon) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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.

SA 2822. Mr. HELMS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2823. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

SA 2824. Mr. REID (for Mr. KENNEDY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 1274, to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

SA 2825. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2814. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) IN GENERAL.—Section 514(c)(6) of the Internal Revenue Code of 1986 (relating to acquisition indebtedness) is amended—

(1) by striking ''include an obligation'' and inserting ''include—

''(A) an obligation'',

(2) by striking the period at the end and inserting '', or'', and

(3) by adding at the end the following:

''(B) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

''(i) issued by such company under section 303(a) of such Act, or

''(ii) held or guaranteed by the Small Business Administration.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acquisitions made on or after the date of the enactment of this Act.

SA 2815. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN CERTAIN HAZARDOUS DUTY AREAS.

(a) GENERAL RULE.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death).

(4) Section 2201 (relating to combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term ''qualified hazardous duty area'' means Somalia, if for the period beginning on December 3, 1992, and ending before March 31, 1995, any member of the Armed Forces of the United States was entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such country. Such term includes such country only during the period such entitlement was in effect.

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act.

(2) SPECIAL RULE.—If refund or credit of any overpayment of tax resulting from the application of this section is prevented at any time on or before April 15, 2003, by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to the application of this section) may, nevertheless, be made or allowed if claim therefor is filed on or before April 15, 2003.

SA 2816. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI of the amendment, add the following:

SEC. ___. ADDITIONAL REQUIREMENTS TO ENSURE GREATER USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than February 1, 2002, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate, and

(2) require each employee wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of receipt.

Such regulations shall require an employer to provide such an application within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

SEC. ___. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting ''has 1 or more qualifying children and'' before ''is not married,''.

(2) Section 3507(c)(2)(C) of such Code is amended by striking ''the employee'' and inserting ''an employee with 1 or more qualifying children''.

(3) Section 3507(f) of such Code is amended by striking ''who have 1 or more qualifying children and''.

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

SEC. ___. TEMPORARY EXPANSION OF PENALTY-FREE RETIREMENT PLAN DISTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS OF UNEMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (D) of section 72(t)(2) is amended by adding at the end the following new clause:

''(iv) SPECIAL RULES FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION AFTER SEPTEMBER 10, 2001, AND BEFORE JANUARY 1, 2003.—In the case of an individual who receives unemployment compensation for 4 consecutive weeks after September 10, 2001, and before January 1, 2003—

''(I) clause (i) shall apply to distributions from all qualified retirement plans (as defined in section 4974(c)), and

''(II) such 4 consecutive weeks shall be substituted for the 12 consecutive weeks referred to in subclause (I) of clause (i).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this division.

SEC. ___. INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The table contained in section 24(a)(2) (relating to per child amount) is amended by striking all matter preceding the second item and inserting the following:

''In the case of any taxable year beginning in—	**''The per child amount is—**
2001	$1,000
2002, 2003, or 2004	600''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. ___. TEMPORARY INCREASE IN DEDUCTION FOR CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 1211 (relating to limitation on capital losses for taxpayers other than corporations) is amended by adding at the end the following flush sentence:

''Paragraph (1) shall be applied by substituting '$5,000' for '$3,000' and '$2,500' for '$1,500' in the case of taxable years beginning in 2001 or 2002.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. ___. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who maintains a household which includes as a member one or more qualifying students (as defined in subsection (b)(1)), there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses with respect to such students which are paid or incurred by the taxpayer during such taxable year.

''(b) DOLLAR LIMIT ON AMOUNT CREDITABLE.—The amount of qualified elementary and secondary education expenses paid or incurred during any taxable year which may be taken into account under subsection (a) shall not exceed $500.

''(c) QUALIFYING STUDENT.—For purposes of this section, the term ''qualifying student'' means a dependent of the taxpayer (within the meaning of section 152) who is enrolled in school on a full-time basis.

''(d) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means computer technology or equipment expenses.

''(2) COMPUTER TECHNOLOGY OR EQUIPMENT.—The term 'computer technology or equipment' has the meaning given such term by section 170(e)(6)(F)(i) and includes Internet access and related services and computer software if such software is predominately educational in nature.

''(e) SCHOOL.—For purposes of this section, the term 'school' means any public, charter, private, religious, or home school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(f) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(h) TERMINATION.—This section shall not apply to expenses paid or incurred after the date which is 90 days after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B), as added and amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''23 and 25B'' and inserting ''23, 25B, and 25C''.

(2) Section 25(e)(1)(C) is amended by striking ''23 and 1400C'' and by inserting ''23, 25C, and 1400C''.

(3) Section 25(e)(1)(C), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by inserting ''25C,'' after ''25B,''.

(4) Section 25B, as added by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''section 23'' and inserting ''sections 23 and 25C''.

(5) Section 26(a)(1), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(6) Section 1400C(d) is amended by inserting ''and section 25C'' after ''this section''.

(7) Section 1400C(d), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(8) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 26 the following new item:

''Sec. 25C. Credit for elementary and secondary school expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this division.

SA 2817. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2773 submitted by Mr. GRASSLEY and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end of subtitle A of title VI of the amendment, add the following:

SEC. ____. ADDITIONAL REQUIREMENTS TO ENSURE GREATER USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than February 1, 2002, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate, and

(2) require each employee wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of receipt.

Such regulations shall require an employer to provide such an application within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

SEC. ____. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting ''has 1 or more qualifying children and'' before ''is not married,''.

(2) Section 3507(c)(2)(C) of such Code is amended by striking ''the employee'' and inserting ''an employee with 1 or more qualifying children''.

(3) Section 3507(f) of such Code is amended by striking ''who have 1 or more qualifying children and''.

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

SA 2818. Mr. DEWINE (for himself, Ms. COLLINS, Mr. CLELAND, Mrs. CARNAHAM, Mr. THURMOND, Mr. MILLER, Mr. HELMS, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—RELIEF FOR RESERVE COMPONENT PERSONNEL

SEC. ____01. DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.''.

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

SEC. ____02. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

''(1) the employment credit with respect to all qualified employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the amount of qualified compensation that would have been paid to the employee with respect to all periods during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties, including time spent in a travel status had the employee not been participating in qualified reserve component duty. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(2) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the employee participates in qualified reserve component duty, the term 'qualified compensation' means compensation—

''(A) which is normally contingent on the employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the employee were present and receiving such compensation, and

''(B) which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the employee.

''(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(c) SELF-EMPLOYMENT CREDIT.—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the excess, if any, of—

''(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

''(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

''(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND

ALLOWANCES.—As used with respect to a self-employed taxpayer—

''(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year divided by the difference between—

''(i) 365, and

''(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

''(e) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—

''(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year—

''(i) shall not exceed $7,500 in the aggregate, and

''(ii) shall not exceed $2,000 with respect to each qualified employee.

''(B) CONTROLLED GROUPS.—For purposes of applying the limitations in subparagraph (A)—

''(i) all members of a controlled group shall be treated as one taxpayer, and

''(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the two succeeding taxable years.

''(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

''(A) active duty for training under any provision of title 10, United States Code,

''(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

''(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

''(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking ''plus'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', plus'', and

(3) by adding at the end the following new paragraph:

''(16) the reserve component employment credit determined under section 45G(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

''Sec. 45G. Reserve component employment credit.''.

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

SA 2819. Mr. DASCHLE proposed an amendment to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall

apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

SA 2820. Mr. LEVIN (for Mr. DASCHLE) proposed an amendment to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

Amend the title as to read:

''A bill to provide for temporary unemployment compensation.''

SA 2821. Mr. DURBIN (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRAHAM, Mr. WELLSTONE, Mr. KERRY, and Mr. SMITH of Oregon) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strength 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; as follows:

On page 128, line 8, strike the period at the end and insert a period and the following:

SEC. 166. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND; FOOD STAMP PROGRAM FOR CERTAIN QUALIFIED ALIENS.

(a) RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 945) is amended to read as follows:

''SEC. 194. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.

''(a) DEFINITION OF AGRICULTURAL COMMODITY.—In this section:

''(1) IN GENERAL.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

''(2) EXCLUSIONS.—The term 'agricultural commodity' does not include forage, livestock, timber, forest products, or hay.

''(b) COMMODITIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, except as provided in paragraph (2), the Secretary shall not provide a crop payment, crop loan, or other crop benefit under this title to an owner or producer, with respect to an agricultural commodity produced on land during a crop year unless the land has been planted, considered planted, or devoted to an agricultural commodity during—

''(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

''(B) at least 3 of the 10 crop years preceding the 2002 crop year.

''(2) CROP ROTATION.—Paragraph (1) shall not apply to an owner or producer, with respect to any agricultural commodity planted or considered planted, on land if the land—

''(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

''(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

''(c) CROP INSURANCE.—Notwithstanding any provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation shall not pay premium subsidies or administrative costs of a reinsured company for insurance regarding a crop insurance policy of a producer under that Act unless the land that is covered by the insurance policy for an agricultural commodity—

''(1) has been planted, considered planted, or devoted to an agricultural commodity during—

''(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

''(B) at least 3 of the 10 crop years preceding the 2002 crop year; or

''(2)(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

''(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

''(d) CONSERVATION RESERVE LAND.—For purposes of this section, land that is enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C.3831 et seq.) shall be considered planted to an agricultural commodity.

''(e) LAND UNDER THE JURISDICTION OF AN INDIAN TRIBE.—For purposes of this section, land that is under the jurisdiction of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) shall be considered planted to an agricultural commodity if—

''(1) the land is planted to an agricultural commodity after the date of enactment of this subsection as part of an irrigation project that—

''(A) is authorized by the Bureau of Reclamation or the Bureau of Indian Affairs; and

''(B) is under construction prior to the date of enactment of this subsection; or

''(2) the land becomes available for planting because of a settlement or statutory authorization of a water rights claim by an Indian tribe after the date of enactment of this subsection.''.

(b) PARTIAL RESTORATION OF BENEFITS TO LEGAL IMMIGRANTS.—Section 403(c)(2)(L) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(L)) (as amended by section 452(a)(2)(A)) is amended by inserting ''provided to individuals under the age of 18'' after ''benefits''.

(c) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—

(1) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 452(c)(2)) is amended by adding at the end the following:

''(M) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who has continuously resided in the United States as a qualified alien for a period of 5 years or more beginning on the date on which the qualified alien entered the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on April 1, 2003.

SA 2822. Mr. HELMS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; which was ordered to lie on the table; as follows:

On page 945, strike lines 6 and 7 and insert the following:

SEC. 1024. DEFINITION OF ANIMAL UNDER THE ANIMAL WELFARE ACT.

Section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)) is amended by striking ''excludes horses not used for research purposes and'' and inserting the following:

''excludes birds, rats of the genus Rattus, and mice of the genus Mus bred for use in research, horses not used for research purposes, and''.

SEC. 1025. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

SA 2823. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ACCELERATION OF EFFECTIVE DATE FOR EXPANSION OF ADOPTION TAX CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Subsection (g) of section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as follows:

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

SA 2824. Mr. REID (for Mr. KENNEDY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 1274, to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; as follows:

On page 12, line 24, strike ''paragraph (1)(E)'' and insert ''paragraph (1)(D)''.

On page 13, line 1, strike ''paragraphs'' and all that follows through ''2823(a)'' on line 2, and insert ''paragraph (2) of section 2823(b)''.

On page 18, line 14, strike ''(b)'' and insert ''(c)''.

On page 20, line 12, strike ''(c)'' and insert ''(d)''.

SA 2825. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; which was ordered to lie on the table; as follows:

On page 111, lines 14 and 15, strike ''2002 through 2006'' and insert ''2003 through 2007''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 6, 2002, at 10 a.m., to conduct the second in a series of hearings on ''The State of Financial Literacy and Education in America.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 6 at 9:30 a.m., to conduct a hearing. The hearing will examine the effects of subtitle B of S. 1766, Amendments to the Public Utility Holding Company Act, on energy markets and energy consumers.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 6, 2002, at 10 a.m., to hear testimony on the ''Ongoing U.S. Trade Negotiations.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2002, at 10:15 a.m., to hold a hearing titled, ''The New Strategic Framework: Implications for U.S. Security''.

Agenda

Witnesses: The Honorable William J. Perry, Former Secretary of Defense, Michael and Barbara Berberian Professor, Stanford University, Stanford, CA, and the Honorable Caspar W. Weinberger, Former Secretary of Defense, Washington, DC.

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

COMMITTEE ON FOREIGN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2002, at 2:30 p.m., to hold a hearing title, ''Somalia: U.S. Policy Options''.

Agenda

Witnesses

Panel 1: The Honorable Walter Kansteiner, Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Dr. Ken Menkhaus, Associate Professor of Political Science,

Davidson College, Davidson, NC; Dr. David H. Shinn, Former U.S. Ambassador to Ethiopia and Special, Coordinator for Somalia, Washington, DC; and Mr. Robert MacPherson, Emergency Group Assistance Director, CARE, Atlanta, GA.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Accountability Issues: Lessons Learned From Enron's Fall'' on Wednesday, February 6, 2002, at 10 a.m., in Dirksen room 226.

Witness List: The Honorable Christine O. Gregiore, Attorney General of Washington State, Olympia, WA; Mr. Bruce Raynor, President, Union of Needletrades, Industrial and Textile Employees (UNITE), New York City, NY; Steven Schatz Esq., Wilson, Sonsini, Goodrich & Rosati Professional Corporation, Palo Alto, CA; Professor Nelson Lund, George Mason University School of Law, Arlington, VA; and Professor Susan P. Koniak, Boston University School of Law, Boston, MA.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 6, 2002, from 9:30 a.m.–12 p.m., in Dirksen 106 for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 6, 2002, at 10 a.m., to hold an open hearing and at 2:30 p.m., to hold a closed hearing on the World Threat.

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

SUBCOMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging and the Special Committee on Aging be authorized to meet for a joint hearing on Women and Aging: Bearing the Burden of Long-Term Care during the session of the Senate on Wednesday, February 6, 2002, at 9:30 a.m., in SD–106.

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

PRIVILEGE OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Tom Stapleton, a fellow on my staff, for the pendency of this bill.

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

FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 70, H.R. 586.

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

The legislative clerk read as follows:

A bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I understand Senator LANDRIEU has an amendment at the desk. I ask for its immediate consideration.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ACCELERATION OF EFFECTIVE DATE FOR EXPANSION OF ADOPTION TAX CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Subsection (g) of section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as follows:

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

Mr. REID. I ask unanimous consent the amendment be agreed to, the motion to reconsider be laid on the table, the bill, as amended, be read the third time, passed, the motion to reconsider be laid on the table without any intervening action or debate, and any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2823) was agreed to.

The bill (H.R. 586), as amended, was read the third time and passed.

STROKE TREATMENT AND ONGOING PREVENTION ACT OF 2001

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 222, S. 1274.

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

The assistant legislative clerk read as follows:

A bill (S. 1274) to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Senators KENNEDY and FRIST have a technical amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2824) was agreed to, as follows:

(Purpose: To make certain technical corrections)

On page 12, line 24, strike ''paragraph (1)(E)'' and insert ''paragraph (1)(D)''.

On page 13, line 1, strike ''paragraphs'' and all that follows through ''2823(a)'' on line 2, and insert ''paragraph (2) of section 2823(b)''

On page 18, line 14, strike ''(b)'' and insert ''(c)''.

On page 20, line 12, strike ''(c)'' and insert ''(d)''.

The bill (S. 1274), as amended, was read the third time and passed, as follows:

S. 1274

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stroke Treatment and Ongoing Prevention Act of 2002''.

SEC. 2. FINDINGS AND GOAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Stroke is the third leading cause of death in the United States. Each year over 750,000 Americans suffer a new or recurrent stroke and 160,000 Americans die from stroke.

(2) Stroke costs the United States $28,000,000,000 in direct costs and $17,400,000,000 in indirect costs, each year.

(3) Stroke is one of the leading causes of adult disability in the United States. Between 15 percent and 30 percent of stroke survivors are permanently disabled. Presently, there are 4,400,000 stroke survivors living in the United States.

(4) Members of the general public have difficulty recognizing the symptoms of stroke and are unaware that stroke is a medical emergency. Fifty-eight percent of all stroke patients wait 24 hours or more before presenting at the emergency room. Forty-two percent of individuals over the age of 50 do not recognize numbness or paralysis in the face, arm, or leg as a sign of stroke and 17 percent of them cannot name a single stroke symptom.

(5) Recent advances in stroke treatment can significantly improve the outcome for stroke patients, but these therapies must be administered properly and promptly. Only 3 percent of stroke patients who are candidates for acute stroke intravenous thrombolytic drug therapy receive the appropriate medication.

(6) New technologies, therapies, and diagnostic approaches are currently being developed that will extend the therapeutic timeframe and result in greater treatment efficacy for stroke patients.

(7) Few States and communities have developed and implemented stroke awareness programs, prevention programs, or comprehensive stroke care systems.

(8) The degree of disability resulting from stroke can be reduced substantially by educating the general public about stroke and by improving the systems for the provision of stroke care in the United States.

(b) GOAL.—It is the goal of this Act to improve the provision of stroke care in every State and territory and in the District of Columbia, and to increase public awareness about the prevention, detection, and treatment of stroke.

SEC. 3. SYSTEMS FOR STROKE PREVENTION, TREATMENT, AND REHABILITATION.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—SYSTEMS FOR STROKE PREVENTION, TREATMENT, AND REHABILITATION

''PART A—STROKE PREVENTION AND EDUCATION CAMPAIGN

"SEC. 2801. STROKE PREVENTION AND EDUCATION CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall carry out a national education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment. In implementing such education and information campaign, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies and may consult with national and local associations that are dedicated to increasing the public awareness of stroke, consumers of stroke awareness products, and providers of stroke care.

''(b) USE OF FUNDS.—The Secretary may use amounts appropriated to carry out the campaign described in subsection (a)—

''(1) to make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

''(2) to provide education regarding ways to prevent stroke and the effectiveness of stroke treatment;

''(3) to purchase media time and space;

''(4) to pay for out-of-pocket advertising production costs;

''(5) to test and evaluate advertising and educational materials for effectiveness, especially among groups at high risk for stroke, including women, older adults, and African-Americans;

''(6) to develop alternative campaigns that are targeted to unique communities, including rural and urban communities, and communities in the 'Stroke Belt';

''(7) to measure public awareness prior to the start of the campaign on a national level and in targeted communities to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts; and

''(8) to carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b), $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

''PART B—GENERAL AUTHORITIES AND DUTIES OF THE SECRETARY

"SEC. 2811. ESTABLISHMENT.

''(a) IN GENERAL.—The Secretary shall, with respect to stroke care—

''(1) make available, support, and evaluate a grant program to enable a State to develop statewide stroke care systems;

''(2) foster the development of appropriate, modern systems of stroke care through the sharing of information among agencies and individuals involved in the study and provision of such care; and

''(3) provide to State and local agencies technical assistance.

''(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants, and enter into cooperative agreements and contracts, for the purpose of carrying out subsection (a).

"SEC. 2812. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

''(a) IN GENERAL.—The Secretary shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

''(1) continuing to develop and collect specific data points as well as appropriate benchmarks for analyzing care of acute stroke patients;

''(2) continuing to design and pilot test prototypes that will measure the delivery of care to patients with acute stroke in order to provide real-time data and analysis to reduce death and disability from stroke and improve the quality of life for acute stroke survivors;

''(3) fostering the development of effective, modern stroke care systems (including the development of policies related to emergency services systems) through the sharing of information among agencies and individuals involved in planning, furnishing, and studying such systems;

''(4) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing stroke care systems and, in carrying out this paragraph, giving special consideration to the unique needs of rural facilities and those facilities with inadequate resources for providing quality prevention, acute treatment, post-acute treatment, and rehabilitation services for stroke patients;

''(5) providing technical assistance relating to stroke care systems to State and local agencies; and

''(6) carrying out any other activities the Secretary determines to be useful to fulfill the purposes of the Paul Coverdell National Acute Stroke Registry and Clearinghouse.

''(b) RESEARCH ON STROKE.—The Secretary shall, not earlier than 1 year after the date of enactment of the Stroke Treatment and Ongoing Prevention Act of 2002, ensure the availability of published research on stroke or, where necessary, conduct research concerning—

''(1) best practices in the prevention, diagnosis, treatment, and rehabilitation of stroke;

''(2) barriers to access to currently approved stroke prevention, treatment, and rehabilitation services;

''(3) barriers to access to newly developed diagnostic approaches, technologies, and therapies for stroke patients;

''(4) the effectiveness of existing public awareness campaigns regarding stroke; and

''(5) disparities in the prevention, diagnosis, treatment, and rehabilitation of stroke among different populations.

''(c) CERTAIN RESEARCH ACTIVITIES.—In carrying out the activities described in subsection (b), the Secretary may conduct—

''(1) studies with respect to all phases of stroke care, including prehospital, acute, post-acute and rehabilitation care;

''(2) studies with respect to patient access to currently approved and newly developed stroke prevention and treatment services, including a review of the effect of coverage, coding, and reimbursement practices on access;

''(3) studies with respect to the effect of existing public awareness campaigns on stroke; and

''(4) any other studies that the Secretary determines are necessary or useful to conduct a thorough and effective research program regarding stroke.

''(d) MECHANISMS OF SUPPORT.—In carrying out the activities described in subsection (b), the Secretary may make grants to public and private non-profit entities.

''(e) COORDINATION OF EFFORT.—The Secretary shall ensure the adequate coordination of the activities carried out under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2006 to carry out this section.

''PART C—GRANTS WITH RESPECT TO STATE STROKE CARE SYSTEMS

"SEC. 2821. ESTABLISHMENT OF PROGRAM FOR IMPROVING STROKE CARE.

''(a) GRANTS.—The Secretary shall award grants to States for the purpose of establishing statewide stroke prevention, treatment, and rehabilitation systems.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall make available grants under subsection (a) for the development and implementation of statewide stroke care systems that provide stroke prevention services and quality acute, post-acute, and rehabilitation care for stroke patients through the development of sufficient resources and infrastructure, including personnel with appropriate training, acute stroke teams, equipment, and procedures necessary to prevent stroke and to treat and rehabilitate stroke patients. In developing and implementing statewide stroke care systems, each State that is awarded such a grant shall—

''(A) oversee the design and implementation of the statewide stroke care system;

''(B) enhance, develop, and implement model curricula for training emergency medical services personnel, including dispatchers, first responders, emergency medical technicians, and paramedics in the identification, assessment, stabilization, and prehospital treatment of stroke patients;

''(C) ensure that stroke patients in the State have access to quality care that is consistent with the standards established by the Secretary under section 2823(c);

''(D) establish a support network to provide assistance to facilities with smaller populations of stroke patients or less advanced on-site stroke treatment resources; and

''(E) carry out any other activities that the State-designated agency determines are useful or necessary for the implementation of the statewide stroke care system.

''(2) ACCESS TO CARE.—A State may meet the requirement of paragraph (1)(C) by—

''(A) identifying acute stroke centers with personnel, equipment, and procedures adequate to provide quality treatment to patients in the acute phase of stroke consistent with the standards established by the Secretary under section 2823(c);

''(B) identifying comprehensive stroke centers with advanced personnel, equipment, and procedures to prevent stroke and to treat stroke patients in the acute and post-acute phases of stroke and to provide assistance to area facilities with less advanced stroke treatment resources;

''(C) identifying stroke rehabilitation centers with personnel, equipment, and procedures to provide quality rehabilitative care to stroke patients consistent with the standards established by the Secretary under section 2823(c); or

''(D) carrying out any other activities that the designated State agency determines are necessary or useful.

''(3) SUPPORT NETWORK.—A facility that provides care to stroke patients and that receives support through a support network established under paragraph (1)(D) shall meet the standards and requirements outlined by the State application under paragraph (2) of section 2823(b). The support network may include—

''(A) the use of telehealth technology connecting facilities described in such paragraph to more advanced stroke care facilities;

''(B) the provision of neuroimaging, lab, and any other equipment necessary to facilitate the establishment of a telehealth network;

''(C) the use of phone consultation, where useful;

''(D) the use of referral links when a patient needs more advanced care than is available at the facility providing initial care; and

''(E) any other assistance determined appropriate by the State.

''(c) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary may award a grant to a State to assist such State in formulating a plan to develop a statewide stroke care system or in otherwise meeting the conditions described in subsection (b) with respect to a grant under this section.

''(2) SUBMISSION TO SECRETARY.—The governor of a State that receives a grant under paragraph (1) shall submit to the Secretary a copy of the plan developed using the amounts provided under such grant. Such plan shall be submitted to the Secretary as soon as practicable after the plan has been developed.

''(3) SINGLE GRANT LIMITATION.—To be eligible to receive a grant under paragraph (1), a State shall not have previously received a grant under such paragraph.

''(d) MODEL CURRICULUM.—

''(1) DEVELOPMENT.—The Secretary shall develop a model curriculum for training emergency medical services personnel, including dispatchers, first responders, emergency medical technicians, and paramedics in the identification, assessment, stabilization, and prehospital treatment of stroke patients.

''(2) IMPLEMENTATION.—The model curriculum developed under paragraph (1) may be implemented by a State to fulfill the requirements of subsection (b)(1)(B).

''SEC. 2822. REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.

''(a) NON-FEDERAL CONTRIBUTIONS.—

''(1) IN GENERAL.—The Secretary may not award grants under section 2821(a) unless the State involved agrees, with respect to the costs described in paragraph (2), to make available for each year during which the State receives funding under such section, non-Federal contributions (in cash or in kind under subsection (b)(1)) toward such costs in an amount equal to—

''(A) for the second and third fiscal years of such payments to the State, not less than $1 for each $3 of Federal funds provided in such payments for each such fiscal year;

''(B) for the fourth fiscal year of such payments to the State, not less than $1 for each $2 of Federal funds provided in such payments for such fiscal year; and

''(C) for any subsequent fiscal year of such payments to the State, not less than $1 for each $1 of Federal funds provided in such payments for such fiscal year.

''(2) PROGRAM COSTS.—The costs referred to in paragraph (1) are the costs to be incurred by the State in carrying out the purpose described in section 2821(b).

''(3) INITIAL YEAR OF PAYMENTS.—The Secretary may not require a State to make non-Federal contributions as a condition of receiving payments under section 2821(a) for the first fiscal year of such payments to the State.

''(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—With respect to compliance under subsection (a) as a condition of receiving payments under section 2811(a)—

''(1) a State may make the non-Federal contributions required in such subsection in cash or in kind, fairly evaluated, including plant, equipment, or services; and

''(2) the Secretary may not, in making a determination of the amount of non-Federal contributions, include amounts provided by the Federal Government or services assisted or subsidized by a significant extent by the Federal Government.

''SEC. 2823. APPLICATION REQUIREMENTS.

''(a) REQUIREMENT OF APPLICATION.—The Secretary may not award a grant to a State under section 2821(b) unless an application for the grant is submitted by the State to the Secretary.

''(b) APPLICATION PROCESS AND GUIDELINES.—The Secretary shall provide for an application process and develop guidelines to assist States in submitting an application under this section that—

''(1) outlines the stroke care system and explains how such system will ensure that stroke patients throughout the State have access to quality care in all phases of stroke, consistent with the standards established by the Secretary under subsection (c);

''(2) contains standards and requirements for facilities in the State that provide basic preventive services, advanced preventive services, acute stroke care, post-acute stroke care, and rehabilitation services to stroke patients; and

''(3) provides for the establishment of a central data reporting and analysis system and for the collection of data from each facility that will provide direct care to stroke patients in the State—

''(A) to identify the number of stroke patients treated in the State;

''(B) to monitor patient care in the State for stroke patients at all phases of stroke for the purpose of evaluating the diagnosis, treatment, and treatment outcome of such stroke patients;

''(C) to identify the total amount of uncompensated and under-compensated stroke care expenditures for each fiscal year by each stroke care facility in the State;

''(D) to identify the number of acute stroke patients who receive advanced drug therapy;

''(E) to identify patients transferred within the statewide stroke care system, including reasons for such transfer; and

''(F) to communicate to the greatest extent practicable with the Paul Coverdell National Acute Stroke Registry and Clearinghouse.

''(c) CERTAIN STANDARDS WITH RESPECT TO STATEWIDE STROKE CARE SYSTEM.—

''(1) IN GENERAL.—The Secretary may not award a grant to a State under section 2821(a) for a fiscal year unless the State agrees that, in carrying out paragraphs (2) and (3), the State will—

''(A) adopt standards of care for stroke patients in the acute, post-acute, and rehabilitation phases of stroke; and

''(B) in adopting the standards described in subparagraph (A)—

''(i) consult with medical, surgical, and nursing specialty groups, hospital associations, voluntary health organizations, State offices of rural health, emergency medical services State and local directors, experts in the use of telecommunications technology to provide stroke care, concerned advocates, and other interested parties;

''(ii) conduct hearings on the proposed standards providing adequate notice to the public concerning such hearing; and

''(iii) beginning in fiscal year 2004, take into account the national standards of care.

''(2) QUALITY OF STROKE CARE.—The highest quality of stroke care shall be the primary goal of the State standards adopted under this subsection.

''(3) APPROVAL BY SECRETARY.—The Secretary may not make payments to a State under section 2821(a) if the Secretary determines that—

''(A) the State has not taken into account national standards in adopting standards under this subsection;

''(B) in the case of payments for fiscal year 2004 and subsequent fiscal years, the State has not, in adopting such standards, taken into account the national standards of care and the model system plan developed under subsection (c); or

''(C) in the case of payments for fiscal year 2004 and subsequent fiscal years, the State has not provided to the Secretary the information received by the State pursuant to paragraphs (9) and (10) of subsection (a).

''(d) MODEL STROKE CARE SYSTEM PLAN.—Not later than 1 year after the date of enactment of the Stroke Treatment and Ongoing Prevention Act of 2002, the Secretary shall develop standards of care for stroke patients in all phases of stroke that may be adopted for guidance by the State and a model plan for the establishment of statewide stroke care systems. Such plan shall—

''(1) take into account national standards;

''(2) take into account existing State systems and plans; and

''(3) take into account the unique needs of urban and rural communities, different regions of the Nation, and States with varying degrees of established stroke care infrastructures;

''SEC. 2824. REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS AND ASSURANCES.

''The Secretary may not award grants under section 2821(a) to a State for a fiscal year unless—

''(1) the State submits an application for the payments containing agreements in accordance with this part;

''(2) the agreements are made through certification from the chief executive officer of the State;

''(3) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

''(4) the application contains the plan provisions and the information required to be submitted to the Secretary pursuant to section 2823; and

''(5) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

''SEC. 2825. RESTRICTIONS ON USE OF PAYMENTS.

''(a) IN GENERAL.—The Secretary may not, except as provided in subsection (b), make payments to a State under section 2821(a) for a fiscal year unless the State involved agrees that the payments will not be expended—

''(1) to make cash payments to intended recipients of services provided pursuant to such section;

''(2) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

''(3) to provide financial assistance to any entity other than a public or nonprofit private entity.

''(b) EXCEPTION.—If the Secretary finds that the purpose described in section 2821(b) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified State, waive the restriction established in subsection (a)(3).

''SEC. 2826. FAILURE TO COMPLY WITH AGREEMENTS.

''(a) REPAYMENT OF PAYMENTS.—

''(1) REQUIREMENT.—The Secretary may, in accordance with subsection (b), require a State to repay any payments received by the State pursuant to section 2821(a) that the Secretary determines were not expended by the State in accordance with the agreements required to be made by the State as a condition of the receipt of payments under such section.

''(2) OFFSET OF AMOUNTS.—If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against any amount due to be paid to the State under section 2821(a).

''(b) OPPORTUNITY FOR A HEARING.—Before requiring repayment of payments under subsection (a)(1), the Secretary shall provide to the State an opportunity for a hearing.

''SEC. 2827. SPECIAL CONSIDERATION.

''In awarding grants under this part, the Secretary shall give special consideration to any State that has submitted an application for carrying out programs under such a grant—

''(1) in geographic areas in which there is—

''(A) a substantial rate of disability resulting from stroke; or

''(B) a substantial incidence of stroke; or

''(2) that demonstrates a significant need for assistance in establishing a comprehensive stroke care system.

''SEC. 2828. TECHNICAL ASSISTANCE AND PROVISION BY SECRETARY OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

''(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving payments under section 2821(a), provide to the State (or to any public or non-profit entity designated by the State) technical assistance with respect to the planning, development, and operation of any program carried out pursuant to section 2821(b). The Secretary may provide such technical assistance directly, through contract, or through grants.

''(b) PROVISION BY SECRETARY OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

''(1) IN GENERAL.—Upon the request of a State receiving payments under section 2821(a), the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out section 2821(b) and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

''(2) REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments to the State under section 2821(a) by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''SEC. 2829. REPORT BY SECRETARY.

''Not later than 3 years after the date of enactment of the Stroke Treatment and Ongoing Prevention Act of 2002, the Secretary shall report to the appropriate committees of Congress on the activities of the States carried out pursuant to section 2821. Such report shall include an assessment of the extent to which Federal and State efforts to develop stroke care systems, including the establishment of support networks and the identification of acute, comprehensive, and rehabilitation stroke centers, where applicable, have increased the number of stroke patients who have received acute stroke consultation or therapy within the appropriate timeframe and reduced the level of disability due to stroke. Such report may include any recommendations of the Secretary for appropriate administrative and legislative initiatives with respect to stroke care.

''SEC. 2830. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2002, $75,000,000 for fiscal year 2003, $75,000,000 for fiscal year 2004, $100,000,000 for fiscal year 2005, and $125,000,000 for fiscal year 2006.

''(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—A State may use not to exceed 10 percent of amounts received under a grant awarded under section 2821(a) for administrative expenses.

''PART D—MISCELLANEOUS PROGRAMS

''SEC. 2831. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE TREATMENT AND PREVENTION.

''(a) IN GENERAL.—The Secretary may make grants to public and non-profit private entities for the development and implementation of education programs for appropriate medical personnel including medical students, emergency physicians, primary care providers, neurologists, neurosurgeons, and physical therapists in the use of newly developed diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke.

''(b) DISTRIBUTION OF GRANTS.—In awarding grants under subsection (a), the Secretary shall ensure that such grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(c) APPLICATION.—A public or non-profit private entity desiring a grant under subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under such a grant.

''(d) USE OF FUNDS.—A public or non-profit private entity shall use amounts received under a grant under this section for the continuing education of appropriate medical personnel in the use of newly developed diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2006.

''PART E—GENERAL PROVISIONS REGARDING PARTS A, B, C, AND D

''SEC. 2841. DEFINITIONS.

''In this title:

''(1) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) STROKE CARE SYSTEM.—The term 'stroke care system' means a statewide system to provide for the diagnosis, prehospital care, hospital definitive care, and rehabilitation of stroke patients.

''(3) STROKE.—The term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''SEC. 2842. CONSULTATIONS.

''In carrying out this title, the Secretary shall consult with medical, surgical, rehabilitation, and nursing specialty groups, hospital associations, voluntary health organizations, emergency medical services, State directors, and associations, experts in the use of telecommunication technology to provide stroke care, national disability and consumer organizations representing individuals with disabilities and chronic illnesses, concerned advocates, and other interested parties.''.

Mr. KENNEDY. Madam President, the Senate has today approved important bipartisan legislation to improve the treatment of two afflictions that take the lives and blight the health of millions of Americans. The Stroke Treatment and Ongoing Prevention Act establishes important new initiatives to improve the quality of stroke care for patients across America. The Community Access to Emergency Defibrillation Act will make these lifesaving medical devices much more widely available in public places throughout the country.

I commend my colleague, Senator BILL FRIST, for joining me in sponsoring these two measures. Senator FRIST and I have worked closely on this legislation to establish new initiatives to reduce the grim toll of injury and death taken by stroke and cardiac arrest, and I commend him for his leadership. We are also grateful to the many colleagues on our committee and throughout the Senate who have worked with us so effectively on these two proposals.

Stroke is a national tragedy that leaves no American community unscarred. It is the third leading cause of death in the United States. Every minute of every day, somewhere in America, a person suffers a stroke. Every three minutes, a person dies from a stroke. Strokes take the lives of nearly 160,000 Americans each year. Even for those who survive, it can have devastating consequences. Over half of all survivors are left with a disability.

Since few Americans recognize the symptoms of stroke, crucial hours are often lost before patients receive medical care. The average time between the onset of symptoms and medical treatment is a shocking 13 hours. Emergency medical technicians are often not taught how to recognize and manage the symptoms of stroke. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. If this lifesaving medication were delivered promptly to all stroke patients, as many as 90,000 Americans could be spared the disabling consequences of stroke.

Even in hospitals, stroke patients often do not receive the care that could save their lives. Treatment by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. To save lives, reduce disability and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention Act authorizes needed new public health initiatives to enable patients with symptoms of stroke to receive timely and effective care.

The Act establishes a grant program for States to implement systems of stroke care that will give health professionals the equipment and training they need to treat this disorder. The initial point of contact between a stroke patient and medical care is usually an emergency medical technician. Grants under the Act may be used to train these personnel to provide more effective care to stroke patients in the crucial first few moments after an attack.

The Act provides new resources for States to improve the standard of care

for stroke patients in hospitals, and to increase the quality of stroke care in rural hospitals through improvements in telemedicine.

The Act directs the Secretary of Health and Human Services to conduct a national media campaign to inform the public about the symptoms of stroke, so that patients receive prompt medical care. The bill also creates the Paul Coverdell Stroke Registry and Clearinghouse, which will collect data about the care of stroke patients and assist in the development of more effective treatments.

The Community Access to Emergency Defibrillation Act will increase the availability of lifesaving cardiac defibrillators in communities throughout the nation. We could save thousands of lives every year if defibrillators were more widely available, yet few communities are able to make this technology widely accessible.

The measure approved by the Senate today will establish new initiatives to increase access to defibrillators. It will assist communities in placing these lifesaving medical devices in public areas like schools, workplaces, community centers, and other locations where people gather. It will help communities provide training to use and maintain the devices, and to coordinate planning with emergency medical personnel. The legislation will also assist in placing defibrillators in schools so that cardiac arrest can be effectively treated when it strikes the youngest and most vulnerable of our citizens.

Sudden cardiac arrest is a tragedy for families all across America. Communities that have already implemented programs to increase public access to defibrillators like the extremely successful ''First Responder Defibrillator Program'' in Boston have been able to increase survival rates by 50 percent. More than 50,000 lives could be saved each year if more communities implemented programs such as Boston's.

The two measures approved by the Senate today can make a significant difference in the lives of the thousands of Americans who suffer a stroke or cardiac arrest every year. For such patients, even a few minutes' delay in receiving treatment can make the difference between healthy survival and disability or death. We need to do all we can to see that those precious minutes are not wasted. This legislation is important to every community in America. I commend my colleagues for having approved these measures, and I urge our colleagues in the House of Representatives to act on them promptly.

COMMUNITY ACCESS TO EMERGENCY DEFIBRILLATION ACT OF 2001

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 215, S. 1275.

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

The assistant legislative clerk read as follows:

A bill (S. 1275) to amend the Public Health Service Act to provide grants for public access defibrillation demonstration projects, and so forth, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 10, line 23, to strike (''.).

Mr. REID. I ask unanimous consent the committee amendment be agreed to, the bill as amended be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The bill was read the third time and passed; as follows:

S. 1275

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Access to Emergency Defibrillation Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Over 220,000 Americans die each year from cardiac arrest. Every 2 minutes, an individual goes into cardiac arrest in the United States.

(2) The chance of successfully returning to a normal heart rhythm diminishes by 10 percent each minute following sudden cardiac arrest.

(3) Eighty percent of cardiac arrests are caused by ventricular fibrillation, for which defibrillation is the only effective treatment.

(4) Sixty percent of all cardiac arrests occur outside the hospital. The average national survival rate for out-of-hospital cardiac arrest is only 5 percent.

(5) Communities that have established and implemented public access defibrillation programs have achieved average survival rates for out-of-hospital cardiac arrest as high as 50 percent.

(6) According to the American Heart Association, wide use of defibrillators could save as many as 50,000 lives nationally each year.

(7) Successful public access defibrillation programs ensure that cardiac arrest victims have access to early 911 notification, early cardiopulmonary resuscitation, early defibrillation, and early advanced care.

SEC. 3. PUBLIC ACCESS DEFIBRILLATION PROGRAMS AND PROJECTS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by Public Law 106–310, is amended by adding after section 311 the following:

''SEC. 312. PUBLIC ACCESS DEFIBRILLATION PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to develop and implement public access defibrillation programs—

''(1) by training and equipping local emergency medical services personnel, including firefighters, police officers, paramedics, emergency medical technicians, and other first responders, to administer immediate care, including cardiopulmonary resuscitation and automated external defibrillation, to cardiac arrest victims;

''(2) by purchasing automated external defibrillators, placing the defibrillators in public places where cardiac arrests are likely to occur, and training personnel in such places to administer cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims;

''(3) by setting procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturers of the devices;

''(4) by providing training to members of the public in cardiopulmonary resuscitation and automated external defibrillation;

''(5) by integrating the emergency medical services system with the public access defibrillation programs so that emergency medical services personnel, including dispatchers, are informed about the location of automated external defibrillators in their community; and

''(6) by encouraging private companies, including small businesses, to purchase automated external defibrillators and provide training for their employees to administer cardiopulmonary resuscitation and external automated defibrillation to cardiac arrest victims in their community.

''(b) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give a preference to a State, political subdivision of a State, Indian tribe, or tribal organization that—

''(1) has a particularly low local survival rate for cardiac arrests, or a particularly low local response rate for cardiac arrest victims; or

''(2) demonstrates in its application the greatest commitment to establishing and maintaining a public access defibrillation program.

''(c) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received through such grant to—

''(1) purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration;

''(2) provide automated external defibrillation and basic life support training in automated external defibrillator usage through nationally recognized courses;

''(3) provide information to community members about the public access defibrillation program to be funded with the grant;

''(4) provide information to the local emergency medical services system regarding the placement of automated external defibrillators in public places;

''(5) produce such materials as may be necessary to encourage private companies, including small businesses, to purchase automated external defibrillators; and

''(6) carry out other activities that the Secretary determines are necessary or useful to pursue the purposes of this section.

''(d) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall—

''(A) describe the comprehensive public access defibrillation program to be funded with the grant and demonstrate how such program would make automated external defibrillation accessible and available to cardiac arrest victims in the community;

''(B) contain procedures for implementing appropriate nationally recognized training

courses in performing cardiopulmonary resuscitation and the use of automated external defibrillators;

''(C) contain procedures for ensuring direct involvement of a licensed medical professional and coordination with the local emergency medical services system in the oversight of training and notification of incidents of the use of the automated external defibrillators;

''(D) contain procedures for proper maintenance and testing of the automated external defibrillators, according to the labeling of the manufacturer;

''(E) contain procedures for ensuring notification of local emergency medical services system personnel, including dispatchers, of the location and type of devices used in the public access defibrillation program; and

''(F) provide for the collection of data regarding the effectiveness of the public access defibrillation program to be funded with the grant in affecting the out-of-hospital cardiac arrest survival rate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2007. Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.

''SEC. 313. PUBLIC ACCESS DEFIBRILLATION DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary shall award grants to political subdivisions of States, Indian tribes, and tribal organizations to develop and implement innovative, comprehensive, community-based public access defibrillation demonstration projects that—

''(1) provide cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims in unique settings;

''(2) provide training to community members in cardiopulmonary resuscitation and automated external defibrillation; and

''(3) maximize community access to automated external defibrillators.

''(b) USE OF FUNDS.—A recipient of a grant under subsection (a) shall use the funds provided through the grant to—

''(1) purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration;

''(2) provide basic life training in automated external defibrillator usage through nationally recognized courses;

''(3) provide information to community members about the public access defibrillation demonstration project to be funded with the grant;

''(4) provide information to the local emergency medical services system regarding the placement of automated external defibrillators in the unique settings; and

''(5) carry out other activities that the Secretary determines are necessary or useful to pursue the purposes of this section.

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a political subdivision of a State, Indian tribe, or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) may—

''(A) describe the innovative, comprehensive, community-based public access defibrillation demonstration project to be funded with the grant;

''(B) explain how such public access defibrillation demonstration project represents innovation in providing public access to automated external defibrillation; and

''(C) provide for the collection of data regarding the effectiveness of the demonstration project to be funded with the grant in—

''(i) providing emergency cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims in the setting served by the demonstration project; and

''(ii) affecting the cardiac arrest survival rate in the setting served by the demonstration project.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2007. Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.

''SEC. 313A. GRANTS FOR ACCESS TO DEFIBRILLATION.

''(a) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services shall award a grant to a health care organization to establish a national information clearinghouse that provides information to increase public access to defibrillation in schools.

''(b) DUTIES.—The health care organization that receives a grant under this section shall promote public access to defibrillation in schools by—

''(1) providing timely information to entities regarding public access defibrillation program implementation and development;

''(2) developing and providing comprehensive program materials to establish a public access defibrillation program in schools;

''(3) providing support to CPR and AED training programs;

''(4) fostering new and existing community partnerships with and among public and private organizations (such as local educational agencies, nonprofit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-teacher associations) to promote public access to defibrillation in schools;

''(5) establishing a data base to gather information in a central location regarding sudden cardiac arrest in the pediatric population and identifying or conducting further research into the problem; and

''(6) providing assistance to communities that wish to develop screening programs for at risk youth.

''(c) APPLICATION.—A health care organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(d) REPORT.—Not later than 5 years after the date on which the health care organization receives a grant under this section, such organization shall submit to the Secretary of Health and Human Services a report that describes activities carried out with funds received under this section. Not later than 3 months after the date on which such report is received by the Secretary of Health and Human Services, the Secretary shall prepare and submit to the appropriate committees of Congress an evaluation that reviews such report and evaluates the success of such clearinghouse.

''(e) AUTHORIZATION OF APPROPRIATIONS.—From funds authorized to be appropriated for fiscal years 2002 through 2006 for activities and programs under the Department of Health and Human Services, $800,000 of such funds may be appropriated to carry out the programs described in this section for each of the fiscal years 2002 through 2006.''.

RECOGNIZING THE 91ST BIRTHDAY OF RONALD REAGAN

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to the consideration of H.J. Res. 82.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) to recognize the 91st birthday of Ronald Reagan.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the joint resolution be considered, read a third time, and passed, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 82) was read the third time and passed.

ORDER FOR STAR PRINT—S. 822

Mr. REID. I ask unanimous consent S. 822 be star printed with the changes at the desk.

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

ORDERS FOR THURSDAY, FEBRUARY 7, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Thursday, February 7; that following the prayer and pledge the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1731.

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

PROGRAM

Mr. REID. Madam President, there is a unanimous consent agreement that the next rollcall vote will occur at approximately 10:05 a.m. in relation to the Durbin amendment, as modified, with regard to nutrition.

The RECORD should be spread with the fact that the Senate as of just a short time ago had not yet received the modification agreement Senator DURBIN has been working on with Senator GRAMM. If for some reason that is not completed during the evening or early morning hour, then we would go immediately to the Dorgan-Grassley amendment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before

the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Thursday, February 7, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 2002:

DEPARTMENT OF JUSTICE

TODD WALTHER DILLARD, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

WARREN DOUGLAS ANDERSON, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE LYLE WEIR SWENSON, TERM EXPIRED.

JAMES LOREN KENNEDY, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE FRANK JAMES ANDERSON, TERM EXPIRED.

THEOPHILE ALCESTE DURONCELET, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE CHARLES VINCENT SERIO, RESIGNED.

JAMES THOMAS PLOUSIS, OF NEW JERSEY, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS, VICE GLENN DALE CUNNINGHAM, RESIGNED.

JAMES JOSEPH PARMLEY, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE EDWARD JOSEPH KELLY, JR., TERM EXPIRED.

CHARLES R. REAVIS, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE MARK REID TUCKER.

TIMOTHY DEWAYNE WELCH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE JAMES MARION HUGHES, JR., TERM EXPIRED.

MICHAEL ROBERT REGAN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE WALTER D. SOKOLOWSKI, TERM EXPIRED.

JESSE SEROYER, JR., OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE FLORENCE M. CAUTHEN, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT H. ROSWELL, OF FLORIDA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS, VICE THOMAS L. GARTHWAITE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be judge advocate general of the United States Navy

REAR ADM. MICHAEL F. LOHR, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CATHERINE E ABBOTT, 0000
LEWIS M BOONE, 0000
WILLIAM T CAIN, 0000
TIMOTHY R COFFIN, 0000
MICHAEL C CONNOLLY, 0000
NANCY J CURRIE, 0000
JOSEPH G CURTIN, 0000
PETER DIAZ, 0000
JODY L DRAVES, 0000
BRUCE E EMPRIC, 0000
MARSHALL P FITE, 0000
PATRICK G FORRESTER, 0000
VALLORY E LOWMAN, 0000
MARY E MATTHEWS, 0000
DAVID R MCWILLIAMS, 0000
CHRISTOPHER E OCONNOR, 0000
JAMES R PIERSON, 0000
VICTORIA A POST, 0000
MICHAEL A RHODEN, 0000
PATRICK V SIMON, 0000
GEORGE F STONE III, 0000
MARK D VANUS, 0000
JAMES R WILLIAMS, 0000
JEFFREY N WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ELI T ALFORD, 0000
MICHAEL D BAEHRE, 0000
DANIEL BOLAS, 0000
JAMES L BOLING, 0000
CLIFF F BOLTZ, 0000
JEANNE M BROOKS, 0000
ANDREW H COHEN, 0000
PAUL M CRAWFORD, 0000
EDWARD P DONNELLY JR., 0000
RAYMOND E FREELAND JR., 0000
STEVEN E GALING, 0000
REGINALD R GILLIS, 0000
HARRY C HARDY, 0000
KEVIN C HAWKINS, 0000
JAMES M HOUSE, 0000
BILLIE W KEELER, 0000
PATRICK KELLY III, 0000
DAVID B KNUDSON, 0000
ABBOTT C KOEHLER, 0000
BILLY J LASTER JR., 0000
STEVEN J MAINS, 0000
PAUL K MARTIN, 0000
ROBIN L MEALER, 0000
TERRY L MINTZ, 0000
EDWARD P NAESSENS, 0000
GERALD B OKEEFE, 0000
CHRISTOPHER G OWENS, 0000
LEON L PRICE, 0000
GEORGE PROHODA, 0000
MICHAEL A RAMSEY, 0000
JOHN S REGAN, 0000
WILLIAM A RIGBY, 0000
CHRISTOPHER C ROMIG, 0000
BARRY L SHOOP, 0000
GLADYS V SMITH, 0000
SCOTT A SNOOK, 0000
WILMER A SWEETSER JR., 0000
MICHAEL A TONER, 0000
JAMES T TREHARNE, 0000
ROBERT C TUTTLE JR., 0000
EUGENE C WARDYNSKI JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BRADLEY G ANDERSON, 0000
JESSE L BARBER, 0000
STEVEN F BEAL, 0000
ANTHONY B BELL, 0000
GARY L BLISS, 0000
CHRISTOPHER J BOLAN, 0000
STEVE G BOUKEDES, 0000
ROBERT E BREWSTER JR., 0000
MICHAEL E CANTOR, 0000
ALBERT A CASTALDO, 0000
DEBORAH J CHASE, 0000
DAVID W COKER, 0000
ALFRED A COPPOLA JR., 0000
SCOTT H CRIZER, 0000
JOHN F DAGOSTINO, 0000
VICTORIA DIEGOALLARD, 0000
ANITA M DOMINGO, 0000
GORDON C DRAKE, 0000
CHARLES H DRIESSNACK, 0000
PAUL J FLYNN, 0000
GREGORY J FRITZ, 0000
PETER N FULLER, 0000
ALLEN L GREEN III, 0000
HAROLD J GREENE, 0000
JEFFREY L GWILLIAM, 0000
RONALD J HAYNE, 0000
THOMAS H HOGAN, 0000
DONALD C HUFF, 0000
DAVID G JESMER JR., 0000
KEVIN B KENNY, 0000
STEPHEN D KREIDER, 0000
RONALD K MACCAMMON, 0000
DAVID G MACLEAN, 0000
JONATHAN A MADDUX, 0000
EDWARD D MCCOY, 0000
LLOYD E MCDANIELS, 0000
ROBERT C MCMULLIN, 0000
PAUL M MCQUAIN, 0000
FRANK L MILLER JR., 0000
SYLVIA T MORAN, 0000
FRANK MORGESE, 0000
JOSEPH F NAPOLI II, 0000
MARKUS R NEUMANN, 0000
CAMILLE M NICHOLS, 0000
KEVIN R NORGAARD, 0000
JOHN D NORWOOD, 0000
WILBUR A PARKER, 0000
WILLIAM N PATTERSON, 0000
JEROME F PAYNE, 0000
JAMES A PINER, 0000
KENNITH D POLCZYNSKI, 0000
ALEX R PORTELLI, 0000
STANLEY J PRUSINSKI, 0000
FRANK L RINDONE, 0000
STEPHEN L RUST, 0000
FELIX L SANTIAGOTORRES, 0000
TIMOTHY C SHEA, 0000
MICHAEL J SMITH, 0000
JESSE M STONE, 0000
ANDRES A TORO, 0000
THOMAS P WILHELM, 0000
MARK S WILKINS, 0000
JEFFREY D WILLEY, 0000
BENNY E WOODARD, 0000
JERRY D ZAYAS, 0000
DONALD A ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARK H ABERNATHY, 0000
JAMES C ABNEY, 0000
DAVID J ABRAMOWITZ, 0000
ROBERT B ABRAMS, 0000
KAREN S ADAMS, 0000
MARK W AKIN, 0000
ROBERT M ALGERMISSEN, 0000
DAVID S ANDERSON, 0000
JOHN S ARNOLD, 0000
JOHN M ATKINS, 0000
MARK F AVERILL, 0000
MARK W AVERY, 0000
JOE T BACK JR., 0000
DON W BAILEY, 0000
RALPH O BAKER, 0000
THOMAS M BAKER, 0000
CAROL A BARKALOW, 0000
MICHAEL J BARRON, 0000
ROBERT F BARRY II, 0000
FRANK L BARTH, 0000
DONALD A BARTHOLOMEW, 0000
DEBBIE V BAZEMORE, 0000
ROBERT C BECKINGER, 0000
ROGER A BEHRINGER, 0000
DAVID J BENDER, 0000
KATHLEEN R BENNETT, 0000
GUY C BEOUGHER, 0000
CAROLE N BEST, 0000
GEORGE M BILAFER JR., 0000
FREDDIE N BLAKELY, 0000
JAMES A BLISS, 0000
KEITH C BLOWE, 0000
DONNA G BOLTZ, 0000
GWENDOLYN D BONEYHARRIS, 0000
JAMES F BOWIE, 0000
THOMAS J BOYLE, 0000
WILLIAM G BRAUN III, 0000
DONALD W BRIDGE JR., 0000
STEVEN J BRIGGS, 0000
JONATHAN B BROCKMAN, 0000
JAMES E BROOKS JR., 0000
MICHAEL A BROWN, 0000
MICHAEL L BRUHN, 0000
IRBY W BRYAN JR., 0000
JACKIE J BRYANT, 0000
BELINDA L BUCKMAN, 0000
WILLIAM E BULEN JR., 0000
MICHAEL I BUMGARNER, 0000
RALPH C BURKART, 0000
PETER L BURNETT JR., 0000
JOHN C BURNS, 0000
AARON W BUSH, 0000
JEFFREY S CAIRNS, 0000
VERNON L CAMPBELL, 0000
MICHAEL M CANNON, 0000
EDWARD C CARDON, 0000
ROBERT M CARPENTER, 0000
ROBERT A CARR, 0000
JAYNE A CARSON, 0000
PATRICK J CASSIDY, 0000
MICHAEL R CHAMBERS, 0000
CAROL D CLAIR, 0000
BEN C CLAPSADDLE, 0000
MARY J CLARK, 0000
JAMES P COATES, 0000
JEFFREY G COLLEY, 0000
JAMES H COMISH, 0000
TIMOTHY R CORNETT, 0000
JAMES F COSTIGAN, 0000
MICHAEL P COURTS, 0000
KENNETH J COX, 0000
WID S CRAWFORD, 0000
JAMES L CREIGHTON JR., 0000
FREDERICK A CROSS, 0000
ANTHONY G CRUTCHFIELD, 0000
KENNETH J CULL, 0000
ROBERT A CUNNINGHAM, 0000
ROBERT L CURSIO JR., 0000
ROBERT J DALESSANDRO, 0000
BROOKS S DAVIS, 0000
JAMES L DAVIS, 0000
ROBERT J DAVIS JR., 0000
DARRYL C DEAN, 0000
CHRISTIAN E DEGRAFF, 0000
THOMAS J DEVINE, 0000
DAVID L DEVRIES, 0000
JOSEPH P DISALVO, 0000
BRIAN J DONAHUE, 0000
PATRICK J DONAHUE II, 0000
ALEX C DORNSTAUDER, 0000
EMMETT H DUBOSE JR., 0000
STEPHEN R DWYER, 0000
KAREN E DYSON, 0000
TODD J EBEL, 0000
STEVEN C ELDRIDGE, 0000
MICHAEL D ELLERBE, 0000
CONWAY S ELLERS, 0000
RONNIE T ELLIS, 0000
TRACY L ELLIS, 0000
JAMES H EMBREY, 0000
RICHARD A ENDERLE, 0000
MICHAEL D ENNEKING, 0000
MICHAEL A FANT, 0000
MICHAEL W FEIL, 0000
EDWARD J FISHER, 0000
LARRY W FLENIKEN, 0000
MICHAEL J FLYNN, 0000
JAMES M FOSTER, 0000
WALTER N FOUNTAIN, 0000
KELLY R FRASER, 0000
KENT E FRIEDERICH, 0000
WILLIAM R FRUNZI, 0000
WILLIAM K FULLER, 0000
TIMOTHY J GALLAGHER, 0000
WILLIAM J GALLAGHER, 0000
MICHAEL S GALLOUCIS, 0000
DUANE P GAPINSKI, 0000
DONALD E GENTRY, 0000
MICHAEL G GOULD, 0000

DAVID R GRAY, 0000
STEVEN M GREEN, 0000
BRYON E GREENWALD, 0000
JEFFREY G GREGSON, 0000
GILBERT A GRIFFIN, 0000
WILLIAM H HAIGHT III, 0000
BARRY G HALVERSON, 0000
DYFIERD A HARRIS, 0000
MICHAEL J HARRIS, 0000
JAMES W HARRISON JR., 0000
WILLIAM T HARRISON, 0000
THOMAS A HARVEY, 0000
EDWIN S HEINRICH, 0000
JAMES B HENDERSON, 0000
LOUIS O HENKEL, 0000
MARK M HENNES, 0000
JOHN A HERMAN, 0000
GREGORY K HERRING, 0000
JAMES B HICKEY, 0000
SHEILA B HICKMAN, 0000
PATRICK M HIGGINS, 0000
WILLIAM F HIGGINS JR., 0000
DAVID R HOGG, 0000
DEBORAH HOLLIS, 0000
JEFFREY P HOLT, 0000
JOHN C HOWARD, 0000
ROY C HOWLE JR., 0000
DONALD B HYDE JR., 0000
VICTOR D IRVIN, 0000
DONALD N ISBELL, 0000
CHRISTOPHER E ISKRA, 0000
ROBERT L JASSEY JR., 0000
FULTON R JOHNSON, 0000
ROBERT C JOHNSON, 0000
GARY E JOHNSTON, 0000
DALTON R JONES, 0000
STEVEN M JONES, 0000
CHARLES J KACSUR JR., 0000
JOHN C KARCH, 0000
MICHAEL P KELLIHER, 0000
PAUL W KELLY, 0000
ROBERT W KENNEALLY JR., 0000
JOHN M KIDD, 0000
GARY S KINNE, 0000
JAMES D KIRBY, 0000
DAVID B KNEAFSEY, 0000
GREGORY P KOENIG, 0000
JAMES P KOHLMANN, 0000
MIROSLAV P KURKA, 0000
KINARD J LAFATE, 0000
JONATHAN E LAKE, 0000
KURT G LAMBERT, 0000
STEPHEN R LANZA, 0000
STEVE E LAWRENCE, 0000
BRIAN R LAYER, 0000
DOUGLAS J LEE, 0000
WILLIAM F LEE, 0000
DAVID B LEMAUK, 0000
DEBRA M LEWIS, 0000
CHRISTOPHER L LEYDA, 0000
WENDY L LICHTENSTEIN, 0000
RICHARD C LONGO, 0000
ROBERT G LOUIS, 0000
JOSEPH B LOWDER, 0000
BENJAMIN D LUKEFAHR, 0000
DAVID K MACEWEN, 0000
JORGE L MADERA, 0000
CHERYL D MANN, 0000
ANGELA M MANOS, 0000
PETER R MANSOOR, 0000
LOU L MARICH, 0000
ALBERT G MARIN III, 0000
PRESCOTT L MARSHALL, 0000
DAVID C MARTINO, 0000
SHAWN M MATEER, 0000
BRADLEY W MAY, 0000
ROBERT D MAYR, 0000
MARK A MCALISTER, 0000
JACK R MCCLANAHAN JR., 0000
MICHAEL J MCMAHON, 0000
KENNETH M MCMILLIN, 0000
TIMOTHY K MCNULTY, 0000
PLAUDY M MEADOWS III, 0000
KEVIN G MERRIGAN, 0000
ANDREW N MILANI, 0000
GEORGE J MILLAN, 0000
STEVEN N MILLER, 0000
KRISTOPHER F MILTNER, 0000
JEFFERY L MISER, 0000
JAMES M MOORE, 0000
MARK L MORRISON, 0000
ALAN M MOSHER, 0000
DAVID A MOSINSKI, 0000
THOMAS M MUIR, 0000
CHARLES E MULLIS, 0000
CHRISTOPHER J MUNN, 0000
JOHN M MURRAY, 0000
SUSAN R MYERS, 0000
MICHAEL K NAGATA, 0000
JOYCE P NAPIER, 0000
JENNIFER L NAPPER, 0000
DOUGLAS E NASH, 0000
JAMES P NELSON, 0000
JOHN W NICHOLSON JR., 0000
ROBERT W NICHOLSON, 0000
JOSE R OLIVERO, 0000
GREG D OLSON, 0000
ROBERT ORTIZABREU JR., 0000
HECTOR E PAGAN, 0000
SAMUEL L PALMER, 0000
LAWRENCE R PAPINI JR., 0000
THOMAS M PAPPAS, 0000
RICHARD H PARKER, 0000
LAWARREN V PATTERSON, 0000
KATHLEEN M PEDERSEN, 0000
STEVEN R PELLEY, 0000
STEPHEN P PERKINS, 0000
WILLIAM E PERKINS, 0000
BRIAN C PERRIS, 0000
MARK B PETREE, 0000
MICHAEL F PFENNING, 0000
WILLIAM G PHELPS JR., 0000
DON A PHILLIPS, 0000
MICHAEL W PICK, 0000
TIMOTHY J POLASKE, 0000
RICHARD J POLO JR., 0000
WILLIAM R POPE, 0000
ROBERT P PRICONE, 0000
ANTHONY J PUCKETT, 0000
DAVID E QUANTOCK, 0000
FLOYD A QUINTANA, 0000
JOSEPH A RAPONE II, 0000
TIMOTHY R REESE, 0000
PAUL J REOYO, 0000
MICHAEL S REPASS, 0000
MICHAEL RESTY JR., 0000
ROSS E RIDGE, 0000
RICARDO R RIERA, 0000
JOHN P RITCHEY, 0000
MARK L RITTER, 0000
PETER J ROBERTS, 0000
HUGH G ROBINSON JR., 0000
SUSAN M ROCHA, 0000
DAVID J ROHRER, 0000
JAMES G ROSE, 0000
MARK D ROSENGARD, 0000
JOHN S ROVEGNO, 0000
BENIGNO B RUIZ, 0000
BENNET S SACOLICK, 0000
STEVEN L SALAZAR, 0000
RUSSEL D SANTALA, 0000
LAURIE F SATTLER, 0000
DAVID A SCARBALIS, 0000
MICHAEL W SCHNEIDER, 0000
CHRISTOPHER E SCHUSTER, 0000
JERRY D SCOTT, 0000
MICHAEL R SCOTT, 0000
JAY D SERRANO, 0000
DANIEL J SHANAHAN, 0000
JOHN M SHAY, 0000
JAMES W SHUFELT JR., 0000
RICHARD A SMART, 0000
JEFFOREY A SMITH, 0000
MICHAEL N SMITH, 0000
NATHANIEL SMITH, 0000
PHILIP J SMITH, 0000
EDWARD W SNEAD, 0000
SUSAN R SOWERS, 0000
JAMES A STAUFFER, 0000
MARK A STEENBERG, 0000
EDDIE A STEPHENS, 0000
BRIAN P STEPHENSON, 0000
MICHAEL K STEPHENSON, 0000
BEVERLY M STIPE, 0000
ARTHUR A STRANGE III, 0000
JOHN C STRATIS, 0000
DAVID J STYLES, 0000
BARRY L SWAIN, 0000
RICHARD W SWENGROS, 0000
WILLIAM J TAIT JR., 0000
CHARLES L TAYLOR, 0000
DEBRA O TAYLOR, 0000
DWAYNE L THOMAS, 0000
DENNIS H THOMPSON, 0000
DENNIS A THORNTON, 0000
JOHN M TISSON, 0000
ROBERT M TOGUCHI, 0000
CHARLES J TOOMEY JR., 0000
CHRISTOPHER J TOOMEY, 0000
KARLA C TORREZ, 0000
TIMOTHY C TOUZINSKY, 0000
JOHN W TOWERS, 0000
THOMAS G TROBRIDGE, 0000
RODERICK G TURNER III, 0000
PETER D UTLEY, 0000
THOMAS D VAIL, 0000
THOMAS S VANDAL, 0000
REY A VELEZ, 0000
JEFFREY D WADDELL, 0000
MICHAEL T WALKER, 0000
WALLY Z WALTERS JR., 0000
BRAD M WARD, 0000
BRIAN F WATERS, 0000
PAUL L WENTZ, 0000
STUART A WHITEHEAD, 0000
PERRY L WIGGINS, 0000
STEPHEN M WILKINS, 0000
GARLAND H WILLIAMS, 0000
JENNIE M WILLIAMSON, 0000
CHARLES A WILSON, 0000
GEORGE J WOODS III, 0000
ARTHUR W WOOLFREY JR., 0000
LOWELL S YARBROUGH, 0000
CHET C YOUNG, 0000
LAVERM YOUNG JR., 0000
LOUIS G YUENGERT, 0000
DANIEL L ZAJAC, 0000
JACK C ZEIGLER JR., 0000
JOHN T ZOCCOLA, 0000

EXTENSIONS OF REMARKS

NO SUBSTITUTE FOR QUALITY TEACHING ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to talk about a very important issue to my district and communities across the country—increasing access to professional development for our teachers and to introduce the No Substitute for Quality Teaching Act, legislation I have drafted to address this issue. We all understand the importance of training opportunities for our teachers. When we passed H.R. 1 by an overwhelming margin, we included significant new investments for teacher quality programs and new measures to hold teachers accountable for the education they provide. We even required school to devote 10 percent of their Title I funds to professional development activities. Unfortunately, these resources and requirements will be meaningless if teachers do not have time to take advantage of the training opportunities.

Throughout the fall I conducted a survey of teachers and principals in all the schools in my congressional district. I found that teachers and administrators alike want to pursue more professional development, to improve their skills and use the most innovative and effective teaching strategies available, but they simply do not have the time. Many teachers are already overburdened with the daily duties of teaching, coaching or leading other after-school activities, and preparing future lesson plans. When they need a substitute to fill in while they attend a training class, there often isn't one available. In fact, the substitute teacher shortage in Rhode Island—and in many states across the country—is so acute that many teachers are being forced to give up their planning periods to cover for sick colleagues. Some states have even placed moratoriums on leaves of absence for professional development.

To alleviate the shortage, districts have been forced to dramatically lower their hiring standards for substitute teachers. Twenty-eight states allow principals to hire anyone with a high school diploma or GED who is 18 or older, and over half of all states do not check references or even conduct face-to-face interviews with potential substitutes. Yet, our students spend an inordinate amount of time with them—an average of 365 days over the course of their elementary and secondary education. Alarmingly, minimal qualification requirements for substitutes have been linked to lower educational achievement among students.

So, today, along with 14 of my colleagues, I am introducing the ''No Substitute for Quality Teaching Act.'' This bill will create a demonstration grant program for school districts to experiment with creative ways to address the substitute teacher shortage. The funds will go directly to local education agencies, which may tackle the problem alone or in conjunction with neighboring districts.

States across the country are already dealing with this issue in a myriad of ways. Wisconsin, Florida, California, New Mexico, Washington, Pennslyvania and Minnesota, to name a few, have created permanent substitute teacher pools, implemented training programs to equip substitutes with the skills they need to be effective at their jobs, conducted recruitment campaigns, and raised substitute compensation. Let's provide the necessary resources to disseminate the lessons these states have already learned, and to find new ways to solve this problem by passing the No Substitute for Quality Teaching Act.

IN RECOGNITION OF THE PANPAPHIAN ASSOCIATION OF AMERICA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Panpaphian Association of America which will be honoring Peter J. Pappas with the Evagoras Pallikarides Award of Merit as well as this year's Member of the Year, Chrysi Kleopa Notskas.

The Panpaphian Association was founded in 1987 by a group of Hellenic Cypriot Americans from Paphos, Cyprus to serve as cultural, educational and social organization. The Evagoras Pallikarides Award is named in honor of Evagoras Pallikarides, who was born in the small village of Tsada, Paphos, in February of 1938. Pallikarides is hailed as a hero by many for his work as a Cypriot freedom-fighter during the British occupation of Cyprus. For his efforts, Pallikarides was subsequently executed by the British, but his legacy of independence and cultural pride has endured. This year's recipient of the Evagoras Pallikarides Award embodies these characteristics as well.

Peter J. Pappas is the President & CEO of PJ Mechanical Corporation. It is one of the largest service maintenance organizations in the New York metropolitan area and presently ranks ninth in the entire nation. Mr. Pappas's professional successes can be rivaled only by his many philanthropic contributions. He serves on the Archdiocesan Council, is a Director of Leadership 100, and President of HANAC, which oversees and coordinates a variety of social service programs throughout the community that have serviced thousands of people. He is also President of the Cyprus Children's Fund, a member of the Board of Directors of the Cyprus Chamber of Commerce and Chairman of the New York State Hellenic American Republican Association.

Mr. Pappas has been married to his wife, Catherine, in 1961. The couple has three grown children, Peter, James and Tara and seven grandchildren.

Being honored as this year's Panaphian Association Member of the Year is Chrysi Kleopa Notskas. A native of Paphos, Cyprus she relocated to the U.S. as a student, obtaining a Bachelor's degree from Adelphi University and a Master's degree from Long Island University. She was named Ms. Cyprus of the USA and was also recognized with an Outstanding Teacher Award. As a teacher and mentor, Notskas is known for her selflessness and unwillingness to say no to a student in need. She is married to Evan Notskas and they have a daughter named Olga.

In recognition of these outstanding achievements, I ask my colleagues to join me in recognizing the great contributions of the Panpaphian Association, and its honorees Peter J. Papas and Chrysi Kleopa Notskas.

IN RECOGNITION OF OFFICER ROBERT D. MOORE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the numerous contributions made by Officer Robert D. Moore to the Monterey Park Police Department during his professional career. After 23 years of service, Officer Moore retired from the police force on December 20, 2001.

Officer Moore attended the Los Angeles County Sheriff's Department Academy and graduated on June 8, 1979. By February 19 of the same year, Officer Moore began his 23-year career with the Monterey Park Police Department. During a large part of his career he worked on the patrol division and from 1986 to 1989 he was assigned to the Investigations Bureau that dealt with fraud. He obtained Basic, Intermediate, and Advanced Police Certificates from the State of California Commission on Police Officer Standards of Training.

During his career, Officer Moore received over thirty letters and commendations for his valuable achievements including arrests made, investigations conducted, and help provided to members of the community. Several of those commendations recognized his extra efforts in helping victims of crime, the elderly, and underprivileged members of the community. Furthermore, he was also part of the Monterey Park Police Department's Baker to Vegas running team.

I commend Officer Moore's strong commitment to protect and serve the Monterey Park community. Officer Moore has been a true professional, an inspirational role model and a friend to many from the beginning of his career until his retirement and his contributions will not be forgotten. I wish him well in his retirement and thank him for his many years of public service.

TRIBUTE TO DR. RICHARD HODES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Dr. Richard Hodes, a physician and former leader in the Florida legislature who used his multitude of personal and professional talents to improve Florida's health care system and make Florida a better place for all of us.

During Dick's 16 years of service in the Florida House of Representatives, he always sought opportunities to contribute as a champion of education and health reforms. As chairman of the House Health and Rehabilitation Services Committee, then Speaker pro tem and majority leader, Dick used his expertise as a physician and his prowess as a legislator, most notably, to help fashion Florida's Medicaid legislation and streamline the State's health, institutional, and welfare services in Florida.

Dick's work was not overlooked. In 1970 he was the recipient of the Florida Jaycees Good Government Award and the St. Petersburg Times nominated him four times as the Most Valuable Member of the House. Dick was even elected President of the National Conference of State Legislatures.

Outside of the legislature, Dick's contributions to the medical community were countless. He operated his own private practice in Tampa for nearly 40 years and served as Chairman of the Department of Anesthesiology at the University of South Florida's College of Medicine and former President of the Florida Medical Association, the Hillsborough County Medical Association and the Florida Society of Anesthesiologists. Local Hillsborough County residents benefitted from his insight every week for 20 years when they tuned into his program on WEDU television.

Dick was the model citizen: a tireless worker, a highly successful doctor and public servant dedicated to the people he served. He was soft spoken while holding firm, heartfelt views about the major issues he tackled. Dick is an inspiration for generations of leaders to come and he will be solely missed not just by his family and many, many friends, but by all of us.

ANNOUNCEMENT OF THE 2002 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. REGULA. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany during May 26 to June 8 of this year. During the 2 week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag Member for a district visit.

A comparable delegation of German staff members will visit the United States for 2 weeks in July. They will attend similar meetings here in Washington and visit the districts of Congressional Members. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag Exchange is highly regarded in Germany and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Veillette in Congressman REGULA's office, 2306 Rayburn House Building by noon on Friday, April 5.

HONORING LIFE OF DAVE THOMAS

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2002

Mr. CAMP. Mr. Speaker, as a member who has actively sought to advance the adoption and foster care system, I would like to pay tribute to Dave Thomas, founder of Wendy's Old-Fashioned Hamburgers. Throughout his life, Mr. Thomas displayed incredible dedication to not only his business endeavors, but also his advocacy for the cause of adoption.

In his efforts to encourage, improve, and increase public awareness of adoption and foster care programs, Mr. Thomas established both the Dave Thomas Foundation for Adoption and the Dave Thomas Center for Adoption Law. His Foundation for Adoption worked jointly with national adoption organizations, individuals, and public and private agencies to raise awareness and provide support for children awaiting adoption, while his Center for Adoption Law helped to ease and facilitate the adoption process through education, advocacy, and research.

In addition to his foundations, Mr. Thomas was a constructive force in shaping corporate health policy to cover adoption expenses. Through his efforts, 75 percent of Fortune 1000 companies now offer adoption benefits to their employees. Mr. Thomas also served from 1990 until 2000 as the national spokesman for numerous White House adoption and foster care initiatives, and donated his speaking fees and profits from the sales of his books, ''Dave's Way, Well Done!'' and ''Franchising for Dummies,'' to adoption causes.

As a testament to his devotion to the cause of adoption, Mr. Thomas received numerous awards, including the Angel in Adoption Award from the Congressional Coalition on Adoption and the 2001 Social Awareness Award from the U.S. Postal Service.

Through his entire span of advocacy for the cause of adoption, Mr. Thomas maintained his life and success ethics of honesty, hard work, self-reliance, and perseverance. May he always be remembered as a truly powerful example for every person who works toward a cause in which he or she believes.

HONORING HAMILTON COUNTY COMMISSIONER HAROLD COKER FOR HIS DEDICATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. WAMP. Mr. Speaker, as a Hamilton County Commissioner, a small businessman and community activist, Harold Coker has spend decades working to improve the school system, promote economic development and enhance the quality of life for all that live in Hamilton County.

Before being elected to the County Commission, Mr. Coker was a successful business owner and was elected President of the Antique Automobile Club of America. Because of his dedication to the industry, he was also elected president of the National Tire Dealers Association.

In 1982, when Mr. Coker was elected to the Hamilton County Commission, he went to work for efficient and more effective government and attacked abuse of power and corruption in local politics. He served as county commission chairman in 1985–86, 1995 and 1998–99 and throughout his service he has saved the taxpayers millions of dollars.

For over twenty years Commissioner Coker's goal has been to bring about progress and make Hamilton County a better place to live. Harold and his wife Lill became involved in making the streets of our community safe. They urged the use of seat belts and strongly advocated against driving under the influence

of alcohol or drugs. Harold was successful in obtaining a federal grant of $500,000 to form the DUI task force.

In 1986 he was named by President Ronald Reagan to serve on the National Highway Transportation Safety Advisory Committee. While serving on the NHTSA board, Harold was instrumental in getting the child safety restraint bill and seat belt law passed in the state legislature. Tennessee was the first state in the nation to pass the Child Safety restraint bill and the bill became a model for the rest of the nation. He should take great satisfaction in knowing that many lives have been saved across the country because of this legislation.

In 1986, Commissioner Coker also began an effort to improve the image of Chattanooga by working to create a river port and a river walk to add to the city's growth, development and livability. He only hoped to live long enough to see this project fully realized. I am pleased to report that the project will be completed this year before he leaves office in August.

Another one of Commissioner Coker's primary concerns during his 20 years of public service has been economic development. He was instrumental in establishing industrial parks, enterprise zones, and citizen action groups that will benefit the area for generations to come.

Harold believed that a good education directly contributed to his success as a business owner and he was inspired to increase funding for schools as a County Commissioner. He voted for increases in teacher pay and as a result starting teacher's salaries have more than doubled during his tenure on the County Commission.

The Coker family was awarded the Great American Family Community Award in 1983; he received the Sertoma Service to Mankind Award in 1985; he was named Volunteer of the Year for the Heart Association in 1987; and he was the recipient of the Public Education Foundation Award in 2000.

Commissioner Coker will leave office at the end of his final term in August of 2002. I would like to personally thank him for his tireless efforts to make a difference in the lives of the people who live in the Tennessee Valley. We will miss his leadership, but his vision and principled stands will serve as a legacy and a lesson for all who are fortunate to be called a ''public servant.''

THE OLD SPANISH NATIONAL HISTORIC TRAIL ACT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mrs. WILSON. Mr. Speaker, in the west, citizens from all walks of life have deep-rooted cultural and historic ties to the land. This legislation will amend the National Trails System Act and designate the Old Spanish Trail, which originates in Santa Fe, New Mexico and continues to Los Angeles, California, as a National Historic Trail.

The Old Spanish Trail dates back to 1829 when it had a variety of uses, from trade caravans to military expeditions. For twenty plus years, the Old Spanish Trail was used as a main route of travel between New Mexico and California. Numerous Indian Pueblos were situated along the trail serving as trading forums for the travelers. Today, more than one hundred and fifty years after the first caravans on the Old Spanish Trail, the historic charter of the trail lives on and the trail remains relatively unchanged since the trail period.

The Old Spanish Trail is a symbol of cultural interaction between various ethnic groups and nations. Further, it is a symbol of the commercial exchange that made development and growth popular, not only in the west, but throughout the country.

The National Trails system was established by the National Trails System Act of 1968, to promote the preservation of, public access to, travel within, and appreciation of the open air, outdoor areas and historic resources of the Nation. Designating the Old Spanish Trail as a National Historic Trail would allow for just what the act has intended, preservation, access, enjoyment and appreciation of the historic resources of our Nation. The Old Spanish Trail has been significant in many respects to many different people and such rich history should not be left out of our National Trails System. Designating the Old Spanish Trail as a National Historic Trail will protect this historic route and its historic remnants and artifacts for public use and enjoyment indefinitely.

MASSACHUSETTS STATE SENATOR STEVEN A. BADDOUR'S SWEARING IN SPEECH

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. MEEHAN. Mr. Speaker, my good friend Steven A. Baddour was elected to the Third Essex Seat of the Massachusetts State Senate in a special election held on January 8, 2002. Steve is a former Assistant Attorney General for Massachusetts and also served as an Economic Development Specialist in my Massachusetts offices.

On January 23, 2002, Steve delivered his first speech as a State Senator. It was an eloquent and moving address. Without objection, I submit the text of his remarks:

Thank You.

Your Excellency, thank you very much. I look forward to working with you throughout the years to come.

Mr. President, thank you as well. On behalf of the people of the Third Essex District, I want to thank you for your commitment to democracy and representation. The fact that you scheduled this election, so soon after the resignation of the now Secretary of Public Safety, is proof that you place public service over politics. Thank you.

Speaking of the Secretary of Public Safety. I want to thank him for his unwavering commitment on behalf of the citizens he represented with such distinction and honor. It is truly an honor for me to succeed by friend and mentor, the Secretary of Public Safety. Please join me in thanking him for all that he has done for the citizens he has so ablely represented.

Attorney General Tom Reilly—thank you so much for being here and for all that you have done for me. As the leader of the best professional public law office—you have said repeatedly—you expect nothing but the best of your employees—and as the newspapers are reporting day after day—it shows. You are a mentor and a good friend and I am so proud to have worked for you. You gave me a chance and hired me, and more importantly, you gave me an opportunity to represent the entire Commonwealth and fight for working families—a valuable experience that will benefit me and the district that I now represent. To all of the Assistant Attorney General's who are here, thank you for friendship and your commitment to public service. You are the unsung heroes of state government.

To the local officials who are here today and to those who could not make it, I pledge to you my cooperation and vow to work with you to make our government better for the people we collectively represent.

I would not be here today if it were not for the support of so many people, actually just about everyone in this room. To those of you whom are here in this historic chamber today for the first time—come back. The energy and enthusiasm you displayed during this campaign is needed in government. Get involved and stay involved. This is your government and your input, now more than ever, is greatly needed.

I especially want to thank someone whom I love very much and if not for her support I would not be here. I always knew during the campaign and even before that if I had a bad day, I could just go home and get all the support I needed. My wife Ann may be quiet but she is strong and I couldn't ask for a better friend, wife and mother to my child. Ann, thank you.

My life changed forever in December. And no not because of the election. But because of the birth of my first daughter Isabella. I now know what the term ''daddy's little girl'' means. The first time she looked at me and smiled it was all over. I hope that someday, she smiles at me and says that she is proud of the work I did as a member of the Massachusetts State Senate.

I also want to thank the members of my family. I learned at a very early age the importance of community. My parents Shae and Phyllis were great role models and I want to thank them for their love and support over the years. They deserve a round of applause because if it were not for their nurturing and encouragement, I would not be here today. My step-mother Marie is also here and I want to thank her for the countless hours she spent on the telephone and for all that she has done for me over the years.

My brother Shae is also here today with his wife Michelle and their three children, Matthew, Nicole and Shaena. I want to thank them, especially my brother, for always being there when I needed him. He is a great brother, but more importantly a great husband and a super dad.

To my new colleagues, I look forward to working with each of you. I look forward to building a friendship. Over the next few days, I will be calling each of you to set a meeting where we can sit down and begin to build a friendship as well as a partnership. I look forward to working with you as a productive member of this great body.

To my supporters I pledge to work everyday fighting for the issues that I campaigned on. Opening the political process, a commitment to education, especially Adult learning, and the list goes on. I am a true believer in the phrase coined by Tip O'Neil that all politics is local and I truly look forward to representing and working for the people of Methuen, North Andover, Haverhill, Salisbury, Merrimac, Amesbury and Newburyport.

As anyone can tell—the geography of this district is as diverse as its people. And the challenges that lay in the month's ahead could easily make one turn his or her head the other way from public service. But having already worked for the district, having

represented the Commonwealth as an Assistant Attorney General—I look forward and am excited to meet those challenges head on.

Today, I stand before you and reiterate the one promise that I made throughout this campaign: I will never forget where I came from.

I am the son of a working class family and a product of public education from kindergarten through college.

The daily struggles I witnessed and experienced along with my family, friends and neighbors have made me who I am and have brought me here today.

I will remain true to that promise and to the commitments I made during this campaign, I will not forget where I came from.

MINIMUM WAGE FOR FILIPINO DOMESTIC WORKERS IN HONG KONG

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. LANTOS. Mr. Speaker, Hong Kong is one of the most economically and culturally vibrant cities in the world, and its hard-working residents make an enormous contribution to the economic and political stability of the Asia-Pacific region. As a result, U.S.-Hong Kong relations have never been stronger, and ties between the governments and people of Hong Kong and the U.S. grow each day.

While there are many reasons for Hong Kong's ongoing success, due credit must be given to the over 230,000 domestic workers in Hong Kong who watch children, cook and clean while their Hong Kong employers are off at work. Most of the women who fill these domestic positions are from the Philippines, and the remittances of their wages back to the Philippines support entire families. But the sacrifices made by these Filipina maids are enormous. They must leave husbands, children, and other family members behind for years on end to work incredibly long hours, six days a week. Given the small size of Hong Kong apartments, most of these maids sleep on kitchen or bathroom floors, or even in the closet. The minimum wage for Hong Kong maids is set at just $470 per month, and not all employers comply.

During an official visit to Hong Kong in January, it was brought to my attention that the trade association representing the employers of Hong Kong maids had proposed cutting the minimum wage for maids by 14%. Given Hong Kong's leadership role in the Asia-Pacific region, I was frankly shocked to hear that such a proposal had even been put on the table.

In meetings with Members of the Hong Kong Legislative Council and other senior Hong Kong officials, I raised strong concerns regarding this proposed minimum wage cut, echoing the strong statements against the proposal made by many Hong Kong residents and Filipina maids. I indicated that I was very sympathetic to the fact that many Hong Kong families have had to tighten their belts as a result of the recession in Hong Kong, but that it was not a solution to Hong Kong's economic problems to cut the wages of those who earn the least. Hong Kong's Filipina maids keep Hong Kong running and single-handedly support tens of thousands of families back home in the Philippines. The proposal to cut their wages was unfair and unethical, a fact realized by many solid citizens in Hong Kong.

It is therefore my great pleasure to report that the proposal to cut the minimum wage for Hong Kong's maids has been rejected by the Hong Kong government. This decision by the government demonstrates the wisdom of Hong Kong's leadership on economic and other important issues, and shows why U.S.-Hong Kong relations will only grow stronger.

I have attached a recent article from the Economist regarding this critically-important issue, and urge my colleague to read it in its entirety.

AN ANTHROPOLOGY OF HAPPINESS—THE FILIPINA SISTERHOOD

[From the Economist, Dec. 22, 2001]

Once a week, on Sundays, Hong Kong becomes a different city. Thousands of Filipina women throng into the central business district, around Statue Square, to picnic, dance, sing, gossip and laugh. They snuggle in the shade under the HSBC building, a Hong Kong landmark, and spill out into the parks and streets. They hug. They chatter. They smile. Humanity could stage no greater display of happiness.

This stands in stark contrast to the other six days of the week. Then it is the Chinese, famously cranky and often rude, and expatriate businessmen, permanently stressed, who control the city centre. On these days, the Filipinas are mostly holed up in the 154,000 households across the territory where they work as ''domestic helpers'', or amahs in Cantonese. There they suffer not only the loneliness of separation from their own families, but often virtual slavery under their Chinese or expatriate masters. Hence a mystery: those who should be Hong Kong's most miserable are, by all appearances, its happiest. How? The Philippine government estimates that about 10% of the country's 75 million people work overseas in order to support their families. Last year, this diaspora remitted $6 billion, making overseas Filipino workers, or OFWs, one of the biggest sources of foreign exchange. Hong Kong is the epicentre of this diaspora. Although America, Japan and Saudi Arabia are bigger destinations of OFWs by numbers, Hong Kong is the city where they are most concentrated and visible. Filipina amahs make up over 2% of its total and 40% of its non-Chinese population. They play an integral part in almost every middle- class household. And, once a week, they take over the heart of their host society.

It was not always thus. Two generations ago, the Philippines was the second-richest country in East Asia, after Japan, while Hong Kong was teeming with destitute refugees from mainland China. Among upper-class families in the Philippines, it was common in those days to employ maids from Hong Kong. But over the past two decades Hong Kong has grown rich as one of Asia's ''tigers'', while the Philippines has stayed poor. Hong Kong is the closest rich economy to the Philippines, and the easiest place to get ''domestic'' visas. It has the most elaborate network of employment agencies for amahs in the world.

A BED IN A CUPBOARD

Although the Filipinas in Hong Kong come from poor families, over half have college degrees. Most speak fluent English and reasonable Cantonese, besides Tagalog and their local Philippine dialect. About half are in Hong Kong because they are mothers earning money to send their children to school back home. The other half tend to be eldest sisters working to feed younger siblings. All are their families' primary breadwinners.

Their treatment varies. By law, employers must give their amahs a ''private space'' to live in, but Hong Kong's flats tend to be tiny, and the Asian Migrant Centre, an NGO, estimates that nearly half of amahs do not have their own room. Some amahs sleep in closets, on the bathroom floor, and under the dining table. One petite amah sleeps in a kitchen cupboard. At night she takes out the plates, places them on the washer, and climbs in; in the morning, she replaces the plates. When amahs are mistreated, as many are, they almost never seek redress. Among those who did so last year, one had her hands burned with a hot iron by her Chinese employer, and one was beaten for not cleaning the oven properly.

The amahs' keenest pain, however, is separation from loved ones. Most amahs leave their children and husbands behind for years, or for good, in order to provide for them. Meanwhile, those families often break apart. It is hard, for instance, to find married amahs whose husbands at home have not taken a mistress, or even fathered other children. Some amahs show their dislocation by lying or stealing from their employers, but most seem incapable of bitterness. Instead, they pour out love on the children they look after. Often it is they who dote, who listen, who check homework. And they rarely stop to compare or envy.

Under such circumstances, the obstinate cheerfulness of the Filipinas can be baffling. But does it equate to ''happiness'', as most people would understand it? ''That's not a mistake. They really are,'' argues Felipe de Leon, a professor of Filipinology at Manila's University of the Philippines. In every survey ever conducted, whether the comparison is with western or other Asian cultures, Filipinos consider themselves by far the happiest. In Asia, they are usually followed by their Malay cousins in Malaysia, while the Japanese and Hong Kong Chinese are the most miserable. Anecdotal evidence confirms these findings.

HAPPINESS IS KAPWA

Explaining the phenomenon is more difficult. The usual hypothesis puts it down to the unique ethnic and historical cocktail that is Philippine culture—Malay roots (warm, sensual, mystical) mixed with the Catholicism and fiesta spirit of the former Spanish colonisers, to which is added a dash of western flavour from the islands' days as an American colony. Mr de Leon, after a decade of researching, has concluded that Filipino culture is the most inclusive and open of all those he has studied. It is the opposite of the individualistic culture of the West, with its emphasis on privacy and personal fulfilment. It is also the opposite of certain collectivistic cultures, as one finds them in Confucian societies, that value hierarchy and ''face''.

By contrast, Filipino culture is based on the notion of kapwa, a Tagalog word that roughly translates into ''shared being''. In essence, it means that most Filipinos, deep down, do not believe that their own existence is separable from that of the people around them. Everything, from pain to a snack or a joke, is there to be shared. Guests in Filipino homes, for instance, are usually expected to stay in the hosts' own

nuptial bed, while the displaced couple sleeps on the floor. Small-talk tends to get so intimate so quickly that many westerners recoil. ''The strongest social urge of the Filipino is to connect, to become one with people,'' says Mr de Leon. As a result, he believes, there is much less loneliness among them.

It is a tall thesis, so The Economist set out to corroborate it in and around Statue Square on Sundays. At that time the square turns, in effect, into a map of the Philippine archipelago. The picnickers nearest to the statue itself, for instance, speak mostly Ilocano, a dialect from northern Luzon. In the shade under the Number 13 bus stop (the road is off-limits to vehicles on Sundays) one hears more Ilonggo, spoken on Panay island. Closer to City Hall, the most common dialect is Cebuano, from Cebu. Hong Kong's Filipinas, in other words, replicate their village communities, and these surrogate families form a first circle of shared being. Indeed, some of the new arrivals in Hong Kong already have aunts, nieces, former students, teachers, or neighbours who are there, and gossip from home spreads like wildfire.

What is most striking about Statue Square, however, is that the sharing is in no way confined to any dialect group. Filipinas who are total strangers move from one group to another—always welcomed, never rejected, never awkward. Indeed, even Indonesian maids (after Filipinas, the largest group of amahs), and Chinese or foreign passers-by who linger for even a moment are likely to be invited to share the snacks.

The same sense of light-hearted intimacy extends to religion. Father Lim, for instance, is a Filipino priest in Hong Kong. Judging by the way his mobile phone rings almost constantly with amahs who want to talk about their straying husbands at home, he is also every amah's best friend. He is just as informal during his Sunday service in Tagalog at St Joseph's Church on Garden Road. This event is, by turns, stand-up comedy, rock concert and group therapy. And it is packed. For most of the hour, Father Lim squeezes through his flock with a microphone. ''Are you happy?'' he asks the congregation. A hand snatches the mike from him. ''Yes, because I love God.'' Amid wild applause, the mike finds its way to another amah. ''I'm so happy because I got my HK$3,670 this month [$470, the amahs' statutory wage]. But my employer was expecting a million and didn't get it. Now he's miserable.'' The others hoot with laughter.

The Filipinas, says Father Lim, have only one day a week of freedom (less, actually, as most employers impose curfews around dusk), so they ''maximise it by liberating the Filipino spirit''. That spirit includes communing with God. Some 97% of Filipinos believe in God, and 65%, according to a survey, feel ''extremely close'' to him. This is more than double the percentage of the two runners-up in the survey, America and Israel. This intimate approach to faith, thinks Father Lim, is one reason why there is virtually no drug abuse, suicide or depression among the amahs—problems that are growing among the Chinese.

THE LIFELINE TO HOME

There is, however, an even more concrete expression of kapwa. Quite simply, it is the reason why the Filipinas are where they are in the first place: to provide for loved ones at home. Most spend very little of their monthly HK$3,670 on themselves. Instead, they take it to WorldWide House, a shopping mall and office complex near Statue Square. On Sundays the mall becomes a Philippine market, packed with amahs buying T-shirts, toys and other articles for their siblings and children, and remitting their wages. More than their wages, in fact: many amahs borrow to send home more, often with ruinous financial consequences.

Father Lim tells a story. An eminent Filipino died while abroad, and it was decided that local compatriots should bid the coffin adieu before its journey home. So amahs showed up to file past it. When the coffin arrived in the Philippines and was re-opened, the corpse was covered from head to toe with padded bras, platform shoes, Nike trainers, and the like, all neatly tagged with the correct addresses.

It is their role as a lifeline for the folks at home that has earned the OFWs their Tagalog nickname, bayani. By itself, bayani means heroine, and this is how many amahs see themselves. Another form of the word, bayanihan, used to describe the traditional way of moving house in the Philippines. All the villagers would get together, pick up the hut and carry it to its new site. Bayanihan was a heroic, communal—in other words, shared—effort.

It is no coincidence, therefore, that Bayanihan House is the name the amahs have given to a building in Hong Kong that a trust has made available to them for birthday parties, hairstyling classes, beauty pageants and the like. One recent Sunday, during a pageant, one of the contestants for beauty queen was asked how she overcame homesickness, and why she thought the people back home considered her a hero. She looked down into her audience of amahs. ''We're heroes because we sacrifice for the ones we love. And homesickness is just a part of it. But we deal with it because we're together.'' The room erupted with applause and agreement.

''Nowadays, bayanihan really means togetherness,'' says Mr de Leon, and ''togetherness is happiness''. It might sound too obvious, almost banal, to point out—had not so many people across the world forgotten it.

IN HONOR OF THE FIREFIGHTING VESSEL ''JOHN J. HARVEY''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to *John J. Harvey*, the oldest and, now, most famous firefighting vessel on the Hudson River. On September 11, 2001, the crew of *John J. Harvey* demonstrated exceeding valor in aiding the rescue efforts of the New York City Fire Department.

John J. Harvey was build seventy years ago in order to update and improve the New York City Fire Department's aging fleet of steam-powered fireboats. The boat was the first vessel of its kind with internal combustion engines, a feature that gave *John J. Harvey* the capacity to pump 18,000 gallons of water a minute—twenty fire engines' worth—in streams up to twenty-five stories high.

John J. Harvey served in New York Harbor until 1995, when it was taken out of service for budgetary reasons. During her years of outstanding service, she participated in some of the most memorable fire rescue missions in New York Harbor. She fought the inferno that destroyed the ocean liner *Normandie* and doused the flames on a sinking munitions boat. As part of the annual Fourth of July celebration, *John J. Harvey* shoots gushing streams of water high into the sky, forming an are through which passing ships can speed. As a result of her past deeds, she was placed on the National Register of Historic Places in 2000.

Prior to the September 11th attacks on the World Trade Center, *John J. Harvey* had been operated by her owners as a working fireboat museum giving free trips and educational tours up and down the Hudson River and at Pier 63 Maritime. As news of the disaster at the World Trade Center spread, the crew of *John J. Harvey* began racing towards Pier 63 Maritime from all parts of New York. They recognized that the fireboat was uniquely suited to provide invaluable help to the FDNY and NYPD at this time of crisis.

Once it arrived at the scene of the attack, *John J. Harvey* immediately began ferrying ash-caked survivors away from the collapsed buildings. A member of the crew later recalled how roughly 150 people hurled themselves over the gunwales, some leaving their shoes behind, in order to escape. As *John J. Harvey* was rescuing these people, a call came in from the Fire Department: They desperately needed water pressure.

Upon hearing this request, the crew dropped off the survivors in safety at pier 40 and rushed *John J. Harvey* to the sea wall at the World Financial Center. As they started to rev up the water pumps on the boat, the crew recognized that they had a serious problem. *Harvey*'s 3-inch manifold valves, designed for providing water of a different diameter to the modern 2½ inch hose being used by FDNY. Nobody had any adapters. Tim Ivory, the boat's chief engineer, was under intense pressure knowing that many lives were dependant on *Harvey* to provide water quickly. He remembered that some of the water guns, designed for shooting water into the air, had nozzles that were 2½ inches in diameter. He cleverly improvised by taking a sledgehammer and jamming soda bottles and wood into the nozzles, so as to redirect the water into the hoses from the guns.

John J. Harvey spend the next 80 hours pumping water to firefighters working in the wreckage. Since all of the fire hydrants west of the disaster site were not operational, *John J. Harvey*, along with the city's two remaining large fireboats, *Fire-Fighter* and *McKean,* provided much of the necessary water to fight the fires that continued to burn at the site of the World Trade Center.

I particularly want to recognize the brave crew members of *John J. Harvey*. On the day of the attack, the following people rushed to the rescue: Chase B. Welles (who quickly recognized the need to be of service), Huntley Gill (who piloted the boat on 9/11), Tim Ivory (whose ingenuity saved the day), Tomas J. Cavallaro (who worked tirelessly to supply the crew) and Andrew Furber (Assistant Engineer, who helped rescue workers extract bodies and clear debris as a welder). Later that day they were joined by John Doswell, Jean Preece and Pamela Hepburn who helped rescue workers. The following morning Captain Robert Lenney (who spent 16 years as pilot of

John J. Harvey when it served the FDNY and returned to service to help fight the fires at the World Trade Center for days on end) and Jessica DuLong (Assistant Engineer, who ensured constant smooth running of the engines) lent their valuable assistance to the effort. Throughout the 4 days, they were supported by Darren Vigilant of tugboat *Bertha,* (who ferried supplies from Pier 63 Maritime) and by John Krevey and his team at Pier 63 Maritime (who provided an unending supply of provisions).

John J. Harvey is once again docked at Pier 63 Maritime where visitors to New York can learn more about his heroic tale of a once scrap yard-destined firefighting vessel that came back to help save New York City.

Mr. Speaker, I proudly salute the firefighting vessel *John J. Harvey* and her crew. May they be forever remembered for their courageous efforts on September 11, 2001.

IN RECOGNITION OF MR. GEORGE KOTCHNIK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the dedication and contributions of one of my constituents, Mr. George Kotchnik. Mr. Kotchnik retired from the city of San Gabriel's Parks and Recreation Department on December 31, 2001.

A life long resident of the San Gabriel Valley, Mr. Kotchnik is a true local hero who deserves our respect and commendation. His work with the city's Parks and Recreation Department included 32 years as director, during which he played an important role in enhancing the quality of life for all residents.

Under Mr. Kotchnik's leadership, the city of San Gabriel's parks and public facilities improved significantly. One example is the Smith Park expansion. Smith Park has been expanded to twice its size, creating more green space for residents of all ages to enjoy. Smith Park's design incorporated certain architectural features that paid tribute to the Gabrielino-Tongva Indians, the original inhabitants of this region.

The Park's expansion was such a success, it garnered the California Parks and Recreation Society's 2001 Award of Excellence for park design. Mr. Kotchnik and the San Gabriel Parks and Recreation Department have also won the Gold Shield Award for outstanding achievement on two occasions from the Southern California Municipal Athletic Federation.

Under his leadership, the parks and recreation department renovated and expanded the city's Adult Recreation Center, collaborated with local high schools to add park facilities at school districts, and recently began development of a skate park at a San Gabriel high school.

After 40 years of service, Mr. Kotchnik retired at the end of 2001, but his contributions will not be forgotten. He has left an enduring impression on the city of San Gabriel and its residents. I am proud to recognize Mr. George Kotchnik's accomplishments and wish him much happiness in future endeavors.

TRIBUTE TO ADELA GONZMART

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Adela Gonzmart, the matriarch of Ybor City's famed Columbia Restaurant, who will long be remembered across the State of Florida and the nation for her compassion for others and her efforts to preserve the vibrant culture of Tampa and Ybor City.

As a child prodigy on the piano, Adela nurtured her talent and soon became a concert pianist, traveling with her husband across the world to share their music. In 1953, the Gonzmarts returned to Tampa and soon took over operation of Adela's father's restaurant, the Columbia.

The Gonzmarts turned the Columbia Restaurant into a successful enterprise and used the family business as a means to contribute to the Ybor community. Adela and her husband hosted countless charity fundraisers at the Columbia and served as patrons for the Tampa art community. Adela helped form the Tampa Symphony Orchestra, now the Florida Symphony Orchestra, and organized the Ballet Folklorico of Ybor City, a dance company inspired by Ybor's Cuban, Spanish and Italian culture.

However, Adela was best known for her enormous heart. Adela never met a stranger and anyone who stepped foot into her restaurant could not help but feel like family. She loved sharing stories of her family and their Spanish and Cuban heritage. Adela's devotion to her community, her two sons and, and her eight grandchildren is an inspiration to us all.

Monsignor Lawrence Higgins, who presided over Adela's funeral, described her as ''the queen of Ybor City and all the town.'' I can think of no better tribute. Tampa has truly lost a piece of its rich history in the passing of Adela Gonzmart.

On behalf of the people of Tampa Bay, I would like to extend my heartfelt sympathies to Adela's family. Adela was, and will continue to be, larger than life to all of us who knew her, deeply cared for her, and respected her. Thankfully, her legacy will flourish with her sons, Richard and Casey, and their families as they build upon their proud family tradition of operating the Columbia Restaurant and serving our community and State in countless ways.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. ORTIZ. Mr. Speaker, because of official business for my District (27th Congressional District of Texas) I was absent for rollcall votes 1–5. If I had been present for these votes, I would have voted as indicated: Rollcall No. 1, present; rollcall 2, yea; rollcall 3, yea; rollcall 4, yea; and rollcall 5, yea.

TRIBUTE TO MR. SYDNEY CHARLES LOCKWOOD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding public servant, Mr. Sydney Charles Lockwood of the Passaic Public Schools, who was recognized on Friday, October 26, 2001 for his lifelong dedication to education.

As a former Passaic County educator, I take particular pride in exercising my ability to honor Mr. Lockwood in this, the permanent record of the greatest freely elected body on earth. He is more than deserving as he has a long history of caring, generosity, and commitment to his noble profession.

From the beginning of his 40-year career in education, which began as an undergraduate at Montclair State University, Sydney Lockwood has been a leader. A member of Montclair State's chapter of Kappa Delta Pi, the National Honor Society for Education, Sydney was named to Who's Who in American Colleges and Universities.

After receiving his Master's Degree from Montclair State in 1965, Sydney moved on to Columbia University's prestigious Teacher's College to pursue his post-graduate education. Immediately playing integral roles in Columbia's pivotal research projects, Sydney Lockwood participated in the Columbia University Curriculum Life Skills Project and served as a member of Columbia University's Task Force that evaluated the failing Washington, DC school system.

The City of Passaic first saw Sydney's dedication to education and capacity for leadership while he served as an English and Social Studies teacher at Lincoln Middle School. He quickly was promoted to Head Teacher at Pulaski School No. 8 and then to Principal of Roosevelt School No. 10 from 1974 to 1995. Sydney's final post with the Passaic Public Schools was as Principal of School No. 2 from 1995 until June of 2001.

By devoting over forty years of his life, the last twenty-seven as a principal, to the children of the City of Passaic, Sydney Lockwood has done so much for so many. While his retirement has caused great sadness in the Passaic Public Schools, it also has been a time for celebration, as all those touched by Sydney have honored his career of public service.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Sydney Lockwood.

Mr. Speaker, I ask that you join our colleagues, the Passaic Public Schools, the City of Passaic, Sydney's family and friends, all the students who have been touched by Sydney over his career both inside and outside of the classroom, and me in recognizing the outstanding and invaluable service of Mr. Sydney Charles Lockwood.

TIME FOR BUSH ADMINISTRATION AND CONGRESS TO DEAL WITH BUDGET NEEDS IN RESPONSIBLE FASHION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. BLUMENAUER. Mr. Speaker, last year, President Bush presented and Congress passed his tax cut predicted on Americans paying down the deficit in the next ten years. There were unrealistic assumptions about Federal spending, claiming to protect Social Security and Medicare, with a trillion dollars left over for contingencies. Today, $4 trillion of those assumptions have disappeared. The White House has sent a budget to Congress that will never be presented for a vote because even the Republican leadership knows it would fail.

It is time for the Bush administration and Congress to step back and deal with our critical budget needs in a reasonable fashion. The tax changes that were all scheduled to expire in less than 10 years should be reassessed in light of our stated priorities. We should not dramatically increase our debt, borrow against Social Security and Medicare, and abandon priorities for senior citizens and veterans that were clear and important commitments to American voters.

There should be a careful reexamination of the proposed military budget to eliminate unnecessary weapons system that will not help us in our war on terrorism and that will not even be helpful fighting conventional wars. We should commit to reforming agricultural spending so it does not waste huge sums of taxpayers money while hurting the environment and consumers, not even benefiting most states and taxpayers.

Last year I made it clear that the budget resolution did not have a pretense of reality and that the tax cut was based on seriously flawed premises. The events of this last year have revealed with a vengeance the accuracy of these predictions. Oregonians expect their political leaders to keep their commitments to reduce our multi-trillion dollar national debt, protect Social Security and Medicare, avoid reckless and irresponsible spending, and reform existing programs to give more value while saving money. Today's vote is a political charade that does not advance any of these objectives. The fact that it is brought forward as a suspension bill with no meaningful debate underscore the fact that even the Republican leadership is not serious about it. I hope that we can stop these meaningless political exercises and get on with the hard and serious work of budgeting for this year and America's future.

PARCA—CELEBRATING 50 YEARS OF GOLDEN OPPORTUNITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Parca, a private, nonprofit organization serving people with developmental disabilities, on the occasion of its 50th anniversary. Since 1952, Parca has enriched the lives of these special people while strengthening our community through its devoted services. Parca's impact on those with developmental disabilities, as well as on their friends and family, is recognized with great appreciation by many in our community.

Mr. Speaker, in 1952, people with developmental disabilities and their families were often unable to find programs and support to help meet their special needs. Flo Nelsen organized a group of concerned parents and established Parca to provide support for individuals and families with developmental disabilities such as Down's Syndrome, autism, cerebral palsy, epilepsy, and other neurological disorders. Flo Nelsen believed that every developmentally disabled person had the right to resources and support to help them reach their highest potential and become actively and productively involved in the community. Families and individuals with developmental disabilities can turn to Parca for advocacy, information, counseling, support, and, most important, fun.

Over the past fifty years, Parca has expanded to provide a variety of services and programs for different age levels, and it has expanded into Marin County, Silicon Valley, and the East Bay. Parca's Recreational Experience for All Children (REACH) program provides child care services for children with or without developmental disabilities, giving children an opportunity to appreciate and learn from one another. The recreational activities of REACH help children appreciate their differences and identify their similarities. Another great benefit of this program is the child to staff ratio is 6 to 1, and in some cases, 3 to 1, depending on the needs of the children. The result is a better learning experience because individualized attention is geared toward their pace of learning. Parca provides numerous recreational and social opportunities for families and individuals with developmental disabilities.

Mr. Speaker, one of Parca's important and unique contributions is the Raji House—a unique program that allows out-of-home weekend service for children and teens with developmental disabilities. As you know, Mr. Speaker, one of the many difficult challenges of raising such a child is getting a break, and this service provides parents with a respite care service. At the same time, it gives the children a chance to learn and grow as they spend a weekend in a rich home environment with the opportunity to go on fun, exciting, and educational field trips. Both parents and children have the opportunity to become rejuvenated through Raji House.

Parca also offers an adult service program that trains adults with the skills needed for self-reliance and independence. Among many of Parca's accomplishments is a collaboration with housing developers to provide affordable housing to individuals and their families, furthering Parca's efforts to promote independence. Independent Living Skills Counselors live on-site with residents to ensure their safety, and counselors help them learn the basic skills needed to live on their own, including balancing a checkbook, cooking meals, doing laundry, and planning grocery lists. These skills are something many take for granted, but for those with developmental disabilities these skills are the key to greater freedom and independence and a sense of pride and accomplishment.

Sarah Hurlbut, a young woman who is currently a resident in Parca's Page Mill Court Apartments in Palo Alto, has made extraordinary progress since she moved into the apartments in 1998. With the help of Parca she has been able to live on her own for the first time. Sarah is no longer a shy young woman—through Parca's help she has become more assertive and is becoming a leader among her peers. As Sarah's experience has demonstrated, this program has been critical in our effort to help those with developmental disabilities become an integral part of our community.

Parca's excellent family and counseling services provide families with information regarding individualized education, program planning, and counseling on a variety of issues. The ''Speaker Series'' provides information to those interested in learning about important issues such as child care, education, independent living, and wills. Parca's People First chapter teaches adults with developmental disabilities on how to advocate for themselves. The group has also organized trips to our state capital in Sacramento and to our national capital here in Washington, DC, to provide families and individuals with developmental disabilities an opportunity to advocate their positions on issues directly affecting their community.

On February 9, 2002, Mr. Speaker, Parca will be holding its ''Hearts of Gold Anniversary Celebration'' to mark 50 years of golden opportunities to individuals with developmental disabilities and their families. As Parca celebrates this historic milestone, I invite my colleagues to join me in recognizing and commending the entire Parca family for the time, effort, and invaluable contributions that have been made to help individuals with developmental disabilities achieve their highest potential. We celebrate the vision and the success of Parca and wish continued future success.

ESTABLISHING FIXED INTEREST RATES FOR STUDENT AND PARENT BORROWERS

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 2002

Ms. McCOLLUM. Mr. Speaker, I am pleased today to support S. 1762, to establish fixed interest rates for student loans and to loans and to extend current law with respect to Federal support for lenders.

The passage of S. 1762 will establish fixed interest rates for students and correct a problem in the Higher Education Act that, if not acted upon, would threaten to end the participation of private lenders who fund the Federal Family Education Loan Program (FFELP). The continued availability of low-cost, federally guaranteed loans under FFELP is crucial to ensuring that our nation's students and parents are able to pay for college and other higher education opportunities.

As a member of the 21st Century Competitiveness Subcommittee, which has jurisdiction

over higher education issues, I am committed to making higher education more accessible and affordable for students. I applaud the student, school and loan provider groups that have worked with Congress and the administration to develop this ''win-win'' solution. This legislation is good for students and good for our nation.

HISTORIAN STEPHEN AMBROSE PRAISES MISSISSIPPI NATIONAL GUARDSMEN

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. TAYLOR of Mississippi. Mr. Speaker, my hometown newspaper, The Sun-Herald, based in Biloxi, Mississippi, recently printed a feature by noted historian Stephen E. Ambrose. I found Mr. Ambrose's words to be especially insightful at this time when our American troops are at war in Afghanistan. It is a ringing endorsement of the dedication of our men and women in uniform, as well as a testament to the new American diplomacy—one that encourages cooperation among nations and perseverance in rebuilding communities and restoring peace.

Most importantly, though, Mr. Ambrose pays tribute to a group of men and women who are often over-looked as defenders of our Nation, protectors of freedom and some of America's finest diplomats abroad—our National Guardsmen. Each day our nation's guardsmen are performing missions on or above every continent in the world. They are serving alongside their active-duty counterparts in Operations Northern and Southern Watch. They are also playing a vital role in helping, serving, and supporting peacekeeping operations, a vital part of our National Military Strategy. As stated by former Secretary of Defense Cohen, ''Today, we cannot undertake sustained operations anywhere in the world without calling on the Guard.''

And, I am particularly proud that Mr. Ambrose chose to acknowledge the citizen-soldiers from my state, the State of Mississippi. Their work has been tireless, but not thankless. Today, I would like to thank those guardsmen, who continue to represent Mississippi and the United States so well.

[From the Sun-Herald, Dec. 10, 2001]

UNITY CAN RESTORE WAR-TORN COUNTRY

(By Stephen E. Ambrose)

TUZLA, BOSNIA.—My wife, Moira, and I, along with a squad-sized group of veterans of the 29th Division who hit Omaha Beach on D–Day, went to Bosnia for Thanksgiving week. As part of the USO-sponsored trip, we spoke with U.S. Army troops, attended briefings, meals and engagements, and watched former members of the 29th meet the newest members of the 29th here.

But mainly we learned.

We learned how soldiers of different races, backgrounds, and countries can set aside past enmities and work together to rebuild a region. And while we were reminded that American troops served similar functions in the last century, we realized they will serve those roles in this new century with new methods, new aims and new partners from around the globe.

It is a lesson our allies in the war against terrorism would do well to grasp; one we can only hope is soon played out in such Afghan cities as Kabul or Kandahar or Mazar-e-Sharif.

Because of all we learned, and the promise for the future it held, this was the best trip ever.

We witnessed things we never imagined possible. One day, we stood at Eagle Base, headquarters for the 29th Division, surrounded by Black Hawk helicopters, ready to take off but waiting for two other birds coming in.

With us was Major General Steven Blum, the American commander of the NATO peacekeeping operation force here. The troops around us were fully armed. The incoming birds landed. They were Russian, part of the air-landing brigade that serves under Blum's command. They landed about 50 meters away from the Black Hawks. Russian soldiers emerged combat ready in the presence of American soldiers just as ready. But there were greetings, not shooting.

The last time that happened was at the German city of Torgau on the banks of the Elbe River in 1945. With this difference: Now, for the first time ever, an American general was commanding a Russian unit.

There are fighting men and women from 30 nations under Blum's command. I saw Greek and Turk soldiers patrolling, side-by-side, armed and working together. Germans and Frenchmen. Poles and Estonians. Latvians and Swedes. Lithuanians and Brits. Irishmen and Austrians. They serve in the Stabilization Force, SFOR for short. The large curved sign over Eagle Base's gate proclaims: ''Home of the Peacekeepers.'' Blum's NATO command, the Multi-National Division North (4700 troops) is anchored by the 2672 Americans (down from 20,000 in 1995), part of the 29th Division. It includes regular, reserve and National Guard units.

DEFENDING THE FUTURE

The next day we drove to Forward Observation Base Connor, a small outpost of 120 men, 65 of whom were from the Mississippi National Guard. They were young, professional and spoke with charming accents. They come from a state known for its defense of the past. But they are now preparing for the future.

The Guardsmen wore American flag shoulder patches. They were black, brown, yellow, red, pink, white. All religions and ancestors. When off duty, they wore baseball caps that proclaim on the front, ''Hard Rock Cafe: SFOR Bosnia,'' and on the back, ''Love All. Serve All.'' That is not how things used to be in the Mississippi National Guard, but it is now.

The Guard is helping rebuild and restore peace while setting an example for Bosnia's Croats, Serbs, and Muslims on how different people can work, serve, live and survive together.

''That American flag on the troops' shoulders is what the people of Bosnia respect—and they don't mess with them,'' Blum said. ''Our soldiers have been social workers one minute, combat soldiers the next . . . No other army in the world could do this.''

What these soldiers and their foreign counterparts are doing—all of it—is wholly new. An international force working to keep peace and commanded by an American was a dream of Gen. Dwight D. Eisenhower a half century ago. Now it is here.

These troops are setting the precedent for much of what lies ahead in modern American foreign and military policy. A similar base in Afghanistan might be built. There will be many others. In Bosnia, American troops are protecting Muslim civilians. While not very far away, in Afghanistan, we are attacking Muslim terrorists.

UNDER STRONG LEADERSHIP

Blum has a unique task. He is 55. He has made 1500 airdrops and has had open-heart surgery. He speaks so well, thinks so swiftly and knows so much that he reminds me of Eisenhower in 1945, when Ike was 55. At all times, Blum was at full concentration. He is an outstanding military commander and diplomat, as good as Ike was in Germany at the same age—but on a much smaller scale.

''Bosnia has more weapons per person than anywhere else in the world. So many, that to celebrate a wedding they throw grenades and shoot their AK–47s,'' Blum said of the region, divided by three peoples and three armies: Muslim, Croat and Serb . . . ''Our aim is one country, one army.''

Eagle Base is Tuzla's largest employer, providing construction and service jobs, as well as others, at fair wages. Muslim works beside Serb works beside Croat.

They see in their own eyes, black and white, yellow and brown Americans working together. Clearing mines, for example. The American teams go out to remove them using mine-sniffing dog teams. The fields are everywhere, with mines killing or maiming a civilian a day.

Blum showed us the site of the Visoko airfield raid, called Operation Dragnet. On September 27, elements from the 10th Mountain division of urban warfare specialists carried out a search-and-seize mission. Along with confiscating illegal arms. They arrested six Algerian associates of Osama bin Laden.

On October 28, in Operation Omaha, Blum's troops made a ground-air assault on two sites, where the found illegal weapons, including an underground cache of six surface-to-air missiles.

He also took us to a mass gravesite. ''Same thing as 1945,'' he said, ''just new names.'' More than 200,000 people were killed in Bosnia. No one knows how many others were injured. There are now more than a million refugees. To escape shelling, women, children and elderly fled by following the power lines from the cities across the roughest mountains. This was Europe's worst fighting in 50 years.

The 1995 Serb assault on Srebrenica killed more than 7000 people. The town was shelled—including a mortar round that exploded on a soccer filed filled with boys. That impelled Western powers to take action, and put the troops there under U.S. command.

RESTORATION AND LIBERATION

The American presence in war-torn countries and its role in helping rebuild, restore, and democratize them goes back to 1945 and Japan, West Germany, and later South Korea. Now it is being carried out in Bosnia with a multinational force. America sends her best young men not to conquer, not to destroy, but to liberate. The American military presence had a most remarkable effect in Japan and Germany from 1945 on, and in South Korea after 1953.

It wasn't the Coke or the blue jeans that left lasting impressions, but rather the understanding of right and wrong, the safeguarding of rights for women and the encouragement to create free and prosperous societies.

The U.S. Army's role in these countries is one of the great success stories of the 20th century. A sequel is happening right now, at the beginning of the 21st century, in Bosnia. And one hope and prays, soon in Afghanistan, Iraq and elsewhere.

RETIREMENT OF FRANK STEWART

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who is retiring after over 30 years of service to his country and to his community. Frank Stewart is stepping down as the director of the Department of Energy's Field Office at the National Renewable Energy Lab in Golden, CO.

Frank has directed this office for the last 7 years. During this time he was responsible for promoting the development and commercialization of energy, efficiency and renewable energy technologies by working with industry, for administering the management and operations contract for the National Renewable Energy Lab, and for providing administrative support to DOE's six Regional Support Offices.

Throughout his career Frank has served in numerous positions in DOE and its predecessor agency, the Federal Energy Administration. Frank served for a time as the Acting Assistant Secretary of the Office of Energy Efficiency and Renewable Energy, and demonstrated leadership as well as broad understanding of renewable energy's potential.

At home and abroad, Frank has been a dedicated supporter of renewable technology and has had a hand in numerous projects that expanded the use of renewable energy. When 30 Federal agencies in Denver wanted to purchase wind power, Frank played an important role in formulating the deal that allowed them to purchase ten megawatts of the renewably generated power. He also has traveled to several African countries to advise those governments on the best use of renewable energy technologies. He even helped to install a solar-powered water purification system on one of his trips.

From this experience, Frank has gained an understanding of the importance that renewable energy can play in our society, enhancing national security, improving the environment, and its potential in helping to rebuild shattered countries. Frank is a strong proponent of using renewable energy to establish the new infrastructure in Afghanistan. Frank believes that renewable energy would be the most cost effective means to power Afghanistan since ''it would not require the construction of a massive infrastructure, such as a network of pipelines and wires.'' Frank believes that the technology that has the best chance of success in undeveloped countries is one that is non-polluting and can create jobs. Renewable energy can be the power behind the rebuilding of Afghanistan and many other developing countries.

Frank Stewart has been a dedicated community servant for over 40 years. He has promoted education and energy technologies that will enhance our children's world rather than pollute it and delete it of resources. Frank has dedicated his career to public service and has sought a way to leave things better than he found them. He deserves our thanks for his service, his dedication, and his commitment. He stands as an example to citizens across the country of how an individual can contribute to society.

HONORING THE 56TH ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mrs. JONES of Ohio. Mr. Speaker, in honor of the 56th Annual Public Servants Merit Award of the Cuyahoga County Bar Foundation, I would like to salute the honorees by entering them in the CONGRESSIONAL RECORD. Each honoree has provided over 20 years of faithful service to the bench, bar, and public. These public servants will be honored this year with the distinguished Franklin A. Polk Servants Merit Award on February 8, 2002.

Shannon Donahue, Cuyahoga County Domestic Relations Court, Administrative Assistant to the Personnel Director. Nominated by Hon. Timothy M. Flanagan, Administrative Judge.

Judith McGinty, U.S. District Court, Cleveland Clerks Office, Operations Specialist. Nominated by Hon. Paul M. Matia, Chief Judge.

Margaret Payne, Cuyahoga County Juvenile Court, Senior Supervisor, Clerk's Office. Nominated by Hon. Peter Sikora, Administrative Judge.

Donna Owen, Ohio's Eighth District Court of Appeals, Judicial Secretary. Nominated by Hon. Diane Karpinski.

James Ruddy, Cuyahoga County Clerk of Courts, Acting Department Head, Pending Files-Civil Division. Nominated by Gerald E. Fuerst, Clerk of Courts.

Mercedes Sport, Ohio's Eighth District Court of Appeals, Court Administrator. Nominated by Cuyahoga County Bar Foundation, Public Servants Committee.

Richard Sunyak, Cuyahoga County Court of Common Pleas, Assistant Director of Operations. Nominated by Hon. Richard J. McMonagle, Presiding Judge.

Ron Tabor, Cleveland Municipal Court, Clerk of Courts, Director of Criminal Division. Nominated by Earle B. Turner, Clerk of Cleveland Municipal Court.

Theresa Talbott, Cuyahoga County Probate Court, Psychiatric Department. Nominated by Hon. John J. Donnelly, Presiding Judge.

Barbara Washington, Cleveland Municipal Court, Jury Commissioner. Nominated by Hon. Larry Jones, Presiding & Administrative Judge.

IN RECOGNITION OF SEARCH AND CARE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Search and Care, a grass-roots neighborhood agency that has an extraordinarily beneficial effect on homebound elderly living in my district. Search and Care has been a vibrant part of the community in which I live and represent. It is a pleasure to pay tribute to this illustrious organization.

Search and Care is a not-for-profit social service agency that serves the homebound elderly in Manhattan's Yorkville neighborhood. Founded in January 1972, it is celebrating its 30th anniversary this year.

In 1971, the Rev. Clarke K. Oler, the rector of the Church of the Holy Trinity, convinced an elderly parishioner to get badly needed medical attention. He took her to a hospital clinic where she died in the waiting room while waiting for her physician. At around the same time, he learned of an elderly neighbor who died of starvation. Recognizing that other old people would benefit from assistance in accessing available services, Rev. Oler took initiative and established Search and Care. Search and Care's mission is to find and serve the elderly so that they can live safely and independently in the Yorkville community. Rev. Oler secured private funds and enlisted the help of Suzannah Chandler, formerly a member of the staff of the National Council on Aging, to start the program. Ms. Chandler also celebrates her 30th anniversary with the organization.

Search and Care provides a practical response to the difficulties faced by frail older people living alone. In the past 30 years the agency has worked with over 5,500 elderly homebound people. This year the organization will assist 350 men and women whose median age is 82, most of whom have no family living nearby.

Search and Care is an invaluable resource for the elderly citizens of my community. Its dedicated professional staff, interns and volunteers provide crucial help with the myriad tasks of daily living including shopping, paying bills, getting to the doctor, housekeeping and looking after pets. This social service agency also intervenes with skilled care management in health, emotional, and financial situations that might otherwise mean the end of independent living for these senior citizens.

Over the years, Search and Care has accomplished this important work through the commitment of some of the finest and most dedicated citizens of New York. The work of these extraordinary people has developed into a model community-based care management program that meets the individually complex and changing needs of the elderly.

Mr. Speaker, in recognition of these outstanding achievements, I salute Search and Care and I ask my fellow Members of Congress to join me in recognizing the great contributions of this tremendously dedicated community organization.

RECOGNITION OF PATRICK SMITH

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the accomplishment of Patrick Smith, a senior at Tussey Mountain High School in Saxton, PA. Patrick won first place in the Voice of Democracy essay contest sponsored by the Saxton Veterans of Foreign Wars Post 4129. The theme of the contest was ''Reaching Out to America's Future.'' Patrick's essay focused on the ways in which America's youth are taught the values of freedom and are encouraged to become active members of their communities.

The Veterans of Foreign Wars' Voice of Democracy contest is an excellent way in which young people can express their patriotism. The Voice of Democracy contest celebrates

the best thing about America: our freedom. As President Bush said in his State of the Union Address, we all need to donate our time to promote democracy all over the world, and this contest is a good way for young people to get involved. I congratulate the students who participated in this year's contest, and I encourage them to continue to be active citizens of this great democracy.

METHAMPHETAMINE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. RADANOVICH. Mr. Speaker, methamphetamine use continues to be a chronic problem in the United States and especially in the Central Valley of California. This product, better known as ''Meth,'' is produced by a very intricate cooking process that uses a number of chemicals like red phosphorus, acetone and pseudoephedrine. All of the chemicals that are used in the cooking process are easily obtained over-the-counter at almost any store in the United States. While most of the chemicals in the cooking process can be substituted with similar products, pseudoephedrine is the one chemical that is required to make Meth.

Over the last couple of years, the federal government working in cooperation with narcotics agents and the private sector have tightened the control of pseudoephedrine in the United States. Today, pseudoephedrine can only be purchased in small quantity bottles or blister packs.

However, last year, investigators in the Central Valley found several very large 23,000 pill-count bottles of pseudoephedrine tablets at Meth labs. Unfortunately, these bottles were found with English and French words on the labels. Because of this, as well as statements from confidential sources, investigators believe much of the bulk pseudoephedrine comes from French-speaking areas of Canada. And, it is now known that criminal organizations are using tractor-trailers to haul pseudoephedrine pills from Canada to the United States.

Currently, Canada lacks a comprehensive legislative framework for addressing the pseudoephedrine trafficking problem. Without cooperation from Canadian authorities, the illicit diversion of pseudoephedrine tablets will continue unabated and the pills will continue to find their way to ready meth-producing markets in the Central Valley.

Today I introduced a bill that will specifically address this problem. This legislation will urge President Bush to open a dialogue with the Canadian Government to discuss the large influx of pseudoephedrine from Canada.

TRIBUTE TO WILMA DELANEY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Wilma Delaney for her exemplary personal accomplishments and exceptional professional achievements as she prepares to retire as Vice President of Federal and State Government Affairs for The Dow Chemical Company.

A woman of incredible talent and energy, Wilma joined Dow in 1975 as an analytical chemist at company headquarters in Midland, Michigan. After holding several positions in Dow laboratories, she began her rise through the management ranks. Throughout her career, Wilma has demonstrated both an unparalleled proficiency in the technical know-how that began with her job as a ''bench'' scientist and the diplomatic finesse that has been a key to her success as a senior executive at Dow.

Wilma has held key leadership positions with Dow since early in her career, including Vice President of Environmental and Regulatory Issues. Her work has been a major force in securing Dow's reputation as a company on the cutting edge of environmental improvements. Moreover, Wilma's leadership of the company's efforts to address minority workplace issues earned her the 2000 Dr. Martin Luther King Jr. Recognition Award for exemplifying Dr. King's dream to galvanize diverse groups of people to achieve a common goal.

In addition to Wilma's professional success, she has freely given her time and talents to enhance those less fortunate by doing charitable work with various community and volunteer organizations. Her strong work ethic and kind heart have certainly benefitted the entire community and many lives are indeed better for her efforts. Her husband, Jack, and their five children, also should be commended for their unselfish support of Wilma's endeavors.

Mr. Speaker, I ask my colleagues to join me in congratulating Wilma Delaney for applying the right elements of hard work, enterprising spirit and contagious enthusiasm to her career and her community. I am confident that Wilma's legacy will endure at Dow and beyond for many years and that she will continue to discover even more ways to improve the world around her.

PAYING TRIBUTE TO SEQUOIA AWARD RECIPIENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. LANTOS. Mr. Speaker, every year the City of Redwood City, California, recognizes three of its citizens for outstanding volunteer work in the community with the Sequoia Award. This prestigious award is given to one student, one non-student citizen and one business each year in recognition of their outstanding service. This year's award winners are Emilia Cerrillo, a student at Menlo-Atherton High School, Vincent Truscelli, a Redwood City resident for over fifty years, and Electronic Arts, the world's largest creator of interactive electronic software.

Mr. Speaker, all of this year's award winners are extraordinary citizens and are truly deserving of recognition. I would like to share with my colleagues a brief review of each Sequoia Award winner and highlight their achievements.

Ms. Emilia Cerrillo, a senior at Menlo-Atherton High School, has been described as a ''dynamo.'' An excellent student and musician, she also serves as Senior Class Vice-President and has been involved in the planning of several school events, including a candlelight vigil to commemorate the victims of the tragic events of September 11th, the freshman orientation and the homecoming dance.

Emilia Cerrillo was also responsible for setting critical school policies. As a student representative to the Shared Decision-Making Site Council, Emilia worked with administrators, faculty, staff, parents and other students to ensure that all necessary voices were heard while the group formulated school policies. Emilia has also had a major role in the Compass Success program and served as a mentor and role model to encourage other minority students to stay in honors classes.

Emilia's success has not been confined to the halls of Menlo-Atherton High School. As a participant in the Amigos de Las Americas program in Brazil, she met with health workers and participated in important infrastructure building in Brazil. Emilia was also a participant in the Global Visionaries program in Guatemala where she helped to build a house with the Common Hope Project.

Emilia's achievements are just the beginning of what we can expect from this extraordinary talented and dedicated student. As the student recipient of the Sequoia Award, she has been awarded a $5,000 scholarship.

Mr. Speaker, the second Sequoia Award winner is Mr. Vincent Truscelli. A lifelong resident of California, Vincent has lived in Redwood City for the past 50 years and has been involved with numerous community organizations. He was recently awarded an Honorary Life Membership by the Roosevelt School's Parent Teacher Association for his outstanding volunteer work with the school's annual carnival and for his dedication in introducing young students to baseball, basketball and track. Vincent was also the one of the first volunteer lunch yard supervisors at Roosevelt, allowing the teachers of the school to have a real lunch break, while children played after lunch.

Vincent Truscelli has also been involved in numerous organizations including the YMCA, the St. Pius Church Men's Club and the Redwood City Transportation Committee, where he received the Distinguished Service Award for his proposal on how to lay out the bus routes in Redwood City.

Vincent is best known for producing large-scale fund raising dinners. He and his wife have cooked for the Native Daughters of the Golden West Plaque Program, the Rotary Club's Irish night, Pets in Need, The American Legion, the Sons of Italy, the Redwood City Parks, Recreation and Community Service Department, and the Red Morton Fund raising project.

Mr. Truscelli has been a member of numerous clubs and organizations that aid the community including the AARP, the American Legion, the Kiwanis Club, the Lions Club, the Chamber of Commerce, the Fun After Fifty Club, Sons of Italy, and many more. He was also the Chairman of the Veteran's Memorial Senior Center Advisory Board and still serves on its board. Vincent was also the Bingo Manager for the Senior Center, which funds the Senior Center's nutrition program, computer classes and their exercise program. He also donates his time to assist needy senior citizens with home repairs. Vincent has continuously given selflessly of himself for many years and is a deserving recipient of the Sequoia Award.

Mr. Speaker, the final Sequoia Award recipient this year is Electronic Arts, a firm that is recognized for its role as a good corporate citizen. Generous contributions from Electronic Arts have helped strengthen communities in Redwood City and throughout the Bay Area. In just this past year, Electronic Arts provided grants and charitable donations to Redwood City totaling more than $70,000. Among the organizations benefitting from Electronic Arts' generosity were The Day Top Family Association (a residential therapeutic community for drug-addicted teens), Sequoia YMCA, the Redwood City Drug Abuse Resistance Education, the Redwood Family House, Sandpiper Elementary School and the Heron Court Neighborhood Network in Redwood Shores. Electronic Arts is also a proud sponsor of the Sequoia Hospital Foundation donating both money as well as video and computer games to the Hospital.

The good works of Electronic Arts are supported by the hardworking employees. Several of Electronic Arts' executives serve on volunteer boards for the Sequoia YMCA, Community Gatepath, Mid Peninsula Boys and Girls Club, Day Top Family Association and the Chamber of Commerce, to name a few. Electronic Arts also assists the Special Olympics by providing coaches, timekeepers, and scorers for the various events, and host an annual fund raiser. Over 100 employees of the company and their families donated their time to help build a new fence and paint the Redwood House group home in Redwood City. The charitable acts of Electronic Arts are greatly appreciated throughout the Bay Area.

Mr. Speaker, these two outstanding individuals, and this corporation are recipients of the Sequoia Award because of their continued selfless efforts in our community. I hope that their actions can be a guide for all of us. I urge my colleagues to join me in paying in tribute to Emilia Cerrillo, Vincent Truscelli and Electronic Arts, recipients of Redwood City's 2002 Sequoia Award.

AFGHANISTAN TRIP REPORT—JANUARY 2002

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. PITTS. Mr. Speaker, I recently returned from a visit to Afghanistan with Congressman FRANK WOLF and Congressman TONY HALL. We were greeted with warm, friendly smiles wherever we went, from meetings with Interim Administration officials to hospitals, schools and orphanages. There is a hope in Afghanistan that the country will be different and new opportunities and life will emerge out of the terrible suffering the Afghan people have endured.

The visit was a highlight, but it was also sobering. The best children's hospital in the nation, the Indira Ghandi Pediatric Hospital, lacked basic medicines to treat the children, two children and their mothers shared each bed, one of three children in the malnutrition ward died each night, there is a lack of basic medical equipment, and no hospital employees have been paid for six months. Yet, the doctors and nurses worked valiantly to save the lives of the children in their care.

We visited a girls school, the Dorkhanai High School, that had re-opened one week earlier after being shut down for over five years. The concrete building was full of bullet holes from the Soviet invasion, one room had no roof, and no rooms had glass in the windows. The girls sat on blankets on the concrete or dirt floor as their were no desks or chairs. Yet, the students were so motivated to learn they raised the money from the meager earnings of their families to buy thick plastic to cover the window holes and pay for kerosene heat to keep out some of the biting cold in the schoolrooms. The girls greeted us with big smiles and chants of ''Welcome, welcome.'' They were delighted to be back in school. Teachers need to be re-hired, 80 percent of the teachers were women, and the government needs assistance with providing basic supplies such as paper, pens, chalk and books.

The Allauddin Center Orphanage has 900 children in their care—800 boys and 100 girls. The children, many obviously suffering from malnutrition and trauma from the violence of the war and the loss of their loved ones, gave us huge smiles and recited and sang for us. A delegation of firefighters from New York City had visited recently and donated enough food for the children for the next three months, but after that, it will again be a struggle to feed these young children. The firefighters also provided warm blankets for these children who, in the winter due to lack of adequate heating facilities, sleep three to a bed with three rooms of children crowding into one room—this way they can all be in rooms in which there are heat sources.

We also visited a women's bakery with the United Nations World Food Program Women's Bakery Project that has been vital in helping women, particularly widows, support and feed their families. During our visit, we learned that one woman had been a doctor at the hospital, but she left to work at the bakery so that she could earn money to actually support her family.

There is an almost overwhelming humanitarian crisis that continues today. Food, medicine and shelter are lacking for much of the country's population. Yet, there is hope—hope that the American people will cement their friendship with the Afghan people by remaining engaged in their country through various avenues. Government aid to Afghanistan is vital, but people to people diplomacy, sister relationships between schools and hospitals in the US. partnering with schools and hospitals in Afghanistan, will be invaluable in helping to rebuild the nation and the historic friendship between our nations.

Our meetings with government officials also gave us hope. The Chairman of the Interim Administration, H.E. Hamid Karzai, is an impressive, capable, straightforward man who has the capacity to lead his country to establish a coalition that will last through the historic transitions the nation is experiencing. The Loya Jirga (Grand Assembly) in June will mark a key transition for the people of Afghanistan and Hamid Karzai appears to be the one who can lead the people through that transition.

In response to our visit, there are several key points that must be addressed as our nation, government and people remain engaged with the people of Afghanistan:

1. The United States and the international community must continue to support Chairman Karzai and the Interim Administration in Kabul as well as the Administration's clarifying to the various regions of Afghanistan that federal authority rests in Kabul. In addition, it is vital that the international community ensure that the Bonn Agreement is fully implemented and culminated in the Loya Jirga to be held on June 22, 2002. The Loya Jirga is the traditionally accepted Afghan method of solving problems and reaching consensus. We must continue our support for the new government, otherwise lack of stability could create the opportunity for another pre-September 11 environment of factional fighting, violence and upheaval, and a central power vacuum that would have severe implications for our national security.

2. Humanitarian Aid must continue. The UN World Food Programme and U.S. and other NGOs serving the people there are doing a great job. But the need remains high. The UN estimated that they would be feeding 8 million people within Afghanistan, not to mention refugees in neighboring countries, in the next three months to help avert an even greater crisis. Food aid is needed, as is medical and educational assistance. People to people diplomacy can be conducted through Chairman Karzai's office in Kabul.

3. U.S. assistance must be deliberate. Security is the primary need, mentioned in every meeting and site visit we had. Unless there is security, no amount of effort will ensure that the new government leaders can implement the very necessary changes in the country. Second, the economy must be developed, primarily through developing the agricultural sector of society.

Prior to the 1997 Soviet invasion, Afghanistan was self-sufficient and even exported agricultural products to neighboring countries. Studies show that before 1979, 80 percent of the socieity was in farming. The skills are there, but the opportunity needs to be developed. Unfortunately, the four-year drought in the country has drastically affected the output of farms and the ability of animal herders to keep animals alive. Irrigation systems and drought assistance need to be constructed and provided as soon as possible. In addition, development of the agricultural sector with alternative crops is a proactive avenue of fighting against narcotics production.

Third, development of the education system is one of the primary needs. An overwhelming portion of the population has been affected by lack of access to education. As reflected in our visit to the girls' school, the people have a desire to pursue an education as they view this as the primary avenue for bettering their lives. Studies from around the world support this: the development of educational systems changes nations. The Afghan people may lack the basic materials for education, but not the desire to learn.

Mr. Speaker, there are tremendous needs in Afghanistan, but there also is a tremendous amount of hope and an expectation that this time will be different. I look forward to visiting Afghanistan in the future and seeing these hopes and expectations lived out. As Chairman Hamid Karzai said during our meeting together, ''Think of the help as help to our children. The families will do well if the children do well.'' As we look forward to the hopes and expectations of a new Afghanistan, I will be working with the generous people of Pennsylvania and others across this nation to extend a hand of friendship, partnership and care

through practical projects that will help build up the Afghan people.

MOTION TO GO TO CONFERENCE ON H.R. 2215, THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. CONYERS. Mr. Speaker, I commend Chairman SENSENBRENNER for defending this committee's jurisdiction and for his bipartisanship. Congress has not authorized the Department of Justice in more than 20 years, instead leaving the responsibility to the appropriators to decide what DOJ programs should be authorized and their maximum funding level; this conference will express the views of the authorizing committees about how they should operate.

For example, both the House and Senate bills recognize the importance of helping victims of violence and preserving congressional oversight of prosecutorial activities. They give the Violence Against Women Office more autonomy so that it may better serve female victims of violence. They also require the Department to report to Congress when they wiretap computers, agree to settlements, and make certain decisions about enforcing Federal statutes. These reports will make it easier for Congress to see how the laws we enact are being interpreted and how they should be changed, it at all.

In the end, I hope this conference is a precursor to more active congressional involvement in the running of the Justice Department.

RETIREMENT SECURITY FOR ALL AMERICANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. BONIOR. Mr. Speaker, in the past several weeks, we've witnessed how rapidly a company can fall from prosperity into bankruptcy. Due to deceptive accounting and bad investments, Enron's road from being the country's seventh largest company to declaring bankruptcy was one of the fastest in history. In roughly a year, the value of Enron's stock—once considered a sure thing—plummeted from a high of $90 to just pennies.

The collapse of Enron has reminded us of one thing we already knew: the stock market can be volatile and unpredictable. It should confirm for us another truth: we shouldn't put our retirement security solely in the hands of the market.

The most tragic part of the Enron story is the loss of retirement savings for thousands of employees and retirees who had invested heavily in their employer's stock. These investors lost billions of dollars in pension plans that were, on average, comprised mostly of Enron stock. Some retirees saw all of their million-dollar life savings disappear in a matter of days—forcing them to sell their homes and other family assets to support themselves in their later years.

The Enron case has proven to us that what looks like a good investment—even what stockbrokers and analysts insist is a ''strong buy''—can be a disaster in disguise. Current and former Enron employees had every reason to trust that their investment in their employer's stock was going to pay off. The company reported quarter after quarter of rising profits and just a month before the company reported a $638 million quarterly loss, its chairman was reassuring investors that Enron's third quarter report was ''looking great.'' Investors had no way of knowing that their employer's stock was about to begin a rapid decline that would wipe out their life savings.

It is deceptions like this, and illusive accounting practices that shield a company's true value, that remind us of the dangers of privatizing Social Security. In the last few years, there has been a continued push for changes in the Social Security program that would allow people to invest a portion of their Social Security benefits in the stock market. Yet the collapse of promising companies like Enron—whose case proves that getting good investment advice is not always enough—has illustrated the dangers of this proposal.

Furthermore, not every economic downturn comes with warning signs. Events happen, like the attacks of September 11, that rock sectors of our economy overnight. Investing in the stock market is always a gamble—and it's a gamble that we shouldn't make with Social Security. For generations, Social Security has been the foundation of a secure retirement for every American—that's why it's called Social Security. We should not take any actions which will threaten the stability of this foundation.

The fall of Enron has also taught us that we do not have adequate laws on the books to protect the pensions of private employees. When Congress enacted our pension laws in 1974, 401(k) plans did not exist. Today, one-third of the workforce has a 401(k) plan. Often, these plans include a 50 percent employer match of a worker's investment, and some companies, like Enron, offer this match in the form of company stock. But Enron's workers didn't know the true financial health of their company, and many did not act to diversify their stock portfolios when they had the chance. It is party because the 401(k) plans of Enron employees were invested heavily in Enron stock—and because a change in plan administration prohibited employers from selling this stock during crucial days when the price was falling—that so many workers lost their life savings.

This is more than unfair—it is unconscionable. We cannot sit back and do nothing while corporate executives run off with the life savings of their loyal employees. This week, I am introducing legislation to promote the diversification of 401(k) plans and help prevent another Enron disaster. My bill will require that companies and 401(k) plan administrators fully and accurately disclose the economic health of 401(k) investments. In addition, it will ensure that workers receive information about their options to diversify their investments. Employees should never be kept in the dark about the financial health of their retirement plans or any measures they could be taking to protect their investments. This is about more than getting a return on investments—it is about the right to retire financially secure.

In the days and months ahead, I will be fighting to ensure that the retirement security of working Americans is protected. If we've learned anything from Enron, it is that we cannot afford to entrust our retirement savings to the whims of the stock market. We know enough about what went wrong to protect Social Security from the dangers of privatization and reform our pension laws. This is not the first time companies have closed up and taken their workers' pension plans with them. This has happened with other corporations—and much smaller businesses.

We save all of our working lives with the expectation that we will be able to retire with peace and dignity. Enron employees—and many others—have been robbed of this promise. We can't let that happen again. We need to take a stand for these workers.

TANF REAUTHORIZATION

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Ms. WATERS. Mr. Speaker, as we move toward reauthorization of TANF, I join my colleagues as a cosponsor of the TANF Reauthorization Act of 2001 (H.R. 3113). This bill recognizes the need to build upon what has worked from the 1996 law in order to further reduce poverty in our country.

We live in the land of opportunity, and those opportunities are founded in education. Higher levels of education mean higher earnings. Unfortunately, the current welfare law closes this door on TANF recipients by limiting their access to education. TANF rules not only limit access to education, but also fail to reward States which develop such innovative programs. Research in my State of California found that while only 12 percent of recipients in Los Angeles participate in education and training activities, these participants enjoyed earnings almost 40 percent higher than those of untrained recipients after 5 years.

Many TANF recipients want to invest in their own futures by pursuing higher education that will lead to higher paying jobs. This bill ensures that when people take the initiative to pursue their education, we will not be a road block to their success.

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, February 7, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

9:30 a.m.
Governmental Affairs
To hold hearings on the nomination of Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.
SD–342

10:30 a.m.
Governmental Affairs
To hold hearings on the nomination of John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals; and the nomination of Dan Gregory Blair, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.
SD–342

FEBRUARY 11

10 a.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine restrictions of travel to Cuba.
SD–192

1 p.m.
Environment and Public Works
Transportation, Infrastructure, and Nuclear Safety Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2003, the Revenue Aligned Budget Authority (RABA) mechanism, and budget related reauthorization issues.
SD–406

FEBRUARY 12

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine multilateral non-proliferation regimes, weapons of mass destruction technologies, and the War on Terrorism.
SD–342

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program.
SH–216

Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2003 for the Department of the Interior, the U. S. Forest Service, and the Department of Energy.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.
SD–538

Budget
To resume hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals.
SD–608

Health, Education, Labor, and Pensions
To hold hearings to examine early education issues.
SD–430

2:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the painkiller Oxycontin, focusing on risks and benefits.
SD–430

Foreign Relations
To hold hearings to examine the theft of American intellectual property at home and abroad.
SD–419

3 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine issues surrounding the U.S Refugee Program.
SD–226

FEBRUARY 13

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture; and the nominations of Grace Trujillo Daniel, of California, and Fred L. Dailey, of Ohio, both to be Members of the Board of Directors of the Federal Agricultural Mortgage Corporation, both of the Farm Credit Administration.
SH–216

10 a.m.
Judiciary
To hold hearings to examine the application of federal antitrust laws to Major League Baseball.
SD–226

Budget
To continue hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals.
SD–608

Banking, Housing, and Urban Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2003 for the Department of Housing and Urban Development.
SD–538

10:15 a.m.
Foreign Relations
To hold hearings to examine future efforts in the U. S. bilateral and multilateral response, focusing on halting the spread of HIV/AIDS.
SD–419

2 p.m.
Indian Affairs
To hold oversight hearings on the implementation of the Native American Housing Assistance and Self-Determination Act.
SR–485

Health, Education, Labor, and Pensions
To hold hearings to examine the limits of existing laws, focusing on protection against genetic discrimination.
SD–430

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine.
SD–226

FEBRUARY 14

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the results of the Nuclear Post Review; to be followed by closed hearings (in Room SH-219).
SH–216

10 a.m.
Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2003 for veterans' programs.
SR–418

Budget
To continue hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals.
SD–608

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings on S. 202 and H.R. 2440, to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts''; S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument; S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park; S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park; and H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona.
SD–366

FEBRUARY 26

10 a.m.
Indian Affairs
To hold hearings on rulings of the United States Supreme Court affecting tribal government powers and authorities.
SD–106

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine accounting and investor protection issues, focusing on proposals for change relating to financial reporting by public companies, accounting standards, and oversight of the accounting profession.
SD–538

FEBRUARY 27

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Disabled American Veterans and the Veterans of Foreign Wars.

345 Cannon Building

2 p.m.

Indian Affairs

To hold oversight hearings on the management of Indian Trust Funds.

SD–106

MARCH 5

10 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.

SR–485

MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

Indian Affairs

To resume hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.

SR–485

MARCH 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.

345 Cannon Building

MARCH 20

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345 Cannon Building

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S383–S439

Measures Introduced: One bill was introduced, as follows: S. 1913. **Page S425**

Measures Reported:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources during the 106th Congress". (S. Rept. No. 107–135) **Page S425**

Measures Passed:

Adoption Tax Credit: Senate passed H.R. 622, to provide for temporary unemployment compensation, after taking action on the following amendments proposed thereto: **Pages S391–92**

Adopted:

Daschle Amendment No. 2819, in the nature of a substitute, to provide for a program of temporary extended unemployment compensation. **Pages S393–95**

Levin (for Daschle) Amendment No. 2820, to amend the title of the bill. **Page S395**

Withdrawn:

Daschle/Baucus Amendment No. 2698, in the nature of a substitute. **Page S391**

Reid (for Baucus) Amendment No. 2721 (to Amendment No. 2698), to provide emergency agriculture assistance. **Page S391**

Hatch/Bennett Amendment No. 2724 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years. **Page S391**

Domenici Amendment No. 2723 (to the language proposed to be stricken by Amendment No. 2698), to provide for a payroll tax holiday. **Page S391**

Allard/Hatch/Allen Amendment No. 2722 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit. **Page S391**

Smith (NH) Amendment No. 2732 (to the language proposed to be stricken by Amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001. **Page S391**

Smith (NH) Amendment No. 2733 (to the language proposed to be stricken by Amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State. **Page S391**

Smith (NH) Amendment No. 2734 (to the language proposed to be stricken by Amendment No. 2698), to provide that tips received for certain services shall not be subject to income or employment taxes. **Page S391**

Smith (NH) Amendment No. 2735 (to the language proposed to be stricken by Amendment No. 2698), to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions. **Page S391**

Sessions Amendment No. 2736 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and provide for the payment of emergency extended unemployment compensation. **Page S391**

Grassley (for McCain) Amendment No. 2700 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence. **Pages S391–92**

Kyl Amendment No. 2758 (to the language proposed to be stricken by Amendment No. 2698), to remove the sunset on the repeal of the estate tax. **Page S392**

Reid Modified Amendment No. 2764 (to Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a refundable credit for recreational travel, and to modify the business expense limits. **Page S392**

Reid (for Durbin) Amendment No. 2766 (to Amendment No. 2698), to provide enhanced unemployment compensation benefits. **Page S392**

Lincoln Amendment No. 2767 (to Amendment No. 2698), to delay until at lease June 30, 2002, any changes in Medicaid regulations that modify the Medicaid upper payment limit for non-State Government-owned or operated hospitals. **Page S392**

Thomas Amendment No. 2728 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions. **Page S392**

Craig Amendment No. 2770 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts. **Page S392**

Grassley Amendment No. 2773 (to the language proposed to be stricken by Amendment No. 2698), to provide tax incentives for economic recovery and assistance to displaced workers. **Page S392**

Sessions (for Kyl) Amendment No. 2807 (to Amendment No. 2721), to remove the sunset on the repeal of the estate tax. **Page S392**

Dorgan Amendment No. 2808 (to Amendment No. 2764), to preserve the continued viability of the United States travel industry. **Page S392**

During consideration of this measure today, Senate also took the following actions:

By 56 yeas to 39 nays (Vote No. 13), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to close further debate on Daschle/Baucus Amendment No. 2698, listed above. **Page S392**

By 48 yeas to 47 nays (Vote No. 14), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to close further debate on Grassley Amendment No. 2773 (to the language proposed to be stricken by Amendment No. 2698), listed above. **Page S392**

Fairness for Foster Care Families: Senate passed H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, after agreeing to the following amendment proposed thereto: **Pages S432–36**

Reid (for Landrieu) Amendment No. 2823, to accelerate the effective date for expansion of adoption tax credit and adoption assistance programs. **Page S432**

Stroke Treatment and Ongoing Prevention: Senate passed S. 1274, to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke, after agreeing to the following amendment proposed thereto: **Page S432**

Reid (for Kennedy/Frist) Amendment No. 2824, to make certain technical corrections. **Page S432**

Community Access to Emergency Defibrillations: Senate passed S. 1275, to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, after agreeing to a committee amendment. **Pages S436–37**

Ronald Reagan Birthday Recognition: Senate passed H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan. **Page S437**

Federal Farm Bill: Senate resumed 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 S402–25**

Adopted:

By 82 yeas to 14 nays (Vote No. 16), Harkin Modified Amendment No. 2604 (to Amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals. **Pages S417–18**

Rejected:

By 44 yeas to 52 nays (Vote No. 15), Wellstone Modified Amendment No. 2602 (to Amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation. **Pages S408–17**

Withdrawn:

Burns Modified Amendment No. 2607 (to Amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program. **Pages S402–13**

Burns Modified Amendment No. 2608 (to Amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program. **Pages S402–13**

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute. **Pages S402–23**

Daschle motion to reconsider the vote (Vote No. 377–107th Congress, 1st Session) by which the second motion to invoke cloture on Daschle (for Harkin) Amendment No. 2471 (listed above) was not agreed to.

Durbin/Lugar Modified Amendment No. 2821, to restrict commodity and crop insurance payments to land that has a cropping history and to restore food

stamp benefits to legal immigrants who have lived in the United States for 5 years of more.

Pages S419–423

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10 a.m., on Thursday, February 7, with 5 minutes of closing debate on Durbin/Lugar Modified Amendment No. 2821 (listed above), followed by a vote on or in relation to the amendment. Further, additional votes are expected in relation to certain amendments to be proposed thereto. Page S437

Nominations Received: Senate received the following nominations:

Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years. (Reappointment)

Warren Douglas Anderson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

James Loren Kennedy, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Theophile Alceste Duroncelet, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years, United States Marshal for the Eastern District of Louisiana for the term of four years.

James Thomas Plousis, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

James Joseph Parmley, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

Charles R. Reavis, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Timothy Dewayne Welch, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Michael Robert Regan, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

Jesse Seroyer, Jr., of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Robert H. Roswell, of Florida, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

1 Navy nomination in the rank of Judge Advocate General.

Routine lists in the Army. Pages S438–39

Messages From the House: Page S425

Measures Referred: Page S425

Additional Cosponsors: Pages S425–26

Statements on Introduced Bills/Resolutions: Page S425

Amendments Submitted: Pages S426–31

Authority for Committees to Meet: Page S431

Privilege of the Floor: Page S432

Record Votes: Four record votes were taken today. (Total—16) Pages S392, S392, S417, S418

Adjournment: Senate met at 10:30 a.m., and adjourned at 6:29 p.m., until 10 a.m., on Thursday, February 7, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S437–38).

Committee Meetings

(Committees not listed did not meet)

FINANCIAL LITERACY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the status of financial literacy and learning for American consumers, focusing on Federal, State, public and private efforts to develop a national strategy to promote consumer financial education, after receiving testimony from former Representative Susan Molinari, on behalf of the Americans for Consumer Education and Competition; Denise Voigt Crawford, Texas State Securities Board, Austin; and Stephen Brobeck, Consumer Federation of America, H. Patrick Swygert, Howard University, on behalf of the Historically Black Colleges and Universities, Don M. Blandin, American Savings Education Council, Esther Canja, American Association of Retired Persons, and Raul Yzaguirre, National Council of La Raza, all of Washington, D.C.

2003 BUDGET

Committee on the Budget: Committee continued hearings on the President's proposed budget request for fiscal year 2003, focusing on security, economic, and long-term fiscal challenges, receiving testimony from Jacob J. Lew, former Director, Office of Management and Budget; and Robert L. Bixby, The Concord Coalition, Washington, D.C.

Hearings continue tomorrow.

NATIONAL ENERGY SECURITY

Committee on Energy and Natural Resources: Committee concluded hearings to examine the effects of certain provisions to repeal the Public Utility Holding Company Act (PUHCA) of 1935, contained in S. 1766, Energy Policy Act (pending on Senate calendar), on energy markets and energy consumers, and whether recent events in the Enron bankruptcy

have raised concerns that regulation of energy companies may be insufficient, without PUHCA, to protect customers of electric utilities, after receiving testimony from Isaac C. Hunt, Jr., Commissioner, U.S. Securities and Exchange Commission; Cynthia A. Marlette, General Counsel, Federal Energy Regulatory Commission, Department of Energy; Roy Hemmingway, Oregon Public Utility Commission, Salem, on behalf of the National Association of Regulatory Utility Commissioners; David L. Sokol, MidAmerican Energy Holdings Company, Des Moines, Iowa; and Scott Hempling, Silver Spring, Maryland.

U.S. TRADE NEGOTIATIONS

Committee on Finance: Committee held hearings to examine the status of ongoing U.S. trade negotiations, focusing on World Trade Organization negotiations, trade remedy laws, fast track authority, labor rights, environmental issues, and trade adjustment assistance, receiving testimony from Robert B. Zoellick, U.S. Trade Representative; Gary Broyles, National Association of Wheat Growers, Rapelje, Montana, on behalf of the Wheat Export Trade Education Committee and U.S. Wheat Associates; George Scalise, Semiconductor Industry Association, San Jose, California; Arthur D. Wainwright, Wainwright Industries, Saint Peters, Missouri, on behalf of the National Association of Manufacturers; and Barb Determan, Early, Iowa, on behalf of the National Pork Producers Council.

Hearings recessed subject to call.

U.S. STRATEGIC SECURITY

Committee on Foreign Relations: Committee concluded hearings to examine a new strategic framework, focusing on implications for U.S. security, after receiving testimony from William J. Perry, Stanford University Hoover Institution, Stanford, California, former Secretary of Defense; and Caspar W. Weinberger, Washington, D.C., former Secretary of Defense.

U.S. POLICY OPTIONS IN SOMALIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine U.S. policy options in Somalia, focusing on the promotion of stability, sustainable development, and expanded economic opportunity, after receiving testimony from Walter H. Kansteiner, Assistant Secretary of State for African Affairs; Ken Menkhaus, Davidson College, Davidson, North Carolina; David H. Shinn, former Ambassador to Ethiopia and Special Coordinator for Somalia, Washington, D.C.; and Robert MacPherson, CARE, Atlanta, Georgia.

ACCOUNTABILITY/ENRON COLLAPSE

Committee on the Judiciary: Committee concluded hearings to examine accountability issues surrounding the fall of Enron Corporation, focusing on fraud, auditor conflicts, vulnerability of institutional investors, and liability limits, after receiving testimony from Washington Attorney General Christine O. Gregoire, Olympia; Bruce Raynor, New York, New York, on behalf of Union of Needletrades, Industrial and Textile Employees (UNITE), AFL-CIO, and the Amalgamated Bank; Steven M. Schatz, Wilson, Sonsini, Goodrich, and Rosati Professional Corporation, Palo Alto, California; Nelson Lund, George Mason University School of Law, Arlington, Virginia; and Susan P. Koniak, Boston University School of Law, Boston, Massachusetts.

WORLD THREAT

Select Committee on Intelligence: Committee concluded hearings to examine issues surrounding global threats and challenges, focusing on the emerging global security environment, after receiving testimony from George J. Tenet, Director of Central Intelligence; Dale L. Watson, Executive Assistant Director for Counterterrorism and Counterintelligence, Federal Bureau of Investigation, Department of Justice; Vice Admiral Thomas R. Wilson, USN, Director, Defense Intelligence Agency, and Carl W. Ford, Jr., Assistant Secretary of State for Intelligence and Research.

WORLD THREATS

Select Committee on Intelligence: Committee concluded closed hearings to examine issues surrounding world threats to American national security, after receiving testimony from officials of the intelligence community.

WOMEN AND LONG-TERM CARE

Special Committee on Aging: Committee concluded joint hearings with the Committee on Health, Education, Labor, and Pensions' Subcommittee on Aging to examine issues related to women and aging, focusing on long-term care and the predominant role of women as America's caregivers, after receiving testimony from Senators Murray, Collins, Lincoln, Stabenow, Clinton, and Carnahan; Laurie Young, Older Women's League, Washington, D.C.; and Gail Gibson Hunt, National Alliance for Caregiving, Bethesda, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 4 public bills, H.R. 3687–3691; and 3 resolutions, H. Con. Res. 315–317, were introduced. **Page H201**

Reports Filed: No reports were filed today.

Consideration of Suspensions on Wednesday, February 6: The House agreed to H. Res. 342, providing that motions to suspend the rules on the following measures will be in order at any time on the legislative day of Wednesday, February 6, 2002: H. Con. Res. 312, sense of the House that the tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 should continue as scheduled; H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan; and H. Res. 340, recognizing and honoring Jack Shea, Olympic gold medalist in speed skating. Earlier agreed to order the previous question by a yea-and-nay vote of 212 yeas to 204 nays, Roll No. 8. **Pages H146–54**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Technical Correction to Protect Olympic Trademarks: S. 1888, to amend title 18 of the United States Code to correct a technical error in the codification of title 36 of the United States Code. The motion was debated on Tuesday, Feb. 5 (agreed to by a 2/3 yea-and-nay vote of 413 yeas with none voting "nay," Roll No. 9)—clearing the measure for the President. **Pages H154–55**

91st Birthday of Ronald Reagan: H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan (agreed to by a 2/3 yea-and-nay vote of 408 yeas with none voting "nay" and 4 voting "present," Roll No. 11); and **Pages H165–73**

Honoring Jack Shea, Olympic Gold Medalist in Speed Skating: H. Res. 340, recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life. **Pages H170–72**

Suspension Failed—Tax Relief: The House failed to suspend the rules and agree to H. Con. Res. 312, expressing the sense of the House of Representatives that the tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should continue as scheduled by a 2/3 yea-and-nay vote of 235 yeas to 181 nays, Roll No. 10. **Pages H155–65**

21st Century Department of Justice Appropriations Authorization—Go To Conference: The House disagreed to the Senate amendment to H.R. 2215, and agreed to a conference. Appointed as conferees: From the Committee on the Judiciary: Chairman Sensenbrenner and Representatives Hyde, Gekas, Coble, Smith of Texas, Gallegly, Conyers, Frank, Scott, and Baldwin, provided that Representative Berman is appointed in lieu of Representative Baldwin for consideration of section 312 of the Senate amendment and modifications committed to conference. From the Committee on Energy and Commerce for consideration of sections 2203–6, 2210, 2801, 2901–2911, 2951, 4005, and title VIII of the Senate amendment and modifications committed to conference: Chairman Tauzin and Representatives Bilirakis and Dingell. From the Committee on Education and the Workforce, for consideration of sections 2207, 2301, 2302, 2311, 2321–4, and 2331–4 of the Senate amendment and modifications committed to conference: Representatives Hoekstra, Castle, and George Miller of California. **Page H172**

Pat King Post Office, Long Branch, New Jersey: The House passed S. 1026, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"—clearing the measure for the President. **Pages H173–74**

Recess: The House recessed at 2:59 p.m. and reconvened at 5:55 p.m. **Page H174**

Senate Messages: Messages received from the Senate today appear on pages H174.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H154, H154–55, H164–65, H172–73. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:59 p.m.

Committee Meetings

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Quality of Life in the Military. Testimony was heard from the following officials of the Department of Defense: Sgt. Maj. Jack L. Tilley, USA; Sgt. Maj. Alford L. McMichael, USMC; Master Chief Petty Officer James L. Herdt, USN; and Chief Master Sgt. Frederick J. Finch, USAF; and public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Transportation Security Administration. Testimony was heard from John Magaw, Under Secretary, Security, Transportation Security Administration, Department of Transportation.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Held a hearing on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; and Gen. Richard B. Meyers, USAF, Chairman, Joint Chiefs of Staff.

TREASURY DEPARTMENT BUDGET PRIORITIES

Committee on the Budget: Held a hearing on the Department of the Treasury Budget Priorities Fiscal Year 2003. Testimony was heard from Paul H. O'Neill, Secretary of the Treasury.

ENRON COLLAPSE—WORKER RETIREMENT SECURITY IMPLICATIONS

Committee on Education and the Workforce: Held a hearing on "The Enron Collapse and Its Implications for Worker Retirement Security." Testimony was heard from Elaine L. Chao, Secretary of Labor.

Hearings continue tomorrow.

SUBPOENAS—ENRON FINANCIAL COLLAPSE; ENRON RELATIONSHIP WITH ANDERSEN LLP

Committee on Energy and Commerce: Approved a resolution authorizing the issuance of subpoenas in connection with matters involving, relating to or arising from the Committee's investigation of Enron Corp., Andersen LLP, and related entities.

The Committee also held a hearing on developments relating to Enron Corp., including its relationship with Andersen LLP. Testimony was heard from public witnesses.

ARGENTINA'S ECONOMIC MELTDOWN

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled "Argentina's Economic Meltdown—Causes and Remedies." Testimony was heard from John Taylor, Under Secretary, International Affairs, Department of the Treasury.

DELIBERATIVE JUSTICE DEPARTMENT DOCUMENTS—CONGRESSIONAL ACCESS

Committee on Government Reform: Held a hearing on "The History of Congressional Access to Deliberative Justice Department Documents." Testimony was heard from Senator Grassley; Daniel J. Bryant, Assistant Attorney General, Office of Legislative Affairs, Department of Justice; Morton Rosenberg, Specialist in American Public Law, Congressional Research Service, Library of Congress; Charles Tiefer, former Solicitor and Deputy General Counsel, House of Representatives; and a public witnesss.

ADMINISTRATION'S INTERNATIONAL AFFAIRS BUDGET REQUEST

Committee on International Relations: Held a hearing on the Administration's International Affairs Budget Request for Fiscal Year 2003. Testimony was heard from Colin L. Powell, Secretary of State.

CLASS ACTION FAIRNESS ACT

Committee on the Judiciary: Held a hearing on H.R. 2341, Class Action Fairness Act of 2001. Testimony was heard from public witnesses.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW OPERATIONS

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on "The Operations of the Executive Office for Immigration Review (EOIR)." Testimony was heard from Kevin Rooney, Director, Executive Office for Immigration Review, Department of Justice; and public witnesses.

OVERSIGHT—INDIAN TRUST FUND ACCOUNTS

Committee on Resources: Held an oversight hearing on Indian Trust Fund Accounts: the Department of the Interior's Restructuring Proposal and the Impacts of the Court Order Closing Access to the Department's Computer System. Testimony was heard from Gale Norton, Secretary of the Interior; and public witnesses.

HEALTH CARE—SMALL BUSINESS ACCESS

Committee on Small Business: Held a hearing on Small Business Access to Health Care, focusing on H.R. 1774, Small Business Health Fairness Act of 2001. Testimony was heard from Representative Fletcher; and public witnesses.

COMMITTEE BUSINESS

Committee on Transportation and Infrastructure: Met to consider pending Committee business.

ADMINISTRATION'S BUDGET PROPOSALS

Committee on Ways and Means: Continued hearings on the Administration's fiscal year 2003 Budget Proposals. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services; and Mitchell E. Daniels, Jr., Director, OMB.

WARFARE SUPPORT EFFORT

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Warfare Support Effort. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 7, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Transportation, 10 a.m., SD–124.

Committee on Armed Services: to hold hearings to examine the conduct of Operation Enduring Freedom; to be followed by closed hearings (in Room SH–219), 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the analysis of the failure of Superior Bank, FSB, Hinsdale, Illinois, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals, 10 a.m., SD–608.

Committee on Foreign Relations: to hold hearings to examine the future of the War on Terrorism, 10:15 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings on S. 1867, to establish the National Commission on Terrorist Attacks Upon the United States, 10:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the fall of the Enron Corporation, focusing on protecting pensions of working Americans, 10 a.m., SD–106.

Committee on Indian Affairs: to hold oversight hearings on legislative proposals relating to the statute of limitations on claims against the United States related to the management of Indian tribal trust fund accounts, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 1174, to provide for safe incarceration of juvenile offenders; and pending nominations, 10 a.m., SD–226.

Full Committee, to hold hearings on the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, 2 p.m., SD–226.

House

Committee on Education and the Workforce, to continue hearings on ''The Enron Collapse and Its Implications for Worker Retirement Security,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, to continue hearings on the Financial Collapse of Enron Corp., 10 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''Problems with the Bureau of Indian Affairs' Tribal Recognition Process,'' 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on ''The Standard Procurement System (SPS): Can the DOD Procurement Process be Standardized?'' 9:30 a.m., 2247 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to mark up H.R. 476, Child Custody Protection Act, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 3577, Coastal Resources Conservation Act of 2001, 2 p.m., 1334 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H. Res. 261, recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States; H.R. 2628, Muscle Shoals National Heritage Area Study Act of 2001; and H.R. 2643, Fort Clatsop National Memorial Expansion Act of 2001, 10 a.m., 1334 Longworth.

Committee on Science, hearing on the Future of DOE's Automotive Research Programs, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing on Small Business Access to Technology, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, oversight hearing on Building on Success: Administration Perspectives on Current Issues Affecting Reauthorization of TEA 21, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the Administration's Trade Agenda for 2002, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Thursday, February 7

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1731, Federal Farm Bill, with 5 minutes of closing debate on Durbin/Lugar Modified Amendment No. 2821, followed by a vote on or in relation to the amendment. Also, additional votes are expected in relation to certain amendments to be proposed thereto.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 7

House Chamber

Program for Thursday: Consideration of H.R. 3394, Cyber Security Research and Development Act (open rule, one hour of debate).

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