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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 19, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

THE ECONOMY

Mr. WELLER. Mr. Speaker, today, we are a Nation at war, we are working to build our homeland security, and we are suffering an economic recession. I am proud to say that our commander-in-Chief, President Bush, has shown strong, resolute leadership in the war against terrorism and has been working to build our homeland security as well as giving Americans the opportunity to go back to work.

One thing we must not forget in this war against terrorism is that it is not going to begin or end in Afghanistan. The war against terrorism could last years, not just months. But also, if we are going to win the war against terrorism, we have to recognize that we must get our economy moving again.

As we look back, over 1 year ago when President Bush became President, he inherited a weakening economy, an economy that was getting weaker by the day; and the President said that we need to give Americans more spending money, we need to cut taxes, we need to take 20 cents out of every dollar of our budget surplus and give that back to the American workers to help the economy. Well, that tax cut was signed into law in June of this past year, eliminating the marriage tax penalty, eliminating the death tax, and lowering taxes for every American.

Economists were telling us by Labor Day that it was working, the economy was beginning to be on the rebound. Then, of course, the tragedy of September 11 occurred. That terrorist attack on American soil cost thousands of Americans their lives; and since September 11, the psychological blow on the economy of that terrorist attack has cost almost a million Americans their jobs. So we need to get the economy moving again. We need to give Americans the opportunity to go back to work.

Now, I am proud to say that House Republicans have fought hard and led the way to give Americans the opportunity to go back to work. Four times this House of Representatives passed an economic stimulus package and economic security legislation, helping those laid off with extended unemployment benefits and providing incentives for investment and the creation of jobs. We want American workers to be able to go back to work. That is our goal. We recognize that in the past decade it was investment in jobs that created economic growth.

I am proud to say that the fourth time was a charm. After this House fought month after month, October, November, December, January, and just a few weeks ago we passed for the fourth time legislation to give Americans help, as well as the opportunity to go back to work. Our Democratic friends relented and worked with us in a bipartisan way, and we were able to put on the President's desk legislation to help American workers, and the President signed it into law.

With the economic stimulus and security package we have helped American workers who have been laid off with extended unemployment benefits, and we have also provided incentives for investment and the creation of jobs. This legislation will provide an opportunity to give businesses who purchase assets an opportunity to write that off quicker with something we call 30 percent expensing, or some call bonus depreciation. It essentially provides a way to recover the cost of that pickup truck or that computer or that piece of telecommunications equipment much more quickly.

The benefit of that is felt when a business buys a pickup truck. There is, of course, an auto worker who makes that pickup truck, as well as the parts that go in it, and there is a worker who services and installs equipment in that pickup truck. There is also a worker who is going to operate that pickup truck for that business. That creates jobs and rewards investment. And I am proud to say that the 30 percent expensing was the centerpiece of our economic stimulus plan in rewarding investment.

The legislation will also help homeland security. Many businesses in America felt it was important after September 11 that they make their businesses, their plants, their stores, their offices, their places of business safer and more secure for their workers, their customers, and their visitors; and so their purchase of extra security equipment, safety equipment, software

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and cybersecurity equipment costs money. The 30 percent expensing will help them recover the cost of investing in cybersecurity and surveillance equipment and software and other measures to ensure their workplace and business is more safe and secure for those who visit or work there.

We also recognize that many companies this year, because of the recession, are losing money. We gave an opportunity for those companies that are currently losing money to be able to come up with some investment capital to reinvest in jobs within their company, even though they are losing money this year, by allowing them to go back 5 years, to a year they may have made some money, and apply this year's loss to that profitable year. They will essentially get a tax refund and can then use those dollars to invest in job creation. That is what it is all about.

We want to get this economy moving again, and so that is why we wanted to provide investment incentives with 30 percent accelerated depreciation as well as giving those companies losing money this year the opportunity to carry back this year's loss and come up with investment capital.

I am proud to say this House has acted. We are giving American workers the opportunity go back to work, we are helping those unemployed; and I am proud to say House Republicans lead the way.

ARAFAT IS THE PROBLEM, NOT THE SOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New York (Mr. ENGEL) is recognized during morning hour debates for 5 minutes.

Mr. ENGEL. Mr. Speaker, as we speak here today, Vice President CHENEY and General Zinni are both in the Middle East trying to help in the peace efforts. I think it is very important, though, to put things in perspective as the fights and the clashing between the Palestinians and the Israelis continue.

For a number of months now, many months, there has been the question of what is Arafat doing to stop terrorism and can Arafat actually stop terrorism? Is he able to do it and does he want to do it? I would like to call the attention of my colleagues to an article last week that appeared in USA Today, and it is right here, blown up, and it says, ''Terrorist says orders come from Arafat. Al-Aqsa Martyrs Brigade leader says group is integral to Palestinian chief's Fatah.''

I think it has been very, very clear that not only is Yasir Arafat not the solution to stopping terrorism in the Middle East, he is the problem. He is the one that is sanctioning the terror in the Middle East. Three-quarters of the terrorist attacks directed against innocent Israeli civilians in the past several months all come from organizations to which Arafat is the leader, the Al-Aqsa Brigade, Fatah Tanzim, these are all groups under the control of Yasir Arafat.

So it is not simply a matter of can he control terrorism and will he control it, it is simply a matter of he is the terrorist. He has never changed. Some people can change and grow, but he has never changed. Terrorism is used as a negotiating tool, and it is something that countries cannot tolerate.

It does not matter what one feels about the Israeli response. It does not matter what one feels about how terror is being fought. President Bush put it best. He said, you are either with the terrorists or you are with us.

We launched a campaign in Afghanistan to root out terrorist cells not because the Government of Afghanistan, the Taliban, as abhorrent as they are, were doing the terrorist attacks, but the Taliban were aiding and abetting al Qaeda, which was carrying out the terrorist attacks.

Now, if we go to Afghanistan, and rightfully so, and I support everything President Bush has done and everything our brave men and women are doing over there, but if it is right for us to fight terrorism against innocent civilians, and as a New Yorker we all know the pain of the World Trade Center, and as someone who works in Washington, we all know the pain of what happened at the Pentagon, but if we have the right to fight terrorists on the other side of the world, surely Israel has the right to fight terrorism right in their own back yard. Repeatedly, Arafat has been asked to curb terrorism. And again not only is he not doing it, according to this article, which is very accurate, he is directing the terrorist attacks.

Now, I am glad Vice President CHENEY has not met with Arafat. He is in the Middle East now and he said he would meet with Arafat under one condition, that the Palestinians need to embrace the Tenet plan. And what does the Tenet plan say? It simply says, stop the violence as a first step to negotiations. But the Palestinians, under Arafat, do not want to stop the violence; they want to use it as a negotiating tool. This has been a constant with them.

Violence and terrorism against innocent civilians cannot be used as a negotiating tool, and it is never acceptable no matter what the grievances are. Blowing yourself up and taking 15 people with you, killing innocent kids at pizza shops and discotheques is not acceptable. And if it is not acceptable in New York or in Washington or Virginia, it is not acceptable in Tel Aviv or Jerusalem either. It is not acceptable anywhere in the world. So I think it is very, very important that we look and see what is happening in the Middle East, who is carrying out these terror attacks against innocent civilians.

Now, I hope that when Vice President CHENEY is going around to the capitals to try to line up U.S. support for whatever we wind up doing in Iraq, I think it is important that he is doing that, but I, frankly, do not think the security of innocent civilians in Israel should be sacrificed. And if the people in the Arab capitals are saying, well, you know, this Palestinian-Israeli question is a problem and we cannot get Arab support for any incursion in Iraq unless that ends, Israel should not be used as a sacrifice because we want Arab support for Iraq.

Let us say the way it is. Arafat is the terrorist, he is the problem, he is not the solution.

THE BUDGET

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this week we are taking up the budget. We are going to increase the limit on how deep this government can go into debt. Every year we spend more tax dollars and we add more government services, and my concern is that too many Americans are becoming too dependent on government.

By the next election, this fall, a majority of Americans will be dependent on Federal Government for their health, their education, their income, or their retirement benefits. Some suggest that as many as 60 percent of households receive more than $10,000 a year from government in the form of retirement, health care, welfare or other benefits. At the same time, Mr. Speaker, the number of taxpayers paying for these benefits is rapidly shrinking.

The question is, how well can any free nation survive when a majority of its citizens heavily dependent on government services no longer have the incentive to restrain the growth of government? As we all know, over the last 50 years, American attitudes have been shifting from cherishing self-sufficiency and personal responsibility to wanting a little more security from the Federal Government to assure them of a certain number of benefits. Government benefits, once concentrated on the needy, now extend into the middle and upper-middle class households, even as more and more Americans see their income tax liabilities decrease.

Today, the majority of Americans can vote themselves more generous government benefits at little or no cost to themselves. As a result, they have really little incentive to restrain the continued growth of big government and the benefits big government dangles before them. Fifty percent of Americans now pay less than 4 percent of the total individual income taxes, while the top 5 percent pay nearly 55 percent of the individual income taxes. At the same time, the folks who are paying the least for government are receiving the most benefits. Americans who receive nearly half of the Federal Government benefits pay only, listen

to this, Mr. Speaker, pay only 1 percent of the individual income taxes.

□ 1245

Many of these beneficiaries are poor, but an increasing number are middle-class retirees who enjoy extra income and health care through Social Security and Medicare. This is help we say from government, but it is from the other taxpayers of this country.

Our founders created a system where taxes are the price for government benefits and services. The idea is that voters would restrain the growth and expansion of government because of the personal costs to themselves in taxes. Our founders built into the original Constitution a provision that prohibited taxes based on income because they wanted people to achieve. That was the motivation. This provision, however, was amended by the 16th amendment. As a result, a near majority of voters now pay little or no income taxes while they receive an increasing number of government benefits.

The extreme progressiveness of our Tax Code has reduced, and in some cases eliminated, any cost of government for a growing number of voters. At the same time, many of these voters are dependent on government for much of their income, their health care, and other government services. It is like handing someone a menu at a restaurant and saying this bill is already paid for, and then asking them to make an order. I think it is a difficult offer to refuse, and it is the same way with government.

Limited government is ultimately essential to our economy's strength and freedom. The success of the United States is built on the free enterprise motivation that those who learn, work hard, and save are better off than those who do not. As that becomes less true with bigger and more intrusive government, we not only diminish that motivation, we lose more of our personal liberty and freedom. This is a growing threat to our way of life, and we can no longer ignore the kind of influence that it generates.

PRESIDENT'S BUDGET PROPOSES TO USE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow the House will take up the Republican budget resolution. I am extremely disappointed with President Bush's budget on a number of fronts, but I am particularly outraged with the President's budget on Social Security, which is the issue I would like to discuss this afternoon.

The Congressional Budget Office published a report on March 6 showing that the President's budget proposes to spend $1.6 trillion of the Social Security trust fund surplus over the next 10 years. Let me make it clear. The President is proposing to use Social Security surplus money; and let me add that $1.6 trillion is not just a dip into the surplus, it's a deep dip that will amount to two-thirds of the entire Social Security surplus.

Not only is this unacceptable to me, this amounts to basically $261 billion more than the administration previously claimed. I would like to call the Bush administration the ''broken promise administration'' when it comes to many issues, but especially with regard to the issue of Social Security.

If I remember correctly, Mr. Speaker, the Republicans last year promised to protect 100 percent of the Social Security surplus. Ironically, the White House Web site today features a quote from President Bush saying, ''We are going to keep the promise of Social Security and keep the government from raiding the Social Security surplus.'' The reality, of course, is that is not the case. If we take into account the President's optimistic projections, understatement of future costs and the ignorance of other costly elements, it becomes clear that the Bush budget spends the Social Security surplus over the next decade and beyond.

What we are seeing today with the Bush administration is the most radical fiscal reversal in American history. Last year the Republicans inherited trillions of dollars in surplus over the previous Clinton administration. The budget that we are debating today indicates that in one 1 year there has been a decline in that surplus by $5 trillion. The obvious answer to this Republican fiscal irresponsibility is last year's $1.7 trillion tax cut and this year's proposed $674.8 billion tax cut.

As a result of these Republican tax cuts primarily for the wealthy, the Bush budget rapidly deteriorates the Social Security surplus for day-to-day operations of the Federal Government. Democrats believe that the Social Security surplus should be rightfully rewarded to America's seniors. That is what it is all about. We made a promise to protect Social Security, not only because it was one of the most successful social programs, but also because we want to ensure that our seniors receive the benefits they deserve after years of hard work and years of paying into the system.

Social Security we know provides an unparalleled safety net for the vast majority of America's seniors. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income. For these reasons and a lot of others, we as Democrats must do everything in our power to defeat the Republican budget. We must do this in an effort to protect and strengthen the Social Security program for the short and long term, and to keep our promise of allowing generations of retirees to live with independence and dignity.

Mr. Speaker, I call upon my colleagues to defeat the Republican budget tomorrow for many reasons, but primarily because it spends the Social Security trust fund.

PRESIDENT'S BUDGET CANNOT BE RESPONSIBLY APPROVED

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Virginia (Mr. MORAN) is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, today the House budget resolution goes before the Committee on Rules, and it comes to the House floor tomorrow. This is a budget that we are not familiar with in terms of the underlying assumptions because up until now we have been using numbers from the Congressional Budget Office. Maybe some people that watched the machinations of the budget process in earlier years will recall that our Republican colleagues shut down the Congress, shut down the government twice, insisting on Congressional Budget Office numbers instead of OMB numbers. Well, now they have reversed course and decided that they want OMB numbers because they are more optimistic, and they do not want the Congressional Budget Office numbers which are more conservative.

We think this is a time to be cautious and conservative about our projections. Last year we used a 10-year projection because if we went out over 10 years, there was a $5.6 trillion surplus, and that enabled our colleagues on the Republican side to justify a $1.7 trillion tax cut.

But now they do not want that 10-year projection, they only want a 5-year budget because of that $5.6 trillion surplus; $5 trillion has disappeared. Where has it gone? Well, the biggest single component of that loss is attributable to the tax cuts; 43 percent of it. The lost surplus is due to the tax cuts. About 23 to 25 percent is attributable to the economy. The rest is attributable to additional legislation, particularly increases in defense and homeland security.

So we are spending more, we are keeping the tax cuts, and yet we do not have the money to pay for it. What does that mean? That means that this budget that will be on the floor tomorrow assumes that we will take $2.2 trillion out of Social Security and Medicare trust funds. We are going to have a deficit of $224 billion just in this budget year, $830 billion over 5 years. But when we go out 10 years, then it really starts to count.

The problem is that over this next decade, we have a fiscal crisis facing us because that is when the baby boom generation retires. Mr. Speaker, 77 million people in that baby boom generation will retire and double the number

of people depending upon Social Security and Medicare. That is why this budget just takes us to the cusp of that point when they retire. These are people born right after World War II in 1945 and 1946. We can do the calculations. They start retiring in 2007 and 2008. We will not have provided for their retirement costs. I say we, to emphasize the fact that, I am a member of that baby boom generation. My parents' generation fought the ''isms,'' Nazism, communism, fascism, and gave us so much better a life than they had inherited from their parents. And what are we going to do? We are going to leave to our children the responsibility to pay for our retirement costs, our health care costs through Medicare, and to pay off a debt of over $3 trillion. That is what this budget does that our children will have to face tomorrow.

It makes a number of other cuts that do not seem to be particularly justified. We are in a recessionary period, and to cut $14 million out of housing for the homeless doesn't seem right. To take $80 million out of the Leave No Child Behind education legislation the President has gone around the country touting and taking credit for, and we agree, it is bipartisan legislation, and now we are going to take $80 million out of that program? To take $338 million out of low-income heating assistance, the LIHEAP program? No that's not right.

No, Mr. Speaker, this is not a budget that this Congress can responsibly approve.

SOCIAL SECURITY AND THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. RODRIGUEZ) is recognized during morning hour debates for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the nearly 100,000 Social Security beneficiaries that live in my district, nearly 70 percent of whom are 65 years of age and older and are seniors.

Today, like so many of us, seniors stand in the recent tragic events that have left an imprint on our national landscape forever. They are uneasy about their lives and the security of their future. Now is the time to address their fears, not the time to wage a war on the benefits they rely on to live.

I am disturbed by the number and tone of letters and phone calls I have received from constituents. Many seniors 70, 80, and 90 years old have expressed concern over the solvency of Social Security. They want their leaders in Washington to be responsible in their actions and not take chances with their future and the future of their children.

I am further disturbed when I receive the administration's budget recommendations. The administration proposes a budget that takes needed Social Security surpluses out of the Social Security trust fund, not just 1 year, but every year for the next 10 years.

This year alone, the budget would train $262 billion in Social Security funds. Ultimately, the administration's proposed budget takes more than $1.5 trillion out of the Social Security surplus. The President and the House Republican leadership, just a few months ago, including some Democrats, claimed that we would also support and establish the Social Security and Medicare surpluses that would be saved for Social Security and Medicare. Now the budget saves virtually nothing of Social Security or Medicare.

Recently, the CBO released an analysis of the administration's proposed budget. They concluded that the budget raids Social Security and threatens the solvency of the program for future generations.

□ 1300

Further, they project large deficits for the next several years. They project a $121 billion deficit next year, and by the end of President Bush's term in 2004, a $262 billion deficit.

However, the administration has, for the first time since 1988, rejected the more conservative economic predictions of the CBO and, instead, are using the optimistic, unrealistic figures produced by the Bush administration's Office of Management and Budget. When they looked at the cuts, they looked at how our economy was last March and they projected for the next 10 years the same type of economy. As my colleagues well know, you cannot even predict what our weather is going to be next year.

They took that prediction because it was a very positive prediction. But we should not have assumed that those dollars and that the economy would remain the same way. Alarmingly, the OMB figures for the administration hide the true cost of the administration's sponsored tax cuts. We cannot and must not enact budgets with our heads in the sand. We must look at the dollars that we have now and realistically pay down our debt as we should and make sure we hold that obligation to take care of our seniors.

Our seniors have questions. They want to know how we have squandered the surplus in just 1 year. And, of course, a lot of us, and for good reason, are concerned about our economy. We do talk about the fact that 9/11 had a big impact on our economy. In fact, economists now tell us that half of the problem that we find ourselves in is a result of the tax cut and half is due to 9/11.

Republicans and the administration successfully pushed a tax cut during the first half of this session. This irresponsible tax cut cost $1.7 trillion. Now they want additional tax cuts. So tomorrow we get to see additional tax cuts, at a time when we have declared war. When we are at war, we have always had a war tax. We have always been responsible for paying down what we owe.

We need to be responsible as we move forward. Indeed every dollar of the additional tax cut would come directly out of the Social Security trust fund. We are paying for this war on the backs of our senior citizens' pension fund. We ought to be ashamed of ourselves.

What our seniors need is for all of us to work together and give them the sense of security. They do not need fancy gimmicks like certificates and promises of benefits with no legal guarantee. What they need is a responsible budget that takes care of our budget and considers the fact that we are at war and that should be our first priority, taking care of our seniors and our national defense.

These figures increase significantly if you are a woman or a minority. Social Security is the only safety net to keep many of our seniors out of poverty.

Social Security has lifted over 11 million seniors out of poverty and reduced the elderly poverty rate to less than 10%.

Now is not the time for gimmicks and broken promises. We must make the choices that reveal our values as a nation and we must keep our promises.

THE BUDGET

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, when the House and Senate wrote their budget resolutions last year, Members were assured by the President of huge surpluses as far as the eye could see. The projected surpluses held great promise. They were expected to be large enough to address long-term solvency issues of Social Security and Medicare and for important priorities like a prescription drug benefit and education.

Since then, most of the surpluses have evaporated because of last year's unaffordable Bush tax cut and the spending necessitated by the tragic events of September 11. The Republicans in the House want to cut taxes further and spend more, and be congratulated for their fiscal responsibility.

While we all recognize the need to protect our country from international terrorists and rogue nations, the administration has requested a military budget of $396 billion in fiscal year 2003. This 1-year increase of $45 billion will be the largest increase in military budget authority since 1966 at the height of the Vietnam War. This increase alone, the $45 billion increase alone, is larger than the annual military budget of every other country in the world. In fact, the nations that President Bush called the ''axis of evil,'' North Korea, Iran and Iraq, our military budget will be 15 times the combined military budget of theirs.

While this budget is being touted for fighting terrorism, the bulk of the funding is committed to buying weapons systems designed or conceived during the Cold War. The missile defense system, a knockoff of President Reagan's failed Star Wars missile defense program, gets $8 billion in the Republican budget, even though it is not clear that this system will ever work or ever defend the United States from any of the actual threats that we actually face. In fact, it has failed test after test after test.

In addition to massive new spending on dated military technologies, the Republican budget also includes provisions that would cut taxes by $591 billion over the next 10 years, making last year's tax cut permanent and providing a host of new tax cuts to America's wealthiest companies like Enron, IBM, American Airlines, Ford, GM, and to the wealthiest individuals in this country. The share of these tax cuts going to the top 1 percent of wage earners, top 1 percent richest people, would exceed the share going to the bottom 80 percent. The top 1 percent receives 45 percent of the tax cut's benefits even though they now pay only 21 percent of Federal taxes. The bottom 80 percent gets only 28 percent of the tax cut's benefits with an average cut of only $430.

Republicans claim the typical family of four will be able to get, quote, at least $1,600 more of their own money when the plan is fully effective. However, more than 85 percent of taxpayers will get less than that amount. Many will get nothing. One-third of families with children receive no tax cut at all. More than half of all black and Hispanic families will receive nothing under this plan, even though 75 percent of those families have at least one working parent.

Under this plan, a single mother with two children and a $22,000 annual income gets zero from the tax cut. A retired widow with no children and an income of $30,000 would get $300 but a couple making $550,000 with no children would get a tax break of $19,000.

Unfortunately, once we are done paying for military spending increases and new tax cuts, there is little left for other pressing concerns. For the last many years, literally millions of retired seniors have not been able to afford the medicines they need. We have all talked about this in our campaigns. Yet the President's budget includes only $190 billion for Medicare modernization and prescription drugs. It is not anywhere near the amount to fill the prescription drug gap in the Medicare program.

Bipartisan estimates say that to ensure that retirees have access to adequate, just adequate, prescription drug benefit coverage would cost at least $700 billion over 10 years. The President's budget has only $190 billion. The Republican budget we will vote on tomorrow has only $300 billion, because of the tax cuts. It will cost the Nation much more than that if we remain indifferent to the possible trade-offs that seniors face every day when it comes to their health. Our senior citizens are being forced to ration health care, not based on cost effectiveness, but on how far they can stretch a fixed income to pay for exorbitantly expensive medicines.

The U.S. is the wealthiest nation on earth. We are not a drug industry puppet. We must do better by our seniors. Investing too little in prescription drug benefits is like paying to put half a roof on our house.

Mr. Speaker, I am afraid the Republican budget with huge tax cuts is taking us down the same road we traveled last year. We will not be able to do other things that Americans are demanding of us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

Rabbi Joseph F. Mendelsohn, Heska Amuna Synagogue, Knoxville, Tennessee, offered the following prayer:

The prayer I am about to offer is not original, rather it is read by Jewish congregations throughout the United States every Saturday morning during Sabbath services.

Our God and God of our ancestors, we ask Your blessings for our country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Help them to administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your Prophet: ''Nation shall not lift up sword against nation, neither shall they experience war any more.''

And let us say, Amen.

THE JOURNAL

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

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

Mr. COBLE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. COBLE. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. DUNCAN led the Pledge of Allegiance as follows:

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

WELCOMING RABBI JOSEPH MENDELSOHN OF HESKA AMUNA SYNAGOGUE, KNOXVILLE, TENNESSEE

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

Mr. DUNCAN. Mr. Speaker, we are privileged to have as our guest chaplain today Rabbi Joseph Mendelsohn of the Heska Amuna Synagogue in Knoxville, Tennessee, to lead us in our opening prayer. Heska Amuna, loosely translated, means ''stronghold of faith,'' and ''strong faith'' are words that could certainly be used about the life of Rabbi Mendelsohn.

This is the first time since I have been a Member of the House, and I am in my 14th year now, this is the first time I have had a member of the clergy from my district lead us in prayer, and I am very honored.

Rabbi Mendelsohn was a longtime congregant and leader in conservative Jewish congregations throughout California. He became so dedicated to his faith that he decided to fulfill his dream of becoming a full-time member of the rabbinical clergy.

Known in Knoxville as ''Rabbi Joe,'' he has been well received, not just by his congregation, but also by his fellow clergymen of all faiths in east Tennessee. Apparently he is doing a great

job, because the congregation has seen a very significant increase in membership since his arrival.

Pace and Karen Robinson, two well-respected and long-time members of the congregation, said, ''We are glad that Rabbi Joe came to Knoxville and became a part of our community by leading us into the 21st century.''

Rabbi Mendelsohn is one of the finest men I have ever met, and I am honored to have him as our guest chaplain for the United States House of Representatives on this occasion.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

SUDAN

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

Mr. PITTS. Mr. Speaker, I rise to raise again the policies of the government of Sudan and its treatment of its people.

Christians, Muslims, and Animists who do not submit to the Khartoum regime's control are targeted for destruction.

In addition to its daily war against the Sudan's people, which includes destroying villages, killing the men and selling women and children into slavery, the government issues draconian punishments for crimes.

One recent report details an 18-year-old illiterate Christian, Abok Alva Akok, who was raped but was sentenced to death because she could not produce the four male witnesses required under Muslim Sharia law.

International outcry caused her sentence to be overturned, but the court then sentenced her to a ''rebuke'' of 75 lashes, carried out immediately. During the proceedings, she was denied legal representation.

Mr. Speaker, the Khartoum regime not only denies justice to the Sudan's people, gives out harsh punishments, and permits active slave trade, but also is carrying out a brutal war to destroy the people of southern Sudan.

Khartoum's brutal policies must be stopped.

STOP THE RAID ON SOCIAL SECURITY

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

Mr. SANDLIN. Mr. Speaker, we must stop the raid on Social Security in this country. Last year, the administration stood in front of the United States Congress and promised us, My budget protects all $2.6 trillion of the Social Security surplus for Social Security and Social Security alone.

Later in the year, leadership on the other side of the aisle said, The House of Representatives is not going to go back to raiding the Social Security and Medicare trust funds.

Yet, the reality is that the Republican budget did not protect the Social Security fund. Despite voting five times for the Social Security lockbox, today we are breaking that promise and raiding Social Security, to the tune of $1.8 trillion.

Blue Dogs and other conservative Democrats across the country warned that the shaky projections of surplus, on which much of last year's budget was based, could so easily turn into deficits. That prediction has come true.

We are now being asked to consider another budget proposal that does not even try to disguise the raid on the Social Security surplus. Thirty-two million current retirees depend on Social Security income, and that number is increasing. Congress must stop this attack on Social Security.

IN A WARTIME BUDGET, CONGRESS PUTS FIRST THINGS FIRST

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are not raiding Social Security, not one penny. Back home in the Lone Star State, we say, ''Don't mess with Texas.'' To the terrorists, I say, ''Don't mess with the U.S.'' We are at war, and this is a wartime budget, putting first things first.

Here are three of them:

National security tops the list, homeland security tops the list, and economic security tops the list. Also, this will be the largest increase in defense spending in over 20 years.

This wartime budget gives President Bush all the resources necessary to meet the Nation's top priorities: winning the war, strengthening our homeland security, investing in the future of our Armed Forces, and keeping our promises to our veterans.

A vote for this wartime budget is a vote for America's freedom. A vote for this wartime budget is a vote for America's security.

BUDGET, DEBT, AND SOCIAL SECURITY

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

Mr. PASCRELL. Mr. Speaker, let us face the facts: Without last year's tax cut, we could have paid our entire Federal debt by 2008. That occurred before September 11. That is the fact.

Even with already dipping into Social Security, this budget proposes new tax cuts. In fact, the gentleman from Illinois (Speaker HASTERT) said he wants to make the Bush tax cuts permanent. Both of these actions would divert money that could have been used to strengthen Social Security and pay down the national debt.

In the post-tax cut budget world we now live in, the national debt will still exist far into the future. Prior to the tax cut, it was projected that from 2002 to 2011, the government would owe $709 billion in interest. We pay over $1 billion of interest on the debt every day. That is scandalous.

Members can shake their heads all they want. That is a fact of life. They should look at their own budget. Without a surplus, I do not know how we can protect the long-term solvency of Social Security or Medicare.

INDO-AMERICAN FRIENDSHIP RESTORED

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

Mr. WILSON of South Carolina. Mr. Speaker, last Tuesday I welcomed to Capitol Hill India's Ambassador to the United States, Lalit Mansingh, and Minister Ajay Swarup. I applaud the Indian government, one of the world's two largest democracies, for fighting the common enemy of international terrorism. Together, America and India can make South Asia and the world a safer place.

I am happy to see economic ties with India booming. Trade increased since 1991 from $15 million to $15 billion today, and 2 million Indian-Americans have enriched America with their business acumen.

With the victory of democracy in the Cold War, friendship has been restored between the people of India and America. I support President Bush's initiatives in building a strong partnership between America and India.

I commend the efforts of Ambassador Mansingh and Minister Swarup in their efforts to bring America and India closer together as allies.

URGING COLLEAGUES TO SUPPORT THE BUDGET RESOLUTION, WHICH LEAVES NO VETERAN BEHIND

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

Mr. SMITH of New Jersey. Mr. Speaker, next year there will be 700,000 more unique veteran patients in the VA health care network than were projected just 1 year ago. And as our veteran population continues to age and

medical costs continue to skyrocket, we can expect to see this trend continue for most of the decade.

As chairman of the Committee on Veterans Affairs, I have been working with my colleagues to ensure that next year's budget meets the documented needs of our Nation's 25 million veterans.

Mr. Speaker, I am very pleased to say that, under the leadership of the budget chairman, the gentleman from Iowa (Mr. NUSSLE), the budget resolution that comes to the floor will not only maintain our sacred commitments, but will actually expand vital health care for our veterans.

The VA's budget will grow to a record $56.9 billion, including a whopping 12 percent increase in VA health care. That is $2.8 billion for veterans' health care.

It is a good budget, and I commend the chairman, the gentleman from Iowa (Mr. NUSSLE), for crafting this outstanding budget to our Nation's veterans.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 2002.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 15, 2002 at 11:27 a.m. That the Senate agreed to the House amendment to the Senate amendments to the bill H.R. 1499.

Appointments: Board of Trustees of the American Folklife Center of the Library of Congress.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

PROVIDING FOR BINDING ARBITRATION IN LEASES AND CONTRACTS ON RESERVATON LANDS OF GILA RIVER INDIAN COMMUNITY

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3985) to amend the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

The Clerk read as follows:

H.R. 3985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) is amended by adding at the end the following new subsection:

''(f) Any lease entered into under the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statutes (25 U.S.C. 81), as amended, affecting land within the Gila River Indian Community Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such Acts shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Hayworth).

□ 1415

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

Mr. Speaker, I look forward to working with my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) this afternoon on the legislation.

Mr. Speaker, the Gila River Indian community is currently a finalist in the new Arizona Cardinals Stadium site selection process. In connection with the possible development of the stadium on the Gila River Indian Community's reservation, the issue has arisen regarding the need for certainty with respect to resolution of contract disputes between the Gila River Indian Community and its business lease tenants.

Many of the community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate and any arbitration decision may be enforced in either tribal or Federal court. Unfortunately, tenants and their lenders remain uncomfortable with the tribal court for a variety of reasons, and Federal courts would lack jurisdiction over contract disputes between private business entities and Indian tribes.

In addition to the possible development of a stadium site, the community has developed the business part for high-end commercial uses. Since potential business partners see no viable means to enforce contract and land lease arbitration provisions, some very good potential tenants for the community's business park and other potential business partners have in the past decided to look elsewhere. Providing potential tenants with a Federal court remedy if the community refuses to arbitrate according to agreed-to lease provisions will cause quality developers to be more interested in leasing land in the business part because leases will be more financeable and marketable.

The Salt River Pima-Maricopa Indian Community, also in my congressional district, has been successful in attracting commercial tenants to its various projects. One reason for its success is a unique Federal statute that Congress adopted in 1983. This statute basically provides that with respect to Salt River leases, Federal courts have jurisdiction to enforce agreements to arbitrate and any resulting arbitration decision. To a large extent, this statute has enabled Salt River leases to be financeable and marketable. Attorneys for the Salt River Pima-Maricopa Indian Community report that there has never been any Federal court litigation filed pursuant to the statute since it was adopted nearly 20 years ago. Still the statute has provided assurance to tenants that, if necessary, there is an available forum other than tribal court to enforce Salt River's agreement to arbitrate lease disputes.

Mr. Speaker, I would also mention that the introduction of this legislation does not in any way imply any preference for the selection of the Gila River Indian Community for the site of the Arizona Cardinals stadium. I feel that both the Gila River Indian Community site and the city of Mesa site will serve as excellent possibilities for construction of a new stadium. This legislation, however, will help ensure that the best possible business environment will exist if the stadium is to be built. Therefore, I would urge passage of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH)

for his management of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 3985, a bill to assist the Gila River Indian Community in the State of Arizona with the plans of economic development of tribal lands. I want to thank and congratulate again the two sponsors of this legislation, the gentleman from Arizona (Mr. HAYWORTH) and also my good friend, the gentleman from Arizona (Mr. PASTOR) for their hard work in bringing this bill before us today. Both gentlemen from Arizona are good friends of Indian tribes and are often at the forefront of issues important to all of our Native American community.

The Gila River Indian Community is one of the several Indian tribes which has taken full advantage of the proceeds it receives from a well-run gaming facility to diversify into a comprehensive economic development plan. It is a true success story that this Indian tribe, which not so long ago was impoverished, stands at the brink of becoming the home of the Arizona Cardinals National Football stadium. Years of good management, principles, smart business practices and innovative thinking on behalf of the tribal leaders has brought them to this point.

In order to encourage business development on the Gila River Reservation, the tribe has adopted standard provisions in its commercial agreements which provide for arbitration should any dispute arise. This legislation will provide Federal court jurisdiction to enforce both agreements for arbitration and any resulting arbitration decisions.

Unfortunately, many non-Indian businesses still lack a full understanding of tribal courts and remain uncomfortable with the prospect of pursuing disputes there. The tribe has asked Congress to provide this Federal court remedy to assist them in their economic pursuits. In a letter to the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), Gila River Indian River Community Governor Donald Antone, Sr., wrote, ''The community has found this formulation to provide a level of comfort to certain non-Indian businesses who are largely unfamiliar with tribal governments and their judicial system.''

This is an example of tribal self-determination at its finest, and I wish to commend Governor Antone and the Gila River Tribal Council continued success as they blend their ancient culture with moderate economic developments to enhance the lives of all their members.

Mr. Speaker, I just want to mention the fact that the Arizona Cardinals National Football team was mentioned here. I have had a couple of my cousins that have played for the Cardinals. In fact, one currently plays for the Arizona Cardinals. His name Ma'o Tosi. He is only six-foot-five and he weighs 300 pounds. I would like to offer my challenge to our Native American community, where are your Jim Thorpes and Jimmy Sixkillers? We need more of them. I would like to suggest to my friend from Arizona (Mr. HAYWORTH), I would be more than happy to accommodate any of your needs, if you need more Samoan football players for the Arizona Cardinal team.

With this in mind, Mr. Speaker, I urge my colleagues to support this legislation. Again, I thank my good friend from Arizona (Mr. HAYWORTH).

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

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

Mr. Speaker, I thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA). For purposes of full disclosure, we should point out he is quite right. In fact, both the University of Arizona and Arizona State University have enjoyed great success with athletes from American Samoa, and for purposes of full disclosure, my alma mater, N.C. State, enjoyed the services of Niko Noga as middle guard.

We appreciate the athletic prowess of our friends, but more than football, and obviously, we are focused on this possibility, but in spite of football you can see, really, we are looking at financial opportunities and economic possibilities for the Gila River Indian Community, much like the Salt River Pima-Maricopa Community, also in my district, has enjoyed. So this legislation which we join together in a bipartisan fashion to champion today is all about economic opportunity. That is the real possibility we champion here today, even as we certainly tip our rhetorical cap to the great athletes of American Samoa who have performed so admirably in the State of Arizona.

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

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

Mr. Speaker, I think this is also a classic example where we find that we recognize the sovereignty of our Native American people, but at the same time we also recognize that there is a sense of flexibility where if there are problems that are needful, not only from the business community, to allow issues that need to be taken or arbitrated or adjudicated, be taken to the Federal courts. I think this is an example of where the States and the tribes can work together and provide solutions to whatever problems arise. I think this legislation provides for that.

Mr. Speaker, again I commend both of my friends, the gentlemen from Arizona (Mr. PASTOR and Mr. HAYWORTH) for working together with our Indian tribes and with the members of the business community of Arizona that we now have provided a resolution to the problem that we have been faced with.

I commend my good friend for his efforts.

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

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

Mr. Speaker, again I would thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), and let me simply say that it is my hope that this example can be replicated to offer economic opportunity throughout the width and breadth of Indian country as we move in the days ahead. I would urge my colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise today as an original co-sponsor of this important legislation which will help to bring needed economic development opportunities to the Gila River Indian Community located in Phoenix.

In recent months, there have been many inquiries to the Gila River Indian Community from potential tenants for purposes of creating establishment of business. These businesses will not only provide needed job opportunities, but also serve the consumers of Phoenix.

However, one of the persistent questions of potential tenants concerns how lease disputes might be resolved. Many of the Community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate may be enforced in either Tribal or Federal Court. There exists, however, an unusual and troubling circumstance associated with this practice. Unfortunately, some tenants and their lenders are uncomfortable with the use of Tribal Courts, and Federal Courts generally lack jurisdiction over landlord-tenant disputes.

This legislation is simply an attempt to make potential business developers and their lenders more comfortable with the method used to settle any disputes or disagreements.

A similar arrangement is already in place with the Salt River Pima-Maricopa Indian Community, and it is my understanding that there has never been any Federal Court litigation filed since the statute was adopted almost 20 years ago. Still, the statute has provided assurances and peace of mind to the businesses who have located there. This legislation would virtually establish the same legal proceedings and options for the Gila River Indian Community.

The Gila River Indian Community fully supports this legislation.

Mr. Speaker, again, I wish to express my support for this legislation and ask my colleagues to vote for passage.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3985.

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

A motion to reconsider was laid on the table.

LEASE LOT CONVEYANCE ACT OF 2002

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 706) to direct the Secretary of

the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, as amended.

The Clerk read as follows:

H.R. 706

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 ''Lease Lot Conveyance Act of 2002''.

SEC. 2. FINDINGS.

The Congress finds that the conveyance of the Properties to the Lessees for fair market value would have the beneficial results of—

(1) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Government's ownership of the Properties, while increasing local tax revenues from the new owners;

(2) sustaining existing economic conditions in the vicinity of the Properties, while providing the new owners of the Properties the security to invest in permanent structures and improvements; and

(3) adding needed jobs to the county in which the Properties are located and increasing revenue to the county and surrounding communities through property and gross receipt taxes, thereby increasing economic stability and a sustainable economy in one of the poorest counties in New Mexico.

SEC. 3. DEFINITIONS.

In this Act:

(1) FAIR MARKET VALUE.—The term ''fair market value'' means, with respect to a parcel of property, the value of the property determined—

(A) without regard to improvements constructed by the Lessee of the property;

(B) by an appraisal in accordance with the Uniform Standards for Federal Land Acquisitions; and

(C) by an appraiser approved by the Secretary and the purchaser.

(2) IRRIGATION DISTRICTS.—The term ''Irrigation Districts'' means the Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1.

(3) LESSEE.—The term ''Lessee'' means the leaseholder of a Property on the date of enactment of this Act, and any heir, executor, or assign of the leaseholder with respect to that leasehold interest.

(4) PROPERTY.—The term ''Property'' means any of the cabin sites comprising the Properties.

(5) PROPERTIES.—The term ''Properties'' means all the real property comprising 403 cabin sites under the administrative jurisdiction of the Bureau of Reclamation that are located along the western portion of the reservoirs in Elephant Butte State Park and Caballo State Park, New Mexico, including easements, roads, and other appurtenances. The exact acreage and legal description of such real property shall be determined by the Secretary after consulting with the Purchaser.

(6) PURCHASER.—The term ''Purchaser'' means the Elephant Butte/Caballo Leaseholders Association, Inc., a nonprofit corporation established under the laws of New Mexico.

(7) RESERVOIRS.—The term ''reservoirs'' means the Elephant Butte Reservoir and the Caballo Reservoir in the State of New Mexico.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. CONVEYANCE OF PROPERTIES.

(a) IN GENERAL.—The Secretary shall convey to the Purchaser in accordance with this Act, subject to valid existing rights, all right, title, and interest of the United States in and to the Properties and all appurtenances thereto, including specifically easements for—

(1) vehicular access to each Property;

(2) drainage; and

(3) access to and the use of all ramps, retaining walls, and other improvements for which access is provided under the leases that apply to the Properties as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for any conveyance under this section, the Secretary shall require the Purchaser to pay to the United States fair market value of the Properties.

SEC. 5. TERMS OF CONVEYANCE.

(a) SPECIFIC CONDITIONS.—As conditions of any conveyance to the Purchaser under this Act, the Secretary shall require the following:

(1) LEASEHOLDERS' OPTION.—The Purchaser shall grant to each Lessee of a Property an option—

(A) to purchase the Property at fair market value; or

(B) to continue leasing the Property on terms to be negotiated with the Purchaser.

(2) ADMINISTRATIVE COSTS.—Any reasonable administrative cost incurred by the Secretary incident to the conveyance under section 6 shall be reimbursed by the Purchaser.

(b) RESTRICTIVE USE COVENANT.—

(1) IN GENERAL.—To maintain the unique character of the area in the vicinity of the Reservoirs, the Secretary shall establish, by the terms of conveyance, use restrictions to carry out paragraph (2) that—

(A) are appurtenant to, and run with, each Property; and

(B) are binding upon each subsequent owner of each Property.

(2) ACCESS TO RESERVOIRS.—The use restrictions required by paragraph (1) shall ensure that—

(A) public access to and along the shoreline of the Reservoirs in existence on the date of enactment of this Act is not obstructed;

(B) adequate public access to and along the shoreline of the Reservoirs is maintained; and

(C) the operation of the Reservoirs by the Secretary or the Irrigation Districts shall not result in liability of the United States or the Irrigation Districts for damages incurred, as a direct or indirect result of such operation, by the owner of any Property conveyed under this Act, including—

(i) damages for any loss of use or enjoyment of a Property; and

(ii) damages resulting from any modifications or construction of any reservoir dam.

(c) TIMING.—

(1) IN GENERAL.—The Secretary shall convey the Properties under this Act as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(2) REPORT.—If the Secretary has not completed conveyance of the Properties to the Purchaser by the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall, before the end of that period, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

(d) REIMBURSEMENT OF PURCHASER'S COSTS.—The terms of conveyance shall authorize the Purchaser to require each Lessee to reimburse the Purchaser for a proportionate share of the costs incurred by the Purchaser in completing the transactions pursuant to this Act, including any interest charges.

SEC. 6. RESOLUTION OF CLAIMS AND DISPUTES.

After conveyance of the Properties to the Purchaser, if any Lessee has a dispute with or claim against the Purchaser or any of its officers, directors, or members arising from the Properties, the Lessee shall promptly give written notice of the dispute or claim to the Purchaser. If such notice is not provided to the Purchaser within 20 days after the date the Lessee knew or should have known of such dispute or claim, then any right of the Lessee for relief based on such dispute or claim shall be waived. If the Lessee and the Purchaser are unable to resolve the dispute or claim by mediation, the dispute or claim shall be resolved by binding arbitration.

SEC. 7. FEDERAL RECLAMATION LAW.

No conveyance under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. Speaker, H.R. 706, sponsored by the gentleman from New Mexico (Mr. SKEEN), directs the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir in New Mexico, to transfer 403 recreational lots on the two reservoirs to private ownership. This transaction will be done at fair market value. Congress expects that the cost of the appraisal and surveys will be included as reimbursable costs to the purchaser. The manager's amendment clarifies several technical issues regarding the transfer of the properties.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN), the bill's sponsor, to offer further information on this legislation.

Mr. SKEEN. Mr. Speaker, I rise today to ask the House of Representatives to support passage of H.R. 706, legislation that will allow citizens to purchase the lands on which their homes were built near a Bureau of Reclamation project in southern New Mexico.

The Elephant Butte Reservoir story begins in the 1930s as the government offered people the opportunity to build recreational homes on the land leased from the U.S. Bureau of Reclamation. The covenants in the lease agreements required leaseholders to make substantial investments on the 400-plus sites under this program. It was every leaseholder's hope that the government would someday privatize the leased land and offer it for sale through a purchase option.

The Bureau throughout most of the 20th century apparently felt that some day they might need this land if the dams were ever enlarged. We now believe that the modification or enlargement will never occur.

While legislation enacted by Congress in 1984 allowed the leaseholders of Lake Sumner in New Mexico, where recreational homes also existed, the opportunity to purchase their lots, the residents of Elephant Butte remained in a lease-only situation.

Despite my previous efforts, including the introduction of prior-year legislation, and established patterns of government transfers, the project remained lease-only and lease lot holders remained in limbo.

There are two issues that had to be resolved with the Bureau of Reclamation in order to facilitate a successful transfer. These included property appraisal and the number of lots that would be sold.

My bill, H.R. 706, addresses each of these issues in a fair and equitable manner. In effect, all current leaseholders would have the opportunity to purchase the land on which their homes currently exist as an unapproved, lakefront appraised value.

Finally, the bill guarantees continued public access to the water. I do want to thank the House Committee on Resources for their assistance and especially the Subcommittee on Water and Power chairman, the gentleman from California (Mr. CALVERT), and his talented staff for their assistance and patience in working with me on this important bill.

This legislation is carefully crafted to resolve these issues, and we must not lose the sight of the fact that this is really a story about people, their lives, and the role of the government in the settling of the West.

In closing, Mr. Speaker, I ask Members to do what is right by passing this legislation. It is time that we offer these fine people the opportunity to purchase the land that many have leased for over 60 years.

I thank the gentleman from Arizona (Mr. HAYWORTH) for his kindness.

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

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

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

Mr. FALEOVAVAEGA. Mr. Speaker, I would like to commend the distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from New Mexico (Mr. SKEEN) as the principal author of this legislation.

Mr. Speaker, the amendment would transfer title to 43 lakefront lots and improvements within the Bureau of Reclamation's Rio Grande Project in New Mexico and Texas to the Elephant Butte/Caballo Leaseholders Association.

□ 1430

In the late 1940s, reclamation leased one-half acre lakefront sites to visitors using tents, campers or other temporary structures. Over time, permanent structures and other improvements replaced the temporary structures, and many are now used on a full-time basis.

The amendment reflects changes recommended by the Interior and Justice Departments. It requires the leaseholders to pay market value, without regard to improvements made by the lessees.

Certainly there is no question that this legislation is necessary as a relief for these lakefront property owners; and again, I commend the gentleman from New Mexico (Mr. SKEEN), the chairman of our Committee on Appropriations' Subcommittee on Interior. I urge my colleagues to support this legislation.

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

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

Though this oft times is far from the roar of the grease paint and the smell of the crowd, this is another commonsense piece of legislation that we will move on today to reaffirm what is really, we call it bipartisan but basically nonpartisan, focusing on results for real people.

The gentleman from New Mexico (Mr. SKEEN), the dean of that State's delegation, put it quite succinctly, and I think very poignantly, when he said this legislation ultimately is about people and doing what is right; and it is in that spirit that I would commend this legislation to the full body. I congratulate the gentleman from New Mexico (Mr. SKEEN) on a commonsense piece of legislation.

I thank, once again, the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his help on this and the help of all the members of the committee to expedite this process to do the right thing.

Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

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

I want to remind my colleagues, this piece of legislation had the full, bipartisan support of the Committee on Resources. It also has the support of the administration, and I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 706, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL PARK OF AMERICAN SAMOA BOUNDARY ADJUSTMENT ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1712) to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1712

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

SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.

Section 2(b) of the Act entitled ''An Act to establish the National Park of American Samoa'' (16 U.S.C. 410qq–1(b)), approved October 31, 1988, is amended—

(1) by striking ''(1)'', ''(2)'', and ''(3)'' and inserting ''(A)'', ''(B)'', and ''(C)'', respectively;

(2) by inserting ''(1)'' after ''INCLUDED.—''; and

(3) by adding at the end the following new paragraph:

''(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled 'National Park of American Samoa, Proposed Boundary Adjustment', numbered 82,035 and dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

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

H.R. 1712, introduced by our committee colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), would authorize the Secretary of the Interior to make adjustments to the boundary of the national park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.

Created in 1988, the national park of American Samoa preserves the tropical forests and archeological and cultural resources of American Samoa and its associated coral reefs. In fact, Mr. Speaker, the national park of American Samoa preserves the only paleotropical rain forest in the United States.

Mr. Speaker, expanding the park's boundaries to include land and water on the islands of Ofu and Olosega would protect additional coral communities that harbor great diversity of species, including the endangered hawsbill, preserve high concentrations of medicinal plans, and offer increased scuba diving and hiking opportunities, while at the same time preserve subsistence fishing, which is protected by the park's enabling legislation.

Finally, Mr. Speaker, unlike all other units in our national park system, the National Park Service would lease, rather than purchase, the additional lands. Currently, the park service manages 9,000 acres of land and water on the islands of American Samoa through a 50-year lease. The additional lands and waters would also be leased by the park service.

Mr. Speaker, I would urge my colleagues to support H.R. 1712, as amended.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to certainly thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent statement in support of this legislation. I also want to thank the Republican and Democratic House leadership, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL), our full committee leaders, and the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), with the Subcommittee on National Parks, Recreation and Public Lands, for their support in bringing this bill to the floor today. H.R. 1712 will make adjustments to the boundary of the national park of American Samoa.

Mr. Speaker, the U.S. territory of American Samoa is located approximately 2,400 miles directly south of Hawaii. The national park in American Samoa is located on three separate islands: Tutuila, Ofu and Ta'u. The islands of Ofu and Olosega, portions of which would be added to the park under this legislation, are small islands which lie adjacent to each other and are connected by a short bridge.

In 1998, I received a request from the village chiefs of Sili and Olosega, on the island of Olosega, to include portions of their village lands within the national park. The chiefs noted the important role the park plays in preserving the natural and cultural resources of the territory, and indicated that the village councils believed there are significant cultural resources on village lands which warrant consideration for addition to the park.

About 2 years ago I had asked the National Park Service to conduct studies to determine if there were cultural and natural resources on the island which warranted inclusion in the park. The park service completed reconnaissance surveys on the islands of Olosega and a portion of the island of Ofu and reported on both.

The National Park Service concluded in part: the archaeological significance of Olosega Island cannot be understated. Sites on the ridgeline and terraces may offer an important opportunity for the study and interpretation of ancient Samoa. The number and density of star mounds (31), the great number of modified terraces, about 46 sites, and homesites of about 14, the subsistence system, and the artifacts available are all important findings. This is particularly significant in that they were recorded in only 3 days of visual surveys on only a portion of the island.

The National Park Service researchers also discovered that on top of this particular island of Olosega, were several acres of medicinal plants that are found nowhere else in the Samoan islands. This leads me to my next point, Mr. Speaker, about the importance of this unique national park.

One of the world's most renowned ethnobotanists, Dr. Paul Cox, who is currently the director of the National Tropical Botanical Garden on the island of Kauai in the State of Hawaii, conducted a series of research and study of several of the ancient Samoan medicinal plants. From one of these plants a substance called protrastin has now been discovered. It has been found that protrastin may have beneficial properties for the treatment of HIV/AIDS.

About two weeks ago, my district was privileged to host one of the world's most renown marine ocean scientists, Dr. Sylvia Earle. Believe it or not, Dr. Earle continues to explore the ocean as a scuba diver, and in doing so, found that one of the rarest giant clams in the world can only be found in the Samoan islands.

Mr. Speaker, the national park of American Samoa is continuing to develop. Established in 1988 by Public Law 100–571, the park took several years to become operational. Today, however, tourists are visiting and schoolteachers are using the park as an educational resource to help the students learn more about Samoan history and ancient culture, the environment and ecological conservation. The park is preserving the area within its boundaries; but as the population grows, from about 22 percent, considerable pressure has been placed on these undeveloped areas.

The additions proposed by this legislation will preserve important sections of the remaining natural and cultural resources of the territory.

Again, because of the historical significance of this park, I respectfully request and ask my colleagues to support this bill.

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

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

I appreciate the gentleman from American Samoa (Mr. FALEOMAVAEGA) going into more detail about this unique national park and exactly the treasures there, the opportunities there and things that are worth saving there within the confines of that park and why it is necessary to move forward in this legislation. I would join him in earnest bipartisan support for this because I think it is a scientific treasure for us and one that, as he has pointed out, with the medicinal value of plants and other things there, things that may hold the key to medical miracles and marvels yet to come.

It is in that spirit that I would urge passage of the legislation.

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

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquence and his remarks.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1712, as amended.

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. HAYWORTH. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

COMMENDING PENTAGON RENOVATION PROGRAM

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.

The Clerk read as follows:

H. RES. 368

Whereas the Pentagon was struck by a horrible act of terrorism on September 11, 2001, taking the lives of 125 employees at the Pentagon and 64 hostages on a hijacked airplane;

Whereas a renovation effort, known as Phoenix Project, is underway to restore the damaged portion of the Pentagon, and is pushing to have Pentagon personnel back to work in that portion of the building by September 11, 2002, just 1 short year after the terrorist attack;

Whereas, initially working 24 hours a day and 7 days each week, the outstanding men and women of the Pentagon Renovation Program have demonstrated the Nation's resolve and know-how, and are 6 weeks ahead of schedule in the reconstruction effort;

Whereas the 400,000 square feet of demolition work, which had to be completed before reconstruction work could begin, was completed in just 1 month, when it was estimated to take 4 to 7 months for the job; and

Whereas the renovation effort is comprised of 15 percent government and 85 percent contracted personnel, and these individuals have clearly dedicated themselves to making this important institution whole again: Now, therefore, be it

Resolved, That the House of Representatives commends the great work that the Pentagon Renovation Program and its contactors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. Saxton. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 368, commending the great work that the Pentagon renovation program and its contractors have accomplished in swiftly repairing the Pentagon after the devastating attack of September 11, 2001. I thank our distinguished colleague, the gentleman from Florida (Mr. FOLEY), for sponsoring this resolution.

Shortly after the tragic event of September 11, I led a small delegation to visit the Pentagon. The devastation was truly appalling, and I was sure that a lengthy period would be required to repair such extensive damage. Of course, I am glad to report that I was wrong.

The dedication and superhuman efforts of the Pentagon renovation program office and its contractors have defied all predictions in their ability to work miracles. The removal of the debris and restoration of the damaged area aptly called the Phoenix Project has amazed the world in the speed of its operation.

The damaged wedge had been virtually renovated as part of the ongoing project to refurbish the Pentagon before the plane struck last September. Determined to finish the job and have people back at their desk by September 11 of this year, the dedicated team of government and contract employees went into immediate action. Work on the crash site was conducted around the clock for three months and is now down to a mere 20 hours a day. I understand that workers had to be forced to take time off for Christmas and have protested the cessation of the 24-hour day operations.

The pace and skill of this reconstruction effort is truly a masterpiece of American ingenuity and effort and is a positive reaction to the evil of September 11 of last year.

□ 1445

Mr. Speaker, all involved in this extraordinary effort deserve our deepest gratitude.

Finally, Mr. Speaker, as chairman of the Subcommittee on Military Installations and Facilities, I pay close attention to military construction projects. I have never seen one proceed at this pace and sincerely hope that there is never a reason to proceed at this pace again. But these intrepid souls have shown the world what American spirit and resolve are all about. Many have worked on this project and they are heroes, in my mind.

Mr. Speaker, I am sure that Members will all support H. Res. 368, but, Mr. Speaker, let me just commend the gentleman from Florida (Mr. FOLEY) for his great efforts in bringing this resolution to us. It is something that I think is very worthwhile for us to note here in an official way today.

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

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

Mr. Speaker, I rise in strong support of House Resolution 368, introduced by my colleague, the gentleman from Florida (Mr. FOLEY), as indicated by the gentleman from New Jersey (Mr. SAXTON), and endorsed by numerous other Members of the House. The resolution commends the outstanding progress made thus far by the Pentagon Renovation Program and its contractors in reconstructing the section of the Pentagon damaged by the terrorist attack.

On September 11, 2001, Mr. Speaker, our Nation suffered four unprovoked terrorist attacks, three of which found their aim in two of our most powerful symbols of strength and democracy. Two days after the attacks, the Army asked the gentleman from New Jersey (Mr. SAXTON), myself, and several other Members involved in the Subcommittee on Military Construction to visit the Pentagon site and survey the damage sustained there. Like the rest of the American public, we were stunned by the gash in what had previously seemed to be the impenetrable exterior of the Pentagon.

What really caught our attention, though, was the work already under way. A small city of support was buzzing on the lawn. Firefighters were still battling flare-ups and hot spots, and military and civilian personnel were securing the building and sifting through the debris. No one was waiting to be told what to do. They were just doing what they knew needed to be done.

The Pentagon Renovation Program has exceeded every expectation. The American public realized the significance of healing this visible wound as soon as possible, and the Phoenix Project has made it a reality. Government and contract personnel put their shoulders to the wheel, at times laboring around the clock, to tear down the most severely damaged sections and to rebuild it from the ground up. Demolition was supposed to take 7 or 8 months, Mr. Speaker. The team completed it in 1 month and 1 day. That is the power of American resolve.

I have the utmost confidence that the Renovation Program will meet its ultimate goal to have people back at their desks by September 10, 2002. There could be no greater tribute to those who lost their lives than to know that the men and women of the Department of Defense are once again doing the business of the country from their proper Pentagon offices.

Mr. Speaker, let us honor these Americans, public workers and private citizens, willing to dedicate themselves to the rebuilding of our national morale.

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

Mr. SAXTON. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time and, thus, giving me the opportunity to praise so many fabulous and phenomenal workers at the Pentagon.

I would first like to thank the gentleman from Arizona (Mr. STUMP), Chairman of the Committee on Armed Services, for expediting this important resolution. The Committee worked especially quickly with the staff from the Pentagon to move this resolution forward, House Resolution 368, for which I know all of us are grateful. Within 48 hours, 70-plus colleagues on both sides of the aisle quickly joined me in saluting the men and women at the Pentagon.

Mr. Speaker, anyone who has driven by the Pentagon recently has been a firsthand witness to the amazing determination and depth of the American spirit. That spirit is embodied in all the workers who are resurrecting the Pentagon in a reconstruction project aptly named Project Phoenix. Just 6 short months ago, terrorists attempted to attack and raze a symbol of America. They found they could barely scratch the surface.

From the individuals who immediately responded to the attack delivering triage, to the many people affected by the explosion, to the ongoing efforts of Project Phoenix, America's resolve and strength are clear and evident. Anyone who has seen the Pentagon lately has seen a miracle of reconstruction, and behind that miracle are all the workers who have clearly taken hold of this project, showing the world that what evil tries to destroy can be rebuilt stronger, bigger, and better.

It is as clear as the Pentagon itself that these workers are adding more than bricks and mortar to this cherished building; they are leaving an imprint of their dedication that rose from the ashes of September 11. Starting almost immediately after the attack, workers labored 24 hours a day to clear the area of over 400,000 square feet of debris, a project they completed amazingly in only a little more than 1 month. They are now 6 weeks ahead of schedule, with an ever-visible goal in site.

Above the construction site on the building is a clock counting down to September 11, 2002. The workers made a commitment that they would have Pentagon employees working back at their desks in the outer ring of the Pentagon by September 11, 2002. And as that clock counts down, it is a constant reminder of the importance of this work.

Mr. Speaker, what these workers have displayed is a deep, true dedication that cannot be feigned. It must come from within. And it for that dedication that I introduced this resolution and received such overwhelming support from my colleagues. I know others will speak today: the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. DAVIS), the gentlewoman from Maryland (Mrs. MORELLA), and others joining us on the House floor today. We invite everyone on Thursday, at 1 p.m., to the Pentagon for a formal presentation of this proclamation.

One more word, Mr. Speaker, and I know that the gentleman from Virginia (Mr. MORAN) and the gentleman from Virginia (Mr. DAVIS) know this personally, we have spent a lot of time talking about the tragedy in New York, and at times I feel we have actually slighted those brave men and women who were killed in the ashes of this devastation just a short mile and a half from this complex. I salute their families as well and the memory of those loved ones lost, and just want to assure them that every person's life that was taken by terrorists will never be forgotten. While we salute the tremendous accomplishments of the men and women on the construction site, let us not leave this floor without spending a moment to commemorate those brave men and women who serve us daily in uniform, those who lost their lives, who never returned home, but stood vigil over this great Nation of ours.

Mr. ABERCROMBIE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who is representing the Pentagon here today, as it resides in his district.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Hawaii for yielding me this time, and I thank my friends and colleagues, the gentleman from Florida (Mr. FOLEY) and the gentleman from New Jersey (Mr. SAXTON), as well as all those involved in this resolution.

Since the Pentagon is in my congressional district, it would be tempting to take credit for the extra $1.1 billion that we added to the supplemental appropriations bill last year to make this possible, but in fact, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the chairman and ranking member of the Subcommittee on Defense of the Committee on Appropriations, do deserve recognition for making this request a priority. But I know that they would agree that the most deserved credit, as the resolution says, goes to the tireless work of the men and women charged with the actual rebuilding of the Pentagon.

On September 11, a day forever to be marked in infamy in United States history, one of our Nation's historic landmarks and the operational center of the world's most powerful military was struck by the evils of international terrorism. This heinous act caught us by surprise; however, in the days that followed, our steely resolve triggered an overwhelming military response and an unprecedented effort to rebuild our defiled monument.

Titled the Phoenix Project, the renovation of the Pentagon is an ongoing demonstration of U.S. technological and civil engineering advances. It is in operation 24 hours a day, 6 days a week, consists of construction shifts running from 6:30 a.m. until 2:30 in the morning, from the early hours before daybreak until long after the sun sets. These American workers are demonstrating our Nation's collective resolve to rise from the ashes and go forward undeterred in our efforts to wipe out the terrorist threat.

While the renovation is running like a well-oiled machine, its success could not be maintained without the dedication and deep-seated devotion of the work crews responsible for its execution. As a testament to their efficient labors, the demolition, slated for completion in 7 months, the demolition, was incredibly finished in just 1 month. The blood, sweat and, undoubtedly, tears shed by these hardworking individuals is a true example of America's work ethic and ingenuity.

The purpose of this resolution, as I know my friend from Florida (Mr. FOLEY) would agree, is simply to take a moment from our day to salute these patriots. We proudly stand to honor their efforts and wait in anticipation for the 1-year anniversary of September 11 when the culmination of their labor will come to fruition and America's living monument to its military superiority will be whole again and built stronger than ever.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for having this resolution come to the floor of the House. I rise in strong support for House Resolution 368.

I want to thank the gentleman from Florida (Mr. FOLEY) for introducing the resolution, which I am proud to be a cosponsor of. The resolution commends the efforts of the many individuals and organizations that have done a remarkable job at the Pentagon in the Pentagon renovation effort.

The Phoenix Project is already 6 weeks ahead of schedule, as my colleagues heard, and demolition work that was supposed to take 7 months has taken only 1. The crew, made up of government workers and contractor personnel, has built the skeleton for the outer ring in just 6 months and is on schedule to be open again by this coming September 11. How remarkable.

I also want to mention the efforts of AMEC. This is a design and construction company in my district, Montgomery County, Maryland, for the work they have done during this renovation. They actually were responsible for the wedge-one renovations that were basically completed right before September 11. AMEC has now been leading the efforts in refurbishing wedge one, and I applaud their work.

Specifically, I want to thank their wonderful team: Brett Eaton, Dave Coffman, Karl Johnson, John Macenczak, William Rock Viner, Greg Vachon, Sing Banh, Eric Sin, Michael Palumbo, Shaul Kopyto, David Conner, Avis Woods, David Clint, and Claude Bernier. These individuals, as well as hundreds of others who have worked tirelessly since September 11, deserve commendation, and I hope that all Members of this House will support this in this very important resolution.

Yes, I toured the Pentagon several days after September 11, and I look forward to being at the presentation of this resolution at the Pentagon on Thursday, March 21, to say thanks.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume, prior to yielding back the balance of my time, because I would just like to say that the folks who are rebuilding the Pentagon are setting a great example for the rest of America and the rest of the world. But I think it is equally important today that we do not forget the thousands of other people who are involved in activities that are related to the attack on the Pentagon.

Obviously, there were people who lost their lives on September 11 and in the following days, and there are people involved today at the Pentagon who are not involved in the rebuilding effort. There are people involved in other Federal agencies around the world, and there are U.S. troops in places like Afghanistan, and Tajikistan, and in Yemen, in Georgia; and there are Marines standing at their posts at embassies all around the world.

□ 1500

Mr. Speaker, these people are all people who deserve a great deal of credit. But today we choose to single out one group of people who are setting an example of American resolve. That resolve, however, is shared by those I just mentioned and many others. So let the word go out to the terrorists and the would-be terrorists that we are here and we take note of what has occurred during the last 6 months. They should take note, as well, about how serious we are.

Mr. Speaker, the men and women who are rebuilding the Pentagon are an example of that, but they are not the only example of that. We thank them for what they are doing, and I again pay my great thanks to the gentleman from Florida (Mr. FOLEY) for bringing this resolution to us today. We look forward to joining the gentleman from Florida (Mr. FOLEY) in the presentation that will take place in the next day or so.

Mr. WOLF. Mr. Speaker, I rise today in strong support of House Resolution 368.

My Congressional District, the 10th of Virginia, lost nearly 30 people at the Pentagon to the tragic events of September 11, 2001. This resolution commends the Phoenix Project which is the ongoing effort at the Pentagon to rebuild the damaged section by September 11, 2002. Like the Phoenix which rose out of the ashes, the project is running on schedule because Phoenix team members are working around the clock, 6 days per week, to bring the Pentagon back from the ''ashes.'' It is those workers today who we congratulate and thank.

The reconstruction of the Pentagon will rebuild the damaged building and also help heal emotional wounds. It also sends a message to the terrorists that America cannot be defeated. Our ideals and freedoms will not waiver in the face of terrorism.

I am honored to be speaking in support of this resolution. It is important that we not forget the courage and bravery of all those affected by the events of September 11.

I urge your unanimous support for this resolution to honor those brave Americans who died on September 11 and to thank those workers who are rebuilding the Pentagon.

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with great honor and pride that I rise today to pay tribute to the men and women who have worked so hard to rebuild the Nation's military headquarters and a national icon.

Although born out of tragedy, the current reconstruction project represents an opportunity to memorialize permanently and prominently our Nation's history of resilience in the face of adversity. I congratulate the workers and contractors who are ahead of schedule in repairing the huge hole blown out of the Pentagon on Tuesday, September 11, 2001, by a terrorist-hijacked airliner.

The efforts of those involved in reconstruction have enabled the Pentagon to get back to business—waging war in Central Asia and destroying those networks responsible for the terrorist attacks in Washington, New York, and Pennsylvania. The demolition of the wounded section took only 1 month and a day to complete, aided by 24-hour days, 7 days a week and landfills that stayed open all night. Weary workers celebrated the day they finished, November 19, by placing a Christmas tree on the Pentagon's roof. It marked a turning point toward the positive: they would stop tearing down and start building up.

Mr. Speaker, in closing, I would like to congratulate the crews at the Pentagon who have toiled tirelessly for more than 3 months now, trying to fix what was broken, replace what was destroyed, and put back together a meticulous, 20-year, $1.2-billion renovation effort that was already well along at the time of the attack.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 368.

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. FOLEY. 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.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

UTAH PUBLIC LANDS ARTIFACT PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3928) to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

The Clerk read as follows:

H.R. 3928

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 ''Utah Public Lands Artifact Preservation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the collection of the Utah Museum of Natural History in Salt Lake City, Utah, includes more than 1,000,000 archaeological, paleontological, zoological, geological, and botanical artifacts;

(2) the collection of items housed by the Museum contains artifacts from land managed by—

(A) the Bureau of Land Management;

(B) the Bureau of Reclamation;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service; and

(E) the Forest Service;

(3) more than 75 percent of the Museum's collection was recovered from federally managed public land; and

(4) the Museum has been designated by the legislature of the State of Utah as the State museum of natural history.

SEC. 3. DEFINITIONS.

In this Act:

(1) MUSEUM.—The term ''Museum'' means the University of Utah Museum of Natural History in Salt Lake City, Utah.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ASSISTANCE FOR UNIVERSITY OF UTAH MUSEUM OF NATURAL HISTORY.

(a) ASSISTANCE FOR MUSEUM.—The Secretary shall make a grant to the University of Utah in Salt Lake City, Utah, to pay the Federal share of the costs of construction of a new facility for the Museum, including the design, planning, furnishing, and equipping of the Museum.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (b), the Museum shall submit to the Secretary a proposal for the use of the grant.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 3928 would direct the Secretary of the Interior to assist the University of Utah by making a grant to the University of Utah Museum of Natural History in Salt Lake City, Utah, to help pay for the Federal share of the costs of construction of a new natural history museum. The Federal share, however, would not exceed 25 percent of the total cost.

Mr. Speaker, while the museum holds large collections of objects and specimens recovered from State and private lands, the vast majority of the collection has come from public lands in Utah and the surrounding States in the Intermountain West. In fact, more than 75 percent of the museum's collection contains artifacts from lands managed by the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs.

The building which currently houses archeological, paleontological, zoological, geological, and botanical artifacts poses serious environmental threats to the collection, lacks good public access, and contains very small and outdated exhibits.

Mr. Speaker, for its part, the University of Utah has acquired the land for a new building, and the State of Utah has committed $800,000 for its annual operations and has collected $11 million towards the construction of the new building.

Mr. Speaker, I believe this is a good example of a public-private partnership. I urge my colleagues to support H.R. 3928.

Mr. Speaker, there is one thing I would like to say concerning the bill. Too often in this town there is more emphasis placed on who gets the credit rather than what is the right thing to do. I would like to thank the gentleman from Utah (Mr. MATHESON), who has worked tirelessly on this issue; and I want the record to show that without his ability to make compromises, we would not be here today.

I have learned in my 22 years that the most successful legislators are those willing to take up the pick and the shovel and go to work. The gentleman from Utah (Mr. MATHESON) has demonstrated his willingness to do that.

The Members of the other body also deserve credit for this initiative. They have been a friend to the museum for years. Although we have the luxury of expending the legislative process over

here and expediting it, I hope that Members of the other body will be able to carry this legislation from here and let us get this done. I urge my colleagues to support H.R. 3928.

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

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

Mr. Speaker, I commend the distinguished chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), for his eloquent remarks and as a cosponsor of this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON), the chief cosponsor of this legislation.

Mr. MATHESON. Mr. Speaker, I rise today to give support to H.R. 3928, a bill that would provide the Natural History Museum at the University of Utah with the means to restore, protect, and preserve our shared natural heritage.

In 1824, a philanthropist named James Smithson bequeathed his fortune to the government of the United States in order to found an institution to ''increase the diffusion of knowledge among men.''

In 1846 the United States established the Smithsonian Institution and established the wise and remarkable precedent of the value of public investment in institutions of science, research, and heritage.

Mr. Speaker, in Utah we have an institution that houses 1 billion years of the history of life on our planet. It is an institution that holds three-quarters of a million artifacts detailing tens of thousands of years of Native American life throughout the Rocky Mountain and Great Basin areas of our country.

It contains over 30,000 specimens of mammals, one of the 30 largest collections in the western hemisphere, and its 18,000 specimen reptile collection contains one of the largest turtle assemblages in the world.

It is an institution that houses one of the world's great paleontology collections. Its 12,000 specimen vertebrate fossil collection is dominated by 150 million-year-old dinosaurs from the Jurassic period, as well as Ice Age mammals such as giant bears, mammoths, and mastodons.

What I have just described is just a fraction of the resources provided by the University of Utah's Natural History Museum. It is a treasure unsurpassed in the western United States.

However, these resources are under threat. First, they are housed in a converted library built during the 1930s. It is a building constructed for the close, claustrophobic stacking of books, not for the storage of artifacts. Most of the ceilings throughout the building are 7 feet 2 inches high, which makes dinosaur storage somewhat of a problem.

Climate control and water systems are woefully antiquated. The humidity and temperature in the display and storage areas have wide swings. This inconsistency puts tremendous strain on the increasingly fragile collections. It is plausible to think that a child's Pokemon cards might be at less risk for damage than some of the pieces in this collection.

The university, along with private donors and the State government, have embarked on an ambitious project to build a new museum that would be a centerpiece for cultural and scientific education in the Intermountain West.

This project will be a partnership in every sense of the word. State and private donors have promised to match every Federal dollar with three of their own. The university's donors and alumni network view this as a priority project for Utah and are actively engaged in its development.

The university has already contributed the 14 acres for the development. The State has guaranteed the operating funds for the facility at $800,000 per year. To date, close to $12 million has been raised from private donors. This includes $10 million from the Emma Eccles Jones Foundation.

Unlike many museums throughout the country, 75 percent of the museum's holdings are owned outright by the Federal Government, with more than 90 percent of some collections coming from Federal lands. That means that these artifacts, fossils, and specimens belong to the people of the United States. These exhibits and collections are part of our collective national heritage. With Congress' help, we can save these treasures for future generations of Americans.

Mr. Speaker, I want to give special thanks to the distinguished chairman of the Committee on Resources. I thank the gentleman from Utah (Mr. HANSEN) for his diligence, dedication, and commitment to this project. This was a collaborative effort in every sense. The gentleman from Utah (Mr. HANSEN) is a true gentleman legislator, and this Chamber will be diminished by his upcoming departure.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 3928, the Utah Public Lands Artifact Preservation Act.

Before Utah was home to the Olympics, it was home to dozens of Native American tribes, ancient plants, wildlife and dinosaurs. The rich history of this region has been a looking glass into the natural history of America. Scientists have used the millions of artifacts discovered here to preserve the past and gain knowledge for the future.

The University of Utah houses over a million artifacts from this region. Though famous for the exhibits that feature tens of thousands of ancient mammals, reptiles, dinosaurs, and Native American artifacts, the museum serves a much greater purpose. It will also serve as a center for science literacy and educating students about the natural history of the Columbia Plateau.

Mr. Speaker, 75 percent of the artifacts have been recovered from federally managed land. With this grant from the Department of the Interior, the museum will continue to promote cultural diversity of the region for future generations. I applaud the gentleman from Utah (Mr. HANSEN) and all others who have worked to make this bill a reality.

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

Mr. Speaker, I commend the members of the Utah delegation for their bipartisanship in supporting this legislation. It goes without saying that this was also true when the proposed bill was brought before the Committee on Resources. I commend our chairman, the gentleman from Utah (Mr. HANSEN), and the gentleman from Utah (Mr. MATHESON) for their cosponsorship of this bill, and the gentleman from Utah (Mr. CANNON) for his remarks and his support.

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

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3928.

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

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1712, NATIONAL PARK OF AMERICAN SAMOA BOUNDARY ADJUSTMENT ACT

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 1712, as amended, to the end that the Chair put the question on the motion de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1712, as amended.

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

The title of the bill was amended so as to read: ''A bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include

certain portions of the islands of Ofu and Olosega within the park, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and exclude extraneous material on the four Committee on Resources bills considered today, H.R. 3928, H.R. 706, H.R. 1712, and H.R. 3985.

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

There was no objection.

□ 1515

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2019) to extend the authority of the Export-Import Bank until April 30, 2002.

The Clerk read as follows:

S. 2019

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

SECTION 1. EXTENSION OF EXPORT-IMPORT BANK.

Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, The Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through April 30, 2002.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. LAFALCE. Mr. Speaker, it is my intention to yield 10 minutes of my 20 minutes to the gentleman from Vermont (Mr. SANDERS) so that he can manage that 10 minutes in opposition to the bill. I will manage 10 minutes of the 20 minutes in support of the bill.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. LAFALCE) and the gentleman from Vermont (Mr. SANDERS) each will control 10 minutes.

There was no objection.

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

This Member rises today in support of S. 2019, which is being considered under the suspension of the rules. This legislation extends the authorization of the Export-Import Bank until April 30, 2002. This Member would also note that he introduced identical House companion legislation, H.R. 3987.

Under current law, the authorization of the Export-Import Bank expires on March 31, 2002. If this short-term authorization extension is not signed into law, the Export-Import Bank could engage in no new transactions and would have to wind down its current operations as of the expiration date. On March 14, 2002, the Senate passed this Ex-Im extension bill and a separate Ex-Im authorization bill. It is important that the House debate and approve the Senate extension bill today so that the President can sign this into law before the March 31 expiration date.

At the outset, this Member would like to thank the distinguished chairman of the Committee on Financial Services from Ohio (Mr. OXLEY) for his leadership on Ex-Im Bank issues and for that of the distinguished gentleman from New York (Mr. LAFALCE) and the distinguished gentleman from Vermont (Mr. SANDERS) for their help and assistance and for their support of this legislation in general. This Member has, of course, a special interest since he chairs the House Financial Services Subcommittee on International Monetary Policy and Trade, which has jurisdiction over the Ex-Im Bank.

The Export-Import Bank is an independent U.S. Government agency that provides direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products and insurance products which greatly benefit short-term small business sales. To illustrate the importance of the Ex-Im Bank, in fiscal year 2000 the Bank invested over $15 billion in exports through loans, guarantees and insurance by which the Ex-Im Bank financed exports such as civilian aircraft, electronics, engineering services, vehicles, agricultural products, et cetera, for businesses of all sizes. The Export-Import Bank, I stress, is intended to be only the lender of last resort and is not intended to compete with private lenders.

On October 31, 2001, the House Committee on Financial Services passed H.R. 2871, a more comprehensive and 4-year authorization bill, by voice vote. That legislation, among other things, would require that the Export-Import Bank earmark at least 20 percent of its total financing for small businesses. Under current law, the Ex-Im Bank is required to use only 10 percent of its total financing for small businesses. This authorization bill also would require the Export-Import Bank to continue to increase its investment in Africa.

Moreover, an amendment was accepted at the full committee markup, which was offered by the distinguished gentleman from Pennsylvania (Mr. TOOMEY), that would address Ex-Im Bank's transaction with a Chinese steel producer. This legislation would also make a clarification in the administration of the Tied Aid War Chest which finances tied aid transactions. However, a veto threat by the Treasury Department over the relationships and disputed powers of the Treasury and the Export-Import Bank and lost time in sporadic negotiations between the committee and the executive branch have delayed the committee in bringing H.R. 2871 to the House floor for action. Thus, the need for this extension.

In conclusion, this Member urges his colleagues to support this short-term extension for the Export-Import Bank until April 30, 2002.

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

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

Mr. Speaker, I support this measure to ensure that the operations of the Export-Import Bank are not interrupted for a 30-day period while we continue our work on a multiyear reauthorization of the Bank. I am hopeful that we will use these additional 30 days to resolve any remaining issues with H.R. 2871, the multiyear authorization bill that was reported out of the Committee on Financial Services on a bipartisan voice vote.

It is important, Mr. Speaker, that we put to rest as quickly as possible any uncertainties about the Bank's ability to operate in the months ahead. Mind you, it is our position that we should bring the bill to the floor of the House, that was reported out of the Committee on Financial Services. There are issues in dispute. We hope they can be resolved before they come to the floor. If not, they should be brought to the floor and they should be voted upon, which is what we are elected to do. And so, while I support this 30-day extension to keep the operations of the Bank functioning, this should not be viewed as a sign on the part of the Republican leadership that they can continue to delay consideration of those issues over which certain Members disagree.

The Export-Import Bank promotes U.S. exports, but it does so for very specific reasons. First, Ex-Im operates in a very competitive international environment in which export credit agencies in other countries are increasingly aggressive in supporting the exports of our competitors. Ex-Im is critical in countering these transactions and, in doing so, providing leverage for the United States to negotiate a gradual reduction in export subsidy activities amongst OECD members. In short, absent the United States Ex-Im Bank, U.S. exporters would find themselves competing at a disadvantage against foreign exporters who enjoy government subsidies.

Secondly, Ex-Im provides critical export financing in cases where there is a market failure in private lending. Frequently, these failures relate to the nature of the exporter. Small businesses

too often face problems obtaining private credit for export transactions. Failures also relate to the nature of the export market. Markets in sub-Saharan Africa and elsewhere in the developing world are frequently overlooked by private export credit. Ex-Im goes where private lenders are unwilling to go to the ultimate benefit of these developing countries, the United States and the global economy.

Finally, I would like to highlight very briefly the importance of H.R. 2871, the bill that was reported out of the Committee on Financial Services but that the Republican leadership refuses to bring to the floor for a vote. In addition to reauthorizing the bank for 4 years rather than 30 days, the bill contains important provisions that will better define and guide Ex-Im's policies and programs. I am hoping that we will have the opportunity to take up that bill within the next 30 days.

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

Mr. LAFALCE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I want to tell the gentleman that it is not the Republican leadership that is delaying the movement of this bill to the floor. It is a matter of dispute between Treasury and, I might say, our committee and also a matter of dispute between Treasury and the Export-Import Bank as to whether or not Treasury has a veto over the use of the Tied Aid War Chest, which the gentleman and I both support; and we are trying to have the committee's position prevail and avoid a veto threat in the process.

Mr. LAFALCE. It is my position that the Treasury does not determine what bills come to the floor of the House of Representatives, that it is the House Republican leadership that makes that determination.

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

As the ranking member of the Subcommittee on International Monetary Policy and Trade, I rise to express my strong concerns regarding the reauthorization of the Export-Import Bank.

Mr. Speaker, many supporters of the Export-Import Bank argue that the Bank is necessary because it creates jobs and it helps out small business. Obviously, when you spend hundreds of millions of dollars, you are going to create jobs. You could drop money out of an airplane and you would create jobs.

The question is, given the amount of money that we spend, given the risk to American taxpayers, is the Export-Import Bank doing a good enough job in creating work for the American people? And I would submit very strongly that that is not the case. And if the Export-Import Bank is not thoroughly reformed in terms of its goals and the way it functions, it should not continue to exist.

The problem that I have with the Export-Import Bank is that we continue to primarily fund many of the largest corporations in America, who openly acknowledge and are very proud of the fact that they are laying off hundreds of thousands of American workers and taking our jobs to China, to Mexico, and to other desperate developing countries where people are being paid pennies an hour to do human labor. Essentially what the Export-Import Bank says is, ''Thank you, large corporation, for laying off thousands of American workers; and as your reward for doing that, hey, come on in line and we're going to give you a loan or a loan guarantee or some other kind of subsidy.''

I am sure that that policy and that approach makes sense to somebody, especially the well-paid CEOs of the large multinational corporations and their lobbyists and friends who contribute huge sums of money into the political process, but I do not think it makes sense to the average American worker or the average American taxpayer. How could we have a so-called job-creating program when the major recipients of Export-Import loans and guarantees are the major job cutters in the United States of America?

Some of my opponents will say, well, they are creating jobs. I acknowledge that. But the fact of the matter is, given the huge amount of money that is being spent, given the leverage that the Export-Import Bank has, they are doing a poor job. And in my view, you do not reward companies that publicly acknowledge to the world that they are going to China to hire people at 30 cents an hour and then you say to those people, ''No problem. Come on in line and you're going to get taxpayer dollars.''

Mr. Speaker, last summer I worked with the subcommittee chairman from Nebraska (Mr. BEREUTER), a good friend of mine, who is doing a very good job on this issue. Together, we introduced a bill, H.R. 2517, that would have addressed this problem in a very serious way. H.R. 2517 would have prevented companies from receiving Export-Import Bank assistance if they lay off a greater percentage of workers in the United States than they lay off in foreign countries.

For example, if a company lays off 20 percent of its American workforce but only lays off 10 percent of its foreign workforce, that company would be denied future Export-Import Bank assistance unless it restored those American jobs. I know that people think that is a radical idea. Imagine telling American companies who want taxpayer money that they cannot just willy-nilly lay off American workers. Imagine them having to come forward and say that they want to grow jobs in their company.

The other aspect of the legislation that the gentleman from Nebraska (Mr. BEREUTER) and I worked on together was to put more emphasis on small business help for the Export-Import Bank. The fact of the matter is, it is not Boeing, it is not General Electric, it is not the large multinationals that are creating jobs in this country; it is small business. I say that if small businesses want help in creating jobs in the United States, let us support them. And if Boeing and General Electric want to take jobs to China, that is fine, but do not come to the taxpayers of this country and ask for support.

I should mention, Mr. Speaker, that that legislation had the support of eight major labor unions and one prominent business group, including the United Steelworkers, the International Association of Machinists, UNITE, Boilermakers, Pace, the United Electrical Workers, the Independent Steelworkers Union, the Teamsters and the U.S. Business and Industry Council.

□ 1530

I would like to ask my good friend, the gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee, if he will support me in allowing me to bring this amendment to the floor of the House so that the Members have a chance to vote on that.

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

Mr. SANDERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I must hedge my answer. As I told the gentleman, I am not at all reluctant to have that issue voted on, as the gentleman suggested, and as we had originally described it. I am concerned about a wide-open rule.

So perhaps the gentleman, if we do not bring this on the suspension calendar, would assist me in making our case to the Committee on Rules to avoid some things that I think would be very detrimental in general to the public interests were it to be offered under a completely open rule.

Mr. SANDERS. Mr. Speaker, reclaiming my time, I would be happy to work with my friend on that approach.

Mr. Speaker, the issue here is whether working families in this country, many of whom are working longer hours for low wages, should be providing hundreds of millions of taxpayer dollars each year to large multinational corporations who are laying off hundreds of thousands of American workers. That is the issue.

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

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. MANZULLO), who represents an area with a wide and important export base.

Mr. MANZULLO. Mr. Speaker, I rise in support of S. 2019, which will give us another month to work out the remaining details with Ex-Im's reauthorization.

I represent Rockford, Illinois, which in 1981 led the Nation in unemployment at 25.9 percent. More people were unemployed in Rockford then proportionally than during the so-called Great

Depression. Rockford is about 35 or 36 percent manufacturing base, compared to most cities, which are half of that.

There are about 60 companies in the district that I represent, and hundreds of sub-subcontractors, that comprise the $232 million dollars worth of products that they sell to Boeing Corporation, a so-called multinational corporation. Of course they are multinational corporations. They make airplanes. Those are big companies. But a corporation is composed of the people that work for it, the labor union that works there at Hamilton Sundstrand that supplies $232 million worth of products, and the 60 other small business people and the hundreds of unknown sub-subcontractors.

Ex-Im Bank makes possible millions of dollars for small business people, many of whom do not even know their products are going into an aircraft that has been sold by a ''multinational corporation'' which somehow is supposed to be the cynosure of evil in this Nation. That is what Ex-Im Bank does. It tries to level the playing field in this highly competitive, unfair world, so that American manufacturers can compete on a level playing field with manufacturers from other countries. That is what Ex-Im Bank does. That is the whole purpose of it.

In fact, Ex-Im Bank makes jobs in the United States. Ex-Im Bank makes jobs in the United States. Let me say it three times. Ex-Im Bank makes jobs in the United States. Were it not for the Ex-Im Bank, Boeing would not be as competitive, and thousands of people would be laid off in the congressional district that I represent. Those are the facts as to the relationship between Ex-Im Bank and so-called large multinational corporations.

But I am also chairman of the Committee on Small Business, and I agree that Ex-Im Bank has to reach out to help small business exporters. The number of small business exporters has more than tripled over the past decade. They comprise 97 percent of all U.S. exporters. Last year, 86 percent of their transactions and 18 percent of the dollar volume of Ex-Im went to small businesses, and it continues to rise. I would therefore urge my colleagues to support S. 2019 and work over the next month to come up with a final bill.

Mr. LAFALCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time, and I commend the hard work and leadership not only of the ranking member, but the chairman of the Subcommittee on International Monetary Policy and Trade; and I appreciate very much the important, thoughtful views of the gentleman from Vermont (Mr. SANDERS). Yet on this issue, I support the ranking member and others in requesting the authorization of the Export-Import Bank for an additional 30 days.

The Export-Import Bank is tremendously important to the district that I represent and to the State that I represent. New York City is a major exporting center. Just 3 weeks ago, a woman came to my office and expressed her support for the Ex-Im Bank. She had created a perfume called Akabar, it is a very small business, and she stated without the support of the Export-Import Bank, she would not be able to export it, as she is now, to Italy and many European countries.

Many large and small businesses in my district are benefited by the work and support of the Export-Import Bank. I hope that in the course of the next month the final reauthorization for 4 years through 2005 will be completed so that the bank can get on with its tremendously important work. I understand that there are final negotiations on remaining issues and that these negotiations are progressing, and I compliment the bipartisan leadership of the Committee on Financial Services for working to complete this process in a timely manner.

The Export-Import Bank is a worthwhile institution, a successful government entity, that facilitates American businesses and worker interests by making exports possible to areas of the world that would not otherwise be open to U.S. companies. The Export-Import Bank is an independent Federal agency that helps to finance the export of American products and services that would not go forward, which in turn sustains and grows U.S. jobs. In its 68-year history, the Ex-Im Bank has supported over $400 billion of U.S. exports, sustaining and creating millions of high-paying U.S. jobs, many in the district I represent.

In fiscal year 2001 alone, the Ex-Im Bank supported $12.5 billion of U.S. exports to emerging markets around the world. This business enabled many U.S. companies to maintain and even expand their workforces.

The Ex-Im Bank's financing does more than support jobs at exporting companies. It helps sustain and create jobs at tens of thousands of U.S. suppliers around the country who participate indirectly in Ex-Im Bank-financed exports. These indirect exporters, many of which are small businesses, supply components, services and technology to U.S. exporters of a wide range of products and services, as diverse as environmental technology, construction and agricultural equipment, amusement park rides, aircraft, furniture, computer and telecommunications technology.

Export-Import Bank financing has a ripple effect that sustains jobs at companies large and small throughout the United States economy in almost every State and the great majority of congressional districts. Through the bank's loan guarantees, insurance and direct-lending programs, Ex-Im programs account for approximately 2 percent of all U.S. exports annually.

By leveraging the appropriation we grant Ex-Im, the bank returns a very good investment to the United States taxpayers. For every dollar of taxpayer money invested in the bank's program budget, we have seen returns of $15 in credit support for transactions.

Over the course of the past year, the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from Vermont (Mr. SANDERS), the subcommittee ranking member, held a series of extremely informative, thoughtful hearings on the bank. We heard testimony from the business community, labor and environmental organizations. The final product, that I hope we will fully extend next month, builds on the important input that we got at these hearings.

I might add that the bill includes an amendment that I offered in the Committee on Financial Services giving the bank explicit authority to turn down an application for Ex-Im loan guarantees or insurance when there is evidence that a foreign company had practiced fraud in the past. The full authorization also continues the bank's commitment to small businesses and to working with African countries.

This is a very important institution. I just want to reiterate that it is very supportive to the exports in my district and in New York State and many other States. I urge this temporary reauthorization and hope we will have a full reauthorization coming before this body soon.

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

Mr. Speaker, after all is said and done, one of the major economic crises facing this country is the decline of manufacturing; the fact that we have roughly a $400 billion trade deficit; the fact that it is harder and harder for the American people to find products made in the United States of America when they go shopping, whether it is textiles, and that industry has suffered a huge loss and the loss of God only knows how many jobs, shoes, sneakers, which used to be big in New England where I am from, televisions, toys, bicycles, phones, U.S. flags, increasingly made in China by American companies who threw American workers out on the street and went abroad to exploit people who make 20 to 30 cents an hour who cannot form unions and who have very little civil liberties.

This is a huge issue that must be dealt with if we are going to protect decent-paying jobs in America and if they are going to protect wages so that people can earn family-based incomes.

I continue to believe and will always believe that it makes no sense for the taxpayers of this country to reward those multinational corporations who throw American workers out on the street and run abroad. I do not think it is too much to ask them to invest in this country and create jobs here.

As far as I understand it, in terms of the forms associated with the Export-Import Bank, there is not even a line there that asks these companies to pledge to create new jobs in the United

States of America, because they could not sign that pledge in good honesty, in a straightforward way, because they do not believe in creating new jobs in America. They believe in going abroad in many instances and paying people sub-standard wages.

So I think we have to use every opportunity we can, whether it is the Export-Import Bank, whether it is OPIC, to start addressing this issue, and force these very large companies who have been throwing American workers out on the street to reinvest in this country and put our people to work. American workers who lose their jobs from companies who go to China should not be asked with their tax dollars to help these very same companies throw other American workers out on the street.

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

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

Mr. Speaker, as I conclude our debate here today, I want to thank my colleagues on the committee and subcommittee for their support in attempting to craft important reauthorization legislation that makes some reforms that I think are necessary. These reforms, and many others, are always resisted by the executive branch; but it is our responsibility as Congress, as authorizers, to in fact do what is appropriate to make sure the programs work, that they serve their original purposes or such new purposes as the Congress assigns.

□ 1545

I want to particularly thank the gentlewoman from New York (Mrs. MALONEY) for her very constructive approach to the committee's deliberations and her continued support for the Export-Import Bank.

I would say to the ranking members of the committee and the subcommittee, I have confidence we can work together to put together a structured rule that will provide an opportunity to debate the crucial amendments that were offered, but not successfully, at the subcommittee or committee level, and still avoid some of the things that would be very much contrary to the national interest.

Mr. Speaker, I ask my colleagues to support the legislation.

Mr. PAUL. Mr. Speaker, reauthorizing taxpayer support for the Export-Import Reauthorization Act for every 1 day, much less for a month violates basic economic, constitutional, and moral principles. Therefore, Congress should reject S. 2019.

The Export-Import Bank (Eximbank) takes money from American taxpayers to subsidize exports by American companies. Of course, it is not just any company that receives Eximbank support—rather, the majority of Eximbank funding benefits large, politically powerful corporations.

Proponents of continued American support for the Eximbank claim that the bank ''creates jobs'' and promotes economic growth. However, this claim rests on a version of what the great economist Henry Hazlitt called ''the broken window'' fallacy. When a hoodlum throws a rock through a store window, it can be said he has contributed to the economy, as the store owner will have to spend money having the window fixed. The benefits to those who repaired the window are visible for all to see, therefore it is easy to see the broken window as economically beneficial. However, the ''benefits'' of the broken window are revealed as an illusion when one takes into account what is not seen; the businesses and workers who would have benefited had the store owner not spent money repairing a window, but rather had been free to spend his money as he chose.

Similarly, the beneficiaries of Eximbank are visible to all; what is not seen is the products that would have been built, the businesses that would have been started, and the jobs that would have been created had the funds used for the Eximbank been left in the hands of consumers.

Some supporters of this bill equate supporting Eximbank with supporting ''free trade,'' and claim that opponents are ''projectionists'' and ''isolationists.'' Mr. Speaker, this is nonsense, Eximbank has nothing to do with free trade. True free trade involves the peaceful, voluntary exchange of goods across borders, not forcing taxpayers to subsidize the exports of politically powerful companies. Eximbank is not free trade, but rather managed trade, where winners and lowers are determined by how well they please government bureaucrats instead of how well they please consumers.

Expenditures on the Eximbank distort the market by diverting resources from the private sector, where they could be put to the use most highly valued by individual consumers, into the public sector, where their use will be determined by bureaucrats and politically powerful special interests. By distorting the market and preventing resources from achieving their highest valued use. Eximbank actually costs Americans jobs and reduces America's standard of living!

The case for Eximbank is further weakened considering that small businesses receive only 12–15 percent of Eximbank funds; the vast majority of Eximbank funds benefit large corporations. These corporations can certainly afford to support their own exports without relying on the American taxpayer. It is not only bad economics to force working Americans, small business, and entrepreneurs to subsidize the exports of the large corporations; it is also immoral. In fact, this redistribution from the poor and middle class to the wealthy is the most indefensible aspect of the welfare state, yet it is the most accepted form of welfare. Mr. Speaker, it never ceases to amaze me how members who criticize welfare for the poor on moral and constitutional grounds see no problem with the even more objectionable programs that provide welfare for the rich.

The moral case against Eximbank is strengthened when one considers that the government which benefits most from Eximbank funds is communist China. In fact, Eximbank actually underwrites joint ventures with firms owned by the Chinese government! Whatever one's position on trading with China, I would hope all of us would agree that it is wrong to force taxpayers to subsidize in any way this brutal regime. Unfortunately, China is not an isolated case: Colombia, Yemen, and even the Sudan benefit from taxpayer-subsidized trade courtesy of the Eximbank!

There is simply no constitutional justification for the expenditure of funds on programs such as Eximbank. In fact, the drafters of the Constitution would be horrified to think the federal government was taking hard-earned money from the American people in order to benefit the politically powerful.

In conclusion, Mr. Speaker, Eximbank distorts the market by allowing government bureaucrats to make economic decisions in place of individual consumers. Eximbank also violates basic principles of morality, by forcing working Americans to subsidize the trade of wealthy companies that could easily afford to subsidize their own trade, as well as subsidizing brutal governments like Red China and the Sudan. Eximbank also violates the limitations on congressional power to take the property of individual citizens and use them to benefit powerful special interests. It is for these reasons that I urge my colleagues to reject S. 2019.

Mr. OXLEY. Mr. Speaker, I rise in strong support of this measure and encourage my colleagues to join me in voting in favor of extending the authorization of the Export-Import for an additional thirty days while the details of the full authorization are finalized. The Financial Service Committee has been working diligently to bring this authorization to completion, however; the events of September 11 and the anthrax contamination on Capitol Hill have delayed the process considerably. The full reauthorization makes several strong improvements to the Ex-Im charter, which will enable it to deliver more U.S. goods to foreign customers. We are currently in negotiations with the Department of the Treasury to finalize some technical concerns with the full reauthorization and expect to have resolution of these issues soon.

This thirty day extension of Ex-Im's authorization will enable the Bank to continue its important work of encouraging U.S. exports overseas and promoting U.S. jobs. Ex-Im plays a key role in leveling the playing field between U.S. and foreign based exporters. Without the activities of Ex-Im, U.S. exporters would be at a distinct disadvantage against foreign exporters who receive subsidies from their foreign export credit agencies. With the help of Ex-Im loans, insurance and guarantees, U.S. exporters can counter export credits offered to foreign competitors and reach critical overseas markets. Ex-Im helps increase the number of U.S. exports, it encourages trade and it helps sustain U.S. jobs.

Without this extension, Ex-Im will have to wind up its current outstanding business and will not be able to make any new commitments for the export of U.S. manufactured goods. This will have a negative effect on jobs and will inhibit our economic recovery at a time when we are working to emerge from a period of high unemployment and low growth. Passage of this measure is critical to the U.S. economy, to U.S. workers and to U.S. manufacturers.

In a perfect marketplace there would be no need for export credit agencies, however; the realities of today's international trading system demand that Ex-Im operate aggressively to support the sale of U.S. products abroad. Every major actor in international trade utilizes an export credit agency similar to the Ex-Im Bank to promote its trade initiatives. Ex-Im keeps U.S. exporters competitive, without it foreign manufacturers would be able to enter

important emerging markets without any competition from U.S. business.

Mr. Speaker, by opening foreign markets to U.S. products, the U.S. economy improves and more American workers have good paying manufacturing jobs. I encourage all Members to vote in favor of this 30 day extension, which will help maintain U.S. based jobs and drive our economic recovery.

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

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the Senate bill, S. 2019.

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

A motion to reconsider was laid on the table.

BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING AMENDMENTS ACT OF 2002

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2509) to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States, or any political subdivision thereof, on a reimbursable basis, as amended.

The Clerk read as follows:

H.R. 2509

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 ''Bureau of Engraving and Printing Security Printing Amendments Act of 2002''.

SEC. 2. PRODUCTION OF DOCUMENTS.

Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking ''(a) The Secretary of the Treasury'' and inserting:

''(a) AUTHORITY TO ENGRAVE AND PRINT.—

''(1) IN GENERAL.—The Secretary of the Treasury''; and

(2) by adding at the end the following new paragraphs:

''(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States, produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States.

''(3) PROCUREMENT GUIDELINES.—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act).''.

SEC. 3. REIMBURSEMENT.

Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting ''or foreign government'' after ''agency'';

(2) in the second sentence, by inserting ''and other'' after ''administrative''; and

(3) in the last sentence, by inserting ''or foreign government'' after ''agency''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2009, the Bureau of Engraving and Printing Security Printing Amendments Act of 2002. The bill allows the Treasury Department's currency printer, under certain well-defined circumstances, to print currency and other security documents for foreign countries.

One of the bedrocks of a strong, modern economy is a currency in which a country's citizens have faith. Unfortunately for every currency, strong or otherwise, there are people who seek to create counterfeits, either to enrich themselves or to shake faith in the economy and the government, or both.

Counterfeiters have existed as long as there has been money. Mr. Speaker, in fact, the United States Secret Service, which does such a good job of protecting the President and senior government officials, originally was formed as an anticounterfeiting squad. The Secret Service is so impressive at this task that few of us ever look at our paper money to check its authenticity. Sadly, that is not the case in many other countries.

Today, with the increasingly global economy and the advances in technology, the temptation to counterfeit and the means to do so are ever more available. It is difficult enough for the Secret Service and our currency printer, the Bureau of Engraving and Printing, or the BEP, to stay ahead of this threat. That is why, as we know, the Treasury Department is expected to start issuing a newly designed set of currency beginning sometime next year, a mere 6 years after the last redesign.

But if it is hard for us to outwit counterfeiters, imagine the difficulties facing smaller countries, even if they are not in a state of war or undergoing the stress of massive corruption, or are being subjected to an out-of-control drug business.

Good currency security takes constant research and development, and it takes sophisticated printing techniques. This is why smaller countries typically approach other, larger governments instead of private printers to have their currency printed. Australia, England, the United Kingdom, and some of the European countries have been doing this for decades.

While our Mint has the authority to make coins for other countries, the Bureau of Printing does not, and it has always had to send the business elsewhere, overseas. Frankly, Mr. Speaker, that has been a loss to this country for several reasons. While under no circumstances would the printing contemplated in this bill be a moneymaker, there are some clear foreign policy advantages to being able to accommodate such a request from a friendly nation, especially when there would be no cost to the taxpayers.

There also are advantages to having our topnotch printers and engravers be able to become familiar with cutting-edge currency and security techniques that may be requested by countries, but which may not reasonably be suitable for the massive printing runs that our own country's currency demands.

As the gentleman from Louisiana (Mr. BAKER), a member of the committee, has pointed out, many of the techniques that first appeared in another country's currency printed by the BEP might appear later in a more advanced form in our currency, because the Treasury has estimated the need to redesign our paper money every 6 to 7 years from here on out to keep it secure.

This bill is essentially the same language as that originally introduced last year at the request of the administration by the gentleman from New York (Mr. KING), with the strong support of the gentlewoman from New York (Mrs. MALONEY). In turn, that language was itself similar to language introduced in the previous Congress, at the previous administration's request, by the gentleman from Alabama (Mr. BACHUS) and passed by the subcommittee, the committee, and the full House. The only changes are limitations on the authority to print for foreign governments only.

The original bill also authorizes the printing of security documents for the States of the United States, and the addition of a ''buy America'' clause. With the exception of the latter, the House passed this language as part of the USA Patriot Act of 2001 last fall.

Three conditions are required before the BEP could print currency for another country: The Secretary of State has to certify that such an effort is consistent with the foreign policy goals of the United States; the job must not interfere with the BEP's main job of printing currency for the U.S.; and all real and imputed costs, administration and capital investments as well as paper, ink, and labor, must be recovered.

Mr. Speaker, in the last decade the BEP has had to turn away requests from Kuwait and more recently Mexico for the U.S. to bid on printing their currency. Without this bill, it would be impossible for the Bureau to print, if asked, new currency for Afghanistan, which desperately needs a secure currency, as at least two different versions of the Afghani now circulate, in addition to suspected counterfeits.

In conclusion, Mr. Speaker, I will include an opinion from the Secret Service on H.R. 2509. I believe we already have that consent. It concludes, ''The Secret Service supports the passage of this legislation, as it would serve as a proactive tool against the counterfeiting of U.S. currency.''

Mr. Speaker, this country demonstrably benefits by the strengthening of other countries' currency regimes. Plainly said, making counterfeiting harder leads to fewer counterfeiters. Especially if there is no cost to the United States taxpayer, I can think of no reason not to advance the bill immediately, sending it to the other body as quickly as possible.

Mr. Speaker, I ask for its immediate Passage.

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

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2509, Mr. Speaker, the Bureau of Engraving and Printing Security Printing Amendments Act of 2001.

The subcommittee chairman, the gentleman from New York (Mr. KING), and I introduced this legislation last year. It is the product of bipartisan negotiations and consultation with the administration. It closely tracks legislation that passed last year in the 106th Congress, and I urge its timely enactment.

This noncontroversial legislation gives Treasury the ability to produce security documents, postage stamps, and currency for foreign countries. In the last decade, several countries, including Turkey, South Africa, Mexico, and Kuwait have approached the U.S. about printing security documents on their behalf. This legislation will grant the Bureau of Engraving and Printing this authority.

In no way will printing foreign currency interfere with the production of U.S. currency. Rather, it will benefit our national interests in several ways.

First, there is currently excess capacity at the BEP, and foreign currency will only be printed by the Bureau as long as capacity is available.

This additional work will benefit the BEP, allowing its expert printers to further refine their skills.

Any investments the BEP will make to purchase equipment and materials to produce currency for other countries will be reimbursed.

The entire operation should have a positive effect on the U.S. Treasury, and create U.S. additional jobs.

Beyond the economic benefits, the legislation will further U.S. interests around the world. No printing for a foreign government will take place without the express approval of the Secretary of State, who will ensure that all approved work is in the national interest.

Perhaps most importantly, passage of this bill will allow the BEP to share its anticounterfeiting expertise with the countries whose currency it will produce.

In the aftermath of the attacks on New York City and Washington, we have learned more than we ever wanted to know about the inner workings of terror cells. We now know that in many ways Terror, Incorporated, works like every other business, and requires money to operate.

This legislation will allow the U.S. to help foreign countries prevent counterfeiting of their currency, and allow the BEP to continue to develop expertise it can use domestically.

This legislation has tangible benefits to U.S. taxpayers and foreign policy. I urge its adoption.

Mr. KOLBE. Mr. Speaker, I rise in support of the Bureau of Engraving and Printing Security Printing Amendments Act, H.R. 2509, to authorize the Bureau of Engraving and Printing to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States on a reimbursable basis. The U.S. Mint already has similar authority. This legislation makes sense. We need to modernize our legal tender and H.R. 2509 is a positive step in this direction.

I introduced legislation to comprehensively modernize our money system—the Legal Tender Modernization Act (H.R. 2528). We need to modernize our money to improve the convenience and effectiveness of its daily use. Legal tender should not add to market inefficiencies. I believe it is better to spend taxpayer money on education, health care, national security, and other important national needs rather than on an inefficient legal tender system.

The Legal Tender Modernization Act essentially accomplishes five objectives. It establishes a five year commemorative $2 bill program similar to the 50 state quarter program, requires cash sales to be rounded up or down to the nearest five cent increment to reduce the circulation of the penny, authorizes the Department of Treasury to produce currency for foreign governments, as does H.R. 3509, clarifies that seigniorage (the difference between the face value of money and the cost to produce it) is part of the federal budget, and makes permanent current law prohibiting the redesign of the $1 bill.

Since there has been so much attention given to this issue, let me explain in more detail the rounding system I am proposing to reduce the use of the penny. The penny would continue to be legal tender, but would not be necessary in cash transactions. The total value of any cash transaction would be rounded up or down so that no pennies would be required. Again, let me stress that the rounding would be applied to the total transaction costs, after taxes, and only for cash transactions.

Here's how it would work:

If the final amount contains 1 or 2 cents, the amount would be rounded to 0 cents.

If the final amount contains 3, 4, 6, or 7 cents, the amount would be rounded to 5 cents.

If the final amount contains 8 or 9 cents, the amount would be rounded to 10 cents.

Rounding will not occur if the total amount is 2 cents or less or if the payment is made by a negotiable instrument, electronic fund transfer, money order, or credit card. Also, the rounding occurs after discounts and taxes so state or municipalities will receive the exact amount of any tax imposed.

This system favors neither the consumer nor the retailer because the probability of rounding up or down is 50 percent either way. For example, if you wanted to purchase some frozen lemonade mix that costs 98 cents, you would pay $1.00. However, if you chose to buy two frozen lemonade mixes for $1.96, you would pay $1.95. The calculation becomes more complicated by factoring in any taxes on the final sales amount. And if you are shopping at a grocery store, you must factor in the weight of produce and recognize that some items are taxable and others are non-taxable. As you can see, there would be no way for businesses to establish a pricing structure so that they could make an extra 2 cents on every transaction or that would cause price increases. It is important to note also that a similar rounding technique is used at overseas US military bases and in Australia and New Zealand, and gasoline is priced in nine-tenths of a cent and rounded up.

The rounding system has several advantages. First, it would save the taxpayer money. The penny has very low or no profit margin for the Mint. In fact, the General Accounting Office reported in 1997 that the penny is unprofitable. Secondly, it would save businesses and customers money by reducing transaction time (some estimate up to 2.5 seconds/transaction) and time spent waiting in lines, reducing the need for rolled coins (there are costs associated with wrapping and transporting pennies), and reducing errors when employees spend time counting pennies.

It is past time for our legal tender system to be improved, and I understand concerns about changing this system. Change is always met with resistance. New area codes were not welcomed by people, but I think a greater good is achieved by allowing our telecommunications infrastructure to address growth. Changing or introducing new coinage or currency is no different. In 1914, England went from a coin to a note, even though the public opinion did not support this change. Canada went the other direction from a note to a coin against the wishes of the public, but the public now accepts this coin.

I urge my colleagues to support this legislation. It mvoes us one step closer to a comprehensive modernization of our legal tender.

Mr. OXLEY. Mr. Speaker, the problem of counterfeiting of currency is serious and getting worse in a number of places throughout the world.

Terrorists, rebels and drug traders seek more money with which to ply their deadly trades. Some seek to destabilize economies or governments, or merely to get something for nothing. And with the rapidly improving computer technology—scanners, color printers and powerful PC's available very inexpensively—it isn't even necessary anymore for

counterfeiters to know how to run a complicated printing press.

Recognizing this trend, the Committee on Financial Services, and then the House last fall, included two items aimed at strengthening anti-counterfeiting efforts around the world as part of the anti-money laundering portion of the USA PATRIOT Act, the first major Congressional reaction to the terror attacks of September 11.

One of the pieces of legislative language was aimed at helping our Secret Service, the government's anti-counterfeiting agency, help arrest and more severely punish people who counterfeit U.S. currency, or people who counterfeit foreign currency while on U.S. soil. The other sought to allow the Treasury Department's currency printing arm, the Bureau of Engraving and Printing, to print currency for foreign governments on request.

One of the two provisions survived conference with the other body, Mr. Speaker, and the Secret Service has been using those authorities aggressively to pursue and incarcerate counterfeiters in this country and, in some cases, to assist foreign governments in tracking down those who would counterfeit U.S. currency overseas.

We are here today to again pass the other provision, Mr. Speaker, and I urge strong support for this bill both here and in the other chamber. I should note that the House has passed this legislation now three times—this will be the fourth—but that for reasons of timing as much as anything else the Senate has not yet acted on the bill. I hope that by sending H.R. 2509 across the Rotunda early enough in this legislative session there will be adequate time for them to act, and that there will be a renewed appetite to pass this bill that manifestly helps the United States, as well as those whose currency we may end up printing in a more secure fashion.

Mr. Speaker, counterfeiters are clever and determined, because the payoff if they are successful is so great. Imagine the level of profit in a country in, say, South America, with a standard of living much lower than ours, if one can produce high-denomination banknotes for a few pennies' worth of materials.

Many countries simply lack the printing capability, or the research-and-development skills, to design and produce currency that is difficult to counterfeit even at a time they most need a strong currency. Mr. Speaker, passage of this bill will allow, if a set of very carefully defined conditions are met, countries to ask the BEP to print their currency. The bill stipulates that there be no cost to U.S. taxpayers, no interference with the production of U.S. banknotes and that such work be in harmony with U.S. foreign policy goals.

Passage of H.R. 2509 would create benefits to the United States beyond strengthening the currency and economies of our friends, although the value of that should not be underestimated. The sheer number of banknotes printed for the U.S. economy is so great that security features used in each note must be foolproof and uniform. However, gaining the expertise to produce those features in high volumes is often a long, tedious process. Printing the much smaller volumes of currency for smaller countries would allow our top-notch printers and engravers to work with cutting-edge techniques that, as Mr. BAKER of Louisiana points out, may someday end up in use in our own money.

This is important because the Secret Service and the Bureau of Engraving have told Congress that it will be necessary to redesign U.S. banknotes regularly every six or seven years from here on out to keep them secure. Indeed, while the first redesign of U.S. currency since the 1920s began in 1996, the next new series is expected to be issued starting next year.

Mr. Speaker, H.R. 2509 would, if enacted, have an added advantage: if counterfeiting of world currencies becomes too difficult, it will be more difficult for counterfeiters to fund their lethal schemes. That, in turn, means not only fewer attacks on the integrity of foreign currency but, as the Secret Service notes, fewer attacks on the integrity of U.S. currency as well.

Mr. Speaker, the United States Secret Service does a terrific job of policing counterfeiting of U.S. banknotes—so good that although we should really pay more attention to the money in our pocket, few if any of us actually examine it for fakes, because we know there aren't going to be any. Passing this legislation and allowing the Treasury Department and the Department of State to work with other countries to move their own currencies in the direction of similar security—all at no cost to the taxpayer—seems to me to be such an easy call that I cannot imagine any serious opposition.

I urge immediate passage of this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge support for the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 2509, as amended.

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. BEREUTER. 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.

EXTENDING UNEMPLOYMENT ASSISTANCE FOR VICTIMS OF SEPTEMBER 11, 2001 TERRORIST ATTACKS

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3986) to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

The Clerk read as follows:

H.R. 3986

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

SECTION 1. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)), in the case of any individual eligible to receive unemployment assistance under section 410(a) of that Act as a result of the terrorist attacks of September 11, 2001, the President shall make such assistance available for 39 weeks after the major disaster is declared.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

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

Mr. Speaker, H.R. 3986 amends the Robert T. Stafford Emergency Assistance and Disaster Relief Act to extend the period of eligibility for disaster unemployment assistance for the Presidential disaster declared as a result of the terrorist attacks on September 11, 2001, at the World Trade Center and the Pentagon.

H.R. 3986 extends the provision of disaster unemployment assistance from 26 weeks to 39 weeks for those workers who lost their jobs at the World Trade Center in New York and at the Pentagon in the Washington metropolitan area as a direct result of the September 11 attacks.

Under the Stafford act, the disaster unemployment assistance program is for persons who become unemployed as a direct result of a disaster and who are not eligible for State insurance or any other unemployment benefits.

The New York State Department of Labor administers the Disaster Unemployment Assistance Program on behalf of the Federal Emergency Management Agency. Disaster unemployment assistance is only payable during the disaster assistance period, and this legislation will extend that period until June 15, 2002.

The bill does not amend section 410 of the Stafford act to permanently extend disaster unemployment assistance payments; it merely creates an extension only for the disaster declaration stemming from the September 11 attacks.

This bill provides much needed assistance to displaced individuals for a sufficient period of time. I commend the bipartisan effort by the committee leadership, and especially the work of the New York delegation, for their hard work in bringing this bill to the floor. I support the bill.

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

□ 1600

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

Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Illinois (Mr. COSTELLO) for shuttling this bill through committee and to the floor. I also want to thank the gentleman from New York (Mr. QUINN) for working with me to bring this bill to the floor.

As most Members know, this legislation will extend by 13 weeks disaster unemployment assistance, or DUA. DUA is extended only to those people who lost their jobs as a direct result of the September 11 terrorist attack on our country, but who do not qualify for normal unemployment insurance.

Currently, the number of people receiving DUA stands at 2,500. That is what we are talking about in this bill, 2,500 people, although as individuals find work, hopefully this number will decline. These people overwhelmingly hold blue collar jobs and are the lowest paid in our economy. They include hotel workers, janitors and window washers. They are the most vulnerable members in our society and most in need of our help. Funding for this program is already in place by way of last year's supplemental appropriations act for New York disaster relief.

This legislation is urgent as DUA benefits have already terminated. Without this extension, thousands of victims of the attack on our country will be left without any help in an economy that in New York has been devastated not only by the national economic melee, but also by the disaster of September 11. While we cannot make people whole from the effects of the devastating attacks of September 11, we must do all we can to ease the transition of these people from tragedy back to normal life.

The Senate already passed this legislation last December. S. 1622, authored by Senator CLINTON of New York, included a 26-week extension. In fact, the Committee on Transportation originally passed a bill, S. 1622, the Senate bill, by voice vote afterwards substituted for the bill that I introduced in the House. Unfortunately, in order to get this bill to the floor we had to make this bill only a 13-week extension.

As I said earlier, DUA benefits run out in New York on March 17, which is to say 2 days ago, and in Virginia on March 21, which is 2 days from now. It is imperative that these people know as soon as possible that their benefits will be extended or renewed.

I must point out that unlike regular unemployment, an individual is not entitled to 26 weeks which may be extended to 13 weeks. The program expires 26 weeks after the disaster is declared, and we are extending that by 13 weeks. An individual who started, perhaps because of bureaucracy, getting his assistance in November does not get anywhere near 26 weeks; it is cut back. So it differs between regular unemployment insurance there.

I urge the House and Senate to pass this legislation as soon as possible and send it to the President for his signature.

Again, I want to thank the chairman and the rest of the House for their support as we continue to recover from the devastation of September 11, both at home and abroad. I would also like to point out that the necessity for this legislation, for this emergency assistance to people, window washers, janitors, who worked at the World Trade Center and were deprived of their jobs by direct enemy action, but yet cannot get regular unemployment insurance, also shows us the necessity of restoring our unemployment system to what it was. Only about one-third of people who are laid off now get unemployment insurance because the restrictions that many States have imposed are so high. It used to be 60 percent and now it is down to one-third.

So this bill shows the necessity for restoring the strength of our once-vibrant unemployment insurance system so that workers like this would be covered without the necessity of special legislation on their behalf.

I thank the chairman and the rest of the House for their support.

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

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 3986 this afternoon and urge my colleagues to vote in favor of bill later this afternoon.

As we stated, H.R. 3986 extends the period of availability of disaster unemployment assistance for individuals who lost their jobs as a direct result of the terrorist attacks on the United States on September 11, 2001. The Federal Emergency Management Agency, FEMA, administers this part of the disaster unemployment assistance program pursuant to Section 410(a) of the Stafford Relief and Emergency Assistance Act to provide unemployment assistance to persons who become unemployed as a result of major disasters.

Our distinction here, Mr. Speaker, is that we are talking about disaster unemployment assistance as opposed to straight unemployment assistance.

This program currently provides disaster unemployment assistance to qualified individuals for a period not to exceed 26 weeks. Mr. Speaker, we are just about there right now at the 26-week period.

Individuals from Northern Virginia and New York City are eligible for disaster unemployment assistance only if they are not receiving other types of unemployment assistance. We do not want to duplicate. This legislation extends that period of eligibility from 26 weeks to 39 weeks. It will help roughly 2,500 Americans at a minimal cost, roughly about $2 million.

This bill enjoys broad bipartisan support. As the gentleman from New York (Mr. NADLER) pointed out, it sailed through the Committee on Transportation and Infrastructure, as well as a voice vote in the Senate.

In only a few hours before its introduction, Mr. Speaker, I was able to secure the support of over 20 colleagues from New York State alone. That amount of support in such a short period of time I think is indicative of the importance and timeliness of this legislation.

I want to thank any fellow New Yorkers for their hard work and dedication on this issue, in particular, a special thanks to the gentleman from New York (Mr. NADLER) for his relentless pursuit of the passage of this bill. Mr. Speaker, his constituents are the ones that are most affected by this bill, and he has worked tirelessly on their behalf, as well as all New Yorkers. I am hopeful that the Senate can take up the measure after it passes the House today and send it to the President for his signature as soon as possible.

Swift action will allow these hard-working Americans to continue to receive the benefits they so desperately need. As is always the case, it is time, Mr. Speaker, to thank the people who worked on the bill: our majority leader who allowed us to bring it under suspension today; the gentleman from Louisiana (Mr. COOKSEY), the gentleman from Alaska (Mr. YOUNG), and I have mentioned the gentleman from New York (Mr. NADLER) already.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN).

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

Mr. Speaker, after September 11 hundreds of thousands of Americans lost their jobs and were forced to seek unemployment benefits. Earlier this month we voted to extend unemployment benefits for an additional 13 weeks. Unfortunately, the extension we approved on March 7 does not apply to those who receive unemployment benefits through the Federal Emergency Management Agency. Today we are considering legislation that would address that oversight.

Unemployment benefits are crucial to those who have lost their jobs in order to pay their bills and preserve their dignity. In the same way Social Security provides our Nation's 32 million seniors with crucial monthly income, it helps pay for their costly prescription drugs and otherwise keeps them out of poverty.

Unfortunately, the Republican budget for 2003 taps into the Social Security trust fund every year for the next 10 years, over $1.8 trillion through 2012. That is simply unacceptable in this country.

The legislation we are considering today provides funding for unemployment benefits for those directly affected by September 11. The budget we will consider tomorrow also contains funding for important initiatives that were begun as a result of September 11. Our military must continue to pursue terrorists and prevent attacks. However, we must also prevent a raid on the Social Security trust fund and reject the Republican plan to raid the fund once again.

Even as we continue to support the war on terrorism and those who lost their jobs as a result of the attacks, we must also continue to support our Nation's working families and seniors by

protecting the Social Security surplus. We need to protect seniors and working families who have worked hard and played by the rules.

Preserve Social Security, do not raid it. Help our families that were directly affected by September 11. Do not make them worry about the future.

Mr. COOKSEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the unprecedented suffering our country endured on September 11 has been met with unprecedented compassion. The American people have shown their true colors in the wake of the attacks by selflessly giving their time and money to the victims of the attacks. People from all over come to New York now. They come to visit, hold hands and it helps us. This helps us to recover, and we from New York thank you for coming. Please come in great numbers and spend money. It will help us a lot.

Congress is continuing to show its strong commitment to help those most affected by September 11. This bill would extend unemployment benefits to those individuals who lost their jobs as a direct result to the attacks to 39 weeks after a major disaster has been declared. It is common-sense legislation. It says that Congress will protect American families and see them through tough economic times brought on by these attacks until they can get back on their feet.

I would like to thank the gentleman from New York (Mr. QUINN), my fellow New York Republican for his work on this issue; and I thank the gentleman from Louisiana (Mr. COOKSEY) for allowing me the time.

It is important legislation. I urge my colleagues to vote in favor of H.R. 3986.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I am pleased that we are finally voting on legislation that would extend disaster unemployment benefits to workers who lost their jobs because of September 11.

I would like to thank particularly my colleagues, the gentlemen from New York (Mr. QUINN and Mr. NADLER) for their hard work. I especially want to note the efforts of the gentleman from New York (Mr. QUINN) who again shows how the State of New York is pulling together in a bipartisan way to help New York City after the terrorist attacks.

I would also like to thank Senator CLINTON for her hard work in assisting those workers left out of standard unemployment assistance. Too many working families are still suffering because of the terrorist attacks.

While I am pleased that we are finally extending relief to New Yorkers who would otherwise not receive unemployment and who lost their jobs as a result of the disaster, it is unfortunate that this legislation has come in at the very last minute. Many New Yorkers and workers would have lost their unemployment benefits in the next weeks if we had not extended these benefits and if we had not ended these political games and brought this legislation to the floor. I only hope that the bill reaches the President's desk in time so that there is not a lapse in benefits.

However, our work is not done. Now that we have extended unemployment benefits for the workers laid off as a part of the recession nationwide and unemployment benefits for those directly affected by September 11 who would not otherwise have received benefits, we must now turn our efforts to ensure that all laid-off workers, both in New York and across the country, who are now going without health care, get the coverage that they desperately need.

Health care is one of our basic necessities. It is vital that we do not forget that there are workers who are facing a multiple of dilemmas. Not only are they unemployed, but they must also figure out how to afford necessary health care for their children. Seven-point-nine million Americans currently are unemployed. Because most workers depend upon employer-provided health coverage, millions of people are likely without health care.

We must work to make sure that we get this assistance to them now.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Louisiana (Mr. COOKSEY) for his leadership on this issue and for bringing it promptly to the floor.

Mr. Speaker, I rise today in strong support of H.R. 3986, a bill to extend the period of availability of disaster unemployment assistance for those most affected by the terrorist attacks of September 11 and their families. The extension would take it out a full 39 weeks.

On September 11 the Nation endured a domestic assault upon American values and our democratic way of life beyond anything anyone could have previously imagined. Thousands of innocent people lost their lives, thousands lost their homes, their businesses and their jobs. Thousands more lost their families' livelihood. The attack caused the loss of 110,000 jobs in New York alone; another 270,000 are at risk.

Twenty percent of the downtown New York office space has been damaged or destroyed. In Northern Virginia the Pentagon attack has greatly impacted local businesses, especially those at or around Reagan National Airport.

The impacts of September 11 will extend further and longer than those of any other major disaster in our history. As such, our Nation and our government must respond to the overwhelming needs of the September 11 victims and their families. This bill ensures that our government keeps its responsibility to those Americans by extending unemployment benefits and ensuring economic solvency for the affected families.

In the case of the World Trade Center attacks, this insurance will be eligible for many of the small business owners, small restaurant operators, janitors and other blue collar workers who no longer have jobs, or who are unable to reach their jobs in the case where the building was destroyed, or have become the sole breadwinner for the household because the head of the household died or cannot work because of a disaster-related injury.

This bill is important to the well-being of those most impacted by the September 11 terrorist attacks, and I are urge my colleagues to support this important legislation.

I would like to especially thank the majority leader, the gentleman from Texas (Mr. ARMEY) for the expeditious scheduling of this important legislation; and I would also like to thank the gentleman from New York (Mr. QUINN) for his consistent and strong leadership on behalf of our State, New York, and for all working men and women in America.

I urge all my colleagues to support this important bill. It is timely, the right thing and the necessary thing to do.

I thank the gentleman for yielding me time.

□ 1615

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is unfortunate we have to come out here and put Bandaids one after another on this unemployment benefit. Where the other body has passed 26 weeks, we ought to do 26 weeks; but I guess we will get a chance to do another bill.

What is really missing here, though, is the health care benefits if someone is drawing unemployment. The average in this country is somewhere around two and a quarter a week. I am sure in New York it is a little higher than that. Let us say it is $300 a week. So they get $1,200 a month. Now, if they had health care benefits before, they do not have enough out of $1,200 to go out and pay the premiums for health insurance. So they have the double hit of no money to live on and no health care if something happens to them.

Most of the working Americans in the situation in New York that they got into were covered with insurance, and they have been able to build up little bit of equity and little bit of future for themselves. All it takes is one illness, one injury and they are wiped out; and there is a bill here, it is Discharge Petition Number 6, that is for House Resolution 3341, which gives 75 percent of COBRA benefits, plus it gives additional money to States for their Medicaid programs so that they can cover the other 25 percent.

We could cover everybody in health care, but 6 months after the incident on 9–11 we still have not done anything on health care. Now, if we care about those people, it is nice to talk about unemployment benefits, and I am for this bill; but where is the plan to help them get covered with their health care? Are we counting on Medicare in New York to take care of it? I will bet that the New York legislature is struggling with that.

The next issue ought to be House Resolution 3341, which is a discharge petition. We have got 177 signatures. So anybody who really wants to help New Yorkers, go sign 6.

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

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, many workers lost their jobs as a result of the September 11 attacks on America. Several of those workers are still jobless and continue to struggle financially.

H.R. 3986 provides a much-needed 13-week extension of those benefits for those workers who lost their jobs as a result of the terrorist attacks and are ineligible for traditional unemployment assistance. These workers represent part of the millions unemployed in America.

Many of these laid-off workers lost more than just steady paychecks. They also lost critical benefits and crucial benefits. Many have lost their family health coverage, joining the ranks of the uninsured.

Before we give more tax cuts to large corporations, we should protect workers and their families by extending the COBRA benefits and providing some reimbursement for premium payments.

A few months ago, even the Bush administration had proposed that an income stimulus package should include some type of subsidy to help unemployed workers to be able to afford to purchase COBRA coverage. This a step in the right direction. However, for many of the workers eligible for COBRA coverage when they are laid off, the high cost of coverage acts as a powerful barrier, making it difficult to purchase even with Federal and State subsidies, and a tax credit will not serve as a panacea for assisting workers with COBRA coverage.

Therefore, we should also consider other options for the majority of workers who do not have access to COBRA coverage because their incomes are too low. The average cost of group insurance for family coverage is now approximately $7,000 a year. This is exceptionally high premiums for unemployed workers to afford.

One temporary option is for States to provide coverage through their Medicaid programs to allow low-income workers to be able to afford access to health care coverage. Democrats have proposed helping States meet the increase in Medicaid costs by temporarily increasing the Federal matching rate and protecting State Medicaid programs from further budget cuts.

There must be some relief for low-income workers who lose their jobs and their health insurance. We should not relegate uninsured workers and their families to the low costs or no cost health care safety nets provided by the local communities to provide that service.

Safety net providers such as public hospitals and community health centers are already struggling to meet the needs of their indigent and the uninsured population despite the growing deficits faced by municipal and State governments.

By extending similar benefits to workers affected by the September 11 attacks, the House has again made some progress in meeting the needs of the unemployed workers. It is now time for us to act quickly and provide health care coverage to the unemployed workers and their families.

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

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. NADLER) has 7½ minutes remaining, and the gentleman from Louisiana (Mr. COOKSEY) has 11½ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the bill which directs the Federal Government to extend unemployment benefits to workers in New York and Virginia who would otherwise fail to qualify for unemployment benefits under State law.

It is a fine idea, and it is a good bill, as far as it goes; but it does not go nearly far enough to address the real economic pain of millions of American families in other States who are being unfairly denied unemployment benefits. These workers in many of these instances lost their jobs just as directly by the attack on 9–11 as the people in New York or Virginia. The people in San Francisco and Las Vegas and New Orleans, or Orlando, L.A., Dallas or Miami, they lost their jobs almost immediately, matter of hours, matter of days in the hotel and restaurants, resorts, convention centers, and rental car agencies; but most of these people are not eligible for unemployment. So even though they lost their jobs, through no fault of their own, even though they lost their jobs as a result of the terrorist activity, they are not getting unemployment.

Historically, unemployment benefits have covered more than half of all unemployed workers. Coverage rates during past recessions have approached 70 percent, but that is not the case in the current situation.

Over the last decade, the changes in State laws, and many of those States that I read, significantly reduced the percentage of workers who receive unemployment benefits. Only 43 percent of the unemployed workers in 2001 and only 40 percent of the unemployed women workers received unemployment benefits. In 15 States, less than 35 percent of unemployed workers received unemployment benefits. In 10 States, less than 30 percent of unemployed workers received unemployment benefits.

Why does the leadership continue to refuse to bring this kind of legislation to the floor to make sure that all of these workers who suffered as a result of 9–11, all of the workers who lost their jobs directly because of that activity, would get the unemployment benefits, if they are necessary to hold their families together while they are waiting for the economy to recover, while they are waiting for their jobs to return in many of the areas of our country, especially those areas impacted by tourists and convention business? We have employees that are working one shift a week trying to hold on to their jobs for when that recovery comes because they are not eligible for unemployment benefits.

Mr. Speaker, this legislation is a fine piece of legislation for those people in New York, New Jersey, and in the Virginia area; but it does not address the needs of hundreds of thousands of America workers who were devastated every bit as much as those workers on 9–11.

Today, we find that almost 98 percent of all workers in America pay into unemployment insurance, but less than 40 percent of them are covered. It is just an unacceptable fact that these people will be denied the benefit of the money they pay into. The Federal Government ought to step in and have a uniform unemployment system for all Americans.

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

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 5 minutes remaining. The gentleman from Louisiana (Mr. COOKSEY) has 11½ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in support of H.R. 3986, which extends disaster unemployment assistance; and I commend my colleagues from New York for the hard work that they are putting in to try and make sure that people who have been victims of 9–11 are at least afforded some kind of relief.

The disaster of September 11 demands that we focus on the needs of the many, many victims of that attack. However, life is going to be tougher not only for the victims of 9–11 but for most Americans because, as I

review what we are doing right here in the Congress of the United States, I am disappointed with the budget resolution that the Republicans have voted out of committee.

This budget resolution is a $2.1 trillion resolution that claims to be able to fund an extended and expanded war and to also fund the domestic needs, the unemployment needs, the health needs, and the education needs of this country despite the fact that we have passed out a $1.7 trillion tax cut for the 2002 budget that benefits the wealthiest corporations and individuals in the country, and in addition to that, another $40 billion in tax cuts that was recently passed in the so-called economic stimulus legislation.

Because of the policies of this administration, we have reduced our surplus by $4 trillion, and we are now faced with dipping into Social Security, $1.8 trillion over the next 10 years. Despite voting five times for the Social Security lock box, today we are breaking that promise and raiding Social Security.

It is indeed important that we address the needs of those who lost their jobs. However, what about the future? What about the retirement of Americans who expect Social Security benefits to be there for them when they retire?

I want my colleagues to know that the Republicans are breaking the promise of protecting Social Security. I mentioned that we have voted five times for the Social Security lock box. We cannot escape the fact that, yes, we can do some Bandaid and temporary protections. For those in New York and others where we extend unemployment benefits, we come up with some additional support for disaster unemployment assistance, but the fact of the matter is this: we are doing nothing to protect the future for these workers.

We are doing nothing to protect Social Security. Social Security is now at risk. It is at risk because this administration has done away and is doing away with the budget surplus that had been built up under the past administration; and because of that, whatever we do today is very temporary and these very same workers will be faced with a bleak future because we are dipping into Social Security.

Americans must be concerned about the fact that now our Social Security benefits for the future are at stake.

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

Mr. NADLER. Mr. Speaker, I yield myself the remaining time.

I am glad here we are finally today, two days after the benefits ran out in New York, two days before they run out in Virginia. Unfortunately, this bill is not as the bill Senator CLINTON originally passed in the Senate, as the bill that almost passed here by unanimous consent last December but arrived a few minutes too late from the Senate, and as the bill that I sponsored that was reported out of the committee unanimously about 3 weeks ago did, all of those bills said a 26-week extension.

Unfortunately, this bill only says 13-week extension. Unfortunately, this also means that the Senate is going to have to take time presumably next week or later this week to change its bill to match our 13 weeks before it goes to the President, and there will be at least a week interruption in benefits because we delayed in doing our job in getting this bill to the floor.

As I said before, we are not talking here about 39 weeks of benefits for individuals, but of 39 weeks of eligibility for the program from the date the disaster was declared. Most people did not start getting DUA right away. It took the bureaucracy some time. They started getting it in November or December, which means they are getting it for less than 26 weeks and with this bill for less than 39 weeks.

We will probably have to, in light of how difficult it is for some people who were thrown out of work specifically by the attack on our country, we will probably have to be back here extending it for another 13 weeks later.

I am appreciative of the work especially of the gentleman from New York (Mr. QUINN) and the gentleman from Indiana (Mr. HOSTETTLER) and of others and of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), who helped get this bill to the floor; and I am hopeful that we will pass this bill today so that the interruption in benefits for the people in New York and in Virginia who were victimized by the attack directly will be as short as possible, and I extend my appreciation to all of them. And I urge approval of this bill.

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

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3986, a bill to extend the period of availability of disaster unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001. The bill extends the unemployment assistance period from 26 weeks to 39 weeks.

The Disaster Unemployment Assistance (DUA) program provides unemployment benefits to individuals who have become unemployed because of a Presidentially declared disaster. The Department of Labor has been delegated the authority to administer the program for which the Federal Emergency Management Agency (FEMA) is responsible under Section 410 of the Disaster Assistance Act.

It is important to note that DUA will not be paid to someone who receives regular unemployment compensation or private income protection insurance compensation unless that person's other program eligibility expires and weeks of unemployment continue in the disaster assistance period. DUA will then be paid to those individuals at the same weekly benefit rate that they were receiving under the other compensation program. These requirements ensure that there is no duplication of benefits.

Extending the DUA program is particularly important because it covers the self-employed, low-wage earners, and those who fall between the cracks of our regular unemployment insurance programs. Since the program is available only in the wake of such terrible disasters as we experienced on September 11, the help that it provides is especially vital in helping families get back on their feet.

The Stafford Act originally provided for up to 52 weeks of disaster unemployment assistance, but during the Reagan Administration, the FEMA programs were subject to many budgets cuts and disaster unemployment assistance was reduced to 26 weeks. Many Members of Congress opposed these cuts at the time.

Last December, after months of work by Senator CLINTON and Senator SCHUMER, the other body passed a bill, S. 1622, to extend the disaster unemployment assistance period from 26 weeks to 52 weeks. The Gentleman from New York, Mr. NADLER, had already introduced a companion House bill and he made every effort to have the House consider S. 1622 on the final day of the First Session of the 107th Congress. Regrettably, the House Leadership did not clear the bill for consideration before we adjourned.

The Gentleman from New York has continued to actively work the issue almost everyday since the Other Body passed the bill. He shepherded the Senate bill through our Committee, and with the strong support of Chairman YOUNG, Subcommittee Chairman LATOURETTE, and Subcommittee Democratic Ranking Member COSTELLO, we reported that bill unanimously, in an effort to speed the bill to the President's desk and avoid causing the disaster victims to suffer a lapse in benefits.

Although I wish we were simply sending the Senate-passed bill, S. 1622, to the President, it is imperative that we move this new bill, H.R. 3986, forward today, even though it only extends the benefits by 13 weeks. Unfortunately, time is of the essence now. It has been three months since the Other Body acted and the benefits for disaster unemployment insurance are now running out. The disaster unemployment insurance benefits for victims of the World Trade Center attack ended last Sunday, March 17. Similarly, the benefits for victims of the Pentagon will end on March 21.

There are so many tragic stories that could be told to help illustrate why this extension of disaster unemployment assistance is so critical at this time. For example, Mr. John Ortiz worked at the Marriott Hotel at the World Trade Center. He is not eligible for regular unemployment assistance and he has been receiving disaster unemployment assistance since mid-October. He has also been helped by two charities, Safe Horizon and the Red Cross, with the money covering needed expenses such as rent. He has looked for other work within the hotel industry, but has not been able to find a new job. The hotel industry has been so dramatically affected by the events of September 11, that there are very few available jobs, if any at all. Mr. Ortiz feels lucky that he does not have children to support, but says there are many, many families who do have children and are in desperate need of help. He is but one of the approximately 2,500 people who will benefit from this legislation. All of these people are trying their best to help themselves by searching each day to find a job, develop new skills, find assistance from charitable programs, pay their rent, and simply survive.

I commend the gentleman from New York, Mr. QUINN, for recrafting this legislation to ensure its House passage. I also thank Mr. NADLER for his efforts—he is a champion for all of the victims of September 11th, and I commend him for his stalwart dedication. I am hopeful that the Other Body will be able to quickly consider this legislation and clear it for the President's consideration.

Mr. Speaker, these victims of the September 11th terrorist attacks have struggled enough; as Americans, we must help them in their time of need.

I urge all Members to support H.R. 3986.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3986, a bill to extend unemployment assistance administered by the Federal Emergency Management Agency for qualifying individuals who lost their jobs as a direct result of the September 11th terrorist attacks.

While the heroic clean-up and recovery efforts continue unabated, the unprecedented devastation caused by the attacks is still starkly evident today in lower Manhattan and at the Pentagon. The attacks destroyed twenty percent of downtown New York City's office space and led directly to the loss of over 100,000 jobs.

In Virginia, the three week shut down of Reagan National Airport led to the loss of nearly 20,000 jobs. Under current Federal law, individuals who lost their jobs as a direct result of terrorism are able to receive 26 weeks of unemployment assistance through FEMA. However, many of these individuals are still struggling to find work while facing the prospect of the termination of this assistance.

Accordingly, this important and timely legislation will extend the assistance for an additional 13 weeks. As we continue our collective efforts to rebuild our Nation's economy, let us also ensure that those men and women who were directly affected by the attacks are not forgotten. As a co-sponsor of this legislation and as a proud New Yorker, I urge my colleagues to support this measure.

Mr. COSTELLO. Mr. Speaker, I am pleased that this much-needed bill has been scheduled for consideration in an effort to pass it before the benefits lapse. I would like to thank Chairman DON YOUNG, Ranking Democratic Member OBERSTAR and the Subcommittee Chairman STEVEN LATOURETTE for speeding this bill through our Committee. I would also like to commend Mr. NADLER for his diligence on this issue and his longstanding commitment to the victims of the tragedy on September 11th and in particular to the people of New York.

Mr. Speaker, although I support this legislation, I do wish that we were able to pass the original bill that passed the other body in December and through the Transportation and Infrastructure Committee in February. It was important to pass the legislation before the benefits lapse and I am hopeful that this bill will be enacted soon.

I support H.R. 3986, which extends unemployment assistance under the Stafford Act. This bill extends the period that victims of the terrorist attacks of September 11th would be eligible for unemployment benefits to 39 weeks. Currently, the Disaster Unemployment Assistance (DUA) benefit period begins with the week following the disaster incident or date thereafter that individual became unemployed and can extend up to 26 weeks after the date of declaration or until the individual becomes re-employed. The Department of Labor has been delegated the authority to administer the program, for which FEMA is responsible. In fact, the Stafford Act originally provided for 52 weeks of benefits—this legislation would simply restore unemployment benefits to that level.

The expansion of these benefits would help the more than 2,200 workers who lost their jobs as a direct result of the attacks on September 11th but don't qualify for regular unemployment assistance. Many of these individuals are in low wage jobs and are among the neediest of assistance, especially given our current economy. They need this extension to help them move forward again after experiencing the worst terrorist event in our nation's history.

Mr. Speaker, this is good legislation, and urge my colleagues to join me in supporting it.

□ 1630

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 3986.

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

A motion to reconsider was laid on the table.

JAMES R. BROWNING UNITED STATES COURTHOUSE

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2804) to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse.''

The Clerk read as follows:

H.R. 2804

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

SECTION 1. DESIGNATION.

The United States courthouse located at 95 Seventh Street in San Francisco, California, shall be known and designated as the ''James R. Browning United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''James R. Browning United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

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

Mr. Speaker, H.R. 2804 designates the United States Courthouse located at 95 Seventh Street in San Francisco, California, as the James R. Browning United States Courthouse.

Judge Browning was born in Great Falls, Montana, in 1918. He attended the public schools of Belt, Montana, before enrolling at Montana State University where he earned both his Bachelor's degree and his law degree. Judge Browning graduated at the top of his law school class in 1941 while also serving as the editor-in-chief of the Law Review.

After law school, Judge Browning worked for 2 years with the Department of Justice's Antitrust Division before enlisting in the Army in 1943. Judge Browning served with military intelligence in the Army, rising from private to first lieutenant and earning a Bronze Star in the process.

After the war, Judge Browning again worked as an attorney with the Department of Justice, serving in various positions for 6 years before leaving government service for private practice. After 5 years in private practice, Judge Browning returned to government service as a clerk of the United States Supreme Court, a position he held until named to the Federal bench in 1961 by President Kennedy.

Judge Browning served for nearly 40 years on the Ninth Circuit Court of Appeals. He participated in over 1,000 published appellate decisions and was the author of many per curiam opinions. For 12 years, Judge Browning also served as the Chief Judge of the Ninth Circuit. During his tenure, he oversaw the implementation of numerous reforms that increased the efficiency of the circuit's operation and which eliminated a large backlog of pending cases. Many of these reforms were later adopted by other circuit courts.

This naming is a fitting tribute to a dedicated public servant. I support the legislation and I encourage my colleagues to do the same.

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

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

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

Mr. NADLER. Mr. Speaker, H.R. 2804, introduced by the gentlewoman from California (Ms. PELOSI), is a bill to designate the United States Courthouse located at 95 Seventh Street in San Francisco in honor of Judge James R. Browning.

Since President Kennedy appointed him to the Federal bench in 1961, Judge Browning has served the public for over 40 years. In 1976, Judge Browning became the Chief Judge for the Ninth Circuit, the largest court in the country, and he served in that capacity for 12 years. He is a prolific writer and worker, publishing over 1,000 appellate decisions and authoring many other per curiam opinions.

He is richly deserving of having this courthouse named after him, and I want to thank the gentlewoman from California (Ms. PELOSI) and the other Members of the delegation from California for introducing this bill.

Mr. Speaker, I include for the RECORD a letter in support of this legislation from William C. Canby, Jr., a

United States Circuit Judge in Phoenix, Arizona.

U.S. COURTHOUSE,
Phoenix, AZ, September 6, 2001.

Re H.R. 2804: The James R. Browning United States Courthouse.

Hon. JAMES L. OBERSTAR,
U.S. House of Representatives, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE OBERSTAR: This letter is in support of H.R. 2804, a bill to designate the headquarters of our court, the United States Courthouse at 95 Seventh Street in San Francisco, as the ''James R. Browning United States Courthouse.''

Jim Browning has served our court magnificiently for the last forty years. For twenty-one of those years, I have been privileged to be one of his colleagues. Jim Browning was Chief Judge for my first several years on this court, and he exemplified, as he still does, exactly what a great judge should be. He is judicious, impartial, tolerant and, perhaps above all, so infused with good will toward his fellow men and women that he imparts a considerable degree of that quality to all who come in contact with him. Everyone across the entire spectrum of our courts respects Jim Browning. Our courthouse could not have a more fitting name!

I understand that some celebrations of Jim Browning's tenure will be coming up in the near future; it would be wonderful if H.R. 2804 were law by that time, so that the events could be combined with a dedication.

We would all be most grateful if you would support the prompt passage of H.R. 2804.

Respectfully,

WILLIAM C. CANBY, JR.,
U.S. Circuit Judge.

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

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

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

Ms. PELOSI. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. NADLER), for yielding me this time and for his lovely statement on behalf of Judge Browning. I also want to commend my colleague, the gentleman from Louisiana (Mr. COOKSEY), for his kind words as well.

Mr. Speaker, I wish that every Member of this House could meet Judge Browning. They would then know why we feel so privileged to be naming this courthouse for him and the joy we feel in paying tribute to his excellent service to our country.

I rise in support of H.R. 2804, which designates, as has been mentioned, the U.S. Courthouse located at 95 Seventh Street in San Francisco as the James R. Browning United States Courthouse.

Judge Browning has been an outstanding jurist and a brilliant administrator for the Ninth Circuit Court for the past 40 years. By crafting creative solutions to a large case backlog and a slow appeals process, Judge Browning has improved our judicial system both in the Ninth Circuit, and everywhere his reforms have been emulated. I urge my colleagues to honor him today for his lifetime of service.

I would like to thank the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for their efforts to bring this bill before the House. It would not have been possible without them. I am also pleased to note this bill is strongly supported by a bipartisan group of Members from throughout the Ninth Circuit's area of jurisdiction. The bill's cosponsors and other supporters are still returning from the West Coast and are unable to join us, as they would like to, on the floor today.

Again, Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) for their very appropriate and generous remarks. And I also want to commend Judge Browning's former law clerks, led by Michael Rubin, who championed the idea of naming this historic courthouse after this extraordinary judge.

James Browning was born in Great Falls, Montana, and received his undergraduate and law degrees from the University of Montana. After graduation, he joined the Antitrust Division of the Department of Justice where he worked for 2 years before being inducted to the U.S. Army infantry as a private. Serving 3 years in the Pacific theatre in military intelligence, he attained the rank of first lieutenant and was awarded the Bronze Star.

After his military service, Judge Browning returned to the Justice Department, serving in several positions in the Antitrust Division before becoming Executive Assistant to the Attorney General. In 1953, he left government service for a successful career in private practice, during which he lectured at the law schools of New York University and Georgetown University.

His desire to be in public service was strong, however, and he left private practice after 5 years to become the Clerk of the U.S. Supreme Court. What a high honor. As has been mentioned, in 1961, President John F. Kennedy appointed James Browning as a Circuit Judge of the U.S. Court of Appeals for the Ninth Circuit, over 40 years ago.

The Ninth Circuit includes all of the Federal courts in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska, Hawaii, Guam and the Northern Mariana Islands. His exemplary tenure as a circuit judge was marked by his extensive involvement in the Judicial Conference of the United States. He examined issues of judicial conduct, court administration, and the organization of the Ninth Circuit.

I take this time, Mr. Speaker, because so many of our colleagues cannot be here and wanted to have so much of Judge Browning's record on the record.

Judge Browning became Chief Judge of the Ninth Circuit in 1976. At that time, the appeals court in particular faced a large backlog of cases, and substantial delays in deciding appeals were common. Judge Browning immediately undertook innovative steps to improve the functioning of the Ninth Circuit. He convinced Congress to add new judges to the court of appeals. He instituted new methods of case processing in order to manage the increased case loads. He established a bankruptcy appellate panel to hear bankruptcy appeals for the entire court. He revamped communication among the justices.

And his innovations worked. The restructuring he instituted paid rich dividends, including the elimination of the court's backlog and a reduction by half in the time needed to decide appeals. His reforms have been examined and repeated throughout the Nation.

Mr. Speaker, on behalf of, as I say, so many of my colleagues who are traveling now from the West and cannot be here, I am pleased to request of our colleagues that they vote ''yes'' in support of naming this building. It has been said that ''Justice deferred is justice denied.'' I ask my colleagues today to honor a man whose innovations have helped ensure that ''Justice comes in time.''

James R. Browning has been an exceptionally able and dedicated public servant. He is a wonderful person. I urge my colleagues to honor him today by voting for H.R. 2804, to designate the Federal Courthouse at 7th and Mission Streets in San Francisco, by the way a building that was restored after the earthquake to a beautiful, beautiful state, and I invite all my colleagues to visit, hopefully, the James R. Browning United States Courthouse.

Mr. OBERSTAR. Mr. Speaker, H.R. 2804 is a bill to designate the courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse''. I commend our colleague, Congresswoman PELOSI, for her diligence and hard work in bringing this bill through the Committee. I also thank Subcommittee Chairman LATOURETTE, Ranking Member COSTELLO, and Committee Chairman YOUNG for working with me to ensure that the bill received expeditious consideration.

Judge Browning is a tireless and effective advocate for the Ninth Circuit, where he served as a U.S. District Court Judge for nearly 40 years. In 1976, the year Judge Browning became the circuit's Chief Judge, there was no guarantee of a speedy disposition of litigation. Substantial delays were commonplace, and the volume of cases far exceeded the capacity of the courts. Judge Browning convinced Congress and advocacy groups that reducing the size of the Ninth Circuit was not the answer. He then undertook a series of administrative reforms to ensure the prompt, effective administration of justice, and other circuits subsequently adopted many of these ideas. This bill honors his dedication to pubic service and his innovative reshaping of the procedures in the largest and busiest circuit in the country.

Judge Browning introduced new methods of case processing and control. He established an executive committee to facilitate administative decisions, and the Bankruptcy Appellate Panel to hear bankruptcy appeals. He reduced the size of the Judicial Council

and thus made decision-making more effective. He also decentralized the procurement and budgeting systems, and was instrumental in establishing the Western Justice Center Foundation, a non-profit organization dedicated to improving the legal system by encouraging collaborative work and research.

Judge Browning is a native of Montana, and a decorated veteran of World War II. Prior to joining the Federal Court in 1961, he worked at the U.S. Department of Justice and served as a law clerk at the Supreme Court. Judge Browning is known for his collegiality, courtesy, and support and mentoring of younger judges and court employees. He is a beloved member of the Ninth Circuit.

It is fitting and proper to honor Judge Browning's distinguished career with this designation. I urge all of my colleagues to join me in supporting H.R. 2804.

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

Mr. NADLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 2804.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3986 and H.R. 2804, the measures just under consideration.

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

There was no objection.

URGING GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 339) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections, as amended.

The Clerk read as follows:

H. RES. 339

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy or experiences setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine's efforts to integrate into Western institutions;

Whereas in recent years, incidents of government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas $154,000,000 in technical assistance to Ukraine was provided under Public Law 107–115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), a $16,000,000 reduction in funding from the previous fiscal year due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists, such as the case of Heorhiy Gongadze;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the Presidential election of 1999, according to the final report of the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE on that election, failed to meet a significant number of OSCE election-related commitments;

Whereas according to the ODIHR report, during the 1999 Presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, and members of the media viewed as not in support of the President were subject to harassment by government authorities, while proincumbent campaigning by state administration and public officials was widespread and systematic;

Whereas the Law on Elections of People's Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, which was cited in a report of the ODIHR dated November 26, 2001, as making improvements in Ukraine's electoral code and providing safeguards to meet Ukraine's commitments on democratic elections, does not include a role for domestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of an election campaign in an imprecise manner which could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in the campaign period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated $4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by violations by many parties during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given by many political groups in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents:

Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the strong relationship between the United States and Ukraine since Ukraine's independence more than 10 years ago, while understanding that Ukraine can only become a full partner in Western institutions when it fully embraces democratic principles;

(2) expresses its support for the efforts of the Ukrainian people to promote democracy, the rule of law, and respect for human rights in Ukraine;

(3) urges the Government of Ukraine to enforce impartially its newly adopted election law, including provisions calling for—

(A) the transparency of election procedures;

(B) access for international election observers;

(C) multiparty representation on election commissions;

(D) equal access to the media for all election participants;

(E) an appeals process for electoral commissions and within the court system; and

(F) administrative penalties for election violations;

(4) urges the Government of Ukraine to meet its commitments on democratic elections, as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE), with respect to the campaign period and election day, and to address issues identified by the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE in its final report on the 1999 Presidential election, such as state interference in the campaign and pressure on the media; and

(5) calls upon the Government of Ukraine to allow election monitors from the ODIHR, other participating states of OSCE, and private institutions and organizations, both foreign and domestic, access to all aspects of the parliamentary election process according to international practices, including—

(A) access to political events attended by the public during the campaign period;

(B) access to observe voting and counting procedures at polling stations and electoral

commission meetings on election day, including procedures to release election results on a district-by-district basis as they become available; and

(C) access to observe postelection tabulation of results and processing of election challenges and complaints.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and at the outset, I would like to recognize some exemplary students from Hamilton High School West and Vicki Schoeb, their dedicated teacher, and thank them for being here to observe the workings of the Hill, especially the proceedings of the House. They are very much welcomed to this Chamber.

Mr. Speaker, today the House moves to the timely consideration of H. Res. 339, which urges the Government of the Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31 parliamentary elections. I would like to thank our majority leader, the gentleman from Texas, (Mr. ARMEY), for his commitment to schedule this timely and important resolution this week so that it happens before and so that, hopefully, it will have some impact on the proceedings.

I was pleased to be one of the original sponsors of this resolution which acknowledges the strong relationship between the United States and Ukraine, urges the Ukrainian Government to enforce impartially its new election law, and urges the Ukrainian Government to meet its OSCE committments on democratic elections. I strongly encourage my colleagues to support this measure.

Mr. Speaker, the Helsinki Commission, which I chair, has a long-standing record of support for human rights and democratic development in Ukraine. Commission staff will be observing the upcoming elections, as they have done for virtually every election in Ukraine since 1990. The stakes in the Ukrainian elections are high both in terms of the outcome and as an indication of the Ukrainian Government's commitment towards democratic development and integration into Europe.

Mr. Speaker, I think it is important to underscore the reason for this congressional interest in Ukraine. The clear and simple reason: An independent, democratic, and economically stable Ukraine is vital to the well being of all Ukrainians to the stability and security of Europe; and we want to encourage Ukraine in recognizing its own often-stated goal of integration into Europe.

Despite the positive changes that have occurred in the Ukraine since independence in 1991, including the economic growth over the last 2 years, Ukraine is still undergoing a difficult path towards transition. The pace of that transition has been distressing, slowed by insufficient progress in respect for the rule of law, especially by the presence of widespread corruption, which continues to exact a considerable toll on the Ukrainian people. They deserve better, Mr. Speaker, than what they have gotten.

Another source of frustration is the still-unresolved case of murdered investigative journalist, Heorhiy Gongadze. And let me say one thing about him, as well as his widow. Last year, at the OSCE parliamentary assembly which I led, to Paris, my colleagues will remember that we honored him posthumously for his great work and because he paid the ultimate price for his convictions—death.

The flawed investigations of this case and the case of another murdered Ukrainian journalist, Ihor Aleksandrov, call into question Ukraine's commitment to the rule of law. And I can assure you, Mr. Speaker, that going on into the next weeks and months the Helsinki Commission will continue its vigilance. We plan on holding hearings to look into this even further, hopefully keeping pressure on the Ukrainian Government simply to do the right thing.

There have also been a number of disturbing cases of violence and threats of violence. For example, 78-year-old Iryna Senyk, a former political prisoner and poetess, who was campaigning for the pro-reform party, our Ukraine bloc, was badly beaten by unknown assailants.

□ 1645

Such unchecked violence has created an uncertain atmosphere.

Most of independent Ukraine's elections have met international democratic standards for elections. The 1999 presidential elections were more problematic, and the OSCE Election Mission Report on these elections asserted that they ''failed to meet a significant number of the OSCE election-related commitments.''

Mr. Speaker, it remains an open question as to whether the March 31 elections will be a step forward for Ukraine. With less than 2 weeks until election day, there are some discouraging indications, credible reports of various violations of the election law, including, one, campaigning by officials or use of state resources to support certain blocs or candidates; second, the denial of public facilities and services to candidates, blocs or parties; three, governmental pressure on certain parties, candidates and media outlets; and, four, a pro-government bias in the public media, especially the government's main television network, UT–1.

Mr. Speaker, these actions are inconsistent with Ukraine's freely undertaken OSCE commitments and undermine its reputation with respect to human rights and democracy. A democratic election process is a must in solidifying Ukraine's democratic credentials and the confidence of its citizens and in its stated desire to integrate with the West.

During his visit to Ukraine last week, the President of the OSCE Parliamentary Assembly, Adrian Severin, expressed concern over the mistrust in the election process among certain candidates as well as a general skepticism as to whether or not the elections would be truly free and fair, and encouraged Ukrainian officials to take quick measures to ensure that it is a free and fair election and that the outcome is credible.

Mr. Speaker, I ask that the summary of the most recent Long Term Observation Report on the Ukrainian elections prepared by the nonpartisan Committee of Voters of Ukraine, be submitted for the RECORD.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair must remind the Member that the rules do not permit references to or introductions of persons in the galleries.

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

Mr. Speaker, I rise in strong support of H. Res. 339 and compliment the gentleman from New Jersey (Mr. SMITH) for his cosponsorship of this important resolution, for his passionate statement on the floor today, and for his work behind the scenes to get this resolution on the floor today. It was not easy to do. We were running short on time. This is the last week of our session before the Ukrainian parliamentary elections on March 31, and the gentleman from New Jersey (Mr. SMITH) worked with dispatch and effectiveness behind the scenes. I am sure that the freedom-loving people of Ukraine are glad that the gentleman did, as well.

Mr. Speaker, I also want to thank the gentleman from Illinois (Mr. HYDE) of the Committee on International Relations and subcommittee chair, the gentleman from California (Mr. GALLEGLY), for their commitment to move this bill forward. There were several bumps in the road, but cooperation carried the day. We kept the bill in a strong and effective form, and I compliment all on the majority side for bringing this resolution forward.

I certainly compliment the gentlewoman from New York (Ms. SLAUGHTER), co-chair with the gentleman from Colorado (Mr. SCHAFFER) of the Ukrainian Caucus in the House. The gentlewoman from New York (Ms. SLAUGHTER) is the prime sponsor of this important legislation.

We are all here today to promote this legislation, which urges the Government of the Ukraine to ensure a democratic, transparent, and fair parliamentary election on March 31. The resolution also urges the Government of Ukraine to implement basic tools in order to ensure free and fair elections,

including a transparency of election procedures, access for international election observers, multiparty representation on election commissions, and equal access to the media for all election candidates.

Mr. Speaker, this is the third parliamentary election in the Ukraine since they gained their independence 10 years ago. It is the most critical. This is a big deal in the Ukraine. If they fail to continue to move forward with democratic reforms, if this is not a fair and free election, it will be a major setback to the cause of democracy in Ukraine.

It is very appropriate for this government, as friendly as we are with the people and the Government of Ukraine, to urge that the government in Ukraine do everything in its power to ensure the fairness and openness of this election process.

Ukraine has come a long way in the last 10 years. Its economy grew more than 6 percent last year. It has voluntarily given up the third largest nuclear arsenal in the world, and has consistently sought to eliminate its existing stockpile of strategic missiles. There are basic political reforms under way in the country, and we have friendly relations with the Ukraine and we want those relations to continue to be as friendly and supportive as possible.

But significant challenges remain. The gentleman from New Jersey (Mr. SMITH) and others have indicated the challenges that we have. There are restrictions on basic democratic freedoms in the country. The nuclear plants I mentioned are in desperate need of appropriate clean up. The media suffers from blatant government harassment and pressure, and government corruption runs rampant.

There have been a number of activities and accusations involving the government that are terribly disturbing. The gentleman from New Jersey (Mr. SMITH) has talked about the unsolved murder of the brave journalist Heorhiy Gongadze in September 2000, and the gentleman from New Jersey (Mr. SMITH) and I participated in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe held last July in Paris in which the OSCE awarded a prize to the widow of Mr. Gongadze in honor of his great service and the sacrifice he made in support of freedom of the press.

I, as does the gentleman from New Jersey (Mr. SMITH), remember well the passionate speech that Mrs. Gongadze made in Paris a year ago. I am happy to tell the gentleman from New Jersey that Mrs. Gongadze visited my district this past weekend and spoke again with great passion at the Ukrainian Educational and Cultural Center of Greater Philadelphia on a panel called to discuss the importance of the Ukrainian elections identified as ''Ukraine at a Crossroads''; and her passion for democratic reforms remains unabated, as is her desire, as is ours, to determine and hold accountable those that murdered her husband.

The OSCE, through their Office of Democratic Institutions and Human Rights, has issued a final report on Ukraine's most recent national election, the presidential election of 1999, and indicates that that election was marred by violations of Ukrainian election law and failed to meet a number of OSCE election commitments. There was state interference with the campaign and government pressure on the media.

This month's election has been reviewed ahead of time. There is a group called the Committee of Voters of Ukraine, the leading Ukrainian watchdog group on elections; and they have reported numerous violations in the run-up to the 2002 parliamentary election. So the challenge is still present. This is a very important watershed election in Ukraine. They have got to get this right. They cannot slip back and repeat the mistakes of the 1999 presidential election. They must continue to move forward; and it is very appropriate for this Congress, this House, to urge the Government of Ukraine to run as fair and open an election as possible.

Mr. Speaker, Ukraine strives to realize a more robust democracy, and it needs our encouragement and support. It has both, and I urge all of my colleagues to support this legislation.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 338, the resolution under consideration.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his comments. The gentleman's statement was right on point.

I think it is important to underscore the good work that the Committee of Voters of Ukraine are actually doing. Between February 23 and March 10, 225 long-term observers visited 622 cities and 712 political party branches. They attended 578 events conducted by political groups. They are making a Herculean effort to ensure that the upcoming elections are free and fair and impartial. They deserve our highest support and praise and congratulations for being so committed to fair and free elections in Ukraine. The Committee is comprised of true patriots of Ukraine. They are brave and resourceful and they deserve the full support of every Member of this body.

Mr. Speaker, I include for the RECORD the summary of the Long Term Observation Report of the Committee of Voters of Ukraine.

SUMMARY

In October 2001, the Committee of Voters of Ukraine (CVU) began its long-term observation of the 2002 parliamentary election process. CVU is a non-partisan citizens' election monitoring organization with 160 branches throughout the Ukraine. CVU will report regularly until the March 31, 2002 elections.

Between February 23 and March 10, 225 long-term observers visited 622 cities and 712 political party branches, and attended 578 events conducted by political groups. CVU observed the same kinds of violations as in the previous three-week period. Some types of violations decreased in number, while others increased.

Each time a problem was reported to an observer, the head of the regional CVU organization called the individual making the report to verify it and obtain details. In many cases, witnesses are reluctant to talk about violations, fearing retribution from their employers or others.

CVU has noticed a few positive developments since its last report. In the past three weeks, voter education programs in the mass media have become more robust. Likewise, election commissioners are receiving practical training from non-governmental organizations. Some television stations have also been showing debates between various political leaders.

Nonetheless, the pre-election period continues to be marked by substantial violations of Ukrainian law. The main types of offenses recorded by CVU during the last week of February and first two weeks of March were:

Campaigning by state officials or use of state resources to support favored political candidates and groups. The block ''Za Edu'' (For a United Ukraine) was the principal, but not exclusive beneficiary of this support.

Government pressure on certain political parties, candidates, and media outlets.

Interference in election campaigns through violence, threats of violence or destruction of campaign materials.

Illegal campaign practices by candidates offering free goods and services to voters and distributing unregistered campaign materials.

Executive branch interference in the election process has decreased somewhat since the previous three week period, although it remains a key feature of the electoral environment. As before, the principal beneficiary of this assistance is the bloc ''Za Edu'' and its candidates in single mandate constituencies. Much of this interference takes place openly; in many cases, government officials involve themselves in the electoral process in an apparent attempt to win favor with their superiors. Although CVU has witnessed fewer instances of this kind of violation, this does not necessarily suggest that executive branch officials are behaving more impartially. In many cases, they have simply shifted their attention away from the parliamentary elections to oblast (state) and local races, which are not covered in this report.

Conversely, legal provisions requiring free and transparent campaigning are being ignored with increasing frequency. Criminal interference in campaigns has gone up; in turn, parties and single-mandate candidates are breaking the election law more often.

Some candidates, parties, and citizens whose rights have been infringed are beginning to lodge formal complaints with election commissions and the courts. Some commissions have responded by warning parties and candidates accused of campaign violations to respect the law. No state officials

has been punished for abuse of office, however. While CVU has uncovered no evidence that state interference in the election has been ordered by senior government authorities, neither have these authorities punished any accused lawbreakers or acted preemptively to ensure neutrality on the part of their subordinates.

ELECTION COMMISSIONS

The country's central and constituency election commissions appear to functioning relatively well. Most are following proper procedure and trying to respond to appeals in a timely manner. Where problems with district commissions do exist, they are more likely to be found in eastern and southern regions of Ukraine.

The formation of polling-place election commissions (PECs) has not gone smoothly, however. Instead, this process has been marked by confusion and numerous violations of proper procedure. Detailed information on the make-up of the country's roughly 33,000 PECs was supposed to be released by February 27 Article 21.13 of the election law, but this requirement was not observed in most areas. Hence, an analysis of the make-up of the commissions is not possible at this time.

CVU is concerned that the provisions of Ukraine's election law that provide for multi-partisan representation on election commissions have not been respected in spirit. In many areas, local executive bodies have taken advantage of the weaknesses of political parties to appoint election commissioners who nominally represent a party but who are, in practice, loyal to the local administration alone. CVU has witnessed numerous cases where election commissioners are unaware even of identity of the party they are supposed to represent. Clearly, a good deal of the blame for this problem also lies with the parties, which have been incapable of recruiting trusted members to serve as commissioners in many parts of the country.

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

Mr. Speaker, I thank the gentleman for his comments and simply add that we take elections for granted in this country. We know how important they are, but we assume that they will be fair and open and transparent. We need to do everything in our power to encourage the same in the emerging democracies in Europe. Those countries, such as Ukraine, emerging from the tyranny of the Soviet bloc, for 10 years a new independence and freedom has been observed in Ukraine; but this election is of critical importance. They have got to get it right. We have to help them get it right, and this legislation is dedicated to that proposition.

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

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. HOEFFEL) for championing this very important resolution to put our Nation and the Congress on record in highest hopes that the elections this year in the Ukraine will ensure a democratic, transparent, and fair election process leading up to March 31. Their parliamentary elections will be held on that date. Of course the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Pennsylvania (Mr. HOEFFEL) have traveled together to that part of the world and have made such a difference in carrying the banner of freedom's institutions into regions of our world where heretofore people had not been able to exercise their full democratic rights.

Having just returned from the Ukraine myself and having had the really historic opportunity to meet with nearly 300 of their younger citizens, and people representing nongovernmental organizations that are monitoring the elections and trying to produce information so people know what they are voting about, we can see a change, a glacial change occurring there for the better. But without question, people of that nation must feel free and unintimidated as they go to the polls, and they must understand what the various candidates' platforms are; and it is safe to say that that kind of transparency and information has not been easily available.

Sometimes it is hard here, but there the systems are just not robust. It is not easy to understand how a party slate or individuals on it might actually support a certain program, and it is hard to distinguish among the major blocs and the people in those blocs. I would add an encouraging word for passage of this resolution and a great hope that the Government of Ukraine will ensure that the election process is open. Let flourish those who are attempting to help people understand the issues and understand what those who are running actually will champion in their own programs once elected to RADA or local office. This kind of information should be more broadly available. The Internet should be allowed to function so people will share information across regions and become more informed about what their vote actually means.

The task before the Ukrainian people of building a more open and free society is enormous. That is true in Russia also and many of the former republics of the Soviet Union.

□ 1700

I know that I detected, especially among the young, such a great hope, such a feeling that they had the future of the country in their hands. They are looking for us to pass this resolution to give a signal that our country stands and walks alongside those who are trying to build more open and free societies. In fact many young people who are 21 years of age are running for office in some of the towns, or are trying to run for parliament, to try to change the laws in order to make property traded freely with a mortgage system. They are fighting for laws so loans can be made by a regular bank and have a free credit system established. They want an educational system that is available to all so students are able to learn critical thinking methods. All of these challenges lie ahead of those young leaders.

And so to the young people in our country, I encourage them to pay attention to Ukraine, the most important nation in Central Europe. As it goes, so will the nations around it. I rise in very strong support of House Resolution 339 and want to thank so very much the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. HOEFFEL) for bringing this to the attention of the entire world, indeed. We respectfully say to the people of Ukraine, vote, vote wisely, monitor the elections, help to move your country forward, as I know the hearts of your people tell you they want.

I express my fullest support for this resolution.

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman, a real leader on Ukrainian issues in the House. I compliment her on her remarks.

Mr. PAUL. Mr. Speaker, I strongly oppose H. Res. 339, a bill by the United States Congress which seeks to tell a sovereign nation how to hold its own elections. It seems the height of arrogance for us to sit here and lecture the people and government of Ukraine on what they should do and should not do in their own election process. One would have thought after our own election debacle in November 2000, that we would have learned how counterproductive and hypocritical it is to lecture other democratic countries on their electoral processes. How would members of this committee—or any American—react if countries like Ukraine demanded that our elections here in the United States conform to their criteria? So I think we can guess how Ukrainians feel about this piece of legislation.

Mr. Speaker, Ukraine has been the recipient of hundreds of millions of dollars in foreign aid from the United States. In fiscal year 2002 alone, Ukraine was provided $154 million. Yet after all this money—which we were told was to promote democracy—and more then ten years after the end of the Soviet Union, we are told in this legislation that Ukraine has made little if any progress in establishing a democratic political system.

Far from getting more involved in Ukraine's electoral process, which is where this legislation leads us, the United States is already much too involved in the Ukrainian elections. The U.S. government has sent some $4.7 million dollars to Ukraine for monitoring and assistance programs, including to train their electoral commission members and domestic monitoring organizations. There have been numerous reports of U.S.-funded non-governmental organizations in Ukraine being involved in pushing one or another political party. This makes it look like the United States is taking sides in the Ukrainian elections.

The legislation calls for the full access of Organization for Security and Cooperation in Europe (OSCE) monitors to all aspects of the parliamentary elections, but that organization has time and time again, from Slovakia to Russia and elsewhere, shown itself to be unreliable and politically biased. Yet the United States continues to fund and participate in OSCE activities. As British writer John Laughland observed this week in the Guardian newspaper, "Western election monitoring has become the political equivalent of an Arthur Andersen audit. This supposedly technical

process is now so corrupted by political bias that it would be better to abandon it. Only then will countries be able to elect their leaders freely.'' Mr. Speaker, I think this is advice we would be wise to heed.

Other aspects of this bill are likewise troubling. This bill seeks, from thousands of miles away and without any of the facts, to demand that the Ukrainian government solve crimes within Ukraine that have absolutely nothing to do with the United States. No one knows what happened to journalist Heorhiy Gongadze or any of the alleged murdered Ukrainian journalists, yet by adding it into this ill-advised piece of legislation we are sitting here suggesting that the government has something to do with the alleged murders. This meddling into the Ukrainian judicial system is inappropriate and counter-productive.

Mr. Speaker, we are legislators in the United States Congress. We are not in Ukraine. We have no right to interfere in the internal affairs of that country and no business telling them how to conduct their elections. A far better policy toward Ukraine would be to eliminate any U.S.-government imposed barrier to free trade between Americans and Ukrainians.

Mr. GALLEGLY. Mr. Speaker, since regaining its independence in 1991, Ukraine's democracy has made significant progress but has not been without its difficult periods. Nowhere has the integrity of the country's political system been more challenged than in its electoral process.

On March 31, Ukraine will hold its third election for parliament. This election will be a critical test of the strength of Ukraine's evolving democracy and its new election laws.

Given the importance of a strong and stable Ukraine in the region, the importance of our relations with Ukraine and our keen interest in Ukraine's continued emergence as a responsible, democratic member of the international community, we are naturally interested in the electoral process as well as progress the country has made in the areas of human rights, rule of law, freedom of expression and the strength of its democratic institutions.

In this context, the United States Congress, through H. Res. 339, expresses its interest in, and concerns for, a genuinely free and fair parliamentary election process which enables all the various political parties and election blocs to compete on a level playing field; allows the voters to acquire objective information about the political candidates; and expects all parties to the election to observe their own laws.

Historically, since 1991, elections in Ukraine have been marred by problems such as intimidation of journalists and opposition candidates; denial of access to the media; unbalanced news coverage; abuse of power and political position by government officials; and the illegal use of public funds. Today, we have received reports from Ukraine that the current election period has been beset by similar allegations of individuals or groups illegally trying to influence the outcome of the elections.

This is not to say that the overall electoral process is seriously flawed. The Ukraine parliament has passed a positive new election law. What H. Res. 339 does say, however, is that the reported abuses of the election law have to be stopped, that the government has the responsibility to enforce its election law fairly, and that every effort must be taken to ensure that a free, fair and transparent election take place on March 31.

This resolution we are considering today does represent a genuine concern that the reported activities of some could cast a negative cloud over these elections and the entire democratic process in Ukraine.

The authors of this Resolution are to be congratulated for bringing these problems to our attention, and we hope the resolution is seen in a positive and constructive way inside Ukraine.

By addressing these concerns, Ukraine can only be better off and its democracy made stronger

I urge passage of this resolution and reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am proud to be joined by my colleagues, Representatives JOSEPH HOEFFEL and CHRISTOPHER SMITH, in offering this important resolution. H. Res. 339 urges the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to its March 31 parliamentary elections.

Just over 10 years after gaining its independence from the Soviet bloc, Ukraine stands at a crossroads. On Sunday, March 31, Ukraine will hold its third parliamentary elections since becoming independent. It is widely believed that the outcome of the parliamentary elections will determine whether Ukraine continues to pursue democratic reforms, or experiences further political turmoil.

As a founding member and Co-chair of the Congressional Ukrainian Caucus, I have watched the growth of this new nation with keen interest. Their path to democratization has not been easy. More troubling, however, has been a series of scandals involving government corruption over the past 2 years. In April 2001, I was troubled to learn about the Ukrainian Parliament's vote to remove reform-minded Prime Minister Viktor Yushchenko. This change in government came in the midst of the ongoing political turmoil resulting from allegations over the involvement of President Leonid Kuchma in the case of murdered journalist Heorhiy Gongadze. Meanwhile, reports of government corruption and harassment of the media have raised concerns about the Ukrainian government's commitment to democratic principles. I have spoken out for a more democratic Ukraine and expressed my continued concern about the lack of progress in the Gongadze case and recent political instability.

According to the Organization for Security and Cooperation in Europe Office of Democratic Institutions and Human Rights' final report on Ukraine's most recent national election, the presidential election of 1999 was marred by violations of Ukrainian election law and failed to meet a significant number of OSCE election commitments. There is now concern that the 2002 parliamentary elections will be compromised by similar violations. Recent reports on the 2002 parliamentary elections released by the Committee on Voters of Ukraine (CVU), a leading Ukrainian watchdog group on elections, have cited numerous violations in the campaign process.

The intent of this resolution is to make the Government of Ukraine aware that the U.S. Congress is monitoring the conduct of the parliamentary election process closely, and will not just be focusing on Election Day results. My resolution urges the Government of Ukraine to enforce impartially the new election law signed by President Kuchma in October. The resolution also urges the Government of Ukraine to meet its commitments on democratic elections and address issues identified by the OSCE in its final report on the 1999 elections, such as state interference in the campaign and pressure on the media. Finally, the resolution calls upon the Government of Ukraine to allow both domestic and international election monitors access to the parliamentary election process.

It is my hope that this resolution will send a clear message to the Government of Ukraine that the U.S. Congress will not simply rubber stamp funding requests for Ukraine without also considering the serious issues involved in Ukraine's democratic development. In particular, the conduct of the 2002 parliamentary elections will have a major impact on funding considerations when Members of Congress are again confronted with the task of blancing their support for the U.S.-Ukrainian relationship with Ukraine's progress in making democratic reforms.

I urge my colleagues to vote for H. Res. 339, and I encourage the Government of Ukraine to conduct a democratic, transparent, and fair parliamentary election process on March 31.

Mr. HOEFFEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H.Res. 339, as amended.

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. SMITH of New Jersey. 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.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–190)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the

National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2002*.

2002 TRADE POLICY AGENDA AND 2001 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–191)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2002 Trade Policy Agenda and 2001 Annual Report on the Trade Agreements Program, as prepared by my Administration as of March 1, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2002*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

The Journal, de novo;

H. Res. 368, by the yeas and nays;

H.R. 2509, by the yeas and nays; and

H.R. 2804, by the yeas and nays.

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

The vote on H. Res. 339 will be postponed until tomorrow.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. HAYWORTH. 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 363, nays 44, answered ''present'' 1, not voting 26, as follows:

[Roll No. 65]

YEAS—363

Abercrombie
Ackerman
Akin
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—44

Aderholt
Allen
Baird
Borski
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Hulshof
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Moore
Paul
Peterson (MN)
Ramstad
Sabo
Schaffer
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—26

Armey
Barcia
Berkley
Biggert
Blagojevich
Blunt
Brady (PA)
Condit
Davis (IL)
Dingell
Fattah
Gutierrez
Lewis (CA)
Lipinski
Lucas (KY)
Lucas (OK)
Riley
Rush
Schakowsky
Shays
Shows
Souder
Sweeney
Traficant
Watts (OK)
Young (FL)

□ 1854

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

COMMENDING PENTAGON RENOVATION PROGRAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 368, 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 21, as follows:

[Roll No. 66]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
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
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
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
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
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
Oxley
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
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
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
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
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
Wynn
Young (AK)

NOT VOTING—21

Armey
Barcia
Biggert
Blagojevich
Brady (PA)
Condit
Davis (IL)
Dingell
Gutierrez
Herger
Lewis (CA)
Lipinski
Lucas (OK)
Riley
Rush
Schakowsky
Shays
Shows
Sweeney
Traficant
Young (FL)

□ 1905

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING AMENDMENTS ACT OF 2002

The SPEAKER pro tempore (Mr. FOLEY). The pending business is the question of suspending the rules and passing the bill, H.R. 2509, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 2509, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 11, not voting 20, as follows:

[Roll No. 67]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
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
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
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)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
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
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
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
Wynn
Young (AK)

NAYS—11

Flake
Goode
Goodlatte
Kingston
Manzullo
Miller, Jeff
Ose
Paul
Rohrabacher
Schaffer
Tancredo

NOT VOTING—20

Armey
Baird
Barcia
Biggert
Blagojevich
Brady (PA)
Condit
Davis (IL)
Dingell
Gutierrez
Lewis (CA)
Lipinski
Riley
Rush
Schakowsky
Shays
Shows
Sweeney
Traficant
Young (FL)

□ 1915

Mr. KINGSTON and Mr. MANZULLO changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''To authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.''.

A motion to reconsider was laid on the table.

JAMES R. BROWNING UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 2804.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 2804, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 1, not voting 30, as follows:

[Roll No. 68]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
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
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
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
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
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
Oxley
Pallone
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
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
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
Wamp
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
Wynn
Young (AK)

NAYS—1

Miller, Gary

NOT VOTING—30

Armey
Baird
Barcia
Biggert
Blagojevich
Bonilla
Brady (PA)
Clayton
Condit
Cummings
Davis (FL)
Davis (IL)
Dingell
Gutierrez
Lewis (CA)
Linder
Lipinski
Pascrell
Riley
Roukema
Rush
Schakowsky
Shays
Shows
Smith (TX)
Solis
Sweeney
Traficant
Velazquez
Young (FL)

□ 1926

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 371) expressing the sense of the House of Representatives regarding Women's History Month.

The Clerk read as follows:

H. RES. 371

Whereas Women's History Month provides our country the privilege of honoring the

countless contributions that American women have made throughout our history;

Whereas these contributions have enriched our culture, strengthened our Nation, and furthered the Founders' vision for a free and just Republic that provides opportunity and safety at home and is an influence for peace around the world;

Whereas since its beginnings, our land has been blessed by noteworthy women who played defining roles in shaping our Nation. Sakajawea was a Native American woman who befriended the explorers, Meriwether Lewis and William Clark, 150 years ago as they crossed the great Northwest. She helped Lewis and Clark's expedition complete the first successful overland transcontinental journey. Lucretia Mott courageously wrote and spoke against slavery and the lack of equal rights for women, helping America recognize the inherent wrong in the institutional subjugation of others and the need to strive for equality, freedom, and justice for all. Elizabeth Blackwell was the first woman in America awarded a medical degree, and she dedicated her pioneering efforts as a physician to helping others;

Whereas Helen Keller overcame debilitating physical disabilities, showing us the power of a determined human spirit. Clara Barton developed a vision for helping others through her service to the wounded during the Civil War. She realized that vision by founding the American Red Cross after the war, an organization that has since become renowned for its effectiveness in helping those who suffer or are in need;

Whereas recently, the Red Cross reached out to aid Afghan women traumatized by the repressive rule of the intolerant Taliban regime, which for years had mercilessly oppressed Afghanistan and Afghan women in particular;

Whereas today, thousands of United States women are furthering the cause of freedom through service in government, the military, and other organizations, as we seek to defeat terrorism and bring justice to those responsible for the September 11 attacks;

Whereas the history of American women is an expansive story of outstanding individuals who sacrificed much and worked hard in pursuit of a better world, where peace, dignity, and opportunity can reign;

Whereas the spirit of loving determination that shaped these pursuits continues to serve as an example to those who seek to better our Nation;

Whereas American women of strength, vision, and character have long influenced our country by contributing their time, efforts, and wisdom in vastly diverse ways to improve and enhance our government and communities, our schools and religious institutions, our businesses and the military, and the arts and sciences; and

Whereas women also have fundamentally shaped our civilization in the care and nurturing of families.

Whereas today, women in the United States are furthering the Founders' vision by working to advance freedom, increase equality, and administer justice in every corner of our land, through their everyday work in schoolrooms, boardrooms, courtrooms, homes, and communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the many contributions American women have made to help make our Nation free, strong, and a force for peace and justice around the world,

(2) encourages every American to learn more about these important contributions and to celebrate their noble legacies as we work to build a brighter future for our Nation and for all of the world's people, and

(3) calls upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 371.

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

There was no objection.

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

Mr. Speaker, House Resolution 371, introduced by our distinguished colleague, the gentlewoman from West Virginia (Mrs. CAPITO), acknowledges the importance of Women's History Month. I commend her for bringing this resolution to the floor.

Women's History Month, the month of March, recognizes the many contributions American women have made to make our Nation free, strong, and a force for peace and justice around the world.

Women's History Month also encourages every American to learn more about these important contributions, and to celebrate the noble legacies of women as we work to build a brighter future for our Nation and for all the world's people.

Furthermore, Women's History Month calls upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities. Women's History Month provides our country the privilege of honoring the countless contributions that American women have made throughout our history. Women have enriched our culture and strengthened our Nation. Women have furthered the Founders' vision for a free and just republic that provides opportunity and safety at home and is promoting peace around the globe.

Mr. Speaker, there are countless examples of women who have contributed to our society. It would take us all evening to go through that litany.

To give just a flavor or a touch of some important examples set by women, we need look no further than Helen Keller, who overcame debilitating physical illness; Elizabeth Blackwell, the first woman in America awarded a medical degree; Clara Barton, who developed a vision for helping others through her service to the wounded during the Civil War. She later founded the American Red Cross, an organization that has since become renowned for its effectiveness in helping those in suffering or in need.

There was Sacajawea, a Native American woman who guided the famous Lewis and Clark expedition.

Indeed, Mr. Speaker, thousands of women across our Nation are furthering the cause of freedom and opportunity. They serve in government, the military, and other organizations. They serve in Congress.

Women are playing an important role as we seek to defeat terrorism and bring justice to those responsible for the September 11 attacks. The best example is President Bush's distinguished national security adviser, Condoleezza Rice.

Women of strength, vision, and character have long influenced our country with their time, efforts, and wisdom in vastly diverse ways to improve and enhance worthwhile causes in their individual communities.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I ask unanimous consent that the distinguished gentlewoman from West Virginia (Mrs. CAPITO) be permitted to control the remainder of my time.

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

There was no objection.

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

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join with my colleagues in expressing our very enthusiastic support of this resolution, which seeks to recognize Women's History Month.

One would think that we would not need to have a special resolution or a special designation of a month in order to raise the consciousness and appreciation of the people all across the country on the many contributions that women have made in all fields of human endeavor, whether it be sciences or in exploration or in politics or in all manner of social services.

□ 1930

But the fact remains that we do have this month, and it is very important that the Congress pay special note of this month and its designation in order to call upon all institutions, all entities, all organizations and people, schools in particular, that this month has special significance for the women all across this country.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the cochair of the Women's Caucus in support of this resolution.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank my dear friend and colleague, and a woman who has established herself as a leader in this country. I would really like to speak about my very own Congresswoman, the gentlewoman from Hawaii (Mrs. MINK), the first Asian American ever to be elected to this body, and what a leader she has become and she is.

The gentlewoman from Hawaii (Mrs. MINK) was instrumental in passing

Title 9 in this Chamber to enable our young girls to see opportunities that they had not seen before in the fields of sports and other areas of education. We have such a leader as the gentlewoman from Hawaii (Mrs. MINK) with us today, who is helping to groom the younger Members who are coming in and helping them to learn the process of this august body.

As we recognize Women's History Month, it is the leaders such as the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from Maryland (Mrs. MORELLA) and others who have distinguished themselves in this body.

Mr. Speaker, I last evening spoke to a group of women veterans in celebration of this particular week dedicated to women veterans. We find that women have increased in our armed services from about 7 percent to 14 percent. They are now not only just the nurses in our armed forces, but they serve now and are really flying fighter planes in Afghanistan and other parts of the world, as we know, and see hot spots throughout the world. Certainly women have positioned themselves on the front lines of these very hot spots.

Women have positioned themselves in high tech, in viewing tomorrow's era, in viewing tomorrow's world, where young women will become scientists and biologists. And so today I am happy to recognize Women's History Month and to advance the leadership of women throughout the globe and to even put a spotlight on the women of this House, those who have been leaders for all of us.

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

Mr. Speaker, today I stand here in support of Women's History Month and Resolution 371. Before 1970, women's history was rarely the subject of serious study. Since then, however, this field has undergone a metamorphosis. Today, almost every college offers women's history courses and most major graduate programs offer doctoral degrees in the field.

It is no secret that the representation of women and men in government is not equal, but it is also worth noting that this Congress has the most females ever serving in the history of the United States. The strides women have made into public service, holding leadership positions on all levels of government, is something we should recognize and celebrate.

I would like to take a moment and recognize some remarkable women from West Virginia: Phyllis Curtain, a remarkable opera star; Pearl S. Buck, a fantastic author; Mattie Lee, a woman who created a home for women, where they could live and work early in the 1920s and 1930s in our country; Karen LaRoe, President of the West Virginia University Institute of Technology; Bertie Cohen, a community volunteer; and Henrietta Marquis, a physician in Charleston, West Virginia, who recently passed away, who practiced into her 90s. These women, all West Virginians, all different, were pioneers of their time.

We know that democracy needs all genders, races, religions and ethnicities to participate in order to provide proper representation. As a mother and a wife, I think I bring a different perspective to the debate over issues than a husband or father would. Neither one is more right than the other, just different. The plurality of these different people working together as one government can better serve West Virginia and the rest of America.

I stand here today to celebrate all of the bold actions and wonderful achievements of the women who have gone before me. I ask my colleagues to stand up as we celebrate Women's History Month and work to broaden our perceptions to include all of those who normally could be excluded, especially in giving our sisters and daughters an opportunity to serve their communities, their States and their country.

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

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we ask this House to recognize Women's History Month, I think it is important to know how this whole project began.

In 1970 women's history was a very fledgling idea. It was started by the Education Task Force of Sonoma County, California. A Commission on the Status of Women was initiated and they put together a Women's History Week for that county. Our colleague, the gentlewoman from California (Ms. WOOLSEY), told me early on of her participation in establishing and recognizing this week. There were many projects that people participated in.

Finally, in 1979, the director of the Sonoma County Commission established a Women's History Institute, and from there it grew and grew until March of 1980 when President Jimmy Carter issued a Presidential message to the American people encouraging the recognition and celebration of women's history all throughout America. And so, from that point of March 1980, the recognition of women's history week at that time was part of the national agenda.

The Senators on the other side cosponsored a joint resolution and in March 8, 1981, the first national Women's History Week was established. This has provided for the establishment of many clearinghouses. All across the country, schools have also adopted it as a project, and women within local communities have been recognized for the outstanding work that they have performed not only for their community but for the State.

In 1987, at the request of national women's organizations, museums, libraries and other leaders in this country, the national Women's History Project was formed, and Congress was petitioned to expand the national celebration to an entire month. So, since 1987, this has been a great event for women to celebrate.

So I am very pleased on behalf of our colleagues to join in this request to have the House unanimously endorse the designation of March as National Women's History Month for the year 2002.

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

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

Mr. Speaker, I would like to thank my colleague from Hawaii (Mrs. MINK) for her wonderful statement and also for the pioneering ways that you did that allowed me to come and be elected this very first time to my first term in Congress. I thank the gentlewoman for her contributions, and I thank her in joining me in celebrating March as Women's History Month.

I urge all of the Members to support this resolution and to reflect upon our democracy. This special month creates an opportunity for all of us to remember the women who have played a critical role in the life of our great country.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 371.

The question was taken.

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

Mrs. CAPITO. 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 until tomorrow.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

GENERAL LEAVE

Mr. BILIRAKIS. 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 my special order today.

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

There was no objection.

GREEK INDEPENDENCE DAY

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

Mr. BILIRAKIS. Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nations of Greece and the United States.

One hundred eighty-one years ago the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles of human dignity were first espoused. They rebelled against more than 400 years of Turkish oppression.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day, Mr. Speaker, each year for the same reasons we celebrate our Fourth of July. It proved that a united people, as is taking place today, a united people, through sheer will and perseverance can prevail against tyranny.

The lessons the Greeks and our colonial forefathers taught us provide strength to victims of persecution throughout the world today. Men such as Aristotle, Socrates, Plato, and Euripides developed a then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said, ''We make war that we may live in peace.''

On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit in the struggle against oppression.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth president, expressed his belief in freedom for Greece saying, ''We must send our free-will offering. The Star Spangled Banner must wave in the Aegean . . . a messenger of fraternity and friendship to Greece.''

It should not surprise us that the Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness.''

□ 1945

Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty and committed to the ideal that each citizen deserves the right of self-determination.

We must always remember that the freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past, in Greece, in America, and all over the world.

Clearly apparent in the aftermath of the September 11 attacks, freedom comes with a price. Thousands have sacrificed their lives to protect that freedom. Today, American military personnel are tracking terrorism at its many sources. It is another reminder that freedom must be constantly guarded. In the words of President Bush in his recent State of the Union address: ''It is both our responsibility and our privilege to fight freedom's fight.''

Madam Speaker, on this 181st birthday of Greek independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirms our common democratic heritage. This occasion also serves to remind us that we must never, never take for granted the right to determine our own fate.

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They rebelled against more than four hundred years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our Fourth of July. It proved that a united people, through sheer will and perseverance, can prevail against tyranny. The lessons the Greeks and our colonial forefathers taught us provide strength to victims of persecution throughout the world today.

Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: ''We make war that we may live in peace.'' On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit. It was Thomas Jefferson who said that, ''One man with courage is a majority.'' Quoting Jefferson on the anniversary of Greek independence is particularly appropriate. Jefferson, and the rest of the Founding Fathers, looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. And in 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

The history of Greek Independence like that of the American Revolution, is filled with many stories of courage and heroism. There are many parallels between the American and Greek Revolutions.

Encouraged by the American Revolution, the Greeks began their rebellion after four centuries of Turkish oppression, facing what appeared to be insurmountable odds. Both nations faced the prospect of having to defeat an empire to obtain liberty. And if Samuel Adams, the American revolutionary leader who lighted the first spark of rebellion by leading the Boston Tea Party, had a Greek counterpart, that man would be Alexander Ypsilantis.

Ypsilantis was born in Istanbul, and his family was later exiled to Russia. Ypsilantis served in the Russian army, and it was there, during his military service, that he became involved with a secret society called the ''Philike Hetairia,'' which translated means ''friendly society.'' The ''friendly society'' was made up of merchants and other Greek leaders, but the intent of the society was to seek freedom for Greece and her people.

The group planned a secret uprising for 1821 to be led by Ypsilantis. He and 4,500 volunteers assembled near the Russian border to launch an insurrection against the Turks. The Turkish army massacred the ill-prepared Greek volunteers, and Ypsilantis was caught and placed in prison, where he subsequently died. However, the first bells of liberty had been rung, and Greek independence would not be stopped.

When news of Greek uprisings spread, the Turks killed Greek clergymen, clerics, and laity in a frightening display of force. In a vicious act of vengeance, the Turks invaded the island of Chios and slaughtered 25,000 of the local residents. The invaders enslaved half the island's population of 100,000.

Although many lives were sacrified at the altar of freedom, the Greek people rallied around the battle cry ''Eleftheria I Thanatos''—liberty or death, mirroring the words of American Patriot Patrick Henry who said: ''Give me liberty or give me death.'' These words embodied the Greek patriots' unmitigated desire to be free.

Another heroic Greek whom many believe was the most important figure in the revolution was Theodoros Kolokotronis. He was the leader of the Klephts, a group of rebellious and resilient Greeks who refused to submit to Turkish subjugation. Kolokotronis used military strategy he learned while in the service of the English Army to organize a force of over 7,000 men. The Klephts swooped on the Turks from their mountain strongholds, battering their oppressors into submission.

One battle in particular, where Kolokotronis led his vastly outnumbered forces against the Turks, stands out. The Turks had invaded the Peloponnese with 30,000 men. Kolokotronis led his force, which was outnumbered by a ratio of 4 to 1, against the Turkish army. A fierce battle ensued and many lives were lost, but after a few weeks, the Turks were forced to retreat. Kolokotronis is a revered Greek leader, because he embodied the hopes and dreams of the common man, while displaying extraordinary courage and moral fiber in the face of overwhelming odds.

Athanasios Diakos was another legendary hero, a priest, a patriot, and a soldier. He led 500 of his men in a noble stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was severely tortured before his death. He is the image of a Greek who gave all for love of faith and homeland.

While individual acts of bravery and leadership are often noted, the Greek Revolution

was remarkable for the bravery and fortitude displayed by the typical Greek citizen. This heroic ideal of sacrifice and service is best demonstrated through the story of the Suliotes, villagers who took refuge from Turkish authorities in the mountains of Epiros. The fiercely patriotic Suliotes bravely fought the Turks in several battles. News of their victories spread throughout the region and encouraged other villages to revolt. The Turkish Army acted swiftly and with overwhelming force to quell the Suliote uprising.

The Suliote women were alone as their husbands battled the Turks at the front. When they learned that Turkish troops were fast approaching their village, they began to dance the ''Syrtos,'' a patriotic Greek dance. One by one, rather than face torture or enslavement at the hands of the Turks, they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender their freedom.

The sacrifice of the Suliotes was repeated in the Arkadi Monastery of Crete. Hundreds of non-combatants, mainly the families of the Cretan freedom fighters, had taken refuge in the Monastery to escape Turkish reprisals. The Turkish army was informed that the Monastery was used by the Cretan freedom fighters as an arsenal for their war material, and they set out to seize it. As the Turkish troops were closing in, the priest gathered all the refugees in the cellar around him. With their consent, he set fire to the gunpowder kegs stored there, killing all but a few. The ruins of the Arkadi Monastery, like the ruins of our Alamo, still stand as a monument to liberty.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth President, expressed his belief in freedom for Greece, saying: ''We must send our free will offering. 'The Star-spangled Banner' must wave in the Aegean . . . a messenger of fraternity and friendship to Greece.''

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence. Among the most vocal was Daniel Webster from Massachusetts, who frequently roused the sympathetic interest of his colleagues and other Americans in the Greek revolution.

It should not surprise us that the Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, ''To the ancient Greeks . . . we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness.'' Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty, and committed to the ideal that each individual deserves the right of self-determination.

We all know that the price of liberty can be very high—history is replete with the names of the millions who have sacrificed for it. Socrates, Plato, Pericles, and many other great scholars throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past—in Greece, in America, and all over the world.

Clearly apparent in the aftermath of the September 11th attacks, freedom comes with a price. Thousands have sacrificed their lives to protect our freedom. Today, American military personnel are tracking terrorism at its many sources. It is another reminder that freedom must be constantly guarded. In the words of President Bush in his recent State of the Union address, ''it is both our responsibility and our privilege to fight freedom's fight.''

Mr. Speaker, on this 181st birthday of Greek Independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirms our common democratic heritage. This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, I rise also today with my colleague, the gentleman from Florida (Mr. BILIRAKIS), the co-chair of the Hellenic Caucus, which I chair with him, to recognize the Hellenic Americans and their heritage and their tremendous contribution to our country and really to the world.

The ancient state of Greece inspired our country in so many ways, from the architecture, the design of the very building in which we are residing right now, to the design of our government; and today we pay tribute to Greece's declaration of independence from the Ottoman Empire on March 25. In 2002 it will be the 181st anniversary.

History tells us that in 1821 Greece rose up in a bloody revolt against the repressive might of the Ottoman Empire. Determined to end 400 years of slavery or die in the attempt, Greek patriots began their unyielding struggle for liberty and independence.

The legend says that on March 21, 1821, Bishop Germanos of Patras hoisted the Greek flag at the monastery of Agia Lavra in the Peloponnese in an act of defiance that marked the beginning of the war of independence.

At a time when we in the United States are fighting to preserve our democracy from terrorists, I find a great deal of significance in our firemen raising the American flag at the World Trade Center after the attack on September 11. That act symbolized our war for democracy and freedom, as did the flag at Agia Lavra many years ago.

To honor Greek Independence Day and honor the victims and heroes of September 11, the Federation of Hellenic Societies of New York is sponsoring the annual Greek Independence Day Parade for New York City. As many of my colleagues know, New York City is the home of the largest Hellenic population outside of Greece and Cyprus.

I would now like to place in the RECORD the members of the board of directors, the officers, all of whom are organizing this important tribute.

The members of the Board of Directors are: Bill Stathakos, President; Demos Siokis, 1st Vice President; Peter Michaleas, 2nd Vice President; Demetrius Kalamaras, 3rd Vice President; Demetrios Demetriou, General Secretary; Demetrios Katchulis, 1st Ass't. Secretary; Chris Orfanakos, 2nd Ass't Secretary; Elias Tsekerides, Treasurer; George Kalivas Ass't Treasurer; Ekaterine Livanis, Public Relations.

Andreas Savva; Antonios Fokas; Avgitides Anastasios; Christos Gousis; Demosthenes Triantaffylou; Ektor Polykandriotis; Eleftherios Avramidis; Jhon Zapantis; Maria Kalas; Paul Hatzikyriakos; Stelios Manis; Legal Advisors; Gregory Sioris and Attorney at Law, Katerine Nikiforou, Esquire.

This year, the board has elected the grand marshals for the parade. They will be from both sides of the ocean, representing the strong bond and friendship between Greece and the United States. From the U.S. Alax Spanos and Denise Mehiel; and from Greece, Apostolos Kakkomanis and Dora Kakoyiani. Ms. Kakoyiani was a victim of a terrorist who assassinated her husband. These outstanding individuals will lead the parade to symbolize that no terrorist can extinguish the light of democracy and freedom.

As the representative of the 14th Congressional District, where a large number of my constituents are of Hellenic descent, I have often had the opportunity to speak with them about the victims and heroes of 1821. Today, we speak also about the heroes and victims of 2001.

The Hellenic community, as every community in New York and worldwide, was hit heavily by the travesty of September 11. Those of Hellenic decent that were lost that day were: Ioanna Ahladiotis; Anastasios-Ernestos Alikakos; Katerina Bandis; Peter Brennan, a firefighter; John Catsimatides; Thomas A. Damaskinos; Anthony Demas; Gus Economou; Michael Eleferis, also a firefighter; Anna Fosteris; Kenneth Grouzalis; Steve Hagis; Bill Haramis; Nick John; Steve Kokinos; Danielle Kousoulis; James Maounis; George Merkouris; Peter-Constantios Moutos; James Papageorge; George Paris; Theodoros Pigis; Daphni Pouletsos; Richard Poulos; Tony Savvas; Muriel Siskopoulos; Timothy P. Soulas; Andreas Stergiiopoulos; Michael Tarrou; Michael Theodoridis; William Tselepis; Jennifer Tzemis; Steve Zannettos; Gus Zavvos; Steve Savvas, from the New York Police Department; and Prokopios Paul Zios. These victims are the patriots. They gave their lives on that terrible attack against our country and our democracy.

The members of the fire department, police department, port authority and

military will continue to lead this war and to protect us on the homeland and abroad.

On this day of independence and strong bond with Greece, the Hellenic and Philhellenic community remember that the future has much to offer: the Olympics in Greece and New York; the efforts of the Hellenic Caucus to seek a peaceful understanding with Turkey on the issues of the Greek Islands and Cyprus occupation.

On this day of Greek independence, let us remember the words of Plato: ''Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike.''

I ask the Members of the Congress to rise with me and pay tribute to the heroes of 1821 and 2001. We will not forget you.

Zeto E Eleftheria. Se Ollo to Kosmo.

Mr. GILLMAN. Madam Speaker, I am pleased to rise in support of the celebration of Greek independence, and I thank our colleagues, the gentleman from Florida, Mr. BILIRAKIS and the gentlelady from New York, Mrs. MALONEY, who have once again shown great leadership in their efforts to organize this special order for Greek Independence Day.

Since the people of Greece declared their independence on March 25, 1821, the people of the United States and Greece have enjoyed close relations, and generations of Greek immigrants have helped to strengthen and enrich the relations between our two nations. However, our mutual devotion to democratic ideals is rooted deep in history. Some 2,500 years ago, ancient Greek city-states helped to plant the seeds of democratic thought among men. The admiration that our Founding Fathers had for those very ideals are evident in our own Constitution, and in the letters our Founding Fathers exchanged with one another in charting the course for American democracy.

Since the rebirth of a democratic Greece in 1974, a vibrant Greek democracy serves once again as an inspiration to its neighbors and the world. Our two Nations continue to stand together as friends and allies in a region of the world beset by strife and hardship.

Accordingly, I wish to thank the people of Greece for their continued friendship, and I invite my colleagues to join me in honoring the Nation of Greece on the 181st anniversary of its independence.

Mr. VISCLOSKY. Madam Speaker, I join my colleagues today to recognize the 181st anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout Northwest Indian.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tends of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of ''The Federalist Papers'' reveals the significant role the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed the Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took 11 years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, the United States' relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece has also been a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Madam Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 178 years ago. I look forward to many more years of cooperation and friendship between our two nations.

Ms. PELOSI. Madam Speaker, I rise today to commemorate the 181st anniversary of Greek Independence Day, and I thank my colleagues, Mr. BILIRAKIS, and Mrs. MALONEY, for their leadership on Greek-American issues and for organizing today's tribute.

Greece has long held a special place in the hearts and minds of Americans. From the architecture of this building to the design of our government, we are indebted to the best ideas of the Greeks. They brought us a rational explanation for the universe, provided the basis for Western medical science, and laid the foundation of Western philosophy on which our country is built. As Thomas Jefferson acknowledged, ''to the ancient Greeks, we are indebted for the light which led ourselves out of Gothic darkness.''

As the ancient state was an inspiration to the United States, the modern state of Greece is a trusted friend. From the first World War to the current struggle against terrorism, Greece and the United States have fought side by side for the principles of liberty and self-determination the ancient Greeks set forth so eloquently. A valued member of NATO, Greece today is a thriving democracy that Aristotle would recognize and of which he would be proud.

But it almost wasn't this way. For nearly 400 years, the land that gave the world democracy lived under tyranny. Between 1453 and 1821, as part of the Ottoman Empire, the Greek people lived without freedom of religion, access to education, or representative government. Surrounded by the ruins of their noble heritage, however, they never lost their identity as a free people. On March 25, 1821, drawing inspiration from our own struggle for independence, the revolution against the oppressive Ottoman rule began. The revolution succeeded, and a free, democratic nation was reborn.

Here in the United States we are blessed by the presence of many Greek-Americans. In San Francisco, the Greek-American community is a vibrant part of our wonderful diversity. From the daily contributions of thousands of hardworking citizens to the leadership of former Mayors George Christopher and Art Agnos, Greek-Americans have enriched San Francisco and our nation.

After enjoying the recent Winter Olympics in Salt Lake City, the world now turns its attention to the 2004 summer games to be held in Athens, Greece. The 108th anniversary of the modern Olympics will be held where the games were born some 3,000 years ago. The innovations of ancient Greece continue to light our world, and modern Greece, our friend and ally, continues to uphold its legacy.

It is my honor, as a member of the Congressional Caucus on Hellenic Issues, to join my colleagues in celebrating Greek Independence Day.

Mr. MCGOVERN. Madam Speaker, I am proud to be able to participate in honoring 181 years of Greek Freedom and Independence. I want to express my appreciation to Congressman BILIRAKIS and Congresswoman MALONEY for their leadership on Greece and Cyprus and for keeping all Members informed and educated on Hellenic issues.

While there is much to celebrate this year about Greece—its strong and growing economy, its role in the European Union, and the preparations for the 2004 Summmer Olympics—I most want to mention the clear and unwavering support that Greece has given to the international campaign against terrorism.

In his address to the U.N. General Assembly on November 13, 2001, Foreign Minister George Papandreou called for the abandonment of rivalries and a new spirit of international cooperation in a ''common fight for humanity'' against terrorism. Mr. Papandreou went on to describe a global community engaged in issues and programs that are very near and dear to my own heart, calling on nations to reach beyond their borders to alleviate disease and starvation, to oppose sex, religious and racial discrimination, to protect the environment, to include the poor in the benefits of development, and to provide equal educational opportunities.

Greece has known the scourge of terrorism and has long fought a battle against domestic and international terrorist groups. Now Greece is a full partner in the international war against terrorism. It has provided the United States the use of its airspace, air bases and naval facilities on Crete, as well as intelligence sharing and investigation of suspect bank accounts that may be linked to terrorist activities worldwide. In addition, Greece has sent several C–130 planes with food and other needed supplies for Afghan refugees, offered to send peacekeeping troops to Afghanistan, and is working with the international community in the development of post-conflict development priorities for Afghanistan.

Greece has long been a crossroads for many cultures. As such, we have much to learn from Greece about diversity, tolerance, democratic inclusion, and how to create a genuine multicultural society that honors its past and looks forward to the challenges of the future.

I am proud to be able to honor Greece on 181 years of freedom and independence.

Mr. LANTOS. Madam Speaker, as we approach Greek Independence Day, it is a great honor for me to pay tribute ton one of the United States' most important allies and one which is held in such deep affection by millions and millions of Americans.

Western civilization as we know it today owes the deepest debt and, indeed, its very origins, to the Greek nation. Greek philosophy, sculpture, and theater set standards to which today's practitioners still aspire. And, as the cradle of democracy, Athens is the spiritual ancestor of our own Republic. The history of Greek independence is one of the inspiring stories of our time. It is the tale of the revival of an ancient and great people through sheer commitment, sacrifice, and love of freedom and heritage. Transmitted through the generations, the ideals of the ancient Greeks inspired their revolutionary descendants in the nineteenth century, and great and gallant stalwarts of the War of Independence such as Theodore Kolokotronis and Rigas Velestinlis wrote of their belief in the rights of man.

The histories of the United States and Greece have been intimately intertwined ever since the beginning of modern Greek sovereignty. The cause of Greek independence evoked sympathy throughout the Western world. Well known is Lord Byron, whose uncompromising commitment to Greece was epitomized by his declaration ''In for a penny, in for a pound.'' Less renowned but no less committed were the many American Philhellenes, who repaid their debt to Greek culture by crossing the ocean to fight for Greek liberation. I am pleased that these American citizens were honored with a monument in Athens 2 years ago.

Greek citizens also crossed the ocean in the other direction, emigrating to the United States, where they enjoyed great success and shared their prosperity with their kinfolk in their original homeland. They have served as a bridge of understanding between our two nations, and they have refreshed America with their spirit, their patriotism, and their hard work. Today, some five million Americans claim Greek ancestry, with understandable pride.

Greece is one of less than a handful of nations which has stood shoulder-to-shoulder with the United States in every major war of the 20th century. Our close relations became even closer after World War II. The Truman Doctrine helped save Greece from communism, indeed helped save it for the Western world, and the Marshall plan helped in its economic regeneration. In 1952, Greece joined NATO, formalizing the deep, mutual commitment of Greece and the rest of the Western world to protecting freedom.

In more recent times, Greece has been one of the world's amazing success stories. A full-fledged member of the European Union for two decades, Greece has become increasingly prosperous; it has whipped chronic inflation and qualified to join the ''Euro currency zone.'' Its once unsettled domestic politics has long since given way to an incontestably stable, yet colorful, democracy.

Greece remains our critical strategic partner in today's post-cold war world. We cooperate closely in promoting peace and stability in the Balkans. Economic ties with Greece are vital to virtually every Balkan state. Athens has been a firm supporter of inter-communal talks in Cyprus, and it remains committed to a just, lasting, and democratic settlement of the Cyprus issue. And I'm sure everybody in this body applauds Greece's historic and courageous effort to resolve differences with its neighbor Turkey.

Madam Speaker, I congratulate the Greek people on the 181st anniversary of their independence and I join my colleagues in thanking them for their vast contributions to world civilization and especially to our Nation.

Ms. ROS-LEHTINEN. Madam Speaker, it is an honor today to join my colleagues, Representatives BILIRAKIS and MALONEY in celebrating Greek Independence Day.

Much like the ruins of ancient Greece, the traditions and thoughts this society brought to the world are still standing. On this day which marks Greece's Independence, we celebrate the spirit of liberty and self-determination as manifested in 1821 when Greece began a 7 year struggle against the Ottoman empire, which led to the restoration of democracy to the land of Aristotle and Plato.

Madam Speaker, as the first Olympic flame ignited in ancient Greece spread the spirit of sportsmanship and friendship around the world for centuries to come, Greece gave the world the tool with which to create a more just and peaceful society that continues to spread across the globe today—democracy. Hence, as the Olympic flame makes its way back to Athens in 2004, we celebrate today, that 181 years ago, democracy was returned to its birthplace continuing to make Greece a pillar of liberty and civility for the world to look onto.

The tenants of rule of law, due process, and civil liberties were philosophical notions in ancient society, which the modern world took, developed and solidified in legal customs and traditions creating a safer world for the oppressed. Artistotle spoke of democracy and said, ''If liberty and equality are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.'' It is this legacy of democracy which our forefathers emulated for our young republic in its founding days.

It is not surprising to see an ever stronger partnership between the United States and Greece in forging a commitment to democracy and respect for every individual's inherent right to freedom around the world. Greece was a strong ally of this country during World War II and is a continual friend in NATO. Today, as the world once again joins together to fight terror and oppression, the country of Greece has made valuable contributions in terms of personnel and technical support for his global effort.

Greece's commitment to peace and stability in the Aegean region can be further noted through the continual leadership it has displayed in helping shepherd along the current talks taking place in Cyprus.

Madam Speaker, the democratic heritage shared by the United States and Greece make them formidable allies in the defense of democracy around the world. It is with great joy that I stand here today and join the Greek Community in celebrating their Day of Independence.

Mr. COYNE. Madam Speaker, I rise today to join in this special order commemorating Greek Independence Day.

At the time of the American Revolution, most of Greece was part of the Ottoman Empire. At that time, Greece had been under Ottoman rule for 400 years. Some Greeks held positions in the Ottoman government, and Greek merchants throughout the empire were active and successful, but the Greek people were unwilling subjects of the Ottomans. Greek Orthodox Christians were a religious minority within the empire, and were subject to discrimination on that basis. Moreover, the Ottoman Empire had begun the long, slow period of decline that would end in its disintegration in the wake of World War I. The Ottoman government was becoming increasingly characterized by corruption and violent oppression.

In the late 1700s and early 1800s, the Greek people developed a national identity. Many Greeks began to come into greater contact with Western Europeans, and through these contacts they gained exposure to the ideas of liberty and self-government that had been developed in ancient Greece and revived in modern times by the French and American revolutions. The development of a vision of an independent Greek nation at that time was due in no small part to the interaction of these radical ideas with the increasing depredations of the Ottoman government.

In March of 1821, Greek patriots rebelled against the Ottomans. The rebellion lasted for eight tumultuous years, but the Greek people persevered in their uphill struggle.

The Greeks' heroic struggle inspired support from people in Western Europe and the United States. Many people in these countries developed an interest in Greek culture, architecture, and history. Europeans and Americans identified with the Greek people because of the ancient Greece's legacy as the cradle of democracy. A number of private citizens like Lord Byron were so inspired by the Greeks' fight for freedom that they actually traveled to Greece and risked their lives to support this revolution. Many of the people of Europe pressured their governments to intervene on the side of the Greeks, and as a result, in 1826 Great Britain and Russia agreed to work to secure Greek independence. France allied itself with these states the following year. Foreign assistance helped turn the tide, and in 1829 the Ottoman Empire signed a treaty recognizing Greece as an autonomous state.

Madam Speaker, it is important that we recognize the courage and heroism of these early Greek patriots, who fought and died for the same principles of freedom that inspired our forefathers to rebel against Great Britain. I am pleased to join our country's many Greek-American citizens in observing this very special day.

Mr. SWEENEY. Madam Speaker, I rise in support of celebrating March 25, 2002, as Greek Independence Day. The ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people. The Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy.

Greece is one of only three nations in the world, beyond the former British Empire, that

has been allied with the United States in every major international conflict in the twentieth century. Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II.

Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights. Those and other ideals have forged a close bond between our two nations and their peoples.

March 25, 2001, marks the 180th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our two great nations were born.

Mr. HOLT. Madam Speaker, today I rise to honor the Greek people and their successful struggle for independence from Ottoman occupation that began nearly 181 years ago. Greek Independence Day has special symbolic resonance for Americans. Our forefathers founded our democratic system of government on the principles of popular representation introduced to this world by the ancient Athenians.

Our word democracy is, in fact, of Greek derivation and literally translates as people (''demo'') rule (''kratos''). The ancient Greek experiment with democracy, however, was a visionary aberration that was centuries ahead of its time. Democracy did not last long in Ancient Greece as the fist of empires—Romans, Byzantine, and Ottoman—silenced democratic yearnings for nearly two millennia.

Although democracy temporarily disappeared, the Greeks continued to thrive and prosper. As the Roman Empire expanded in the early centuries after the birth of Christ, the Greek peoples dominated the eastern half of the Roman Empire, known as Byzantium, and it was in the Greek city of Constantinople where the Roman emperor Constantine converted himself and the entire Roman Empire to Christianty.

Upon the fall of Rome in 476 AD, the Greek-led Byzantine Empire emerged as a potent force in the world and the protectorate of Christian Orthodoxy. The Greeks remained strong and independent until the Central Asian Ottomans crushed the Byzantine armies and conquered the spiritual capital of the Byzantine world at Constantinople in 1453.

The victory of the Ottomans cast the Greek speaking peoples into more than 400 years of occupation. But even while under the yoke of Ottoman rule, the Greeks were an impressive force. As successful and educated merchants, they dominated the Ottoman middle class and were the backbone of the Ottoman economy.

Still, the Greeks were not meant to be subject peoples and they began to oppose the imperial policies of the Ottoman government. Greeks, many of whom were educated in the universities of the West, began to adopt revolutionary ideas from France, Great Britain, and the United States. The concept of the nation-state, self-determination, and liberal democracy found their ways into the Greek villages and cities from Athens to Constantinople.

On March 25, 1821, Greek patriots from the southern tip of the Peloponnese to the northern outskirts of Macedonia finally rebuked the yoke of the Ottomans and declared the independence of the Greek people from subjugation. At first, the Hellenic fighters met with violent failure, but their just cause ignited the imaginations of their people and of scores of Western philhellenes, such as the English poet Lord Byron, who left their homelands to fight and die with the Greeks for their liberation.

The United States was never far from the minds of the revolutionary Greeks, nor was the struggle of the Greeks unnoticed by Americans. As Greek revolutionary commander Petros Mavromichalis, one of the founders of the modern Greek state, said to the citizens of the United States in 1821, ''It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.''

By 1833, the Greeks had secured independence and with it a place in history as the first of the subjugated peoples in Europe to overthrow their Ottoman masters.

As the Greek nation developed and grew, it emerged as a stalwart ally of the United States. The Greek people fought alongside the American and Allied forces in both of the world wars of the twentieth century. The Greeks again took up arms against their Ottoman foes in the First World War and then handed the Axis powers their first defeat in World War II when the Greek army pushed back the forces of Mussolini. Soon after, however, they would suffer through a long and painful Nazi occupation.

After World War II, Greece became an instrumental member of the NATO alliance. Greece's strategic location made it a vital buffer between the Western Democratic world and Soviet Communism.

Over the last 30 years, Greece has made major strides forward for its people. In 1974, Konstantine Karamanlis finally restored democracy to Greece, bringing representative government back to its birthplace. Greece became a member of the European Community and then the powerful European Union.

Today, Greece continues to move in the right direction thanks to the enlightened leadership of Prime Minister Costas Simitis. He and Foreign Minister George Papandreou are working with their Turkish counterparts to end generations of strained relations between Turkey and Greece. Economically, Greece is prospering and recently became a member of the European Monetary Union. In 2004, Greeks will display their successes to the world when they host the Olympics, another Greek invention, in Athens.

Strategically, Greece remains important. It is a force of stability in the volatile Balkans where it continues to promote open markets and democracy. The Greek government is also united with the United States in its war on terrorism. Greece has sent a troop contingent to participate in the international force in Afghanistan and has allowed U.S. aircraft use of its airspace and its airbases.

I cannot overstate the importance of strong ties between Greece and the United States. As an American citizen who believes firmly in the principles of democracy and as a representative of thousands of Greek-Americans that live in Central New Jersey, I rise today in humble recognition of Greek Independence Day.

Mr. KNOLLENBERG. Madam Speaker, I rise today to celebrate the 181st anniversary of Greek independence. One hundred and eighty one years ago, after nearly 400 years of oppression under the Ottoman Empire, the courage and commitment to freedom of the Greek people prevailed in a revolution for independence. It is an honor today to celebrate Greek Independence Day in the House of Representatives.

Greece and the Greek people have made remarkable contributions to the United States and societies throughout the world. The achievements of Greek civilization in art, architecture, science, philosophy, mathematics, and literature have become legacies for nations across the globe. In addition, and most importantly, the Greek commitment to freedom and the birth of democracy remains an essential contribution for which we as Americans are eternally grateful.

Greek civilization has inspired the American passion for truth, justice, and the rule of law by the will of the people. The forefathers or our Nation recognized the spirit and idealism of ancient Greece when fighting for American independence and drafting our Constitution. Forty-five years after our own revolution for independence, this tradition and commitment to freedom was carried forward by the Greek people through their successful revolutionary struggle for sovereignty.

Greek Americans can take pride today in the contributions of Greek culture and in their ancestors' sacrifice. The effects of the vibrant Greek people can be witnessed throughout the United States in our government, culture, and economy, as well as in our commitment to freedom and democracy throughout the world. We, as Americans, are grateful for these gifts.

Madam Speaker, it is important for us to recognize and celebrate this day together with Greece to reaffirm our common democratic heritage. I am proud to join in this celebration and offer my congratulations to Greece and Greeks throughout the world on this very special day.

Mr. CROWLEY. Madam Speaker, it is with great pleasure that I offer my congratulations to the Hellenic Republic on the 181st anniversary of its independence from the Ottoman Empire.

Two and a half millennia ago, Greek philosophers and politicians developed the democratic ideals that inspired our Founding Fathers and became the foundation for the American political system. Greek thinkers made discoveries that for thousands of years helped advance the world's knowledge of science, medicine, mathematics, and astronomy. Greek drama and poetry became the model, in many ways, for much of Western literature. The list of Greek contributions to world culture is endless.

After freeing itself from foreign domination, including nearly 400 years under Ottoman rule and occupation by Nazi Germany, Greece is once again a fierce proponent of freedom and democracy. It is a key NATO ally, a partner in the war against terrorism, a critical contributor to stability in the Balkans, and a participant in the International Security Assistance Force that is working to bring peace and stability to Afghanistan. Greek military observers and police serve in United Nations Peacekeeping missions on the Iraq-Kuwait border, on the Ethiopia-Eritrea border, and in Bosnia, Kosovo, and the Republic of Georgia. The democratic ideals of ancient Greece continue to thrive in the Hellenic Republic today.

The 3 million Americans of Greek descent have made critical contributions to American business, culture, education, art, and politics and helped ensure the success of this great nation.

Madam Speaker, my fellow colleagues, please join in congratulating the Greek government and our fellow Americans of Greek heritage as they celebrate the 181st anniversary of Greek independence.

Mr. ROTHMAN. Madam Speaker, I rise today to pay tribute to Greek Independence Day.

In this year following the horrific terrorist attacks on our Nation, in which our democratic society has been challenged like never before, it is important that we join together and honor the ideals that embody Greek Independence Day. On this 181st anniversary of the decision by the Greek people to rise up against the Ottoman Empire and live freely, we celebrate democracy, a common bond that the United States shares with Greece.

For the thousands of Greek-Americans that I represent, Greek Independence Day celebrates the sacrifice made by their family members, friends, and fellow countrymen. The decision by the Greeks to govern themselves was a courageous action, and we honor the spirit of those who lost their lives in this quest for freedom. This spirit will be on display for all the world to see when Athens hosts the Olympic Games in 2004.

During this celebration of Greek Independence, Congress memorializes the sacrifice of a generation of Greeks so that freedom and independence could be secured for the Greek people. America is involved in a similar struggle now. As we continue our struggle based on our love of democracy, freedom, rule of law, tolerance and justice, we draw strength and inspiration from the Greek people who shed blood and tears in their struggle for independence.

Today, we honor the just cause that the Greek people fought for in 1829, and I join my colleagues in recognition of this special anniversary and the strong U.S.-Greece relationship.

Mr. ACKERMAN. Madam Speaker, I am honored to rise today to salute the nation of Greece and celebrate the 181st anniversary of Greek independence from the Ottoman Empire. This great day in Greek history commemorates the successful struggle of the Greek people for national sovereignty.

The Ancient Greeks forged the notion of democracy, something for which the United States and the rest of the world will always be thankful. Indeed, we owe Greece the inspiration for our own democratic form of government. As Thomas Jefferson pointed out, Greece is ''the light which led ourselves out of Gothic darkness''. I think it is safe to say that the Founders of both Greece and the United States would be proud of the tremendous achievements of both nations.

Throughout the past 181 years, there have been repeated challenges to the independence of Greece, yet its people have stridently fought to maintain both their democracy and their independence. The United States and its people have been proud to stand by her and provide strength, assistance and friendship to overcome those struggles. Greeks across the United States and throughout the world have much to celebrate on this great day of independence.

Today, the United States shares many common threads with Greece, including commitments to democracy, peace and human rights. Greece has sent us her sons and daughters in past generations, helping us to build our proud nation. We will not forget the fierce resistance with which Greece opposed the Axis powers in World War Two, nor their equally staunch resistance to the expansion of communism in the war's immediate aftermath. Greece has been one of our strongest allies ever since. For nearly 5 decades now Greece has been a key NATO member, helping to stabilize its area of the Mediterranean. Since Greece and the United States share many interests and many values, the celebration of the 181st Anniversary of Greek Independence gives us the opportunity to call for an even closer collaboration between both our countries.

Madam Speaker, I am pleased to have this opportunity to celebrate once again Greek culture and to toast the Greek people. It is an honor to rise and commemorate the 181st Greek Independence Day. On this day we celebrate more than just Greece's independence, we celebrate Greece as a nation and as a friend.

Mr. MCNULTY. Madam Speaker, the American people join with the people of Greece in celebrating the 181st Anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights.

Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a nation, owe a great debt to Greece. Greece is the birthplace of democracy, as we know it.

Thomas Jefferson said, ''To the ancient Greeks, we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness.''

The terrorist attacks of September 11, 2001 were an attack on democracy and freedom—not just against our people, but also against all freedom-living people everywhere in the world. The Greek people understand this.

I congratulate the people of Greece and wish them a Happy National Birthday.

Mr. WOLF. Madam Speaker, I want to congratulate the Greek people on the 181st anniversary of Greek independence from the Ottoman Empire. The thoughts and ideas emanating from the Greek Isles have had a profound influence on the world. Ancient Greece's embrace of democracy, contributions in philosophy, spirit of athletic competition, and fierce adherence to freedom have shaped America in deep and significant ways. America would not be the country it is without the remarkable influence of Greece.

Again, I congratulate the Greek people on their country's day of independence and hope for many, many years in which freedom and democracy reign throughout Greece.

Ms. HARMAN. Madam Speaker, today, as Greece celebrates its 181st anniversary of its struggle for independence, I join my colleagues in congratulating the people of Greece and Greek-Americans, many of whom I am proud to call constituents.

When we celebrate Greek Independence Day, we celebrate the fight for freedom. Ancient Greece was the world's first democracy. With modern Greece, it stands as an example to people around the world of overcoming tyranny.

Since its war of independence, Greece has been a strong ally to the United States. In turn, the U.S. has opened its heart to multitudes of Greek immigrants. The contributions of the Greek community in the United States are immeasurable.

The strong relationship between Greece and the United States is steeped in culture, history, and philosophy and remains of critical importance. Since September 11, Greece shared in our loss—21 of its citizens died at the World Trade Center—and has stepped up its efforts to combat terrorism at home and abroad. Equally important is Greece's membership in NATO, and its role in ensuring the security of Europe's southern flank.

I remain committed to strengthening U.S.-Greek ties, and to working on issues of interest to the Greek American community, including a permanent solution in Cyprus.

I thank my colleagues, Mr. BILIRAKIS, for organizing this special order to highlight the important contributions of Greece to our country.

Mr. PAYNE. Madam Speaker, I rise today, as a member of the Human Rights Subcommittee, to join in commemorating the 181st Anniversary of the revolution that freed the Greek people from the Ottoman empire.

I congratulate Greece on celebrating its 181st anniversary. The Greek people have much to be proud of.

As a senior member of the International Relations Committee, I have long been involved in, and have followed issues affecting the Greek-American community.

I am aware that Greece achieved its independence from the Ottoman Empire in 1829.

During the second half of the 19th century, and the first half of the 20th century, it gradually added neighboring islands and territories with Greek-speaking populations.

Following the defeat of communist rebels in 1949, Greece joined NATO in 1952. A military dictatorship, which in 1967 suspended many political liberties and forced the king to flee the country, lasted seven years.

Democratic elections in 1974 and a referendum created a parliamentary republic, and abolished the monarchy.

Greece joined the European Community or EC is 1981 (which became the EU in 1992).

I originally introduced a bill in March 2000, calling for the return of the Parthenon Marbles to their rightful home in Greece.

I am re-introducing that same bill tonight.

Madam Speaker, I strongly urge my colleagues to join me in congratulating the Greek people in their celebration of democracy. Once again, congratulations on your 181st anniversary celebration!

Mr. KIRK. Madam Speaker, I rise today to commemorate the 181st anniversary of the revolution that earned the independence of the Greek people from the Ottoman Empire. Nearly 400 years ago, after the fall of Constantinople, Bishop Germanos of Patras raised the Greek flag at Agia Lavras, sparking a powerful revolution against the Ottoman oppressors.

Following the triumphs of 1821, Greece continued to prove itself as a loyal ally of the United States and an internationally recognized advocate of democracy. Greece is one of only three nations in the world beyond those of the former British Empire to be allied

with the United States in every major international conflict of the 20th century. In the Balkans, Greece has played a steady hand of democracy in the face of regional unrest and instability.

Now, in the wake of September 11, Greece again stands firm with the United States. Our efforts in the war against terror would not be as successful without the continued assistance from our allies in Greece. Greece's role as a stable democracy and key NATO ally is critical as the international community fights against global terrorism.

On this special occasion, I commend and thank the Greek people for their spirit and their ongoing pursuit of peace. To Greece, a free and democratic ally: ''Cronia polla hellas''.

Mr. PALLONE. Madam Speaker, on March 25th, Greece celebrates its 181st year of independence. I am here tonight to praise a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values. There are many of us in Congress, on both sides of the spectrum, who are staunchly committed to preserving and strengthening the ties between Greek and American people. I would particularly like to thank the co-chairs of the Hellenic Caucus, Congressman BILIRAKIS from Florida, and Congresswoman MALONEY from New York for their fine leadership and their tireless efforts to strengthen the ties between our two countries.

Just two years after the Greek people began the revolution that would lead to their freedom, one of our predecessors in this Chamber, Massachusetts Congressman Daniel Webster, referring to the 400 years during which the Greeks were ruled by the Ottoman Empire, observed, ''These Greek people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious and unparalleled Tartarian barbarism that ever opposed the human race.''

The words Congressman Webster chose then to describe the Greek people—intelligence, ingenuity, refinement, spirit, and enterprise—are as apt today as they have ever been.

In the years since, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights, and close personal friendship.

The qualities exhibited by the nation of Greece, Madam Speaker, are a reflection of the strong character and values of its individual citizens. The United States has been greatly enriched as many sons and daughters of Greece made a new life in America. They, and their children and grandchildren, have enriched our country in countless ways, contributing to our cultural, professional, commercial, academic, and political life.

The timeless values of Greek culture have endured for centuries, indeed for millennia. As Daniel Webster noted, 400 years of control by the Ottoman Empire could not overcome the Greek people's determination to be free. But, I regret to say, Madam Speaker, to this day, the Greek people must battle against oppression. For almost 27 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus.

Given instability around the world, now is a good time to heal the wound in Cyprus that has poisoned the relations between Greece and Turkey for so many years.

I am concerned, however, that Turkey is once again not negotiating in good faith. Over the years, I have become quite familiar with the Turkish side's well-known negotiation tactics. The Turkish side agrees to peace negotiations on the Cyprus problem only for the purpose of undermining them once they begin and then blames the Greek Cypriots for their failure.

The time has come for Denktash to realize his demands for recognition of a separate state are not acceptable. The framework has already been laid by the United Nations Security Council's Resolutions establishing a bizonal, bicommunal federation with one single international personality and one single citizenship.

Like their forefathers who were under the control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. They will. And the United States will be by their side in both the fight to secure that freedom and the celebration to mark the day when it finally arrives.

I will continue to work with my colleagues here in Congress to ensure that the United States government remains on the right side of this issue—because there is no gray area when it comes to this conflict.

In closing I want to congratulate the Greek people for 181 years of independence and thank them for their contributions to American life.

INTRODUCTION OF CONCURRENT RESOLUTION SUPPORTING THE PEOPLE OF IRAN

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

Mr. GUTKNECHT. Madam Speaker, I rise tonight to talk about a resolution which I have had drafted and will be introducing very shortly, and I hope my colleagues will join in supporting. I would like to read it tonight. It is a resolution supporting the people of Iran:

''Concurrent resolution, expressing the sense of Congress in support of the people of Iran and their legitimate quest for freedom, economic opportunity, and friendship with the people of the United States.

''Whereas, the first day of spring, celebrated by millions worldwide as Nowruz, the Persian Iranian New Year, symbolizes renewal, birth and new beginnings;

''Whereas, the people of the United States respect the Iranian people and value the contribution that Iran's culture has made to the world civilization over three millennia;

''Whereas, the United States recognizes the legitimate aspiration of the Iranian people for democratic, civil, political and religious rights and the rule of law;

''Whereas there exists a broad-based movement and desire for political change in Iran that represents all sectors of Iranian society, including youth, women, students, military personnel and religious figures and that is pro-democratic, seeking freedom and economic opportunity;

''Whereas, the Iranian people have increasingly expressed their frustration at the slow pace of reform while still pursuing nonviolent change in their society;

''Whereas, in four consecutive elections the Iranian people have opted for nonviolent reform;

''Whereas, following the tragedies of September 11, 2001, thousands of Iranians filled the streets spontaneously and in solidarity with the United States and the victims of the terrorist attacks; and

''Whereas, the people of Iran deserve the support of the American people.

''Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that the Congress of the United States expresses its heartfelt gratitude and appreciation to the courageous people of Iran for their brave expressions of support following the September 11, 2001, attacks on the United States;

''Two, recognizes and supports the people of Iran in their daily struggle for democracy, reform, human rights, economic prosperity and the rule of law;

''Three, makes a clear distinction between the peace-loving people of Iran, endowed with a rich culture and history and the unelected officials of Iran; and

''Four, urges the President of the United States to:

''A, engage and support the people of Iran in their legitimate aspiration for freedom and democracy;

''B, to continue to pursue areas of common interest with the people of Iran while taking an uncompromising stance on terrorism, weapons of mass destruction, and the human rights of Iranian citizens; and

''C, to use available diplomatic means to support the Iranian people's demand for an immediate release of all political prisoners and for the removal of the ban on the freedom of the press.''

Madam Speaker, I hope my colleagues will join me in supporting this important resolution. We need to send a clear message that we stand with the freedom-loving people of Iran.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, in the memory of our former beloved colleague, Claude Pepper of Florida, who fought at our side in 1938 to preserve the Social Security system, I rise this evening to make my remarks.

I want to talk about fiscal responsibility, responsibility to our Nation, responsibility to the future, responsibility to our children, responsibility to our senior citizens.

Hubert Humphrey used to place particular emphasis on those Americans who are in the dawn of life and those who are in the twilight of life. I also rise to talk about fiscal responsibility to our veterans who have sacrificed and are sacrificing so much to keep freedom's flame burning brightly in America and throughout the world.

Last week the Congressional Budget Office reported that the President's budget spends $1.63 trillion of the Social Security trust fund surplus over the next 10 years. That is $261 billion more than the administration initially claimed. The budget office also reports that the President's policies spend Social Security trust fund money in every single year for the foreseeable future.

We have heard the administration officials, and some Republican leaders are extremely unhappy with the Congressional Budget Office for telling the truth; but that is why we have a Congressional Budget Office, to provide nonpartisan information, whether we like the results or not. We rely on it to be factual.

Tomorrow, Madam Speaker, this body will take up the President's budget for fiscal year 2003, and the unfortunate reality is that the President's policies will lead to the exhaustion of the entire Social Security trust fund surplus for the next 10 years and then some, according to the House Committee on the Budget minority staff.

The administration does this by using off-the-books accounting. We learned from the Enron-Arthur Andersen scandal that off-the-books accounting can get us into big trouble in a hurry. Indeed, even the administration admits that it spends some of the Social Security surplus despite Republican promises last year they would protect 100 percent of the Social Security trust fund surplus.

Remember the lock box promise? Well, the Republicans have picked the lock and are proceeding to take our money out of the lock box every day, money that belongs to the senior citizens of this country.

The Bush administration inherited a $5.6 trillion surplus; but now 8 months later, $4 trillion is gone and that jumps to $5 trillion next year if we take their budget on its word.

Madam Speaker, this is the most radical fiscal reversal in American history. The budget surplus is exhausted, deficits are back, and the lock box is gone.

What does it mean? For one thing it means that Congress may not be able to provide relief for the Medicare providers who are facing deep cuts in reimbursement.

□ 2000

It means veterans will have to pay more for prescription drugs. The Veterans Administration is proposing to raise the copayment for veterans by 250 percent.

It means the wealthiest Americans will continue to get giant tax cuts, but American's 35 million senior citizens will not get a prescription drug benefit.

It means that programs for women, infants, and children will be endangered. For the people in the dawn of life and the twilight of life, this budget gives the back of its hand, and it is not right.

Over the 5-year period from 1996 to 2000, Enron paid no taxes for 4 of the last 5 years and received a net tax rebate of $381 million. This includes a $278 million rebate in the year 2000 alone. Over the same period, the company's profits, before Federal income taxes, totaled $1.785 billion. Just their profits. In none of those years was the company's pretax profit less than $87 million. At the 35 percent tax rate, Enron's tax on profits in the last 5 years should have been $625 million. But the company was able to use tax benefits from stock options and other loopholes to reduce its 5-year tax to substantially less than zero. Among the loopholes that Enron used to avoid tax liability was the creation of more than 800 subsidiaries in tax havens such as the Cayman Islands.

Madam Speaker, is it any wonder that we cannot do the right thing for America's children, for America's veterans, and America's seniors? Is it any wonder that this Congress cannot act responsibly? Is it any wonder that the Social Security trust fund is being violated every day, even as I speak here?

As long as the big campaign contributors call the shots in Washington, we are going to see continued raids on the lockbox, and the American people are going to have to pay the bills that Enron, with an assist from the politicians, avoided.

The responsible vote tomorrow on the budget resolution is ''no.''

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FISCAL YEAR 2003 BUDGET

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

Mr. HINOJOSA. Madam Speaker, this week we in the U.S. Congress will debate the budget resolution for fiscal year 2003. Last year, after almost a decade of work, we finally had a budget surplus. This year, we will again plunge into deficit spending and raid the Social Security and Medicare trust funds.

No Member of Congress is opposed to paying the necessary cost of defending our country, securing our homeland, and supporting our military personnel. However, this defense did not have to come at the expense of other important domestic programs. We are in this fix because the trillion dollar tax cut over 10 years, enacted last year, left us no room to deal with the emergency we are now facing.

I want the people of the 15th District of Texas to know what the 2003 budget will mean to them. It means that people in my district will not get vital assistance to combat our decade-long water drought because the President has eliminated the Drought Assistance Program from the 2003 budget.

It means the ''One Stop Capital Shop'' that helps small minority businesses stay in business in the poorest county in the Nation will have to close.

It means there will be even less funding to combat the epidemic of tuberculosis, hepatitis, and HIV/AIDS that is rampant on the southern border and, if not checked, will spread throughout the country.

Finally, it means that the bipartisan education bill, of which we were all so proud because President Bush signed it in January 2002, will not be fully funded, and poor and minority children will again be shortchanged. That is not right.

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

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CITIZEN SOLDIER AND AMERICAN PATRIOT RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. Hooley) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Madam Speaker, yesterday the Oregon National Guard's 42nd Air Ambulance Company, headquartered in our State capital, Salem, Oregon, received word it had been activated in support of Operation Enduring Freedom.

The Air Ambulance is no stranger to call-ups. They were last activated to serve in Bosnia, where they garnered heavy acclaim. Nor is the Oregon Guard a stranger to call-ups. Although we have just over 6,000 Guardsmen and women, Oregon trails only Texas and Georgia in the number of activated troops, and each of those States has 20,000-plus soldiers and airmen.

That is a testament to the Oregon Guard's military readiness, especially in light of the fact that we do not have any active duty military bases in our State, except for Umatilla Depot, which is largely a repository for chemical weapons.

As I speak, F–15s from the Oregon Air Guard are patrolling the skies above North America, being assisted by air traffic control units. All this is happening while an additional 500 Guardsmen are preparing for a lengthy deployment in the Sinai Desert, and a

military intelligence company from Lake Oswego is rotating through Bosnia.

Madam Speaker, these deployments come at a high personal and professional cost. Activated Guardsmen and women not only leave behind their families, they leave behind careers and their own businesses. Additionally, the Pentagon often activates these units for 179 days, a day short of the 180-day-period which would give nonprior-service Guards VA benefits. Many of these activated troops lose their private health insurance, forcing their families to enroll in military health insurance plans, which means a whole new set of doctors, dentists and pharmacists to deal with.

The list of hardships goes on and on. They are well known to anyone who cares about the impact this war is having on our local communities. That is why I think it is important that our Guards and Reservists receive more than just a pat on the back for the job they are doing in this war against terrorism.

I am developing comprehensive legislation which would remedy some of the concerns I just mentioned. The Citizen Soldier and the American Patriot Relief Act recognizes the sacrifices made by our citizen soldiers, and I look forward to sharing it with my colleagues.

Until then, I ask that every American keep all of our troops in their thoughts and their prayers. It is because of our military men and women and their service, and their service alone, that we enjoy the privilege of meeting in this institution, free from terror and other failed attempts to strip away our liberty.

I thank all of our military men and women for their service.

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

(Mr. WYNN 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 Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE FISCAL YEAR 2003 BUDGET

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. Madam Speaker, I rise today as we celebrate Women's History Month to review some of the budget items that impact on women's issues.

There are some issues in the FY 2003 budget proposal impacting on women that I would like to bring to the attention of my colleagues.

It was disappointing, Madam Speaker, to find that the title X family planning program is not going to see an increase in funding. In fact, the program will be level funded at $266 million for the 2003 fiscal year.

Title X is the only Federal program devoted solely to the provision of family planning and reproductive health care. The program is designed to provide access to contraceptive supplies and information to all who want and need them. Title X is designed to assist low-income women. For many clients, especially women of color, title X clinics provide the only continuing source of health care and health education.

A growing number of uninsured women desperately need this care offered by title X clinics, because they cannot meet the increase in cost of Federal services. If the title X program had kept pace with inflation in recent years, it would now be funded at $564 million. That would have been more than double the current level.

We Democratic women are pleased to see that the budget would provide $8.4 million for the Women's Bureau at the Department of Labor. Unfortunately, this is a decrease of $1.8 million from the 2002 fiscal year. The question I have, Madam Speaker, is what services to women are going to be cut to make up for this shortfall?

Already, one organization has been threatened with closure. Women Work, the national network for women's employment, was led to believe that the Women's Bureau did not intend for its continuing funding. Happily, this did not happen. Programs continue to be needed to assist women to find their way into employment. The Women's Bureau, especially the decentralized Women's Center, have played a major role in this area and deserve to be fully funded.

The welfare of children is, of course, of great concern to all of the Members of this House, not just the women Members. I am pleased to see that this budget includes $421 million for child welfare and abuse programs. These funds provide services to prevent child abuse and neglect. While it is laudable that this money has been allocated to such a worthy cause, it must be noted that the funding has been maintained at the same level as last year.

Americans want to see all children in happy and safe homes and protected from abusive situations. For this reason, Democrats would like to see these programs strengthened.

It is pleasing to see that the Centers for Disease Control and Prevention will receive $5.8 billion in this budget, but Democratic women have noted that there will be a decrease of $1 billion from the 2002 fiscal year. This is a very large reduction in the CDC budget.

We all agree that every child born should be a healthy baby. It is disappointing to see that the Birth Defects and Developmental Disabilities Center will receive $1 million less than last year.

There is also a tragic imbalance and racial disparity in terms of babies born in the African American and white communities in our country. A black baby born today is twice as likely to die within the first year of life as a white baby. That baby is twice as likely to be born prematurely and at low birthweight. In order to help address these major problems and health concerns, we would like to see a modest amount of $3 million restored to the Public Health Service's Office of Minority Health that is located in the Department of Health and Human Services.

The Fiscal Year 2003 budget includes $156 million for environmental disease prevention. This is a $1 million reduction. Cutting funding for environmental disease prevention is another unfortunate budgetary reduction.

Madam Speaker, we Democrats are deeply disappointed with this budget and believe that it will have some very unfortunate repercussions for the well-being and provision of social and health services to the American public, and particularly how these cuts will affect women.

2003 BUDGET RESOLUTION AND NATIONAL SECURITY

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

Mr. TANCREDO. Madam Speaker, several of our colleagues on the other side of the aisle have risen tonight to decry the budget that has been proposed by the majority party and that we will be voting on tomorrow, the budget resolution, that is to say, and they have each identified specific parts of it that they find unattractive, unappealing, or in some way something that they can complain about.

The real issue, of course, that is perhaps annoying to them, I think, or at least discomforting to them, and the one that was never referenced, but is the one accurate representation of the budget resolution that the majority party will offer tomorrow, is that it is balanced. That is to say, this budget resolution will set out for the Congress of the United States and for the American people a budget that will spend no more money than we will take in.

Now, this is something that is not very comfortable to the minority party. They have really not operated under that kind of restriction for as

long as they held control of this House. For 40 years, of course, profligate spending of the minority party Members, when they were in control of this House, put us into a situation that we in fact had robbed the Social Security trust fund every single year. There were IOUs in that trust fund that approximated $800 billion by the time that we took over.

In the last 4 years, something again that the minority party does not discuss when they talk about the budget or our control during that period of time, in the last 4 years we have paid down almost $450 billion of the national debt. That is an unheard of, unprecedented phenomenon that came as a result, of course, of the fact that we had an economy that was expanding and government revenues were increasing.

But does anyone listening to the debate tonight on this floor think for a second that if the Democratic Party had been in charge during that particular period of time that we would have taken the dollars coming in to the government and not spent them on new programs and expanding the Federal Government?

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Madam Speaker, I hasten to add that I think even Members of the other party would recognize that is the history that they give us. So to come tonight, and I am sure as will happen tomorrow to the floor of the House of Representatives, and talk about the need to be more concerned or more focused on the budget issue begs the question.

What happened when they had the reins of control here? What did they do? The fact is that they spent not only every dollar that came in, but hundreds of billions of dollars that did not come in, hundreds of billions of dollars that we had to borrow from the taxpayers.

We have tried to change that direction in the last 4 years; and we are going to offer a balanced budget, a frightening concept perhaps to the other side, but it is one with which they will have to deal.

The primary issue that I raise tonight is not, however, the one dealing with the budget. There will be plenty of discussion dealing with that tomorrow; but it is the issue of our national security, because of course that is the most important thing with which this Congress can ever deal. Whether we are talking about budget or anything else, the reality is we have relatively few true responsibilities given to us by the Constitution of this Nation. They are delineated in the Constitution, and the Constitution is added to by the Bill of Rights.

The last of the 10 amendments to the Constitution is very specific, and it says in case there is something you are confused about in the list of things that are the responsibility for the Federal Government, we are going to make it even more clear, that is, if it is not clear, it is not your responsibility, it is the responsibility of the States and the people therein.

But there is something that is uniquely our responsibility, and that is the defense of the Nation. We cannot rely upon States individually to raise the budget to defend the country through any other process. That, of course, is our responsibility. There are several ways to do that. One is to make sure that our military is quality funded, make sure that the men and women serving in the military of the United States have every possible weapon at their disposal and in our arsenal that would first protect them; and, secondly, get the job done wherever we send them.

Time and again when we are watching television or reading reports in the Congress about the marvelous and incredible undertakings with which the military is involved, we recognize that the valor of the men and women who serve really and truly is the bottom line. We can give them all of the equipment in the world, but it boils down to the individual that is there on the field of battle and what is in his or her heart at the time. We can be proud and we are proud of the people that serve in our military, and we work hard to make sure that they have what is necessary to get the job done and to protect them because they are, in turn, protecting the Nation.

We recognize that the fight for the Nation, that the battle goes on in a variety of different venues. It is not like any other war. This has been said many times. The war we are in is not like any other war we have ever been in, or likely to be in, in that it will not be marked by a confrontation between two huge armies until one capitulates and the state that they represent or are fighting for has fallen. That is certainly not going to be the conflicts of the 21st century. The conflict arises in Afghanistan, the Republic of Georgia, the Philippines, and Indonesia. All over the world, we find we have to stamp out the tentacles of fundamentalist Islam as represented by al Qaeda specifically, and the terrorists who have as their end-desire the destruction of this Nation.

We know that is the case, and we know we are doing a good job there. I commend the President of the United States for his leadership and my colleagues for their support of all of the appropriations that have been passed and made available so that all of the people out there are fully equipped.

But there is another thing, there is another side to this battle that we pay little attention to, unfortunately. Far too little attention. It is the battle that goes on to defend our own borders.

The one thing that is typical in this battle, in this war, typical to other kinds of wars we have been in, is the fact of invasion where large numbers of people come across the border of one country undetected without permission of the country they are entering; and some of them, certainly not all, thank God at this point in time, but some of them have ill-intent. Some of them choose and come here with the very purpose of doing us harm.

Many others, unfortunately, who come across the border, do not choose to do us any physical harm, but are not really connected to the United States in any way similar to the immigrants who have come to the United States in the heyday of immigration, in the past 100 years or so. For the most part, people coming into the United States during that period of time, during the 1800s, early 1900s, came with the distinct purpose to separate themselves from the land from which they came, and to attach themselves to a new land and a new idea and new set of principles. They wanted to break the political and even linguistic ties they had with their country of origin and start something new. They committed to America. Of course they wanted a better life and of course they looked forward to giving their children a better life, just like the immigrants of today do.

But there is a significant difference. Millions of people are looking for that better life, but they are not disassociating themselves from the country of their origin, not linguistically, not culturally and sometimes not even politically.

Today, as I speak, we find that there is something happening in the United States which has never happened before, and that is a dramatic rise in the number of people who are here in this country, relatively recent immigrants to the United States, who claim dual citizenship. That is to say they claim to be both Americans and citizens of the country of their origin. They choose not to break those ties. Now that I would suggest, Madam Speaker, has never happened before. That is a new phenomenon. Something is peculiar about that, and something is dangerous about that when we talk about what is going to be necessary in order for us to survive this clash we are in with international terrorism, which can be characterized as a clash of civilizations.

Samuel Huntington in a book I reference often called ''Clash of Civilizations'' talks about the fact that the United States will be significantly hobbled in its ability to lead the West if we ourselves are a cleft Nation, a Nation divided in half. That is exactly what is happening to us, and one of the reasons why I have raised the concern about massive immigration, legal and illegal, into the United States, over the past couple of decades.

The agency to which we entrust the responsibility for protecting our borders and for helping us maintain some sense or even a tiny bit of hope that we can actually control the process of who comes in, for how long, for what purpose and knowing when they leave, the

agency to which we entrust that responsibility is the INS, the Immigration and Naturalization Service.

This agency has 35,000 employees. It has a budget of about $7.5 billion. In the budget resolution we are going to pass tomorrow, it will call for about a billion dollar increase. It is an increase of 250 percent over the last 10 years. I bring that up because we are going to hear from that agency when we talk about the problems within it that they do not have enough money, they do not have the resources. They will talk about not having enough people, but in fact we have actually increased the number of people serving in the INS by 83 percent over the last decade. A 250 percent budget increase, 83 percent personnel increase, and what do we have to show for it? We have an agency that is incapable of managing the responsibility that is given to it. They are both incapable and undesiring of doing so, and that is the real crux of the matter here.

Madam Speaker, if we had an agency made up of people from the top to the bottom who had the intent, the desire internally to patrol the borders of the United States and make sure that our Nation is secure against people who are coming in illegally, making sure that the people who do get by them there are found in the United States and deported, making sure that the people who are here even legally but then commit some crime, taken to court and ordered deported, making sure that those people leave the country, if we had an agency like that, we could be somewhat sympathetic to their needs and desires and to their protestations of wanting to do a better job.

Today, the Subcommittee on Immigration of the Committee on the Judiciary held hearings; and called in front of them, among others, were the commissioner, the head of the INS, Mr. Ziglar. I want to preference my remarks by saying that Mr. Ziglar seems to be a very nice man, a very pleasant individual. I have no doubt of that. Certainly that is my observation.

But I am going to make another observation here; and that is from everything I have been able to see, read and hear about Mr. Ziglar and the situation in the INS, I will say that he is in water way over his head; that he is not really capable to do what we have asked him to do. Perhaps we should not blame him. Perhaps the fact that we brought him from a position that had absolutely nothing to do with immigration, perhaps the fact that he has absolutely no background in the area of immigration or immigration control, perhaps that is the problem; that no one with a similar background could possibly be expected to begin to wield control in an agency of 35,000 people, all bureaucrats for the most part, or I should say they are mostly bureaucrats. I think there are 5 or 6 political appointees in that entire agency.

And it is difficult, certainly, I know. I ran the Department of Education's regional office for 12 years, and I am aware of the difficulty of trying to manage an enterprise that is peopled by employees who have civil service protection, and in my case had the protection of the public employees union. It is difficult to fire somebody from doing a bad job.

Indeed, Mr. Ziglar said in a recent television interview which I watched, when he was questioned about the problems in the INS, specifically what was going to happen to the people who had approved the visas for Mohammed Atta and his colleague Marwan al-Shehhi, the visas that arrived on March 11, 2002, 6 months to the day after they were killed in their attack on America, visas arriving at the school that they were attending to learn to fly, that has made the news. That has made a lot of people begin to say, What is going wrong? That is a peculiar thing.

□ 2030

When Mr. Ziglar was questioned about this, he said, I can fire no one, absolutely no one that was responsible for this. I have control over five or six people, but that is it.

We remember that the President said he was furious, he was mad, hopping mad or some words to that effect, but no one was fired. Furious is another way I think you could describe the President of the United States about this incident. But no one was fired. Four or five people had their job titles changed. That was it. That was the response to the visa flap.

It is almost incredible, Madam Speaker, but it is indicative of the problem we are having with this agency and our need to do something about it.

As I say, Mr. Ziglar came from a situation that did not give him any sort of real background. He came to this position after having served as the Sergeant at Arms and Doorkeeper for the Senate. That was his job. That is his background. Again, I want to reiterate, I am sure he is a very pleasant fellow. That is not the issue. The issue is, we are in a world of hurt here.

There is another aspect to his philosophy that needs to be brought up. He has stated on more than one occasion that he is a lifelong Libertarian. Fine. There are certain aspects of Libertarian philosophy that I think are intriguing, but the fact is, there is one part of it that is quite peculiar when you consider that to then place him as the head of the INS, the agency designed to help us control the border because, of course, Libertarians believe that we should have no borders, that borders are sort of artificial and sort of anachronistic barriers to the flow of goods, trade, ideas and people, therefore, we should abolish them and have these open borders.

Not only does he feel that way, but the one political appointment he was able to bring in as his second in command is a gentleman who shares those feelings exactly, coming from the Cato Institute. The Cato Institute is again an organization of, I think, great allure for some people, I use some of their stuff myself, but the Cato Institute is a Libertarian think tank. Their position on these issues of immigration is quite clear, open borders.

They have every right to espouse that position at the Cato Institute. Mr. Ziglar, when he was the Doorkeeper for the Senate, had every right to feel that way, to espouse that point of view. He is now the Commissioner of the INS. I would suggest that that is akin to the old fox in the henhouse. There are a million analogies you can come up with, but it is a wrong place to be for him. He is the wrong person to put there.

Now he is forced to try to defend the actions of this agency which heretofore have been allowed to essentially begin an open border or continue the process of developing open borders, because it is not unique to this administration, of course; but now, because of 9/11, because of all these embarrassing things that have happened, he is forced to try to defend this situation and to say, we really are trying. Because he is not going to stand up and say, I am still committed to open borders, I do not think, so he is going to have to suggest that there is a way he is going to deal with this.

But in reality, Madam Speaker, there is nothing that is going to change in that agency, and there are bills, I know, that are being proposed to do that, to actually split the agency in two so that it has as its one responsibility the complete, what I call social work side of immigration, the benefits side, helping people get their green card, helping people become legalized; that is one thing. And then the other side is enforcement. Today they are sort of a mixed bag, and they do neither one, not just they do not do it very well, they are a complete disaster in both cases.

So just splitting that agency, keeping all the people there, the same people who internally, in their minds, are not on the right side of the issue, they are not intent on trying to defend our borders, Mr. Ziglar actually said that himself at some point in time in a more candid interview, I think it was, with, I think it was the New York Times. He said, ''I don't like the policeman part of my job. I don't want to be a policeman. I don't like that.'' Of course, the reality is, most of the people who are there in that agency do not like it and do not want to be that.

I am going to try to narrow it down, because I am not talking about the men and women who serve on the border, the Border Patrol people, the agents whose job it is to try to find people in the United States who are here illegally. For the most part, I should tell you that almost every single one of them I have met, and I have met many, are dedicated to doing exactly what that job says. They are

dedicated to trying to stop people from coming here illegally and find them when they are here, but they know that there is absolutely no support they get from anyone up the ladder in their administration. They are, most of them, afraid to talk openly about this.

Mr. Cutler today did testify in the hearing that I mentioned, the Subcommittee on Immigration from the Committee on the Judiciary, Mr. Cutler felt a little freer to talk today because, frankly, he was fired last week. Although the INS will suggest it was not because he is a whistleblower, I think that it is hard to make that case. I think he was fired because he is a whistleblower. That sends, of course, shock waves throughout the INS. People become less and less willing to say what they know to be the case.

I had a similar situation, someone, not a patrol agent but a judge, an immigration law judge several months ago called my office because he knows that I have been a critic of the INS. He said, ''I've got to tell you something. I've been a law judge for X number of years,'' I will not say, because that could help identify him and he wants to be sure we do not do that. He says, ''I have been an immigration law judge for several years. I am frustrated to the point that I just don't know what to do, because every single day I try my best to make sure that the people who are brought in front of me, that the adjudication process is fair; and when I know there is someone who should be sent back, who should be deported because they have robbed somebody, murdered somebody, raped somebody,'' because frankly, Madam Speaker, you do not come in front of an immigration court just because you have overstayed your visa. That is not it. Usually you have gotten caught doing something and then they find out, by the way, you are here as an alien or an illegal, and they bring you to immigration law court.

He said, ''Every single day, I bring the gavel down and order someone to be deported and some of these people have made threats against the United States. Every day they walk out of my courtroom and they walk right back into American society.''

I said, ''How can that be? What happens?''

He said, ''The problem is at that point in time, the INS is in charge of incarcerating, taking them away. And they just don't do it. They just don't do it. Oftentimes the INS comes into the courtroom and they are supposed to be the prosecutor in the case, but they act as the defense attorney. I know that there are thousands,'' he says, ''I think hundreds of thousands of people who have been allowed to essentially walk, people that I know I and my colleagues have ordered to be deported for various reasons who are still simply out there.''

I said, ''How many do you think?''

He said, ''I've done some preliminary checking here, and I think there are at least 200,000.''

I said, ''That's incredible. I'll check with the INS.''

Of course we called them. I often say on the floor of the House here that the logo for the INS, something that should be on all of their documents, on the top of everything they send out, the logo on their Web site for the INS should simply be a person shrugging their shoulders. That is it. INS, that guy going, ''I don't know, I'm not sure.'' Because that is all you get from them, whenever you call them, ''I don't know, I'm not sure. Could be.''

We said, ''Do you realize there are a couple of hundred thousand people, that someone has alleged that there are a couple of hundred thousand people here?''

They say, ''We don't know.'' We kept, of course, pushing the issue. Finally, we got the INS to say that yes, they looked into it and maybe there were 200,000 people, 250,000 people.

Shortly thereafter, I cannot remember the exact time line, but I happened to be at a meeting with Mr. Ziglar, the head of the INS. He was here in the House, he was meeting Members of the House. I went up to him at the conclusion of his speech. I said, ''Mr. Ziglar, do you know about these people who have been ordered to be deported but they are still here?'' He said, ''Well, no, I don't.''

I said, ''Do you know how many we're talking about?'' He said, ''No, I really don't.''

I said, ''There are at least a couple of hundred thousand.'' He said, ''That have been ordered deported?''

I said, ''Yes.'' He said, ''I don't know. I don't know anything about that.''

It was shortly thereafter that we got the information from the INS and it was, they said, a couple of hundred thousand. It turns out, because we pressed the issue and because the media kept hounding them about exactly how many are there, how many have been actually ordered deported, they put out some sort of directive, whatever, they sent something to Congress.

In fact, after that, Mr. Ziglar testified under oath in Congress to a specific number. He said there were 314,000 that they had identified. Remember, he told me first he had no idea, he had no idea what I was talking about, he did not know that there was anything like that happening, he certainly did not know how many. But several months after that he testified in front of the Congress, 314,000.

Recently, a reporter for ''Human Events,'' Mr. Joseph D'Agostino, has been doing his own work and looking at the records. According to his analysis, it looks to him like there were 425,000 in just the last 5 years, from 1996 to 2000. We do not know because there is no record of anything that happened before 1996, people who walked away who are still here.

So he went back to the INS. He said, ''Could this be? I have come up with at least 425,000. We don't know. That is just from 1996. We don't know. It could be a lot more than that. It could be double that amount.''

They said, ''Well, you're right, we're not sure ourselves. We're not sure ourselves.''

Then today I am told, in response to this, they said, ''We don't think he is right, either.'' But, Madam Speaker, this was evidently something that Mr. Ziglar said in response to a question, that he does not think these numbers that Mr. D'Agostino has pointed out are right. He does not know.

But this is the guy that told me he did not know it even existed. So why would we feel comfortable in listening to him tell us what the real numbers are when he did not know that they even had a problem? This is the head of the agency. We do not know how many. Let us say it is between 300,000 and 1 million. I think from everything I can read, that is a pretty good guess. Between 300,000 and 1 million people have simply walked out of immigration law courts and back into society.

This is a national security issue.

I started out my comments this evening by explaining that we are in a war. We are fighting it overseas, but we are not doing a very good job fighting it here at home. The borders are undefended and unprotected for the most part. Good men and women, working hard, but frankly all we do is we hand them a sieve to hold back the flood.

They know that they are working really almost against their own agency. They will tell me that and they would tell you that if you went down on the border today, Madam Speaker, and you talked to them, they know that their agency does not support their efforts.

That has got to be the most frustrating feeling, to be putting your life on the line, and I assure you they do. There have been seven killed in the recent past, seven Border Patrol people, by people who are simply waiting. By the way, not waiting just to cross the border and waiting for this Border Patrol agent to get by, but waiting to ambush them, waiting in the bushes to ambush them, just to kill them, because they hate America, for whatever reason, I do not know, but there have been seven killed in the line of duty. I was made aware of that when I went down there, and that is in the recent past. It is getting worse. It is getting more dangerous all the time.

I have tried to portray the picture, an accurate picture of the INS, of the organization to which we have entrusted the responsibility of protecting the border.

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I have indicated that they have two roles: one is in enforcement and one is in the social work side of things, the benefit side of things.

Let me tell you about a GAO report that came out just a month ago, released February 15. By the way, this is

one of a series of GAO reports on this particular agency. This report focuses on the benefit side, the social work side of INS, the thing they tell us they like to do and that they are good at.

The GAO says the INS allows the fraud to flourish by stressing that applications must be processed quickly. In some districts, adjudicators who decide whether a benefit will be granted are ordered to spend no more than 15 minutes on an application. This effectively discourages checking for fraud, the study says.

The GAO found that 90 percent of 5,000 petitions for workers sought by foreign companies, particularly in the Los Angeles area, were fraudulent, a 90 percent fraud rate. An official in the INS operations branch said that a follow-up analysis of about 1,500 petitions found 1,499 fraudulent.

This is the same agency and, by the way, these are the things that we just a few nights ago on this floor, we actually passed something called 245(i), and it provides amnesty for people who are here illegally. If they come in, all they have to do now, they can be here illegally, but we have said to them, that, okay, come on in and give us your application to determine if you are here under certain guidelines, whether you have had a job for a long time, whether you are married.

We know the last time we did this, by the way, fraud was rampant. Sham marriages occurred in the hundreds of thousands. Bogus documents for work histories were drawn up. We know that. We know what happens. And we are going to entrust to the INS the responsibility to look at another 1 million.

By the way, Madam Speaker, the 1 million or so that will apply as a result of the 245(i) extension that we passed will be added to the 4.5 million backlogged applications that the INS has right now, so there will be 5.5 million backlogged. What do you think the INS will do when they are told they have 15 minutes for every one of these things? Does anybody think anybody is going to get really checked here to determine whether the background is appropriate for coming into this country?

Now, I am told the 245(i) extension is going to be held up in the Senate, partly because Mr. DASCHLE does not want to give this win to the President, partly because a particular Member of the Senate, of the other body, I should say, has decided to put a ''hold'' on it.

I hope the hold works. I hope they hold it forever. I hope they never, ever, let it go in the Senate, for whatever reason. I do not care. If they want to do some political shenanigans, whatever it is, I hope they hold it and do not pass 245(i), because it is the wrong thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). The Chair would remind the Member to refrain from improper references to the Senate.

Mr. TANCREDO. I thank the Speaker for that reminder.

The issue is, of course, this particular agency and the security of the Nation is dependent upon having an organization like the INS do its job, do it effectively and efficiently. I hope that I have indicated to you and to the Members and our colleagues the difficulty we would have if we were to just give this agency the responsibility to actually increase border security. It has to be abolished.

We have to start with something new. It has to be something we create. The President today, as I understand, has called for something far more dramatic, far more significant than the original proposal to just split the agency into two parts. He has called for the complete elimination of this part of the agency, the enforcement side, creating a brand new one that would combine various other offices, various other functions of other agencies, including Customs and Agriculture, perhaps DEA, putting them into one agency, with the clear purpose, the clear line of authority, with people who are not philosophically inclined to open borders, but actually have a belief that they have a responsibility to help defend our borders. He has called for that today, and I applaud his call for a new agency, brand new, new people, and I would suggest we take it out of Justice and perhaps put it into Governor Ridge's Homeland Security Agency. That would be appropriate.

Now, we have to do something like that, and it will be dramatic. It is a big test of our will in this body and in the other body as to whether or not we can actually accomplish this, because, of course, there is a lot of turf we are going to be treading on, and in this town turf is very important and people do not give up their turf, even a tiny little bit of it, without a big fight.

What we are saying here is we have to take some things away from you, and some things away from you, and we have to put it into another agency. It is going to be tough.

It has to be done, and I will tell you why. People will often say, hey, who are we really afraid of? Are we afraid of the people coming across the borders? They are just coming for jobs. They are not really coming here to do us any harm and that sort of thing.

Madam Speaker, I am going to be quoting from something here, an article that was put out on WorldNetDaily, written by J. Zane Walley. A lot of the references I will be making will be to this particular article. It is called ''Arab Terrorists Crossing the Border.''

This was a very elucidative analysis, I think, of the problem, and something that every American should be aware of, especially when we talk about the need to make sure that we are fighting the war on terrorism both here and abroad, because if we do not have a two-front war, we will certainly lose.

The article says that to date, the U.S. Border Patrol has apprehended, and this is up to this time of the year, 158,722 illegals, just in the year 2001. By the Border Patrol's own admission, it catches one alien in five, and admits that about 800,000 have slipped across this year. Others contend that this is inaccurate. These are the ranchers down there, and they contend the agency only nets one in ten. An estimate is that over 1.5 million unlawful aliens have crossed into America in what the Border Patrol calls the Tucson Sector. By the way, that is just one part of our border, of course.

Many border ranch owners are validly apprehensive of speaking about their desperate situation because of likely retribution by narco-militarists, the drug runners, and coyotes, the smuggling of human beings. Unsolved murders and arsons are alarmingly ordinary in Cochise County, so pure fear keeps locals from speaking on the record.

The foot traffic is so heavy that the back country has an ambience of a garbage dump and smells like an outdoor privy. In places, the land is littered a foot deep with bottles, cans, soiled disposable diapers, sanitary napkins, panties, clothes, backpacks, human feces, used toilet paper, pharmacy bottles, syringes, et cetera.

U.S. Border Patrol agents are doing the best they can, considering their sparse numbers and the impossible terrain they patrol in four-wheel drive vehicles, quad-runners and on foot. Agents of the Border Patrol have their other fears besides being ambushed by rock-chucking illegals and confrontations with assault rifle-armed narcos. They are not allowed to speak about what they cope with each day.

This is what I mentioned, Madam Speaker, as being endemic in this agent. They have intimidated their employees so that they are afraid to speak out in what they see to be as clear violations of the regulations they are asked to uphold.

One agent who spoke anonymously said, Look, I can tell you a lot of stories, but I have to be unnamed or I will be blackballed and might lose my job. He worriedly added, I have a family depending on me.

Another agent of supervisory rank stated that smuggling traffic of Mexicans has really slowed. We are experiencing a tremendous increase in what he calls OTMs. That is border lingo for ''other than Mexicans.'' When queried about the ethnic makeup of the OTMs, he answered Central and South Americans, Orientals and Middle Easterners.

When he was questioned about that further, Middle Easterners, he said yeah, it varies, but about one in every ten that we catch is from a country like Yemen or Egypt.

Border Patrol spokesperson Rene Noriega stated that the number of other than Mexican detentions has grown by 42 percent. Most of the non-Mexican immigrants are from El Salvador or other parts of Central America, she said, but added that the agents have picked up people from all over the world, including the former Soviet Union, Asia, and the Middle East.

Arabs have been reported crossing the Arizona border for an unknown period. Border rancher George Morgan encounters thousands of illegals crossing his ranch on a well-used trail. He relates a holiday event:

''It was Thanksgiving, 1998, and I stepped outside my house and there were over 100 crossers in my yard. Damnedest bunch of illegals I ever saw. All of them were wearing black pants, white shirts and string ties. Maybe they were hoping to blend in,'' he chuckled. ''They took off. I called the Border Patrol, and a while later Agent Dan Green let me know that they had been caught. He said all were Iranians.''

According to Border Patrol spokesman Rob Daniels, 10 Egyptians were arrested recently near Douglas, Arizona. Each had paid $7,000 to be brought from Guatemala into Mexico and then across the border.

According to the San Diego Union Tribune, hours after the 9–11 attacks on the World Trade Center and the Pentagon, an anonymous caller led Mexican immigration officials to 41 undocumented Iraqis waiting to cross into the United States.

The Associated Press reported that Mexican immigration police detained 13 citizens of Yemen on September 24, 2001, who reportedly were waiting to cross the border into Arizona. The Yemenis were arrested Sunday in Agua Prieta, across the border from Douglas. Luis Teran Balaguer, in the northern state of Sonora, said the evidence indicates that they have nothing to do with terrorist activities.

The Agua Prieta newspaper clearly did not agree with his assessment. The editor, Jose Noriega Durazo, claimed in a front page El Ciarin headline, ''Arab terrorists were here.'' He quoted Agua Prieta police officials as identifying the 13 Yemenis as terrorists.

Reportedly the Mexican immigration police returned the Yemenis to a federal detention center near Mexico City, but the new information would indicate they were released and returned to Agua Prieta.

Carlos Carrillo, assistant chief, U.S. Border Patrol, Tucson Sector, told WorldNetDaily in a telephone interview Monday that nine Yemenis were reportedly holed up in a hotel in the border town of Agua Prieta, Sonora. ''We have passed the tip on to the FBI,'' he said. When pressed for information, he said he could not confirm the number, because they were under OP/SEC, which is a counter-intelligence acronym for ''operations security.''

The Border Patrol field patrol agent, who spoke anonymously, confirmed the presence of nine Yemenis. The agent said they could not get a coyote to transport them, and they are offering $30,000 per person, with no takers.

The article goes on. Some people are being offered $50,000, specifically of Arab descent. This is happening at the same time that we are debating whether or not we actually can control our own borders or whether we should.

Today I had an interesting discussion with a member of the press, specifically a lady I think from USA Today, and it became apparent after a short time she was annoyed with the fact that I was pressing for border control. She put the pad away for a second and talked to me, you know, sort of ''off the record''; and she said you cannot really expect to do this. We are going to turn into a police state. Are you really going to try to keep these people out?

So I said to her, Tell me the alternative to trying to defend the border. Just tell me what you think the alternative is? It is to abandon it. There is no other way.

You have two options. You either defend the border as well as you possibly can, and it does not mean we will absolutely be sure that no one will ever be able to get into the country without our permission. Of course not.

□ 2100

But we do everything that we can do, just like the President has said that we are going to do outside the country. He said we are going to do everything we have to do.

I ask the President to do everything that he can do, and I certainly will do everything I can do, and I will ask my colleagues in this body to do everything that we as a body can do to stop people from coming into the United States illegally, because it is dangerous.

It is not just the person coming across to get a job in a factory or a field somewhere. We cannot discriminate. We do not know. It is not easy to determine which one is coming across illegally for some purpose that is benign and which one is coming across illegally for some purpose that is quite deadly. It is impossible for us to know that.

We have only one ability, only one charge, only one responsibility. That is to defend the border against all people coming across illegally. It is our responsibility as a Congress, and although there are many people who shy away from it, who are frightened by that because they know that politically we will be attacked by the immigration support groups and various other organizations, and by people who in fact have as their purpose, even here in this body, there are many reasons that many people vote against tightening immigration laws. Some are directly political.

Some people know that massive numbers of immigrants coming into the United States, legally and illegally, will end up supporting the Democratic Party, and therefore they say, we do not want to reduce immigration, whether we are talking legal or illegal.

Many people on our side are split in that Libertarian camp that say, ''I want open borders,'' or say, ''I want cheap labor.'' That is the problem we deal with here.

But I ask all of my colleagues to overcome those very parochial, partisan interests in the hope of and in the desire to try and defend America as successfully as we are doing in Afghanistan. It is imperative that we do it here, also. Our very Nation's survival is at risk.

We recognize that, and we respond to the call that the President makes when we appropriate money and in every other way indicate our support for the effort to fight terrorism overseas. But why, why, Madam Speaker, is it so hard for us to get the same job done here in the United States?

It should be the first place we look, it should be the first thing we do, because the defense of this country begins at the defense of its borders.

FISCAL RESPONSIBILITY AND THE BUDGET

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under the Speaker's announced policy of January 3, 2001, the gentleman from Kansas (Mr. MOORE) is recognized for 60 minutes as the designee of the minority leader.

Mr. MOORE. Madam Speaker, last year it was announced by the Congressional Budget Office that, and I am talking about February of last year, that the projected surplus over the next 10 years would be approximately $5.6 trillion. At that time, the surpluses ran as far as the eye could see, and everybody was talking about the surpluses and how we might use those surpluses to benefit our country.

In fact, the debate at that time was how we might use those surpluses to pay down our national debt, which was approximately $5.7 trillion at that time. The debate was how much we should pay down our surplus and whether we should pay down our surplus or if we should pay down our surplus, if we might pay it down too fast. In fact, Chairman Alan Greenspan of the Federal Reserve Board said there would be some danger in paying down our national debt too quickly.

Well, that problem has been solved. We no longer have surpluses. In fact, and I am not pointing fingers or blaming anybody here, but as the result of an economic slowdown, as a result of the horrible tragedy that confronted our Nation on September 11 last year, the economy slowed down, number one. It was really put into a tailspin on September 11. The surpluses have virtually disappeared.

In fact, the $5.6 trillion surplus last year that was projected over the next 10 years this year, in February of this year, was projected by the Congressional Budget Office to be approximately $1.6 trillion. Somebody said to me when I was back home, what did you all do with the other $4 trillion? I said, well, it was a projected surplus. Projections are hopes for the future.

In fact, I speak virtually every weekend when I go home to either college classes or high school classes, government classes. I remember several

months ago speaking to one high school government class. I was talking to them about the virtues of fiscal responsibility and paying down our national debt, and what Chairman Greenspan has taught us about long-term interest rates benefiting and being lowered as a result of fiscal responsibility and fiscal restraint.

I talked to this class about surpluses and deficits, and I said finally to the class, these high school seniors in the government class, ''How would you define a projected surplus?'' One girl raised her hand, and she said, ''Maybe yes, maybe no.'' I thought, what a great definition. She could probably give good instruction to some of our colleagues here in Congress who think that we can spend projected surpluses, which we know not to be the case.

It is often said that our children are our future. I think no issue goes more directly to the heart of our Nation's future than the debt limit, because what we do now and what we do in the future is going to affect our children, our grandchildren, and their children, because they are going to have to pay off the debt, whatever debt we accumulate.

I think, again, Congress could learn something from our children and do something better for our children. Apparently, Congress is one of the only groups that has not heard that surpluses can disappear, and now we are paying the price and have to make some tough choices.

The President wants to raise and Secretary O'Neill wants to raise the debt limit by roughly $750 billion. This would raise the public debt from $5.95 trillion to $6.65 trillion. I am asking, and again, I am not here to lay blame or point fingers; certainly, the recession I do not believe was the President's fault, and certainly September 11 was not the President's fault. The Congress and the administration should take a hard look at our long-term budget priorities before writing a huge blank check, though, of $750 billion.

I believe it is irresponsible to raise borrowing limits today without planning to protect our children and grandchildren from the consequences of our debt in the future. Lower numbers would be more acceptable at this time. I believe our discussion of the debt limit should be part of an overall discussion as to how to balance the budget.

We cannot throw away and we should not throw away all the progress we made over the last several years in terms of fiscal responsibility in this country. There was a lot of pain involved, and I think we learned some tough lessons, but I think Chairman Greenspan is exactly right: If we can show fiscal responsibility and fiscal restraint, it is going to have a beneficial impact on long-term interest rates, and that affects everybody in this country who borrows money for a mortgage, for a car loan, or any other type of consumer loan.

Too many people in Congress, both sides, Republicans and Democrats, worked too hard to balance the budget to so easily slip back into our old habits. I hope that does not happen.

The President said several times, and I agree with the President wholeheartedly, there are a couple of times when it is appropriate and sometimes necessary to engage in deficit spending, short-term deficit spending. One is in time of war, and the other is in time of recession.

We were in recession, we are told now we are coming out of recession, but we may still be in a time of war. I do not begrudge what the President has done and what Congress has done in supporting the President in terms of some deficit spending. But what I do want and what I think we desperately need in this country is a plan to get us back to fiscal responsibility when the threat to our Nation is past.

When they borrow, when families and businesses put together plans to pay off their debt, I go home virtually every weekend and I hear from families that they live by three simple rules, and they wish Congress would as well: Number one, do not spend more money than you make; number two, pay off your debts; number three, invest in the basics and for our future.

The basics for the country are national security, national defense, Social Security, Medicare, some transportation, things of that nature. The basics for a family are food, shelter, education, health care, and all the things that I think we could agree on.

I really think that Congress and this country need to be more like families in managing their budgets. Our government really should not be any different. We need a long-term plan to pay off our debt. Raising the debt limit by $750 billion just allows Congress to continue its free-spending ways. We should not give a blank check to a Congress that has proven it cannot control its own spending.

Several of my colleagues and I have offered a substitute budget that would raise the debt limit by approximately $100 billion to $150 billion up to the end of this fiscal year, September 30 of 2002. This would prevent a fiscal default, it would stabilize markets, and it gives Congress and the President time to develop a long-term plan to return to balanced budgets and fiscal responsibility.

We should not play partisan games with the financial health of our country. An unprecedented Federal default would wreak havoc on our economy. But that is only slightly worse than the bleak outlook we will leave our children if we do not get back to fiscal restraint and fiscal responsibility.

Higher debts now mean higher taxes for our children, and that is grossly, grossly unfair. We are willing to raise the debt limit, but it must be part of a plan to balance the budget and stop spending the Social Security surpluses. Nothing less than our future and the future of our children and future generations in our country is at stake.

Madam Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I thank the gentleman from Kansas for yielding to me. It is good to be here on this floor tonight with our fellow Blue Dog Democrats, who have consistently stood up in this Congress for fiscal responsibility.

I think all of us tonight have a great deal of concern about the suggestion that we increase our statutory debt ceiling, because we all know that the statutory debt ceiling is the last remaining line of defense to protect us from total fiscal irresponsibility in Washington.

We all thought that there was another line that protected us from fiscal irresponsibility, and that is the pledge of this Congress never to spend the Social Security trust fund monies on anything other than Social Security.

Back in 1997, all of us here tonight were present when we voted for the Balanced Budget Act of 1997. It reversed a trend that had been present in the Federal Government for 30 years of spending every year more money than the government took in. And for 3 years after that Balanced Budget Act, we actually had a surplus in the everyone.

As the gentleman from Kansas pointed out, just a year ago it was projected that we would have over $5.6 trillion in surplus funds flowing into the Federal Treasury over the next decade, but then came a major tax cut, a recession, and a war. That surplus has disappeared.

This year, for the first time in the last 4 years, the Congress is looking at a budget that will once again return us into deficit spending, will rob the Social Security trust funds of those payroll taxes that are paid in by the working people of this country for Social Security, and that money will once again be spent to run the general government. That is wrong. And since we have crossed that line of spending Social Security trust fund monies, something that we pledged on the floor of this House not to do at least half a dozen times in votes cast by the Members here, there is no other protection against fiscal irresponsibility except the statutory debt ceiling. That is that limit in law that says that the Federal Government cannot go over a total of $5.9 trillion into debt.

Most of us cannot understand how in the world we ever got in a position that we would authorize over $5 trillion in debt, but when the administration comes to this Congress and says that we have to increase the debt ceiling by $750 billion, any Member who is fiscally conservative will say, wait a minute, where is the line of defense to protect us from fiscal irresponsibility now? It will be gone.

Now, we all understand that in times of national emergency, there may be justification for a short period of deficit spending if we are in a war, as we are now. The recession has brought

Federal revenues down. It could be that the emergency presented by war would say in the short term deficit spending may be necessary, but only short term.

What we have projected now by the Congressional Budget Office is a decade of ever-increasing national debt.

□ 2115

Deficit spending is wrong. We would not do it at our house or yours. We would not do it in your business or mine because we know it just would not work. We all understand that we need to pay our debts. Why cannot Washington understand that same principle? The reason is that government can print money, and we are going to continue to print money if we increase the statutory debt ceiling, and that debt is going to be owed by our children and by our grandchildren.

Our debt today costs this country and the taxpayers of this Nation almost a billion dollars a day just to cover the interest payments on that national debt. What a waste of resources. Think what we could do if we could save that almost billion dollars every day we spend on interest. Talk about waste in government. The biggest item of waste in government today is the almost billion dollars that we pay every day in interest on that national debt.

So the Blue Dog Democrats believe that holding the line on increasing the debt ceiling is the only way to protect this Congress from continuing down that reckless path of going deeper and deeper and deeper into debt. I think we all understand that when we are in war, as I said a moment ago, we may have to do deficit spending in the short term; and we would all understand if there was a proposal before this House to increase the debt ceiling enough to cover the needs of national defense in time of war, but that is not what the proposal is. The proposal is many times over that amount, and it is designed to allow this Congress to continue down a road of deficit spending for at least another 2 years.

We have got to hold the line. We need to stand up for limiting the amount of increase in the debt ceiling. It is our only line of defense in order to prevent this Congress from fiscal irresponsibility.

We all know that increasing debt is morally reprehensible. Why should we spend money today, whether it is for defense or any other purpose, and expect our children some day to pay for it?

We are in a war today. Many men and women are in uniform in faraway places tonight, defending freedom, fighting for this country. They are making a tremendous sacrifice, and yet it seems that the American people are not being called on to join in that sacrifice because the American people have been given a pass, a pass that says, you do not have to pay for this war now. You can let your children pay for it.

So when those young men and women in uniform return to our country and begin to enter the workforce and build their careers and their life savings, they would have to look forward to paying for the war that they fought in the first part of the 21st century.

Now that is wrong. And the only way we can stop it is to hold the line on the request to increase the debt ceiling in our law.

We know that as we continue to increase debt, the demand for credit from our government increases, and it has the effect, the economists tell us, of increasing the interest rate on all kinds of loans sought by American families. So if we continue down the road of fiscal irresponsibility and allow this debt to continue to mount and mount and mount, not only do we have increasing interest costs to the Federal Government, but the cost of borrowing money for every American family will be higher because the Federal Government's appetite for credit pushes all interest rates up for everybody. So if you want to buy a car or buy a new home and finance it through a home mortgage, or send your kids to college and have to borrow the money to do it, you will pay higher interest rates in the years ahead because of the fiscal irresponsibility of your Federal Government.

We hope that the Members of this Congress will join with the Blue Dogs in standing up for fiscal responsibility, for paying down that $5 trillion debt instead of allowing it to continue it to go up. That is an issue that is important to the American people and the American family, and our failure to deal with it responsibly will result in fiscal catastrophe for this country because we cannot continue to allow debt to mount higher and higher and higher.

So I am very hopeful that our colleagues in the House will join with the Blue Dog Democrats and stand up for the proposition that we should not increase the debt ceiling by the amount of money that has been requested, and preserve that one last line of defense for fiscal responsibility.

Mr. MOORE. Madam Speaker, at this time I would like to recognize another gentleman from Texas (Mr. STENHOLM), and I yield to him.

Mr. STENHOLM. Madam Speaker, I thank my friend for taking the time tonight to permit us again to discuss in what we hope are very rational, simple-to-understand terms what we are proposing.

About a year ago we stood on this floor in opposition to the budget that ultimately passed. We are in the minority. When you are in the minority you usually lose. But we also stood on the floor and offered some comments and some suggestions that we thought made a little bit of common sense.

That projected surplus that everybody was talking about was projected. It was a guesstimate. It was an estimate. It was not necessarily real. It was not necessarily unreal. But we thought the conservative thing to do with our economic game plan for America was simply to take half of it and pay down the national debt. We were ridiculed by some saying that we were going to pay down the debt too fast.

Others suggested that it was the people's money and, therefore, we are going to give it back to them. Very popular suggestion. Some of us were also reminding people that it was the people's debt. Again, we were told do not worry about it. The national debt, the debt ceiling, is not going to have to be increased for 7 years. And we said, we hope you are right. We hope that these estimates are right. But just in case there may be an emergency, and we were not prophetic, no one could have foreseen September 11, 2001, but it happened.

We did not believe necessarily the stock market was going to go up forever. We have always recognized that there are going to be ups and downs; and we had just come through 8 years, the longest single economic expansion in the history of our country doing whatever we were doing until the 1990s, which happened to be beginning to balance the Federal budget.

And I give credit to my friends on the other side for being a part of that. And that is what we are here tonight saying, look at some of the things we did and said in the last 6 or 8 years and try to be a little bit consistent.

What we are suggesting is that some of the same things that occurred in 1996 in which the majority party, the same folks that are in control tonight, demanded that "The President of the United States and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002 as estimated by the Congressional Budget Office."

What an irony. Here we are, March 19, 2002, recognizing that the balanced budgets that we have achieved over the last 2 or 3 years are now out the window as far as the eye can see. The President's budget that he submitted to the Congress does not balance without using Social Security for the next 10 years.

We Blue Dogs are suggesting that is irresponsible budgeting; that we, in fact, are not unreasonable to ask the leadership of this body in the budget tomorrow and in the actions coming up to submit a plan that will balance the Federal budget by 2007 without using Social Security trust funds. That is all that we ask.

Some of us have been here and voted consistently for these type of budgets. That is what I hope to do again tomorrow. But tonight we are calling attention to the fact that we believe it is irresponsible to ask the Congress to borrow $750 billion without a plan of how we are going to get our budget back in balance, other than the plan that we are now under which, by their own administration, does not balance until, well, it does not. We do not go out past

10 years. In fact, this budget we will consider tomorrow is going out only 5; that is what is bothering us.

We are perfectly willing to vote for a clean debt ceiling increase with certain provisos. I do not want to see us go through what we did back in 1995 and 1996 in which we had members of the other party standing on this floor threatening to impeach Secretary Rubin for doing the things that we are now being told by the majority leadership that we are going to do, borrow on our employees, our civil service, military retirement, borrow on those retirement funds and temporarily suspend paying interest in order to get by. Why do that?

There are those of us in the Blue Dog coalition that are looking for a way to be bipartisan on something other than the war. I do not understand why the leadership of this House demands when it comes to fiscal policy that the only votes that will ever come on this floor are those that get 218 Republican votes, when there are some of us, we heard the gentleman from Texas (Mr. TURNER), we heard the gentleman from Kansas (Mr. MOORE). We do not just say that we want to return to fiscal responsibility; we are prepared to act. But the budget that is submitted tomorrow by the chairman of the Committee on the Budget's own admission is not in balance.

And, again, I repeat what the gentleman from Kansas (Mr. MOORE) said, 2003 is a different story. We are at war, an unusual war by the fact that it has not been declared by Congress and yet we are at war, and we understand that and we are perfectly willing to fund whatever it takes, both domestically and internationally, to cover that cost.

But why, we ask, would we want to just arbitrarily give a blank check to borrow $750 billion without a plan of how we are going to use it? What are we going to spend it for? Why should we just arbitrarily send the bill to our children and grandchildren for $750 billion additional, following an economic game plan that has already put us into a position where we cannot balance the budget for 10 years without going into the Social Security trust fund after we voted last year five times on the lockbox, cross my heart, we are not going to touch Social Security again. And yet, here we are, the first action of this year, we are going to do it again.

Not with my vote. But if we can have a little bit of cooperation, some of us submitted an alternative today that we will talk about tomorrow. But tonight we are just talking about a simple request.

□ 2130

What is it that is so wrong about submitting a plan that will get us to balance? What is it that is so right by sending a plan up that we have got to change the manner in which we score it? We agreed back in 1995 on a massive vote, and there were 148 of my friends on this side and 48 Democrats that voted and said we want the President to submit a balanced budget. In fact, we demand that the President submit a balanced budget; and we want that budget to protect future generations, ensure Medicare solvency, reform welfare, provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Furthermore, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth. That is what we said in 1996; and we got 277 votes for it, including 48 Democrats, 229 Republicans.

What happened? If that is what we required President Clinton to do, why are we not equally asking President Bush, and I do not think it will take a whole lot of encouraging. I think this President will be amenable. In fact, I am almost sure he will be amenable, but why is that some on the other side refuse to bring that kind of a resolution to the floor and instead think of ways to circumvent, to circumvent the law of the land, to circumvent how we in fact avoid increasing the debt ceiling on a clean up and down vote, when the same folks and I will read quote after quote after quote of the same folks that said so many bad things when it was Secretary Rubin doing it?

We Blue Dogs pride ourselves in consistency. We are not perfect. I am sure that somebody will find something that I have done or said that is not totally consistent, but I bet I will be 90 percent consistent in saying let us submit a plan for how we balance our budget without touching Social Security and Medicare. As we Blue Dogs stood on this floor last year and argued for our budget in which we said take half of the projected surplus, pay down the debt, take the other half, divide it equally between the necessary increases in spending for defense, for education, for health care, for veterans and for agriculture, and the other 25 percent, a tax cut targeted at helping the economy and working families.

Well, we lost on our plan. If we had passed our plan, we would have been in a heck of a lot better shape tonight on all accounts, but today is a new year. Tonight we stand up again in asking, submit a balanced budget plan. Show us why we need to arbitrarily borrow $750 billion. Show us what the money is going to be used for. The best way to do that is to go slow, to go slow. Do not just give us a blank check anymore than if you were a father and your son had just exceeded his credit card, and you are not going to go out and say, well, great, son, that was wonderful that you exceeded your limit, I am going to give you another $2,000 on your credit card; just keep on doing whatever you have been doing. Families, we do not operate that way. We should not operate the country that way.

So tonight we are just, in fact, saying we are ready to support a plan. We will roll up our sleeves and work with my colleagues on a plan. Try us. Just try us and see what might happen, instead of the partisanship that we see time and time again on economic issues. And here I will say if my colleagues sincerely believe in their budget, if they sincerely believe that it is in our Nation's best interest to borrow on our children's and grandchildren's grand future and the next 10 years and the Social Security trust fund, then just stay with my colleagues' budget and I will respect them for that.

Anybody that stands up on this floor and does what they say they believe in and stands behind it with their vote and argues for it, I will respect them; and I hope they respect those of us that have a little bit different version of this, and we will be arguing for that tomorrow, assuming we will be allowed to have our amendment on the floor tomorrow and have that amendment, which I certainly expect and hope that we will.

With these comments I would now yield back to the gentleman and to other of my colleagues who have come here to discuss this issue tonight, and I thank him for yielding.

Mr. MOORE. Madam Speaker, I yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Madam Speaker, proudly I stand here tonight, with my Blue Dog colleagues, a group that not only just offers rhetoric but is ready to back up what we say. That is why I am proud to be a member of this organization. We are consistent. We say what we mean with integrity and we intend to accomplish, if we have the cooperation from the other side of the aisle, what needs to be accomplished on behalf of this great Nation and the Americans that deserve the best attention.

So I want to thank my colleagues for their comments, for giving me this opportunity to speak on such important issues.

I want to make it clear that I understand the need for the President's increased investment in defense and homeland security. However, I do not want this to come at the cost of economic security for our folks at home.

First and foremost, we need a budget that is made up of honest numbers. One of the most frustrating things I have experienced since I have been a Member of Congress, now my second term, is to think we would go to the ultimate degree to press for investigating private corporations such as we are right in the midst of now, the Enrons, and saying you mean your accounting firms do not even know what is what, what the numbers are, no one can come forward and swear in front of our committees on a Bible that these are accurate numbers?

Yet we as elected officials from all across America cannot even agree what is in the bank or what is real or what is funny money or fuzzy or what is projected versus what we can really count on. We really know, if the honest truth was brought out, we really know, but

not very many in this political game will step forward and admit it because with that comes a price; and no matter what the price is, for me I have to tell my colleagues the honest truth about the honest numbers.

We need a budget that is honest in numbers. We need to base it on the CBO, Congressional Budget Office, and not the OMB, the Office of Management and Budget, estimates. We bring fiscal discipline to this body. The Blue Dogs and others that might share our philosophical positions bring fiscal discipline.

As a former teacher I always like to break down the real root words and meanings of words that we throw around that is supposed to mean a lot. Do my colleagues know where discipline comes from? The word disciple. We can reflect on disciples of Christ. Disciple means the ultimate example, someone to pattern your life after, to live by, to hold up in esteem, on a pedestal. That is what we are as elected officials. We are disciples, offering discipline when it comes to spending, with honest numbers. Let us follow the examples of the ultimate people of integrity in our history.

For the past couple of years, the Republican leadership has made promises to protect Social Security, but this budget is far from protecting Social Security. Many of my constituents depend on Social Security as a means of comfort after they have worked hard all their lives. I am talking about the most frail, elderly citizens, the lowest echelon of income in America.

The budget calls for tapping the Social Security trust fund to support other government programs every year for the next 10 years at the tune of $1.5 trillion. Our Nation cannot afford to put our Social Security system at risk when it is depended on by so many of our most vulnerable citizens.

The budget must address the declining Social Security trust fund. We must pay down the public-held debt; and I know and I understand there is a serious question, whether we should increase the debt limit coming soon; but I believe we need to hold off on increasing the debt limit unless there are certain provisions that we can come to agreement on that would help preserve what we know is true with honest numbers until we can bring the budget into balance without putting the Social Security surplus into jeopardy. That is the balancing act. We can do it if we have the will.

As Americans, it is our job to work together to take care of our folks at home. As politicians, it is up to us to come up with the best possible way to do that. We need to work together. It is easy to say that every day we need to work together, to come up with a plan that will fight the war on terror but at the same time does not sacrifice the needs of our citizens at home.

The citizens in my district are downright puzzled, confused, as to where the surpluses went; and I know we have outlined all the real things that happened that took our surpluses away. We can talk about September 11, a terrible event, still paying the price, probably will for several years to come, psychologically, emotionally, financially, economically, every way possible. The recession, played down, really underestimated, and yet was real and still is, and give away in whatever way you want to define spending up here.

Some say spending is when you want your project funded. Spending takes on a lot of different definitions since I have been here and found out. Spending is about what my colleagues want to accuse the other side of the aisle or the other people of using it for; but when it is for my colleagues' purposes, and the majority, it is not called spending. We use something else to justify what are not real numbers, honesty in budgeting.

Finally, the priorities. If we do not think it is priority for the Americans to entrust their elected officials to manage their money, how much did we hear about we want to return their money? What do my colleagues think Social Security is that is checked off of everybody's check every week for several years as these elderly people are now in the end of their life waiting for? The word ''security'' means stable, someone can depend on it. Not true. It is not true.

I just hope that we can work together, come up with a plan that will give some compromises to some, stipulative outline of issues that will bring us to a reasonable debt limit; and then when we get down to the end of the summer, early fall, we will know exactly where we stand; but until then, we better be cautious. We better be truthful with the American people and save Social Security, pay down the national debt, win the war on terrorism.

Can we do it? We are the greatest country in the world. I bet my colleagues we can do it.

Mr. MOORE. Madam Speaker, next I yield to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Madam Speaker, I am not going to add a lot to what my colleagues have said on the technical side of it. I just want to say that I came here from Tennessee in 1988; and when I came here, people said, John, please, if you get elected, go up there and do something about this horrendous national debt. We are borrowing more money every year as a people than we can pay back in our lifetimes, and we want you all to do something about it. Please, if you go up there, concentrate on retiring the debt and living within our means.

Now, we have tried to do that and I have been here, the gentleman from Texas (Mr. STENHOLM) has been here longer than I have, and this is hard. This is not easy. The easiest thing that anybody who seeks political office can do is to promise a road or a bridge or a dam and promise to cut taxes all at the same time. That is what we hear on the stump, and this is really tough work that we are trying to do here as Blue Dogs because we are doing something that is oftentimes not politically expedient.

We do things that we hope are in the best interest of the country and our children that are not maybe politically popular today.

□ 2145

I mean, it is tough to stand here with a new President, as we did last year, and say we really need to slow down on all these projections and all of these ideas that money is flowing into Washington as far as the eye can see. That is what we were told.

We said, to be conservative in our own business, if it were our own business, we would not run it that way. We would not devote 100 percent of a projection for 10 years to a program that we did last year. We tried to say, that is not a conservative view, it is not the way we would run our own businesses. Why on earth do our colleagues want us to run the country's business that way?

So last year, as my colleague, the gentleman from Texas (Mr. STENHOLM), said, we were unsuccessful when we tried to say we need to slow down on this.

And the funniest thing I have heard since I have been here is when people around here actually, with a straight face, said that we are in danger of paying off the debt too quickly. That reminded me of a guy my size, weighs 400 pounds, and the first night on my diet somebody asks me how I feel and I say I am worried about becoming emaciated. To me, that was almost ludicrous, but that really is what we were told by people with a straight face.

As the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), and the gentleman from Texas (Mr. TURNER) have said, nobody is prophetic. We do not know, I certainly do not know what the price of cotton is going to be next Friday, yet we are supposed to base how we conduct the business of our citizens of this country on these projections.

And by the way, the gentleman from Illinois (Mr. PHELPS) was talking about us, and we do have a very special place here because we are privileged people to represent free men and women. That is an honor that none of us deserve, but as President Jimmy Carter said, the highest office in this land of ours is that of citizen, because a citizen is the owner of our country.

So we are very, very privileged people to be where we are, and with that privilege comes an awesome responsibility. And sometimes that responsibility is to do tough things; to say, look, in response to, we need to give the people their money back, it is theirs. Well, kids are people, too, and they do not have a voice here. But they are people, and there are a bunch of them that are not yet born, and we are

spending their money tomorrow if we pass this budget, and they do not even know about it.

Somebody asked me one time if I would agree to a supermajority to raise taxes. I said, no, there is plenty of pressure in this system not to raise taxes. But I will vote for a supermajority to borrow money, because the people we are spending their money are not here to tell us, please do not do that to me, I am 2 years old.

But what my colleagues are doing is going to not only make sure that our citizens are overtaxed, because they do not have the willpower to say no to either a tax cut that is irresponsible or to a spending program that is irresponsible. My colleagues do not have the willpower to say no to that, so they want to put it on me. That is basically what has been going on around here, and it is very simply wrong.

So as the gentleman from Texas (Mr. TURNER) said, this debt limit is really one of the last lines of defense we have to insist that the people who run the House here, the majority party, bring a budget to the floor. We cannot bring anything to the floor. We can ask for it, as we did tonight in the Committee on Rules, a substitute that puts at least in place some safeguards, but we cannot bring anything to the floor here because we are in the minority. And that is all right as long as we are treated fairly and we get a vote on what we have asked for and then people know.

But it is not easy to stand here as someone who asks for votes every 2 years and say, as much as I would like to, we just simply cannot afford that program in west Tennessee or middle Tennessee or east Tennessee or wherever; or we cannot afford to do some of the taxing initiatives in terms of tax cuts that we have been doing. We do not have the money. So I would hope that as we go into the budget debate tomorrow, we would keep in mind that we are not just talking about ourselves, but we are talking about our country.

I have been to countries that do not have a government. I have been to a country that is broke. And I have yet to find a country on the face of the earth that is strong and free and broke. And that is where we are headed when we are paying a billion dollars a day in interest. And that is going up every day because we simply, in the here and now, say let us give the people back their money, they earned it, it belongs to them. And it does, except kids are people, too, and we have not done them right. And anybody who says we have, I would have to take violent disagreement with that.

We are going to be overtaxed the rest of our lives, and we should be, because we are paying 13 percent interest before we ever get to tanks, before we ever get to any of the projects that we need in the country to give private enterprise the opportunity, with the infrastructure that only government can provide, the ability to grow and create private sector jobs, which is, after all, the backbone of the country. We understand that. But we are going to be overtaxed the rest of our lives because people back in the 1970s and 1980s spent more money than they were willing to pay for, and now we are being asked to do the same thing.

We are going to make sure, if we keep on this course, that not only are we overtaxed the rest of our lives, but our children are going to be overtaxed all of their working lives because we simply cannot find within ourselves the ability to make tough, hard decisions that are not politically expedient.

So, Madam Speaker, I appreciate my colleague, the gentleman from Kansas (Mr. MOORE), for having this special order tonight and inviting us to participate.

Mr. MOORE. Madam Speaker, I thank the gentleman from Tennessee, and next I am going to yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Speaker, I thank the gentleman from Kansas for yielding to me and also thank him for the extraordinary and bipartisan work he has done to try to bring America's budget into balance.

America needs a wartime budget. We need a budget that will provide the resources necessary to win the war on terrorism, that will stimulate our economy without aggravating our deficits, and that will protect and reform Social Security and Medicare but not finance the war out of its trust funds. In sum, our country needs a budget that will call on the American people to make sacrifices to win, sacrifices they are willing to make if only their leaders will have the courage to ask and speak plainly.

The President's budget is not there yet. The budget we will vote on in the House this week calls for the most significant increase in military spending in more than two decades, and that increase will enjoy bipartisan support. The budget also proposes significant new tax cuts, and the House leadership has also signaled its interest in making last year's tax cuts permanent. Domestic spending increases only slightly or remains flat. And the budget requires sacrifice.

There is only one problem: It is not we who are being asked to sacrifice. It is our children.

Advocates of the budget call it balanced. Regrettably, it is anything but balanced. The $2.1 trillion budget uses $200 billion in Social Security trust funds to pay for other programs, spends all of the Medicare surplus on priorities other than paying down the national debt, fails to count the cost of the $43 billion economic stimulus package just signed by the President, assumes that spending levels on domestic priorities will be reduced, including the President's own education initiative, and that mammoth problems, like the growth of the alternative minimum tax, will go unaddressed.

But even these glaring omissions are not enough to balance the budget. The gimmickry goes further.

The budget addresses only the next 5 years, not 10, to hide big late-year costs. And the budget relies on the White House's own budget numbers rather than the nonpartisan Congressional Budget Office estimates, which are more conservative. Although institutional memories are sometimes short, I am sure none will forget that only 6 years ago the House Republicans shut down the government twice when President Clinton failed to use CBO estimates to balance the budget.

It is no wonder that Secretary of the Treasury O'Neill will soon be before Congress asking us to raise the debt limit so that the United States of America can borrow another $750 billion on top of the $5.9 trillion we already owe to continue paying its bills. Only last year, the Secretary predicted that an increase in the debt limit would not be necessary for 7 years, and the President and Congress vowed we would never dip into Social Security.

It is true that the war on terrorism and long- deferred improvements to our military readiness have required the largest increase in the defense budget in two decades. But this increase of $45 billion in military costs and almost $20 billion in homeland security are but a fraction of the multi-trillion dollar change in the Nation's economic projections over the next 10 years. The tax cut recession played a much more significant role in expending the anticipated surplus, with the recession having the largest impact in the short term and the tax cuts playing a more prominent role in the long term.

But whatever the causes of our current economic shortfall, the fact remains that the administration has yet to come up with a budget and an intermediate or even long-term plan to restore balance to our budget and stop deficit spending.

When we had a $5.6 trillion surplus and no war, we could afford a substantial tax cut, and I supported the President. But now we are at war, we have no surplus, and we are spending the Social Security trust fund. To propose dramatic new tax cuts at a time like this, or to make permanent those we enacted before, before it is clear whether we can afford them, means financing the war out of our parents' retirement and out of our children's education; and this just is not right.

While it may be necessary to deficit spend in the short term, while we are at war and not yet fully recovered from the recession, Congress should work with the administration to develop a balanced budget for America's future that does not rely on raiding Social Security. Everything must be on the table. Secretary O'Neill's request for a mammoth increase in our national debt should be rejected in favor of a small, short-term increase and a plan to return our country to balanced budgets.

America has always been willing to sacrifice to win its wars. She still is. But she must be asked by leaders who are willing to speak candidly about what is at stake and what it will take to win. She must be asked by those with faith in the essential generosity of the American people and who will not tell us that we can have our cake and eat it too. Our prosperity and that of our children may depend on it.

Mr. MOORE. Madam Speaker, I thank the gentleman from California. I also want to thank the gentleman from Texas (Mr. TURNER), the gentleman from Texas (Mr. STENHOLM), the gentleman from Illinois (Mr. PHELPS), and the gentleman from Tennessee (Mr. TANNER) for their remarks this evening.

I think we have heard for just about the last hour, Madam Speaker, some really good advice about what we need to be looking at in the future and what we need to do as a country. We can always choose the easy path; or we can try to do what is right by our children, by our grandchildren, and for our country. Doing what is right may sometimes be harder, but it has its own rewards.

I think we need to look at fiscal responsibility and a plan back to fiscal discipline for the future of our great country.

THE BUDGET; AND THE LAYOUT OF THE EASTERN UNITED STATES VERSUS THE WESTERN UNITED STATES

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

Mr. MCINNIS. Madam Speaker, before I start on my night-side chat, so to speak, to cover some issues that are very important in regards to the layout of the United States, the eastern United States and the western United States, and how the lands are situated, I do want to bring up a couple of points that were discussed by some of the previous speakers.

Specifically, I would like to bring my colleagues' attention to the remarks made by the gentleman from Texas (Mr. TURNER). The gentleman from the State of Texas says that Americans, speaking of the war in Afghanistan, and I am quoting him fairly accurately I think, he says that Americans are taking a pass on this. I am not sure that that is what the gentleman intended. In fact, many of the remarks I heard previously are remarks I agree with. But nobody is taking a pass on what happened on September 11 in this country, the least of which would be the American people.

Because of the fact that we have to go into debt to finance this war effort does not mean the American people are taking a pass on it. Our situation on September 10 was a whole lot different than our situation on September 11. We did not anticipate on September 10 having to spend the kind of money that we realized on September 11 and days that followed were necessary. No American is taking a pass on this. Every American is contributing to this. We have a lot of Americans that are working in this country, and their tax dollars are going into this.

So I do not think the gentleman really intended his remarks to be quite as stinging as at least I took them.

□ 2200

Madam Speaker, let me mention a couple of other things that I think were brought out in the gentleman's remarks. Not speaking specifically to the gentleman from Texas (Mr. TURNER), but some of the people that share his ideas, they speak courageously about the fact that we need to have a balanced budget and vote no, but there are some who speak very bravely on one hand, but when it comes on votes which impact your State, you vote the other direction; you vote to continually increase the budget.

You talk about how fiscally conservative you are and how we need to keep the budget in balance and how the other party is trying to spend our children's future into oblivion, and I do not know how many times I hear the term Social Security. Show me one Congressman who wants to eliminate Social Security. Well, the war in Afghanistan, the spending on the war in Afghanistan, we threaten Social Security. If we do not win that war, everything is threatened.

Madam Speaker, I would be very interested in seeing where some of my colleagues that have just spoken, for example, where their votes were on the farm bill. The farm bill has a great impact on the State of Texas. That farm bill has gone up dramatically. That is a tough vote to take. That is one of the votes that they speak of. Maybe it is not the popular thing to do, but it is the right thing to do. The right thing to do. Let us check a specific legislator or Congressman who speaks about how we are going into debt and how the budget continues to increase; and if they are from a farm State, let us see how they vote on the farm bill or the highway bill, the bill that benefits their State with specific projects.

On one hand they say that they voted for new highways, and then they go to the conservative sections of their State and say I want a balanced budget. We cannot have our cake and eat it too; but at the microphone there is an obligation to say that Americans are not getting a pass. We are all contributing. It has to be a bipartisan debate.

I should say, and I notice one of my colleagues from the State of Texas is standing here, the gentleman's comments were pretty much in line. I do not disagree with what the gentleman from Texas said. I think it is very important that we have a balanced budget and we need to keep a handle on the debt. The management of that debt was a whole lot different on September 10 than it was on September 11, or 2 years ago when our economy was booming than it is today when our revenues have decreased.

The management of the debt was so important 3 years ago, but now take a look at what that debt is today and take a look at the small businesses that are going out of business today. They need some tax relief. This is not the time to increase taxes on small businesses.

Mr. STENHOLM. Madam Speaker, will the gentleman from Colorado yield?

Mr. MCINNIS. Madam Speaker, I would be happy to yield to the gentleman from Texas.

Mr. STENHOLM. Madam Speaker, concerning what the gentleman from Texas (Mr. TURNER) was saying a moment ago, was also characterized in my own comments, is in agreement with the gentleman's statements concerning September 11, 2001. That is the point that we are making tonight and we have been trying to make, is that things did change. Therefore, we do not necessarily believe that the budget that was put in place last year before 9–11 should be arbitrarily sent forward without adjusting not only for the expenditures, but also for the fact that we are going borrowing the Social Security trust funds in order to meet current operating expenses.

We would welcome the opportunity to work together with the other side in the same spirit that the gentleman began his remarks tonight. Things have changed; and, therefore, we believe that we need to change our economic game plan to bring us back into balance, and we look forward to working with the gentleman.

Mr. MCINNIS. Madam Speaker, reclaiming my time, I do not disagree with the gentleman. My sensitivity arose when I heard one of my colleagues talk about how Americans are taking a pass on the war in Afghanistan. We have disputes here regarding our budget, and we have disputes on which programs ought to be funded and which ought not to be funded; but I can tell my colleagues, there are some who stand up on one hand and say we need a balanced budget. On the other hand, when a huge bill like a farm bill or highway bill comes which has an impact on your district, you vote for those projects. That is where you get into problems here. I am just saying if you are going to preach the good word, you ought to follow the good word. That is all I am saying.

Let me move on to the issue that I came here primarily to address this evening. I find myself continually taking the microphone on the House floor to try and talk and have a conversation about those of us who live in the West, our issues in the West compared with those issues that you deal with in the East. Instead of taking on a whole gamut of issues, I have tried to narrow it down to two specific issues I want to

cover in the next few weeks, issues of which there are distinct geographical lines between the eastern United States and the western United States.

Those two issues are, number one, water; number two, public lands. Tonight I intend spending most of my time on public lands, but I think it is important to cover first of all the water issue. The eastern United States has suffered from a drought this year, including the Rocky Mountains. Colorado, where I come from, we have not had the kind of snowfall we are accustomed to.

But on an average year in the East, one of your big problems is getting rid of the water. Our problem is storing the water. Unfortunately, when the good Lord made our country, the good Lord did not equally divide the water resources with the population. The good Lord did not spread the water equally across the country.

In fact, if Members look at the map of the United States, and if I drew a line that went from here, that came down probably about like this, and then up about here, this section of the country to my left would have 73 percent of the water. So this section would have 73 percent of the water in the country.

If you went over here in the Northeast and took a little box like this and came down here, so you intersect at this point right here, that section of the country would have about 13 percent of the water. Then the balance of the country, this huge portion right here, the portion where I live, has 14 percent of the water, although it has over half the land mass of the Nation.

So water is a huge difference between the West and East. The State of Colorado, our lowest elevation is about 3,500 or 3,400 feet. Colorado is the highest State in the Nation. It is the highest area of the continent, the Rocky Mountains. Colorado is the only State in the Union that has no incoming water for its use. All of the water in the State of Colorado flows out for other people's use.

The Colorado River, for example, when we compare it to the Mississippi, it is not as big as compared to the Mississippi, but it is critical in the West. The Colorado River supplies water for 23 States, 24 million people, probably more now because that statistic is a couple of years old; 24 million people depend on that water for their drinking water. The Colorado River is one of five rivers that have their headwaters in the State of Colorado. We have the Rio Grande, the Platte, the Arkansas, the Colorado, et cetera. That is why they call Colorado the Mother of Rivers. But water is something that I urge my eastern colleagues, when we have issues that come up and we hear about our dam storage projects or Lake Powell or Lake Mead, do not summarily agree with some of the more radical movements in our country that say those dams ought to be taken down. These dams are critical for our existence in the West.

In the West from a State like Colorado, for a period of about 60 to 90 days we have all of the water we could possibly use. When does that period of time fall? That period of time falls starting about right now. It is called the spring runoff. In Colorado we have over 300 days of sunshine a year, but that does not mean that it is warm enough to melt the snow. This time of year we get temperatures close to 70 degrees and drop down to 20 degrees at night. The spring is starting. Those massive amounts of snow that have accumulated in the mountains will begin this runoff.

For this 60- to 90-day period of time, water is plentiful; and that usually does not coincide with the time of need for agriculture. Most of the water across our country is used for agriculture. It is not used for direct human consumption, although obviously going into agriculture, it ends up in human consumption. It is that period of time after the 60 to 90 days that we are concerned. We have to have the ability to store the water.

If we take a look back at the Native Americans and the first people that occupied the West to the best of our knowledge, you will find that they stored water. Why? Because you cannot exist in that country without the storage of water. We do not have enough water on a continual basis that comes down for us to be able to exist year round. That is why we have those storage projects; and, unfortunately, we cannot ever really time what days are going to be the warmest days. Some years the sun in Colorado, which is almost always out during the day, the sun in Colorado sometimes heats up faster than we thought. Days in March, for example, which we thought would be around 40 or 50 degrees may jump up to 70 degrees. So the water may run off sooner than expected.

There are a lot of factors of nature we have to deal with; and, yes, we have to alter nature, not alter nature where there is permanent damage, but to provide for mankind. We cannot just ignore the use of the water. We have to divert and grow our crops. I ask for understanding because I know that in some of these upcoming bills, including the farm bill, there are I think people with good behavior, colleagues with good intent, who are inserting water language in things like the farm bill that do not impact people in the East because they do not deal with the issue. The water law in the West is different than the water law in the East, but the ramifications to the people of the West on some of the water language that is being inserted in some of these bills is huge. It has very significant impacts, and rarely does an Eastern Congressman insert into a bill language dealing with water that has a beneficial or a positive meaning for water in the West.

We constantly find ourselves in the West, because we have the smallest population in the country, we constantly find ourselves under siege when it comes to issues of water. I am asking for more understanding from my colleagues of the East because a lot of people depend on that water that comes out of the West. A lot of my colleagues that are from the East do not really know. I bet some did not know until tonight that our water law is significantly different than the water law in the East. Take a look at what the water laws are for the State of Massachusetts or the State of Kentucky, and compare it to the water laws of the State of Colorado or the State of Utah. We have two entirely different systems, water systems, and the law recognizes that.

That is why we have two distinct sets of water laws for those States. But it is unfair for one State to impose obligations or to impose some kind of commitment on another State's water system when that State does not have a clear understanding of the water law of the other State. Or, unfortunately, in some cases they do have a clear understanding of the damage that that language will do to water in the West, and they intentionally insert it in.

□ 2215

That is why we in the West constantly feel we have to be on guard, especially when it comes to our water issues.

We could talk about water for the rest of the evening, but I want to cover that in more detail later on. I want to talk about now the other distinct difference between the East and the West, and that is our lands. Public lands.

Public lands are just exactly how it sounds, lands owned by the public, lands owned by the government. In the East, there are very few lands that are owned by the government. In the East, when we first settled this country, of course, our population came in the East. Our primary population was on the East Coast. The idea, when our country was first settled, that the government would own the land was only an idea of temporary duration. People were trying to get away from the British throne where the government controlled you. They wanted independence. They wanted the ability to cultivate their own lands. They wanted the ability to own land, to have the right of private property.

And so when our country was first settled, any lands that were owned by the government or conquered by the government or purchased by the government were very quickly turned over to private ownership. People got to enjoy that right of private property.

But soon what happened is, they began to settle the West. You began to see a vast accumulation. If you look over here on this chart, the color on this chart reflects government lands. Look at the East. Where is the white part of the chart? It is in the eastern United States. Your public lands, your massive amounts of public lands are not in the East; they are in the West.

They are not spread evenly around the country. The public lands are concentrated in one portion of our country and that is the western United States.

Needless to say, there are big differences between somebody who lives on land that is not surrounded by public lands, where the government owns very little of your neighbor's land, or is not your neighbor, versus somebody who has the Federal Government as a neighbor, who is completely surrounded by government ownership.

My district is a good example. In my district, there are approximately 120 communities; 119 of those 120 communities are completely surrounded by Federal lands. If you take a look at my district, we have four national parks. We have any number of national monuments. We have BLM lands. If you take a look at this, just make that comparison, I will point out, if you look to my left, my district is right here, this colored area of the map. Compare that even to eastern Colorado or compare that to some of these other States, Illinois or even back here in Kentucky, Virginia, some of these States over here on the East Coast. You do not see that public land.

And so we in the West, just like our water, feel like we have to take even a more aggressive or progressive step toward trying to work with our colleagues in the East to say, look, we are dealing with something that you never deal with. We are dealing with something of which our life is entirely dependent upon and you do not have to worry about that dependency. In the East you are not dependent on Federal lands or public lands for your well-being. In the West, we are completely surrounded by them.

What do I mean by dependence on public lands? Think about it. Pick a town that many of you would know right off the top, Aspen, Colorado. I was just in Aspen yesterday. Aspen is a community completely surrounded by public lands. You cannot drive to Aspen without crossing public lands. You cannot fly to Aspen without flying over public lands. You cannot recreate near Aspen without recreating on public lands. You cannot have any water in Aspen without getting it either coming across public lands, stored upon Federal lands or originating on Federal lands. You cannot have a cellular tower without it being on public lands. You cannot have power come in your community without it coming across public lands. These are issues that for the most part my good colleagues in the East do not have to deal with. And we have to deal with it.

And so my purpose here this evening is to just kind of give you an idea of the vastness of the public lands and the concentration of those public lands in the western United States.

If you take a look at the forest, we often hear about the forests in the West. Here is an interesting factor for you. Do you know that the forests in the eastern United States, the forests over in this area as compared to the forests in the western United States are about equal? That is kind of surprising. In other words, the forest land in the East is about equal to the forest land in the West. So what is the difference? The difference is that the forests in the East are privately owned. The forests in the West are government-owned.

Here is another interesting thing for you. More than 80 percent, if you take a look at the lands here, 80 percent of your public lands are in the West. Take a look at your national parks. There are at least 375 to 400 national parks. Let us say it is 375. Of the 375 national parks, 114 of those parks are in the West. So roughly a third to almost a fourth. A little over a third of the national parks are in the West. But 87 percent of the national parklands are in the West.

So your national parks in the East, you may have a national park, but your land mass is very small. Why? Because it is primarily private property. But when you come to the West, we only have about one-fourth, a little over one-third of the parks, yet we have over 87 percent of the land that is located in the West.

Before I take this map off, let me just reemphasize. The color on this map depicts government lands. Let me give a little history, very briefly, before I take this map off. Primarily the reason that you have got these massive amounts of Federal lands, in the early days it was fully expected that the citizens of this country would have private property, the right to have private property. They were trying to escape the throne, so the government was not going to own that land. Then as the country began to expand, our leaders in Washington said, how do we encourage people to leave the comfort of the East Coast and to go west to conquer the land, so to speak?

Back then a deed did not mean anything. If John and Susan had a deed to a piece of property, it did not mean much like it does today. Today a deed protects your interest and protects your rights. You do not have to possess the land, to be on it, to own it. But in the old days, you had to be on the land probably with a six-shooter strapped to your side. You could not just have a deed. It did not mean much. You needed to get out there and sit on it.

And so what we saw happen was a policy begin to become developed that, look, we have got to give some kind of incentive to these people to go to the West. We cannot let this land go unoccupied or some other foreign country will take the land from us. We need to get our people onto these lands. How do we do it? And somebody came up with the idea, let's do the same thing that we did in the Revolutionary War. What we did in the Revolutionary War is, we tried to bribe the British soldiers to join the American forces, and in exchange for them deserting the British forces, we would give them land, land that they could own, land that they could have of their own, land grants.

That is what our leaders in Washington, D.C., decided to do, give land grants to the settlers that go to the West. If they go out there, we will give them 160 acres if they till the land, cultivate the land, live on the land, and they use the land as if it were their own. We will give them 160 acres or 320 acres. As you can see, as depicted on this map, that worked pretty well until they hit this area.

What is this area? A good part of that area is the Rocky Mountains. What happens when you hit the mountains, when you hit 3,000 feet in elevation? That is the lowest elevation in the State of Colorado. Where I live is at about 5,000. The average elevation in the State of Colorado is 6,000 feet and this area of Colorado represents the highest place on the continent. When you get into the Rocky Mountains, all of a sudden instead of taking 160 acres to support a family, it may take 500 acres or 1,000 acres or 2,000 acres to support a family. You can feed a lot of cattle on 160 acres in the East. Sometimes you cannot even feed one cow on 160 acres in the West.

So they came running back to Washington, D.C., and said, look, the people are not settling in the mountains, they are going around. They are going to the valleys in California. They cannot support themselves with just 160 acres.

So a very conscious decision was made, not a decision to keep the land in the West in the government's hands so no generation could ever utilize that; in fact, just the opposite. The decision was made, look, because we have given so much land to the railroads and we are under a lot of political heat for doing that, we cannot really give out the 3,000 acres or 2,000 acres or whatever would be the working equivalent of 160 acres in the East, so let us go ahead and keep these lands in the government's name and let the people go out there and use the land as if it were their own. There are certain responsibilities that they would have to carry out, and as time goes by and we understand more of the issues of land use, of environmental use, of water and so on, we put more and more guidance in place of how to utilize those lands, but we have always protected the concept called multiple use, a land of many uses.

When I grew up, the government lands, as you entered government lands, especially as you entered national forests, there was always a sign there that said, for example, ''You are entering the White River National Forest, a land of many uses.''

That is how the land in the West was developed, the land of many uses, whether it is recreational uses, whether it is to cultivate a field, whether it is to build a home, whether it is to use the water, whether it is to protect and enjoy the environment in those areas, it is a blend of those uses. Oftentimes, here, we are challenged with very, I

guess, targeted groups, very special interest groups who live in the East and who enjoy the comfort of the East and who are not threatened by public lands. Their special interest is to eliminate our way of life in the West by eliminating the concept of multiple use.

We have right now, for example, dealing with public lands, some wealthy individuals who have moved into several of our States, including the State of Colorado, and are filing across-the-board blanket objections to every grazing permit, not grazing permits where they think they can prove somebody was bad, a bad operator on the land, and if we have got a bad operator on the land, get rid of them; we do not object to that.

But what they are doing is, they are taking their big money out of the East, they are taking the money in their pockets and they are putting it out and they are trying to eliminate all grazing, all use of the public lands for our farmers and ranchers. Remember, if you are talking about some State out here that does not have public lands, that is not a big issue to you. But if you are talking about the State of Colorado or Wyoming or Idaho or Utah or Montana, big parts of California, you are talking about our livelihood.

Think about it: The elimination of our farmers and our ranchers to be able to utilize the land in a responsible fashion through a permit process that is monitored during the period of time that they utilize that, this group of wealthy individuals are filing legal actions and other types of actions to eliminate that use of public lands.

It is their goal, over time, to eliminate multiple use. They think the toughest people out there to take down will be the farmers and the ranchers, because there is still a feeling of romance about farming and ranching in our country. So they figure if they can take out the big ones first, then they can go after the other things that we depend upon.

For example, our usage of water. As I said earlier, keep in mind that in these vast areas of the West, almost all our water comes across Federal lands, is stored upon Federal lands or originates on Federal lands. So the next thing they will go after is any kind of use of water that flows across Federal lands or originates on Federal lands. And we have already seen some effort in that way.

Obviously, they are going to try to take out ski areas, eliminate the use of being able to ski. They will go after the recreational use. They have pretty well eliminated in many of these States timbering and things like that. So we have a big challenge out there facing these public lands.

To take a comparison, I want to show the U.S. holdings, the government holdings as they are in the United States. This is, I think, a very helpful chart. I will direct you to the chart to my left of major U.S. land holdings.

The Federal Government owns more than 31 percent of all the lands in the United States. By the way, in my comments here, I am talking about the continental United States. In Alaska, I think 98 percent of that State is owned by the Federal Government. If you want to see what kind of impact it has on the Native Americans up there, of all the people that are in those lands, ask the gentleman from Alaska (Mr. YOUNG), for example.

□ 2230

Its impact is dramatic. State-owned, 197 million acres. The Federal Government owns about 700 million acres. These are interesting breakdowns. The BLM owns 268 million acres; the Forest Service, 231 million acres. Now, remember what I said. The forests in the East are about equal to the forests in the West, but the big difference between the forests located in the East and the forests located in the West is the forests in the East are privately owned. The forests in the West are owned by the Federal Government.

Other Federal, about 130 million acres. The Park Service has 75 million acres. Recognize my comment there earlier. We have about 375 national parks; 114 of those 375 are in the West. Although we only have 114 national parks, those national parks take in 87 percent, 87 percent of the Federal park land in this country.

Tribal lands. Now, look at this. The Bureau of Land Management, we really have two agencies out there that manage the land for the people. One of them is the United States Forest Service. That is right here. The Forest Service manages an area of the West larger than the size of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York all combined. That is Forest Service responsibilities.

The Bureau of Land Management is responsible for a land mass larger than California and Oregon combined, mostly the drier rangeland used for grazing, mineral and energy exploration, as well as recreation. Those two agencies manage, are the primary management agencies, for us, the people, for the Federal Government out in the West.

What I am asking my colleagues to do, and why we often find ourselves at battle, not Republican and Democrat, but a lot of times East to West, where we find those differences, the origin of a lot of those differences is the fact that we in the West are concerned that some of our colleagues in the East do not understand the differences in lifestyle that come about as a direct result of whether or not your land is owned by the government or the land you own is surrounded by the government.

Let me show another chart. Keep in mind what I said earlier about the gentleman from Alaska (Mr. YOUNG) and the State of Alaska, that 96 or 98 percent of that State is owned by the Federal Government. So you can see a difference.

I have prepared a chart that gives you some States in the West and the amount of government ownership of land compared to States in the East. By the way, the population here is in States in the East. The majority of your population is on the East Coast and the State of California.

Let us look at these western States. First of all, this box: 88 percent, 88 percent of the Nation's Federal public lands outside of Alaska lie in 11 Western States. That is where I am from. That is the message; that is the story we are trying to tell tonight.

In one of my subsequent conversations with my colleagues here, I am going to bring some letters. I am going to tell you about some of the families in the West, about how the West was won, so to speak, about survival out there. It is tough. What you hear about are the Aspens and the areas like that, all in my district, which I am very proud of. But you need to hear about the little towns like Meker, Colorado, or Craig, Colorado, or Lander, Wyoming, or some these areas, and take a look at the good lifestyle that these people provide for their families.

But let me go on. Eleven contiguous western States, Nevada, 82, 83 percent roughly of that State is owned by the Federal Government. Compare it with Connecticut, less than 1 percent.

The State of Utah, 63 percent of the State of Utah is owned by the government; Rhode Island, about one-third of one percent.

Idaho, 61 percent owned by the government; New York, about three-fourths of one percent.

Oregon, 52 percent; Maine, just a little under 1 percent.

The State of Wyoming, almost half the State is owned by the government, compared to the State of Massachusetts, 1.3 percent of that State.

Arizona, 47 percent; Ohio, 1.3 percent.

California, almost half the State of California; Indiana, less than 2 percent.

Colorado, 36 percent; Pennsylvania, 2 percent.

New Mexico, 33 percent; Delaware, 2 percent.

Washington, 28 percent; Maryland, 2 percent.

Montana, 28 percent; New Jersey, 3 percent.

Where we see a difference, where we see a rift, so to speak, or see what we perceive as a lack of understanding, is from some of our colleagues in these States and the people of these States; and that is why I am standing here in front of you this evening.

When you take a look at the differences, what you have and what we have, and the differences it makes in your life style, whether it is whether you get water, whether it is your transportation, whether it is your recreation, whether it is your environment, this is where we see a lot of problems originate between the States, because we in the West oftentimes feel that our good friends and our fellow citizens in the East do not understand the need for us to have the concept of multiple use.

My guess is that in most of these States, go up to Rhode Island and stop

100 people on the street. Ask how many of them know what is the concept of multiple use, what does multiple use mean. Give them a hint: it applies to the Western United States. What does multiple use mean?

My guess is out of 100, 99 cannot tell you. I am not saying they are ignorant or being critical of them; I am just saying it is not in their environment. They are entirely removed from the concept of multiple use. They are entirely removed from the ramifications of public lands.

But you go to a State like Alaska, for example, which is 98 percent owned by the government, or Nevada, and stop 100 people in Nevada and say what is the concept of multiple use? What is the concept of public lands? You are going to get an entirely different viewpoint, because those people experience it.

My purpose here this evening with my colleagues is to tell you that as we talk about some of these land-use decisions, as we talk about the Endangered Species Act, as we talk about our national parks, as we talk about our Bureau of Land Management, as we talk about the U.S. Forest Service, as we talk about people that recreate, whether it is on a mountain bike or kayaking, or as we talk about water in the West, understand, please understand, there is a clear distinction between how and what the ramifications are of those issues here in the East versus those in the West.

I have often heard people say, well, now, just a minute, SCOTT. This land belongs to all of the people, and that we people in the East, you should pay more attention to us, because this land in the West, that should be preserved.

I do not disagree with that comment at all, and we do a darn good job of it. We do a darn good job, because, you know what, we depend on that land. If we abuse the land, we suffer first.

But what kind of gets under our hide, gets under our saddle back there in the West, is when we have people who say to us, look, go ahead and kick the people in the West off their lands; but since we privately own it in the East, it will not have any impact on us.

What we are saying to our colleagues in the East is, look, understand what the concept is. Before you draw a position down, before you take a vote, try and determine or take a look or educate yourself on the concept of multiple use.

You know, when you hear from somebody, for example, the National Sierra Club, I do not think the National Sierra Club, which carries a lot of heavy weight here in the United States Congress, I do not think they have ever supported a water storage project in the history of that organization. Now, a lot of the things that that organization may do might be good; but before you sign on in opposition to water projects in the West, before you sign on to some of the ridiculous things that have come out, like, for example, take down the dam at Lake Powell and let the water go, understand what water in the West means; understand what multiple use in the West means.

The public lands in this country, as I have said over and over in my comments this evening, are not evenly spread across the 50 States. In fact, they are concentrated in about 11 States. That is where the majority of your holdings are. Eighty-some percent of those government lands are in those 11 States. The consequences to those 11 States are a whole lot different than the consequences to the other 39 States, some of whose public lands, really, are just the local courthouse.

So in conclusion and as a summary of these remarks tonight, I am just asking that my colleagues in the East begin to have a better understanding of what we face in the West. We are here in the West and we speak loudly from the West because, one, we are small in number because of population; but we also have the clearer understanding of what it is like to live with the government at your back doorstep, at your front doorstep and your side windows. Everywhere you look you have got government around you.

I would ask my colleagues from the East, work with us in the West. Help us protect that concept of multiple use. Help us continue our balanced use of the lands out there. Help us provide for future generations by using a balanced approach and by not automatically saying no water storage, not automatically saying no grazing, not automatically saying no utilization, not automatically saying take the recreation off those forests lands or take the recreation from those BLM lands.

We are totally and completely dependent upon these lands. We could not live in those States, nobody, nobody could live out there in those States in the West without this multiple use concept of Federal lands.

RECESS

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DIAZ-BALART) at 12 o'clock and 45 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–380) on the resolution (H. Res. 372) providing for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3924, FREEDOM TO TELECOMMUTE ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–381) on the resolution (H. Res. 373) providing for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SHOWS (at the request of Mr. GEPHARDT) for today and March 20 on account of a death in the family.

Mr. SHAYS (at the request of Mr. ARMEY) for today on account of personal reasons.

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 Ms. MILLENDER-MCDONALD) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, 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. PAUL, for 5 minutes, March 20 and 21.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 46 minutes a.m.), the House adjourned until today, Wednesday, March 20, 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:

5943. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Distance Learning and Telemedicine Loan and Grant Program (RIN: 0572–AB70) received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5944. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Extension of Redemption Date for Unsold 2001 Diversion Certificates [Docket No. FV02–989–3 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5945. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate [Docket No. FV01–948–2 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5946. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5947. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Austria for defense articles and services (Transmittal No. 02–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5948. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 02–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5949. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06–02 which informs the intent to sign an amendment to the Memorandum of Agreement (MOA) between the United States and Israel concerning Counterterrorism Research and Development, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5950. A letter from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule —Rough Diamonds (Sierra Leone & Liberia) Sanctions Regulations—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5951. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5952. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Guide to Preventing Computer Software Piracy—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5953. A letter from the Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5954. A letter from the Director, United States Trade and Development Agency, transmitting a consolidated report on audit and internal management activities in accordance with the provisions of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5955. A letter from the Register of Copyrights, Library of Congress, transmitting a schedule of proposed new copyright fees and the accompanying analysis; to the Committee on the Judiciary.

5956. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Tarriff of Tolls [Docket No. SLSDC 2002–11529] (RIN: 2135–AA14) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5957. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule—Electronic Access to Case Filings—received February 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dowty Aerospace Propellers Type R334/4–82–F/13 Propeller Assemblies [Docket No. 2001–NE–50–AD; Amendment 39–12623; AD 2002–01–28] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98–ANE–17–AD; Amendment 39–12622; AD 2002–01–27] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2002–NM–07–AD; Amendment 39–12611; AD 2002–01–17] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5961. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80E1 Model Turbofan Engines [Docket No. 2001–NE–45–AD; Amendment 39–12595; AD 2002–01–04] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 2001–NM–385–AD; Amendment 39–12609; AD 2002–01–15] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE 3130, SE 313B, SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B Helicopters [Docket No. 2001–SW–38–AD; Amendment 39–12625; AD 2002–01–30] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2001–SW–71–AD; Amendment 39–12627; AD 2001–26–54] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350BA, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No. 2001–S W–74–AD; Amendment 39–12626; AD 2001–26–55] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5966. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–350–AD; Amendment 39–12512; AD 2001–23–13] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5967. A letter from the Secretary, Department of Health and Human Services, transmitting a report on Agency Drug-Free Workplace Plans, pursuant to Public Law 100—71, section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Appropriations and Government Reform.

5968. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting a report on ''The Appropriate Executive Agency for the Cooperative Threat Reduction (CTR) Programs''; jointly to the Committees on Armed Services and International Relations.

5969. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the fiscal years 1997–1999 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

5970. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Nursing Home Data Compendium 2000''; jointly to the Committees on Energy and Commerce and Ways and Means.

5971. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; jointly to the Committees on International Relations and Appropriations.

5972. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting a prospective funding obligations which require special notification under section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GOSS: Committee on Rules. House Resolution 372. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007 (Rept. 107–380). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 373. Resolution providing for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors (Rept. 107–381). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3925. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than April 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HOUGHTON:

H.R. 3991. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. BOEHLERT (for himself, Mr. PASCRELL, and Mr. QUINN):

H.R. 3992. A bill to establish the SAFER Firefighter Grant Program; to the Committee on Science.

By Mr. BRADY of Texas:

H.R. 3993. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate reporting and return requirements for State and local candidate committees and to avoid duplicate reporting of campaign-related information; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. GILMAN, and Mr. ACKERMAN):

H.R. 3994. A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on International Relations.

By Mrs. ROUKEMA (for herself, Mr. GREEN of Wisconsin, Mr. OXLEY, Mr. ANDREWS, Mr. LUCAS of Kentucky, Mr. BEREUTER, Mr. BACHUS, Mr. KING, Mr. NEY, Mr. BARR of Georgia, Mrs. KELLY, Mr. RILEY, Mr. GARY G. MILLER of California, Mr. CANTOR, Mr. GRUCCI, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. LEACH, Mr. SHAYS, Mr. LATOURETTE, Mr. JONES of North Carolina, Ms. HART, Mr. FERGUSON, and Mr. PICKERING):

H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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

H.R. 3996. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for water pollution control research, development, and technology demonstration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 3997. A bill to amend the Richard B. Russell National School Lunch Act to clarify requirements with respect to the purchase of domestic commodities and products by school food authorities in Puerto Rico under the school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. CALLAHAN:

H.R. 3998. A bill to suspend temporarily the duty on ethyl pyruvate; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 3999. A bill to suspend temporarily the duty on 5-Chloro-1-indanone; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. BEREUTER, Mr. HINCHEY, Mr. FOLEY, Mr. MCNULTY, Mr. DEAL of Georgia, Ms. CARSON of Indiana, Mr. BONILLA, Mrs. CHRISTENSEN, Mr. SESSIONS, Mrs. JONES of Ohio, Mr. LATOURETTE, and Mr. DAVIS of Illinois):

H.R. 4000. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the MedicareChoice program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. SAM JOHNSON of Texas, and Mr. SESSIONS):

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to decrease the floor for the deduction for medical care to two percent of adjusted gross income; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 4002. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, Mr. PALLONE, Mr. SAXTON, Mr. MORAN of Virginia, Mr. GREENWOOD, Mr. CASTLE, Mr. ANDREWS, and Mr. PASCRELL):

H.R. 4003. A bill to protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other groundgear used on bottom trawls; to the Committee on Resources.

By Mr. KENNEDY of Rhode Island (for himself, Mr. LANGEVIN, Mr. MCGOVERN, and Mr. NEAL of Massachusetts):

H.R. 4004. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Resources.

By Mr. KING (for himself, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. COYNE, Mr. LEACH, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. FERGUSON, Mr. LYNCH, and Mr. SHAYS):

H.R. 4005. A bill to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. KING (for himself, Mrs. MCCARTHY of New York, Mr. GRUCCI, Mr. GILMAN, Mr. RANGEL, Mrs. LOWEY, Mr. WEINER, Mr. SERRANO, Mr. QUINN, Mr. ENGEL, Mr. FOSSELLA, Mr. TOWNS, Mr. SWEENEY, Mr. REYNOLDS, Mr. MCNULTY, Mr. HOUGHTON, Mr. CROWLEY, Mrs. KELLY, Mr. WALSH, Mr. MEEKS of New York, Mr. ISRAEL, Mr. MCHUGH, Mr. BOEHLERT, Ms. VELAZQUEZ, Mr. LAFALCE, Mr. OWENS, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. LAHOOD, Mr. BRADY of Pennsylvania, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. UNDERWOOD):

H.R. 4006. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Alfonse M. D'Amato United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. SIMMONS:

H.R. 4007. A bill to designate the facility of the United States Postal Service located at 66 South Broad Street in Pawcatuck, Connecticut, as the ''Vincent F. Faulise Post Office Building''; to the Committee on Government Reform.

By Mrs. THURMAN (for herself and Mr. ANDREWS):

H.R. 4008. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mrs. MORELLA, Ms. NORTON, Mr. WYNN, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 356. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H. Con. Res. 357. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. WALSH, Mrs. MCCARTHY of New York, and Mrs. CAPPS):

H. Con. Res. 358. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress opposing the enactment of any proposal for the establishment of a deductible for veterans receiving

health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. CAPITO:

H. Res. 371. A resolution expressing the sense of the House of Representatives regarding Women's History Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 198: Mr. OTTER.
H.R. 303: Mr. PENCE and Ms. VELAZQUEZ.
H.R. 360: Mr. ORTIZ.
H.R. 397: Mr. FLETCHER and Mr. WELLER.
H.R. 476: Mr. SULLIVAN.
H.R. 489: Mr. FORBES and Mr. BAIRD.
H.R. 510: Ms. SLAUGHTER and Mr. TIERNEY.
H.R. 556: Mr. OWENS.
H.R. 848: Mr. HOEFFEL.
H.R. 854: Mr. MANZULLO, Mr. DAVIS of Illinois, and Mr. LYNCH.
H.R. 858: Mr. MOORE and Mr. ANDREWS.
H.R. 914: Mr. LUCAS of Kentucky.
H.R. 953: Mr. BONIOR, Mr. LEACH, and Mr. RAMSTAD.
H.R. 1051: Mr. PASTOR, Mr. GREEN of Texas, Mr. BACA, and Mr. COSTELLO.
H.R. 1108: Mr. REYES.
H.R. 1143: Mr. UDALL of New Mexico, Mr. OWENS, and Mr. SNYDER.
H.R. 1146: Mr. JEFF MILLER of Florida.
H.R. 1184: Mr. BENTSEN and Mr. COSTELLO.
H.R. 1213: Mr. GREEN of Texas.
H.R. 1214: Mr. STRICKLAND.
H.R. 1305: Ms. KILPATRICK.
H.R. 1307: Mr. DICKS.
H.R. 1354: Ms. BERKLEY, Mr. WEXLER, and Mr. TERRY.
H.R. 1433: Mr. WAXMAN.
H.R. 1475: Ms. WATSON, Mr. SANDLIN, Mr. REYES, and Mr. CAPUANO.
H.R. 1556: Mr. BOOZMAN, Ms. DEGETTE, Mr. BERRY, Mr. UPTON, Mrs. DAVIS of California, Mr. ETHERIDGE, and Mr. LYNCH.
H.R. 1581: Mr. RADANOVICH.
H.R. 1604: Mr. BERRY.
H.R. 1609: Mr. NEAL of Massachusetts, Mr. JOHN, Mr. MATHESON, Mr. FOLEY, Mr. LYNCH, and Mr. ETHERIDGE.
H.R. 1626: Mr. ROTHMAN.
H.R. 1672: Mr. TOWNS, Mr. STARK, and Mrs. MALONEY of New York.
H.R. 1673: Mr. SIMPSON.
H.R. 1683: Mr. WEXLER, Mr. CAPUANO, Mr. GUTIERREZ, Ms. MCKINNEY, and Mrs. CHRISTENSEN.
H.R. 1784: Mr. STARK.
H.R. 1795: Mr. GIBBONS and Mr. DOOLITTLE.
H.R. 1877: Mr. SIMMONS.
H.R. 1904: Ms. DEGETTE.
H.R. 1978: Mr. KILDEE.
H.R. 1990: Mr. BROWN of Ohio.
H.R. 2125: Mr. TANNER and Mr. TRAFICANT.
H.R. 2207: Mrs. JONES of Ohio.
H.R. 2254: Ms. MCKINNEY, Mr. CONYERS, and Mr. SWEENEY.
H.R. 2322: Mr. SULLIVAN.
H.R. 2339: Mr. STRICKLAND.
H.R. 2349: Mrs. CAPITO.
H.R. 2406: Mr. MCDERMOTT.
H.R. 2487: Mr. LAMPSON.
H.R. 2570: Mr. CLEMENT, Mr. HOLT, Mr. SANDERS, Ms. RIVERS, Mrs. CLAYTON, Mr. WAXMAN, and Mr. COSTELLO.
H.R. 2631: Mr. WELLER and Mr. GOODE.
H.R. 2674: Mr. BACA.
H.R. 2800: Mr. PENCE.
H.R. 2806: Mr. DELAHUNT.
H.R. 2820: Mr. EDWARDS, Ms. WOOLSEY, Mr. COOKSEY, Mr. BERRY, Mr. MICA, Mr. LAMPSON, Mr. GREEN of Wisconsin, Mr. WHITFIELD, Mrs. KELLY, and Ms. MCCOLLUM.
H.R. 2980: Mr. TOOMEY.
H.R. 3002: Mr. OTTER.
H.R. 3025: Mr. BARTLETT of Maryland.
H.R. 3027: Ms. NORTON, Mr. PALLONE, Mr. RUSH, Mr. WYNN, Mr. RANGEL, and Mr. PAYNE.
H.R. 3100: Mr. HOUGHTON.
H.R. 3113: Mr. CAPUANO, Mr. TOWNS, Mr. ACKERMAN and Mr. SERRANO.
H.R. 3130: Mrs. WILSON of New Mexico, Ms. DUNN, Mr. DOOLEY of California, Ms. HARMAN, Mrs. MALONEY of New York, Mr. REYES Mr. LIPINSKI, Ms. RIVERS, Ms. ESHOO, Mr. BOUCHER, and Ms. LOFGREN.
H.R. 3206: Mrs. JOHNSON of Connecticut and Mr. SIMMONS.
H.R. 3207: Mr. LYNCH.
H.R. 3230: Mr. LAMPSON.
H.R. 3231: Mr. FLAKE, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BARR of Georgia, Mr. MCINTYRE, and Mr. CASTLE.
H.R. 3244: Mr. CLYBURN, Mr. CAPUANO, Mr. TANNER, Mr. ORTIZ, Mr. WAXMAN, Mr. RODRIGUEZ, Mr. CLEMENT, and Mr. PICKERING.
H.R. 3279: Mr. NADLER.
H.R. 3320: Mr. OWENS.
H.R. 3321: Mr. YOUNG of Alaska and Mr. BALDACCI.
H.R. 3336: Mr. WEXLER and Mr. LYNCH.
H.R. 3382: Mr. NADLER.
H.R. 3388: Mr. FOLEY.
H.R. 3414: Mr. BALDACCI and Ms. RIVERS.
H.R. 3443: Mr. RUSH and Mr. ROGERS of Michigan.
H.R. 3450: Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, Mr. LAHOOD, Mr. SHOWS, Mr. DEUTSCH, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Ms. CARSON of Indiana, Mr. MEEHAN, and Mr. BOUCHER.
H.R. 3464: Mr. GILCHREST, Mr. SABO, Mr. LOBIONDO.
H.R. 3498: Mr. ETHERIDGE.
H.R. 3524: Mr. POMEROY.
H.R. 3580: Mr. RUSH, Mr. EHRLICH, Mr. WYNN, and Mr. BURR of North Carolina.
H.R. 3597: Mr. PASCRELL, Mr. FILNER, and Mr. TIERNEY.
H.R. 3605: Mr. SAM JOHNSON of Texas.
H.R. 3626: Mr. WEINER.
H.R. 3661: Mr. GORDON, Mr. LAMPSON, Mr. OWENS, and Mr. SAM JOHNSON of Texas.
H.R. 3679: Ms. LOFGREN and Mr. RUSH.
H.R. 3713: Mr. SCHIFF, Mr. FOLEY, and Mrs. MINK of Hawaii.
H.R. 3717: Mr. PETERSON of Minnesota, Ms. SANCHEZ, Mr. ROSS, Mr. THOMPSON of Mississippi, and Mr. POMEROY.
H.R. 3733: Mr. RODRIGUEZ.
H.R. 3741: Mr. ISAKSON, Mr. SESSIONS, and Mr. NORWOOD.
H.R. 3782: Mr. BOSWELL, Mr. CUMMINGS, and Mr. WAMP.
H.R. 3792: Mr. LOBIONDO, Mrs. DAVIS of California, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. KILDEE, Ms. MCKINNEY, and Mrs. MINK of Hawaii.
H.R. 3794: Mr. SCHIFF, Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, Mr. MATSUI, Mr. HOLDEN, and Ms. MCCOLLUM.
H.R. 3798: Mr. SCHAFFER, Mr. LINDER, and Mr. PENCE.
H.R. 3802: Mr. SCHAFFER and Mr. UNDERWOOD.
H.R. 3812: Mr. BARTLETT of Maryland.
H.R. 3814: Mr. DAVIS of Illinois and Mr. FILNER.
H.R. 3818: Mr. DINGELL, Ms. KAPTUR, Mr. LYNCH, and Mr. BORSKI.
H.R. 3827: Mrs. EMERSON, Mr. PICKERING, Mr. HAYES, and Mr. JONES of North Carolina.
H.R. 3833: Mr. ROGERS of Michigan.
H.R. 3834: Mr. WALSH and Mrs. THURMAN.
H.R. 3884: Mrs. JOHNSON of Connecticut, Mr. LEVIN, Mr. STARK, Mr. MATSUI, Ms. KAPTUR, Ms. SLAUGHTER, Ms. BROWN of Florida, Mr. SANDERS, Ms. CARSON of Indiana, and Ms. JACKSON-LEE of Texas.
H.R. 3899: Mr. MASCARA and Mr. HILLIARD.
H.R. 3911: Mr. BONILLA, Mr. SHERMAN, and Mr. SIMMONS.
H.R. 3924: Mrs. CAPITO, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. OSE, and Mr. WOLF.
H.R. 3926: Ms. HOOLEY of Oregon.
H.R. 3929: Mr. LAMPSON, Mr. MOORE, and Ms. JACKSON-LEE of Texas.
H.R. 3933: Mr. WAXMAN.
H.R. 3938: Mr. SIMMONS.
H.R. 3946: Mr. PENCE and Mr. KERNS.
H.R. 3953: Mr. ENGLISH.
H.R. 3955: Mr. UNDERWOOD.
H.R. 3959: Mr. PASTOR.
H.R. 3968: Mr. FROST, Mr. TANCREDO, Mr. KING, Mr. JACKSON of Illinois, and Ms. BROWN of Florida.
H.R. 3969: Mr. WYNN.
H.R. 3985: Mr. KILDEE.
H.J. Res. 81: Mr. BRYANT.
H. Con. Res. 42: Mr. COYNE, Mrs. MEEK of Florida, Mr. UNDERWOOD, and Mrs. THURMAN.
H. Con. Res. 99: Mr. BRADY of Pennsylvania, Mr. ACKERMAN, Mr. MCDERMOTT, and Mr. RANGEL.
H. Con. Res. 260: Mrs. MINK of Hawaii and Mr. OLVER.
H. Con. Res. 315: Mr. HAYES.
H. Con. Res. 320: Mr. HALL of Ohio, Mr. ANDREWS, Mrs. MEEK of Florida, and Mr. FARR of California.
H. Con. Res. 336: Mr. JACKSON of Illinois.
H. Con. Res. 346: Ms. KILPATRICK, Mrs. MALONEY of New York, Mr. BERMAN, Ms. MCKINNEY, and Mr. HORN.
H. Con. Res. 351: Mr. LANTOS, Mr. HORN, Ms. KAPTUR, and Ms. KILPATRICK.
H. Res. 346: Mr. BARR of Georgia, Mr. JONES of North Carolina, and Mr. LAHOOD.
H. Res. 368: Mr. OSBORNE, Mr. KIRK, Mr. REYES, Mr. HORN, Mr. LATOURETTE, Mr. PLATTS, Mr. JEFF MILLER of Florida, and Mrs. BIGGERT.

AMENDMENTS

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

H. CON. RES. 353

OFFERED BY: MR. ENGEL

AMENDMENT NO. 1:

Paragraph (1)(A) of section 101 (the recommended levels of Federal revenues) is amended by increasing revenues for the fiscal years set forth below as follows:
Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (1)(B) of section 101 (the amounts by which the aggregate levels of Federal revenues should be reduced) is amended by reducing the reduction for the fiscal years set forth below as follows:
Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (2) of section 101 (the appropriate levels of new budget authority) is amended by increasing new budget authority for the fiscal years set forth below as follows:
Fiscal year 2003: $500,000,000.
Fiscal year 2004: $500,000,000.
Fiscal year 2005: $500,000,000.
Fiscal year 2006: $500,000,000.
Fiscal year 2007: $500,000,000.

Paragraph (3) of section 101 (the appropriate levels of total budget outlays) is amended by increasing total budget outlays

for the fiscal years set forth below as follows:

Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (13) of section 103 (Income Security (600)) is amended by increasing new budget authority and outlays for fiscal years 2003 through 2007 as follows:

Fiscal year 2003:
(A) New budget authority, $500,000,000.
(B) Outlays, $15,000,000.
Fiscal year 2004:
(A) New budget authority, $500,000,000.
(B) Outlays, $135,000,000.
Fiscal year 2005:
(A) New budget authority, $500,000,000.
(B) Outlays, $305,000,000.
Fiscal year 2006:
(A) New budget authority, $500,000,000.
(B) Outlays, $395,000,000.
Fiscal year 2007:
(A) New budget authority, $500,000,000.
(B) Outlays, $420,000,000.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, MARCH 19, 2002 No. 32

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

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

Dear God, today we want to live out the true meaning of the motto of our Nation, ''In God We Trust.'' All through this day we will live the psalmist's admonition for successful living: ''Commit your way to the Lord, trust also in Him, and He shall bring it to pass.''—Psalm 37:5. We claim the meaning of the word ''commit'' in Hebrew as ''to roll over.'' We roll over our burdens from our shoulders onto Your mighty shoulders.

We begin this day very conscious of the burdens we have tried to carry ourselves: personal needs, physical problems, concerns for people we love, friends about whom we worry, plus all the responsibilities of work, and our unfinished projects and proposals. We take all of these and roll them over onto You. We trust You to give us strength to work today free of fretting frustration. We accept Your invitation through Peter: ''Let God have all your worries and cares, for He is always thinking about you and watching everything that concerns you.''—1 Peter 5:7, Living Bible.

Thank You, that You have lightened our load of what we could not carry alone and strengthened our backs for what You call us to carry with Your help. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER 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, March 19, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of H.R. 2356, the Campaign Finance Reform Act. Cloture was filed yesterday. Therefore, Senators have until 12:30 today to file first-degree amendments. Unless agreement is reached on final passage of campaign finance, the Senate will vote on cloture tomorrow morning.

While negotiations continue on campaign finance, we expect to resume consideration of the energy reform bill. I see Senator FEINGOLD. We will be happy if there are statements he or others wish to make on that legislation. But as I have indicated, unless there is some movement in the way of some amendments, we will try to get back to the energy reform bill.

Senator FEINSTEIN is here to move forward on the matter on which she and Senator GRAMM have been working for about a week now.

Mr. LOTT. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield.

Mr. LOTT. I know there have been a lot of negotiations back and forth on getting agreement on how to proceed on campaign finance reform. I was under the impression that perhaps an agreement was close.

Mr. REID. That is my understanding.

Mr. LOTT. Do you have information on that, and when do you expect we would try to enter into an agreement? Because obviously that affects the schedule of how we proceed on other issues, the energy bill in particular.

Mr. REID. Senator DASCHLE has authorized me to say that whenever there is agreement, he will move forward on it immediately. The fact is, there just has not been one yet, to my knowledge.

Mr. FEINGOLD. Mr. President, if I could speak just for a moment—and I thank the minority leader—just to make it clear, the cloture motion has been filed. It will ripen tomorrow. Regardless of the other discussions and negotiations, our understanding is that will go forward. There are, however, negotiations going on with regard to some technical aspects, and we hope that can be worked out.

I want to be clear because sometimes it seems as if, in these conversations, people think the two are linked and nothing will move forward. The campaign finance bill is going forward and it will be voted on tomorrow, as a cloture vote, unless there is some agreement. But, yes, as the minority leader has suggested, there are some conversations and discussions going on that we hope will be fruitful.

Mr. REID. I say to my friend from Wisconsin, that is what I did say earlier. We have the votes scheduled tomorrow, and I ask Senators to file amendments, if they have them, by 12:30 today. It is my understanding, I say to both the Republican leader and

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

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the Senator from Wisconsin, that any agreement that is being talked about will call for a vote tomorrow anyway. That is my understanding.

Mr. FEINGOLD. That is correct.

Mr. REID. I think we can look forward to a cloture vote tomorrow on this bill, regardless of what happens.

I hope there will be some progress on the energy bill. In addition to the work of Senator FEINSTEIN, we also have the alternative fuels problem we wish to have resolved. I hope Senator KYL will come over as soon as possible today to offer his amendment. That would pretty much do for the alternative fuels problems we have with this legislation.

So it is contemplated there will be rollcall votes in relation to the energy bill throughout the day.

The Senate will recess from 12:30 to 2:15 p.m. today for our weekly party conferences. I appreciate everyone's courtesy, waiting while I made this brief announcement. I do hope, though, that everyone understands we are going to try to move forward on the legislation we have before us, campaign finance reform, and it is my understanding we can only get to the energy bill today after having moved off campaign finance reform. Is that true?

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

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

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2356, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. REID. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The Senate is now considering H.R. 2356.

Mr. REID. I ask we now move to the energy bill—that is the regular order? Is my understanding correct that calling for the regular order would call up the energy bill at this time?

The ACTING PRESIDENT pro tempore. Calling for the regular order with respect to the energy bill would bring the energy bill to the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

Mr. REID. Mr. President, I maybe misspoke. I ask for the regular order as it relates to the energy bill that Senator BINGAMAN has been marshaling the last several days.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Mr. REID. Mr. President, on the energy bill, what is the pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is the Lott amendment, No. 3028.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 2989, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I call for the regular order with respect to my amendment.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from California is now pending.

Mrs. FEINSTEIN. Mr. President, I send a modification to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

DIVISION ____—MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. ____1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS AND METALS TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

''(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.''.

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

''(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity or an exempt metal commodity described in section 2(j)(1).''; and

(2) by adding at the end the following:

''(j) EXEMPT TRANSACTIONS.—

''(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES AND EXEMPT METALS COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity or exempt metal commodity shall be subject to—

''(A) sections 4b, 4c(b), 4o, and 5b;

''(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

''(i) provide for the enforcement of the requirements specified in this subsection; and

''(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

''(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

''(D) section 12(e)(2); and

''(E) section 22(a)(4).

''(2) BILATERAL DEALER MARKETS.—

''(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

''(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

''(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

''(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

''(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

''(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

''(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

''(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

''(I) require the real time publication of proprietary information; or

''(II) prohibit the commercial sale of real time proprietary information.

''(3) REPORTING REQUIREMENTS.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

''(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

''(A) sections 4b, 4c(b), 4o, and 5b; and

''(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

''(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

''(6) APPLICABILITY.—This subsection does not apply to—

''(A) a designated contract market regulated under section 5; or

''(B) a registered derivatives transaction execution facility regulated under section 5a.''.

(c) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

''(1) to cheat or defraud or attempt to cheat or defraud any person;

''(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

''(3) willfully to deceive or attempt to deceive any person by any means; or

''(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person.''

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (7)''; and

(ii) in paragraph (3), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (7)''; and

(B) in subsection (i)(1)(A), by striking ''section 2(h) or 4(c)'' and inserting ''subsection (h) or (j) or section 4(c)'';

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking ''any contract market or'' and inserting ''any contract market,''; and

(B) by inserting '', or pursuant to an exemption under section 4(c)'' after ''transaction execution facility'';

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking ''section 2(h)'' and inserting ''subsection (h) or (j) of section 2'';

(4) in section 5b (7 U.S.C. 7a–1)—

(A) in subsection (a)(1), by striking ''2(h) or'' and inserting ''2(h), 2(j), or''; and

(B) in subsection (b), by striking ''2(h) or'' and inserting ''2(h), 2(j), or''; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking ''section 2(h) or 4(c)'' and inserting ''subsection (h) or (j) of section 2 or section 4(c)''.

SEC. ___2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

''(G) PERSONNEL MATTERS.—

''(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

''(ii) COMPENSATION.—

''(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

''(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

''(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking ''or'';

(B) in subparagraph (D), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(E) the Commodity Futures Trading Commission.''.

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking ''General Counsel, Commodity Futures Trading Commission.''; and

(B) by striking ''Executive Director, Commodity Futures Trading Commission.''.

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking ''or'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) section 2(a)(6)(G) of the Commodity Exchange Act.''.

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting ''the Commodity Futures Trading Commission,'' after ''the Farm Credit Administration, ''.

SEC. ___3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

''(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

''(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

''(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

''(A) conditions and events in energy trading markets; and

''(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

''(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.''.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of Senators FITZGERALD, CANTWELL, CORZINE, WYDEN, LEAHY, BOXER, and DURBIN in modifying our amendment on energy derivatives.

As you know, we discussed this issue on the floor before, and the senior Senator from Texas had some concerns. So we spent a good deal of time talking with him and his staff. We have also kept in touch with our cosponsors. We have agreed on some modifications. There are some modifications that the Senator from Texas sought that the cosponsors and I could not agree to. So this modification represents where we agree and not where we disagree.

I begin by explaining two terms in the amendment. The first term is ''a derivative.'' A derivative is a financial instrument traded on or off an exchange, the price of which is directly dependent upon an underlying commodity, such as natural gas or electricity. An ''over-the-counter'' or ''swap'' contract is an agreement whereby a floating price is exchanged for a fixed price over a specified period. It involves no transfer of physical energy, and both parties settle their contractual obligations in cash.

Although energy derivatives make up only 4 percent of all derivative transactions, energy swaps make up 80 percent of all energy derivatives. So these are important terms.

What our amendment does is subject electronic exchanges, such as Enron Online, Dynegydirect, and IntercontinentalExchange—these exchanges trade energy derivatives—to the similar oversight reporting and capital requirements as other exchanges, such as the Chicago Mercantile Exchange, the New York Mercantile Exchange, and the Chicago Board of Trade. However, since the vast majority of energy derivative transactions are over the

counter, the Commodity Futures Trading Commission has insufficient authority, at present, to investigate and prevent fraud and price manipulation, and parties making these trades are not required to keep records of their trades. In other words, there is no transparency. There is no record and there is no oversight of these particular trades.

So our amendment simply requires these parties to keep records of their transactions, which is what most companies do in any event.

If it turns out there is a fraud allegation, the CFTC will have a record to review. This is the same fraud and manipulation authority the Commodity Futures Trading Commission has for every other commodity and it is the same authority they had until Congress passed the Commodity Futures Modernization Act in 2000. That act exempted energy and metals trading from regulatory oversight, and excluded it completely if the trade was done electronically. Before this act, it was all included. Following the act, it was excluded. That was around June of 2000.

The problem and why we need this legislation: Presently, energy transactions—those about which I am not speaking, but the other energy transactions—are regulated by the Federal Energy Regulatory Commission when there is actually a delivery of the energy commodity.

What do I mean? If I buy natural gas from you, and you deliver that natural gas to me, the Federal Energy Regulatory Commission has the authority to ensure that this transaction is both transparent and reasonably priced. In other words, FERC has regulatory authority when the energy is actually delivered. However, energy transactions have become increasingly complex over the past decade. So, today, energy transactions do not always result in a direct delivery, and thus a giant loophole has opened where there is no transparency, no records, and no oversight. And that is not when I sell it to you to deliver it but when I sell it to you and you sell it to somebody else, who sells it to somebody else, who sells it to somebody else, and then it is delivered. Those interim trades are in no way, shape, or form transparent. They are done in secret. There is no oversight and there is no record.

So I can purchase from you a derivatives contract, which is a promise that you will deliver natural gas to me at some point in the future. I may never need to physically own that gas, so I can at a small profit sell that gas to someone, who can then turn around and sell it yet to someone else, and so on and so forth, as I have just pointed out. The promise of a gas delivery can literally change hands dozens of times before the commodity is ever delivered. Even then, it may never get delivered if the spot market price is lower than the future price that comes due on that day. That is what I meant about saying it is very complicated.

In fact, about 90 percent of the energy trades represent purely financial transactions, not regulated by either the Federal Energy Regulatory Commission, or the CFTC. So as long as there is no delivery, there is no price transparency. We do not know the price or the terms for 90 percent of the energy transactions. Let me repeat that. Today, no one knows the price or the terms for 90 percent of the energy transactions.

Again, this lack of transparency and oversight only applies to energy. It does not apply if you are selling wheat or pork bellies or any other tangible commodity. As I said, there is a very big loophole here. What we seek to do is simply close that loophole.

How did this happen? The answer is, the Commodity Futures Modernization Act, signed into law in 2000, exempted energy and minerals trading from regulatory oversight and also exempted electronic trading platforms from oversight. That is the online trading that occurs. In a sense, what the legislation did was set up two different systems: treating electronic trading platforms differently from other platforms, and treating energy commodities different from other commodities.

Up until 2000, energy derivative transactions were regulated in a similar fashion to other transactions, and all energy transactions were subject to antifraud and antimanipulation oversight. Electronic trading platforms were treated like all other platforms. These were the standards that were in place until June of 2000. Up until that time, if a gas or electricity commodity was delivered, FERC had oversight, and there was transparency; if there was not delivery, the CFTC had the authority. So the loophole arose just 2 years ago.

At the time of the 2000 legislation, no one knew how the exemptions would affect the energy market. It was a new market. They wanted to see growth. So they kind of unleashed it and said: All this can go on without the light of day.

We have a much better idea today because of what we have learned since then. It didn't take long for Enron Online and others in the energy sector to take advantage of this new freedom—and, to an extent, secrecy—by trading energy derivatives absent any regulatory oversight or transparency. Thus, after the 2000 legislation was enacted, Enron Online began to trade energy derivatives bilaterally, over the counter, in a one-to-one transaction, without being subject to any regulatory oversight whatsoever.

It should not surprise anyone that, without transparency, prices went right up. Was Enron and its energy derivatives trading arm, Enron Online, the sole reason California and the West had an energy crisis 18 months ago? Of course not. Was it a contributing factor to the crisis? I believe it was.

Unfortunately, because of the energy exemptions in the 2000 Commodities Futures Modernization Act, which took away the CFTC's authority to investigate, we may never know for sure since there are no records.

For me, this issue comes down to some fundamental questions. Why shouldn't there be transparency in the energy market? Why should the CFTC not have antifraud, antimanipulation authority when there is fraud and manipulation in the market? And why shouldn't California's energy ratepayers and customers and consumers and ratepayers in other States enjoy the same CFTC protections as ranchers and farmers do today?

The modification of our amendment results from the discussions my cosponsors and I had with Senator PHIL GRAMM, who approached us to express his concern that our bill could inadvertently impact financial derivatives. We made several changes to accommodate Senator GRAMM's concerns, and we were hopeful we could reach agreement with him. However, there are four additional points where we did not reach agreement: exempting energy swaps from CFTC antifraud and antimanipulation authority; deleting all public price-transparency requirements; exempting all electronic exchanges from requirements that they maintain sufficient capital to carry out their operations, based on risk; and finally, eliminating metal derivatives from oversight.

As I said before, energy swaps—this is a point of contention between us—comprise as much as 80 percent of energy derivatives transactions so this change would have taken the teeth out of our amendment. We consulted with our cosponsors. They did not want to agree to it. I believe Senator FITZGERALD is coming to the Chamber to speak to this.

Additionally, our amendment states that electronic trading forums should hold capital commensurate with the risk, which seems a reasonable expectation to me. The public can already access information from nonelectronic exchanges simply by picking up the business section of a daily newspaper. I don't understand the rationale for wanting to limit the public's access to data on electronic exchanges.

There is ample evidence that fraud and manipulation can occur and have already occurred in the metal sector.

This was borne out by several scandals over the past decade, including the 1996 Sumitomo case. In Sumitomo, it was found that U.S. consumers were overcharged $2.5 billion because of a Japanese company's manipulation of the copper markets. These were changes that we simply could not agree to.

Why do my cosponsors and I feel so strongly about the need to pass this amendment? First, the debate is nothing new. In November of 1999, the Federal Reserve, the Department of Treasury, the SEC, and the CFTC issued a report on derivatives titled ''Over the Counter Derivative Markets and the Commodity Exchange Act, A Report of

the President's Working Group on Financial Markets.'' This report was signed by the Federal Reserve Chairman, the then-Secretary of Treasury, the then-SEC Chairman, and the then-CFTC Chairman.

What the report found was the case had not been made that energy or other tangible commodities should be exempted from CFTC oversight. In fact, the report found that because of the immaturity of the energy market, the lack of liquidity in the market and finite supplies in energy markets, energy markets were more susceptible to manipulation than the deep and liquid financial markets.

Recent history has certainly borne that to be correct. These commodities are more subject to manipulation.

On June 21, 2000, shortly after the President's working group issued its report, the Banking Committee and Agriculture Committee held a hearing on the report and Senator LUGAR's Commodity Futures Modernization Act. Let me read from the committee report:

> The Commission has reservations about the bill's exclusions of OTC derivatives from the Commodities Exchange Act. On this point the bill diverges from the recommendations of the President's Working Group, which limited the proposed exclusions to financial derivatives. The Commission believes the distinction drawn by the Working Group between financial (nontangible) and non-financial transactions was a sound one and respectfully urges the Committees to give weight to that distinction.

Eight days later, Chairman LUGAR marked up his CFMA bill in conference. This is what he had to say:

> The Chairman's Mark also addresses concerns regarding this bill's exclusion of institutional energy transactions from the act. Our bill no longer excludes those transactions from the act. With the resolution of this provision, the CFTC has indicated it will fully support our legislation.

Much to his credit, Chairman LUGAR eliminated the exemption for energy transactions to accommodate the CFTC and the President's working groups. But—and this is a big ''but''—Enron and others lobbied in the House and, as it turned out, this was never reflected in the final provision that passed Congress as part of a much bigger bill at the end of the 106th Congress. There is already a legislative history.

More recently, the Senate Energy and Natural Resources Committee held a hearing on January 29 on energy derivative trading, where CFTC Chairman Jim Newsome and FERC Chairman Pat Wood both testified and explained the regulatory burdens that prevent them from fully investigating Enron Online.

Let me be candid; I am truly amazed at the opposition to this amendment. Why should anyone be able to set up an online trading platform without any reporting, disclosure, or capital requirements and without any regulatory oversight whatsoever? Why should companies that are engaging in an over-the-counter transaction not have to keep a record of this transaction? Everyone else does. And why, if there is fraud or market manipulation, should there not be a regulatory agency that can investigate and cite wrongdoing?

What I cannot understand is how this amendment is somehow antibusiness. On the contrary, the amendment is all about making markets work.

I call your attention to the recently released report by the Cambridge Energy Research Associates Study and Accenture titled ''Energy Restructuring at a Crossroads, Creating Workable Competitive Power Markets.''

The report cites 12 recommendations for making energy markets function effectively, including having the CFTC expand its oversight to include energy derivative trading, as it did before 2000.

The report recognizes that transparency, disclosure, and reporting requirements instill confidence in markets and provide assurances for investors that there will not be fraud and manipulation.

This is also why the amendment is supported by the Chicago Mercantile Exchange, the New York Mercantile Exchange, Cambridge Energy Research Associates, Mid-America Energy Holding Company, PG&E, and Southern California Edison. They have to pay the higher prices for energy if it is traded back and forth. They want to know if these trades increase prices for the purposes of manipulation. Calpine, the American Public Gas Association, the American Public Power Association, the Texas Independent Producers and Royalty Association, the California Municipal Utilities Association, the Consumers Union, the Consumer Federation of America, the Derivatives Institute, U.S. PIRG, the Transmission Access Policy Study Group, and all four FERC Commissioners.

I would like to read into the RECORD the letter from the Chairman of the Federal Energy Regulatory Commission, Mr. Pat Wood, III, dated March 7:

> Thank you for calling to my attention your proposed amendment to clarify federal oversight of financial transactions involving energy commodities. Your amendment would clarify that these transactions are within the jurisdiction of the Commodity Futures Trading Commission, thus revoking current exemption for such transactions under the Commodity Exchange Act and extending the Act to apply comprehensively to financial transactions based on energy commodities.
>
> From our first meeting last Spring, you know how strongly I feel about customers having access to the broadest range of useful market information. Information on financial as well as physical transactions is a key part of market transparency. Billions of dollars are now at stake in these markets. The consequences of a major participant's collapse are illustrated by the Enron bankruptcy. Federal oversight of such trading is appropriate. Your amendment can ensure greater transparency in these markets, and this transparency can help provide an early warning signal to those charged with protecting the public interest.

Mr. President, I ask unanimous consent to print other letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EDISON INTERNATIONAL,
March 7, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for asking Edison International for our views on your amendment to S. 517, the Senate Energy Policy Act of 2002. As you know, Edison shares your concern over possible manipulation of the California electricity market by some market participants, which helped contribute to the serious problems the state faced from out of control energy prices. Your amendment would provide for transparency in the electric derivatives trading market, an industry that is currently exempted from regulation under the Commodity Futures Modernization Act of 2000 (CFMA).

I support your amendment, with a suggestion for your consideration to further refine it. Our company and others use energy derivatives trading to protect and hedge their actual physical assets, as opposed to companies that conduct trading with no or few physical assets. There should be guidance in the final language which recognizes the difference between these two types of businesses, particularly regarding any further capital requirements. Otherwise companies that trade in order to hedge physical assets may be required to pay twice—once in order to obtain capital for the assets and a second time in order to meet any capital requirements to back their trades.

Thanks again for all your efforts on behalf of California consumers and businesses.

Sincerely,

JOHN F. BRYSON,
Chairman of the Board and Chief Executive Officer.

PG&E CORPORATION,
Washington, DC, March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing today in reference to the amendment you will be offering to the Senate Energy bill, containing the substance of legislation you and several of your colleagues introduced earlier to provide regulatory oversight over energy trading markets, as amended.

At the outset, we applaud your efforts to ensure public and consumer confidence in the operation and orderly functioning of the energy marketplace. As you know, the industry relies heavily on these markets and products to manage risk for the benefit of consumers of electricity. We thus appreciate your willingness to work with us and other market participants to address areas of interest and concern as the provisions of your amendment have been debated and refined. As presently drafted, we view your amendment as providing an increased level of oversight, while ensuring the continued ability of market participants to utilize these instruments as part of overall risk management strategies. We therefore support your amendment.

Thank you for your hard work in this area, and we look forward to continuing to work with you and others on matters of national energy policy.

Sincerely,

STEVEN L. KLINE,
Vice President, Federal Governmental & Regulatory Relations.

MIDAMERICAN ENERGY HOLDINGS CO.,
Omaha, NE, March 5, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing in support of your effort to ensure that there is transparency and appropriate federal oversight of energy futures trading markets.

As I testified before the Senate Energy and Natural Resources Committee last month, I have long been concerned that the type of exchange run by Enron before its collapse offered opportunities for manipulation. Enron was the largest buyer, the largest seller and the operator of an unregulated exchange. In view of the revelations of the last several months regarding Enron, the unregulated nature of these markets has raised serious concerns regarding the ability of the federal government to ensure that energy trading and futures markets are operating in the interest of the public and market participants.

As the Senate addresses this issue, it is important to remember that electric and gas markets as a whole responded to the Enron collapse without disruption, so legislation should not compromise the liquidity of these markets. I applaud your determination to keep your amendment focused on oversight and transparency and am encouraged that you, along with Senators Cantwell and Wyden, have pledged to work with market participants to continue to perfect this proposal as debate on the comprehensive energy bill continues.

Ensuring public confidence in the integrity of energy futures markets is a critical component of establishing a modernized regulatory framework for the electric and natural gas industries. I am pleased to support your effort and commend you on your work on this important issue.

Sincerely,

DAVID L. SOKOL,
Chairman and CEO.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
Senate Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Public Power Association (APPA), an association representing the interests of more than 2000 publicly owned electric utility systems across the country, I would like to express support for your amendment regarding the regulatory treatment of energy derivative transactions which is expected to be offered during consideration of S. 517, the Energy Policy Act of 2002.

As we understand it, your amendment repeals exemptions and exclusions from regulation, originally granted by the Commodity Futures Trading Commission, for bilateral derivatives and multi-lateral electronic energy commodity markets. Further, your amendment helps ensure that entities involved in running on-line trading forums maintain open books and records for investigation and enforcement purposes. Ensuring sufficient regulatory oversight and market transparency are critical steps towards helping prevent market abuses and protecting consumers.

As you are aware, on December 3rd Enron filed for Chapter 11 bankruptcy protection. At the same time, forward markets on the West Coast fell by 30% despite the fact that no other changes in operations, hydroelectric supply, or fossil fuel prices took place at the time. This has led some to believe that Enron may have been using its market dominance to ''set'' forward prices. Your amendment will help avoid such potential abuses in the future.

APPA commends you for taking a leadership role on this critical issue. We look forward to working with you on this and other amendments aimed at providing effective and sustainable competition while protecting consumers from market abuses.

Sincerely,

ALAN H. RICHARDSON,
CEO & Executive Director.

CALPINE CORP.,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to let you know of Calpine's support for additional oversight of certain energy derivative markets, as intended by your proposed amendment to S. 517. While we have not seen any evidence that energy trading was the cause of either the California energy crisis or Enron's demise, we do believe there is a crisis of confidence in the energy markets and that your amendment will assist in restoring much needed public confidence in the energy sector.

We support the amendment's strengthening of the CFTC's anti-fraud and anti-manipulation authority and its provision for increased cooperation and liaison between the CFTC and the FERC. We are also pleased that your amendment addresses concerns about the oversight and transparency of the electronic trading platforms. It is important that such facilities, which play a significant price discovery role in the energy trading markets, be subject to appropriate reporting and oversight by the CFTC.

However, I also understand that typical over the counter bilateral trading operations, such as those that operate from a trading desk where various potential counterparties are separately contacted by phone or email, are not intended to be treated as electronic trading facilities under your amendment. This is an important distinction and one that I understand you intend to further clarify in report language.

Calpine would like to thank you for your efforts to advocate reasonable measures to ensure the integrity of the important energy trading markets and we stand ready to provide you with any information or assistance that you may need.

Sincerely,

JEANNE CONNELLY,
Vice President—Federal Relations.

Austin, TX, March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We understand that later today, you will introduce an important measure designed to bring greater transparency to natural gas markets. We believe that improved transparency will reduce price-markups charged in transactions that take place after natural gas leaves the wellhead and before it reaches the burner tip. Thus your measure will benefit both consumers and producers. We support the modified version of S. 1951 that you intend to offer as an amendment to the Senate Energy Bill.

We understand that the amendment:

(1) will not grant any price control authority under the Federal Power Act or Natural Gas Act;

(2) will continue to allow energy commodities (actually all commodities other than agricultural commodities) to be traded on electronic trading facilities that currently qualify as exempt commercial markets, provided that the trading facilities register, meet net capital requirements, file reports, and maintain books and records;

(3) will require participants in such markets to maintain books and records; and

(4) will apply these requirements to electronic trading facilities which permit execution with multiple parties and non-binding bids and offers, and will require books and records to be kept by participants in facilities that permit bilateral negotiations.

TIPRO believes that this measure will tend to improve price transparency in natural gas markets, leading to a more efficient and stable marketplace. The relatively modest requirements outlined above should not unduly reduce liquidity for gas traders. Accordingly, TIPRO endorses your amendment.

Sincerely,

GREGORY MOREDOCK,
National Energy Policy Committee Chairman.

AMERICAN PUBLIC GAS ASSOCIATION,
Fairfax, VA, March 5, 2002.

Re: S. 517

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: The American Public Gas Association (APGA) is very pleased that you have taken the lead to amend the Commodity Exchange Act (CEA). You revisions to S. 517, which amends the CEA, brings the trading of energy products, including natural gas spot and forward prices, under the appropriate jurisdiction of Commodity Futures Trading Commission (CFTC). As a result, your amendment will reduce the various risks imposed on consumers by a partially unregulated energy trading market.

As you know, Enron operated in what was essentially an unregulated environment. While there will be much more to come in the wake of Enron, one thing is perfectly clear today—our federal government has an obligation to make sure that no important trading activities fall between the cracks leaving some energy markets without a federal agency with oversight authority. Your amendment remedies this glaring deficiency.

APGA is fully committed to support your effort to reverse the action Congress took just 15 months ago in the Commodities Futures Modernization Act (CFMA). The CFMA amended the CEA by allowing some energy contracts to be traded with no government oversight. We firmly believe that the CFTC must have at its disposal the necessary jurisdiction and authority to protect the operational integrity of energy markets so that (1) transactions are executed fairly, (2) proper disclosures are made to customers, and (3) fraudulent and manipulative practices are not tolerated.

In December of 2000, when the CFMA was under consideration in the Senate, APGA submitted a Statement for the Record to the U.S. Senate Committee on Energy and Natural Resources during a hearing on the ''Status of Natural Gas Markets.'' In the statement, we expressed a concern that the proposed legislation would codify an exemption for energy commodity transactions that would shield those energy transactions from the oversight and review of the CFTC. Enron took advantage of this gap in regulatory oversight. Your amendment will close that gap. Consumers across the country will benefit from your efforts because they are less likely to be victimized by activities that occur in a market where the CFTC exercises oversight.

Again, public gas utilities and the hundreds of communities that we serve commend you for your thoughtful and deliberate leadership on this very important issue. While there may be some who will oppose this amendment, one need not look far to see whether the opposition is looking out for the best interests of Wall Street or Main Street. We pledge to work with you in any way we

can to pass this much-needed amendment. Please let me know how I can assist you.

Sincerely,

BOB CAVE,
President.

U.S. COMMODITY FUTURES TRADING COMMISSION,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for calling to ask that I provide you with my views of your proposed amendment to the energy bill pending before the Senate. The amendment would bring transparency to markets and provide Congress and the public with the assurance that no exchange offering energy commodity derivatives transactions would go completely unregulated. Moreover, it would restore to the federal government those basic tools necessary to detect and deter fraud and manipulation. Therefore, I strongly support the amendment.

In my previous correspondence with you, I indicated that under the current law none of our federal regulators could give you any definitive assurance that there was no manipulative or fraudulent activity in energy markets in the wake of the Enron collapse. This is due, in part, to the lack of transparency demanded of energy markets and more significantly to the fact that certain exchange markets such as EnronOnline are completely unregulated.

Consumers are the ultimate beneficiaries of properly functioning derivatives markets, whether those markets are private—like EnronOnline—or public—like the New York Mercantile Exchange. By the same token, consumers are the ultimate victims when markets are manipulated, or otherwise affected by unlawful behavior.

I am a firm believer in the efficiencies that derivatives markets bring to bear on cash commodity markets and the consequent benefits to market users and to consumers. However, such derivatives markets should, in the public interest, adhere to certain, minimal regulatory obligations. Your amendment is a prudent response to the issues highlighted by the Enron episode.

Sincerely,

THOMAS J. ERICKSON,
Commissioner.

Mrs. FEINSTEIN. I thank the Chair.

To summarize, if the western energy markets over the past 2 years have shown us anything, it is that the light of day and records must be available on all transactions. If the western energy markets and California have shown us anything, it is that there must be Federal oversight. And if what has happened in the last 2 years tells us anything, it is that the trading of these particular commodities should not be in secret.

Mr. President, this amendment aims to clear up those three points. It does so. I recognize there is opposition. I recognize the banks oppose it. Why do the banks oppose it? Because they have set up an online trading exchange, the IntercontinentalExchange, to do just what Enron Online did. Dynegy opposes it. Williams opposes it because they are doing the same thing now.

There is this burgeoning market of trading up the price of energy in secret. It is wrong. The light of day must be shed on it, and it should be treated as are all other aspects of trades. My cosponsors and I feel very strongly about this.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, how can a case be more overwhelming than the case of the Senator from California? Who could possibly be in favor of a situation where transactions could be undertaken and no records kept? Who could possibly be in favor of granting a license for fraud and manipulation? The answer is no one.

The problem is that each of these points that is outlined has no factual basis in the law. The plain truth is that there is extensive recordkeeping currently required under law. That recordkeeping was strengthened in the 2000 extension of the authorization of the Commodity Exchange Act. I will read from the legislation as we get to it.

The 2000 Act provided specific antifraud authority for the CFTC in exactly the areas for which the Senator from California calls. It provided authority to intervene in the case of price manipulation. In fact, everything that the proponents of this amendment claim they are for is part of current law as amended by the 2000 Act.

I have offered and we have negotiated—and I thank the Senator from California for the negotiations—to try to work out an agreement so that we can have an amendment go forward with broad support. We have failed to succeed in that effort, and I will outline in a moment why we have failed to do that.

Before I do, let me start at the beginning. This amendment has as strong a coalition of opponents as any amendment that has been offered, and not one of them opposes what the proponents of the amendment say they want to do. Not one of them opposes required recordkeeping. Not one of them opposes the granting of antifraud authority. Not one of them opposes granting the ability to intervene in the case of price manipulation. Every opponent of this amendment favors what the proponents of the amendment say that it does, but they oppose what the amendment in fact does.

I will read from the list of the opponents: Alan Greenspan, testifying twice before committees of Congress—the Financial Services Committee in the House and the Banking Committee in the Senate. In as strong words as Alan Greenspan ever utters and in as clear a form as he could possibly pronounce it, he opposes this amendment, not because he opposes the intent of the Senator from California, but because he opposes what the amendment, if adopted, would do—the unintended consequences—which is what this debate is about.

The Secretary of the Treasury is adamantly opposed to this amendment and has joined Chairman Greenspan in talking about the potential impacts on the American economy of a decision we would make in this proposal that has nothing to do with energy futures but everything to do with a swap industry which is now $75 trillion in annual volume and which has become part of virtually every business in America where that business tries to insure itself against risk.

These swaps are tailored transactions between two economic entities that are able, through their transaction, to provide greater certainty in providing jobs, growth, and opportunity for the American economy. In fact, Chairman Greenspan has said that the growth in the derivatives markets may very well be a major factor in the resilience of the American economy today and why we, in fact, did not have a recession.

I urge my colleagues to read the letter which the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System sent to the two leaders.

I ask unanimous consent the letter to which I just referred be printed in the RECORD.

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

MARCH 12, 2002.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We are writing to express our serious concerns with an amendment to be offered by Senator Feinstein and others to S. 517, the national energy policy bill. We are committed to ensuring the integrity of the nation's energy markets. However, we question whether it is necessary to reopen the Commodity Futures Modernization Act of 2000 (CFMA) to achieve that objective. Amending the CFMA as proposed by Senator Feinstein could re-introduce legal uncertainties into off-exchange derivatives markets and other markets—uncertainties that were thought to have been settled as a result of the CFMA's enactment.

Accordingly, we urge Congress to defer action on Senator Feinstein's proposal until the appropriate committees of jurisdiction have a change to hold hearings on the amendment and carefully vet the language through the normal committee processes.

The CFMA expressly maintained the Commodity Futures Trading Commission's (CFTC) anti-fraud and anti-manipulation authority with respect to off-exchange energy derivatives markets covered by the Commodity Exchange Act (CEA). Thus, it appears that the CFTC may have sufficient current authority to address instances of fraud or price manipulation in energy derivatives markets. Congress should carefully evaluate the adequacy of the CFTC's current authority before it attempts to re-open the CFMA.

The CFMA was the culmination of a long, difficult process, which provided much needed clarification regarding the scope of the CEA for all off-exchange derivatives instruments, not just energy products. Any effort to undo the delicate compromises achieved in that legislation should be undertaken only after careful reflection. Otherwise, such legislation could jeopardize the contribution that off-exchange derivatives have made to the dispersion of risk in the economy. These instruments may well have contributed significantly to the economy's impressive resilience to financial and economic shocks and imbalances.

Similar letters have been sent to Senators Harkin, Lugar, Sarbanes, Gramm, and Daschle.

Sincerely,

PAUL H. O'NEILL,
Secretary, Department of the Treasury.

ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System.

Mr. GRAMM. This amendment is also opposed by the Securities and Exchange Commission, which has the principal responsibility in the American economy for antifraud and antimanipulation enforcement with regard to securities transactions. If their whole purpose in existing, if their major mandate, is to deal with exactly the problems which the amendment proposes to deal with, why is the SEC adamantly opposed to this amendment? Because of unintended consequences, because the amendment, in fact, does not achieve its stated goals, but it does other things that are potentially very harmful to the economy.

The Chairman of the Commodity Futures Trading Commission, the very Commission that would be empowered by this amendment, has come out in very strong opposition to the amendment. This amendment is opposed by the International Swaps and Derivatives Association, the American Bankers Association, the ABA Securities Association, the Financial Services Roundtable, the Futures Industry Association, the Securities Industry Association, and the Chamber of Commerce of the United States.

Why would the Chamber of Commerce of the United States be opposed to this amendment? Are they in favor of fraud, manipulation, and the absence of recordkeeping? No. They are concerned that the amendment will have a harmful effect outside the futures area as it relates to natural gas and electricity, and, in the process, will do harm to the entire economy.

This amendment is strongly opposed by the National Mining Association. I can understand bringing Enron into the debate as it relates to natural gas and electricity, but why we should bring in mining I do not understand. There will at some point in this debate be an amendment which is part of our disagreement, to focus the provisions of this amendment on natural gas and electricity. If that is the concern, then why not focus the attention on that concern rather than getting into areas such as metals? I have seen no evidence—in fact, I will point out that Chairman Greenspan has seen no evidence—that derivatives trading by Enron, or by anybody else, had anything to do with the energy spike in prices in California.

Going back to the beginning, first of all, this is a debate I was pulled into when the 2000 bill was written. The provision relating to energy was written in the House, and the version of those provisions that finally passed in the House and came to the Senate was never changed again. My concern about the bill at the time, that held the bill up for 3 months and almost killed the bill at the end of 2000 in the final session of that Congress, the lameduck session of that Congress, had to do with exactly the issue which is before us, and that is unintended consequences.

Nobody in the Senate knows what a derivative is, and I speak for myself in saying that deep down I have a conception of what a derivative is. I might pass a freshman course in finance in college in giving a definition of derivative, but these are very complicated, tailored instruments, each instrument being unique, which is why it has, from the very beginning of its trading, been deregulated.

One of the arguments that has been made over again, as the debate on this amendment has started, is that somehow the 2000 legislation exempted these derivatives and swaps from regulation. That is totally false, totally inaccurate. They have never been regulated. In fact, Congress acted in passing the Futures Trading Practice Act in 1992 to give the CFTC specific power to exempt these derivatives and swaps as being inappropriate for regulation under the CFTC, which has the job of regulating futures, not tailored swaps between sophisticated customers. The Congress passed the Futures Trading Practice Act in 1992 that directed the CFTC to grant these exemptions. Those exemptions were granted. The exemption for energy was granted under the Clinton administration with a Democrat Chairman of the CFTC. That issue has never been controversial before. Nor have these swaps and derivatives ever come under Federal regulation in terms of an ongoing regulatory process.

In fact, the 2000 Act, far from exempting something which had never been subject to regulation, added to the strength of the CFTC exactly the powers that the proponents of this amendment would like us to believe their amendment does, and they believe their amendment does. There is no bad faith on this amendment. It is simply trying to understand very complicated issues when no Member of the Senate knows what a derivative is. It is very difficult to understand what swaps are, impossible to comprehend a $75 trillion industry. Unless one is directly involved in mining, banking, or securities, it is very difficult for me to comprehend what this whole market is about.

All I know is, it has grown to $75 trillion. It is the envy of the world, and Alan Greenspan, who is not the embodiment of God's voice on Earth, when it comes to financial matters in the U.S. economy, speaks with more knowledge and more authority than anybody else when he says that disturbing these markets could have a detrimental impact on the economy and that the resilience of the economy in the face of the recession might very well have been due to the growth of this derivatives market. I say at least let's put a little sign up that says: Danger, high voltage. Do not be fooling around in here if you do not know what you are doing.

Let's talk about these issues. As we have listened to these speeches and been moved by them—I have been moved by them to support the intent of the amendment—we are really not far apart, and I will outline where we differ.

First of all, let me quote from the 2000 Act that the Congress adopted in the waning days of the session in the year 2000. I will go to page 43 of the Senate companion bill, S. 3283. This is in paragraph (4) of section 2(h) of the Commodity Exchange Act. Paragraph (4)(B) gives the Commodity Futures Trading Commission the power to intervene and enforce any action where fraud is present.

In listening to the proponents of this amendment, one would believe there is no power whereby the CFTC can intervene in cases of fraud. Not only does that power exist, but it was strengthened in the 2000 legislation, a provision written in the energy section of the bill in the House of Representatives.

In paragraph (4)(C), we have the provision relating to price manipulation, and the Commission is given the power to intervene in cases where price manipulation occurs.

As we have listened to this debate, we have heard the question, well, how can you do anything if these markets are conducted with no records?

I will read the language of the bill in paragraph (4)(D):

> . . . such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading facility performs a significant price discovery function for transactions . . .

It then goes on and specifically outlines the power of the Commission. Now, let me make it clear that I am in favor of, and will support, strengthening these provisions. I am in favor of giving the CFTC the power to require that records be kept, to require that they be kept to the level so that you can reconstruct the transaction, to require that the data under the Commodity Exchange Act be kept for 5 years so that you can reconstruct individual transactions. I am willing to support—and so are all the opponents of this bill, as far as I am aware—strengthening antiprice manipulation and strengthening the anti-fraud provisions.

The point I want to make is these provisions are already law, and they are in the 2000 Act. To the extent they can be strengthened without affecting other markets that are in no way related to electricity and natural gas so that we can deal with what the proponents of this amendment intend to achieve, I am in favor of it. The problem is the amendment, as now written, does many things that go beyond this.

If we can focus it on electricity and natural gas, if we can limit it to these provisions, we would have an agreement, and I assume we would get a unanimous vote.

But here are some problems, and let me outline them. First of all, everybody needs to understand that we have a wholesale market for swaps and derivatives, tailor-made products. These are products that are not sold on exchanges. Let me make it clear. I have been chairman of the Banking Committee. I have worked with the exchanges in Chicago and New York. As we say in our business, I have many friends who are associated with the exchanges in Chicago and New York. But when they go to bed every night and they say their prayers, they say: God, please kill the $75 trillion swaps industry and make those people buy these derivatives and swaps on my market and pay me a commission and buy them in thousand-unit lots. If you love me, God, please do this for me. Now, it may hurt the American economy, but it would be so good for me.

Now, there is an element of that going on here. There was an element of it going on in the 2000 Act. There has been an element of it going on forever. People try to promote their own interests, we understand that. There is no issue where all the special interests are on one side. There seems to be a conception that we try to perpetrate that there is good and there is evil and there are special interests and public interests and they are competing against each other. The plain truth is normally there are special interests all over the ballpark. And that is not all bad. I will note that I have always felt if you are going to catch hell no matter what you do, even lawmakers will do the right thing.

There has been an ongoing effort, since the emergence of derivatives and swaps, to force them on to the futures exchanges. I could give you a long and, in this case, happy history. It will suffice to simply say this: First of all, these swaps have never been sold on market exchanges such as the Chicago Mercantile Exchange, Chicago Board of Trade, the New York Mercantile Exchange. They sell standardized products at both the wholesale and retail level. When we are talking about swaps, we don't have a retail swap industry in America. When the 2000 bill was written—and I was involved in those sections of that legislation that had to do with banking products—we simply allowed the swaps business as it related to wholesale users, namely banks, securities companies, manufacturers, et cetera, to function on an over-the-counter basis. We agreed that the case would be different should a retail market ever occur in these products—that is, a situation where individuals would buy them; your aunt might buy one. I can't imagine, and I would not advise that, I would not do it—but we agreed in the 2000 bill, in the bank products section of the bill that if a retail market ever came into existence, at that point a decision would be made as to who would regulate it and how.

Now, these products have never been under regulation, are not sold on exchanges; they are individually negotiated instruments, highly sophisticated and, obviously, they yield great value because people buy and sell them—$75 trillion worth. Alan Greenspan, as I said, said these have now become a mainstay and a stabilizing influence in the American economy.

Here are the problems that I see with the amendment as it is written. I will elaborate some on each of them. First of all, it permits the CFTC to regulate contracts regardless of whether they are futures contracts. The CFTC has jurisdiction over futures. It does not have, never has had, and I hope never will have jurisdiction over non-futures derivatives or swaps at the wholesale level. As the amendment is now written, it would impose CFTC regulations on companies operating electronic bulletin boards, where bids and offers are posted for various commodities—facilities such as Blackbird, as one example—even if futures contracts are not traded on those bulletin boards. My view is, if our objective is to provide more information—and I am for more information—why should we be taking action to kill off bulletin boards that are simply providing purchase and sale prices to customers?

Another point, this amendment—and I don't quite understand why it does it—would make the use of advanced technology a trigger for CFTC regulation, so that if a bank or an insurance company, or an investment company sets up an electronic computer system whereby people can come together, negotiate, purchase, and sell a swap or a derivative, if they use the computer to do it, they could come under regulation. If they do the same transaction over the phone, they don't come under CFTC regulation.

This amendment brings under the Commodity Exchange Act and under the jurisdiction of the CFTC instruments that are not futures. The CFTC is an agency that is trained and has expertise in futures; that is, say that I am contracting to deliver natural gas at the hub in Louisiana on a certain date, and so I sell a future for that delivery, and someone buys it. That is the kind of transaction that the CFTC is chartered to regulate. It is not chartered, nor has it ever been chartered, nor has it ever regulated, these tailored swaps and derivatives.

Let me quote Alan Greenspan because he has gone out of his way to make statements on this, and he has been asked questions about this. Since this has been raised in relation to energy and to California, in particular, let me just, if I can, go through some of the things Alan Greenspan has said without wasting everybody's time in reading huge volumes of statements. Chairman Greenspan of the Federal Reserve Board on March 7, 2000, stated before the Senate Banking, Housing, and Urban Affairs Committee that with respect to the existence of a nexus between energy derivatives and Enron's demise: ''I haven't seen any.''

Alan Greenspan said, when questioned before the Banking Committee, that he saw no relationship between derivatives and the demise of Enron. In fact, the derivatives part of Enron has subsequently been sold to another company that is in the process of reinvigorating it, creating 800 jobs, and paying off some of the debt of Enron, including debt to employees. This is a part of Enron that is alive and well, though not under the control of Enron, which as we know is in bankruptcy.

Chairman Greenspan stated before the House Banking Committee on the same issue:

> What I sense happened is that they ran [why Enron failed] into losses which they basically endeavored to obscure. It had nothing to do with derivatives.

I could go through the quotes in greater detail, but when asked, Did derivatives have anything to do with the price hike in California? Chairman Greenspan said no. When asked if they had anything to do with the failure of Enron, he said it had nothing to do with derivatives.

He also stated before the Senate Banking Committee on March 7:

> We've got to allow for that system to work because if we step in as government regulators we will remove a considerable amount of caution.

In other words, not only did he say he was concerned about us getting into other areas, but he was concerned, if we had more Government regulation of these sophisticated instruments, people would come to rely on the Government and actually might be less cautious in financial matters.

I quote the following:

> I think that act [the 2000 commodity exchange reauthorization] in retrospect was a very sound program, passed by the Congress, and I don't see any particular need to revisit any of the issues that were discussed at length at this time.

Let me read what he said in particular in response to a question by Senator MILLER of Georgia who asked the following question, and I am reading from the raw transcript. In response to Senator MILLER of Georgia who asked whether there is a nexus between energy derivatives, including their regulation and the California energy crisis, here is what Chairman Greenspan said:

> We don't need to revert to derivatives to get a judgment as to why prices did what they did. My recollection is that 2 years ago or so the sort of capacity buffer that the California electric power system has was the typical 15 percent for its summer back loads, which is what generally a regulated industry has because you respectively guarantee a rate of return on capability which is not being used, but that 15 percent kept prices down. As the years went on, the demand went up in California and no new capacity came on stream. That 15 percent gradually

dissolved because there's no way to have inventory of electricity—there are battery systems—but they are just inadequate. You get into a situation where the demand load, if it is running up against a limited capacity and the demand tends to be price inelastic, you can get some huge price spikes. So you don't need derivatives to explain what happened to price.

Now, let me try to sum up because I have covered a lot of areas.

Mr. LOTT. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. LOTT. With all due respect to the Senators in the Chamber who perhaps understand this issue, I have serious doubts how many Senators really understand what we are talking about here. I was trying to understand what the Senator was saying, and it sounds pretty complicated to me. I hope we won't do a test here to ask Senators to define what a derivative is. In fact, we have been checking Webster's, trying to make sure we understand the definition of derivative. After having read the definition, I don't think it clears up anything.

Who has jurisdiction of this? Is it the Agriculture Committee or is it the Banking Committee?

Mr. GRAMM. They both have jurisdiction. The Agriculture Committee has jurisdiction as it relates to fundamental commodities. The Banking Committee has jurisdiction as it relates to financial products. You have a problem in that the amendment applies not just to futures but to other derivatives and to swaps, which are under the jurisdiction of the Banking Committee.

The problem is, the last time we dealt with this area, we spent 4 months dealing with it in committee. We dealt with it extensively in debate and conference and ended up, in total, taking about 7 months to deal with it.

Mr. LOTT. Has this amendment been considered or had hearings in Banking, or in Agriculture, as to its implications and what the impact would be?

Mr. GRAMM. No.

Mr. LOTT. Isn't this clearly an extremely complicated area with which we are dealing?

Mr. GRAMM. There are two approaches, it seems to me, that make sense. One is to call on the major agencies—the Fed, the SEC, and the CFTC—to take a look at the amendment on a truncated basis, say 45 days, and give a comprehensive report and definition. That would be one approach.

The other approach would be to try to work out the concerns that the SEC and the Federal Reserve have raised. Those concerns are trying to narrow this down to electricity and natural gas, which is the real concern.

Mr. LOTT. If the Senator will yield, I was under the impression there had been serious and extended negotiations between yourself and Senator FEINSTEIN and perhaps others in trying to work out a compromise.

Mr. GRAMM. There were serious negotiations. I think Senator FEINSTEIN made a good effort on her part. Senator FITZGERALD was involved. When it got right down to it, an agreement could not be reached on the narrowing of this to include futures but not swaps and or other derivatives, to focus it just on electricity and natural gas, which is where the concern is.

The reason Chairman Greenspan has chosen to speak out on this on three different occasions, the reason he has talked to Members, and when they called him, called them back, is that he is very concerned about unintended consequences. The problem is it is hard to debate unintended consequences.

Mr. LOTT. One final point and I will let the Senator give his summation. This is a very complicated area that could have unintended consequences, no question. We should not be trying to write legislation in this area in the Senate without very careful thought and consideration by committees. I think it is a very serious mistake to be considering this amendment in this way.

Just so Senators will understand, Webster's defines ''derivative'' as:

> The limit of the ratio of the change in a function to the corresponding change in its independent variable as the latter change approaches zero.

I am sure you got that. That makes my point. We don't know what we are doing here, and we should not be acting in this area.

Mr. DORGAN. Will the Senator from Texas yield for a question?

Mr. GRAMM. I am happy to yield for a question.

Mr. DORGAN. Mr. President, the minority leader was asking about the definition of a derivative. I ask the Senator from Texas, could he not find the definition of a derivative by talking to people who used to run Long Term Capital Management? As the Senator from Texas will recall, it lost a fortune sufficient so that it almost took down the American economy.

The Fed had to have a Sunday night rescue package to try to prevent LTCM from collapsing. I would expect an awfully good definition of derivatives. They are risks that are now falling through the cracks of regulators, which come from an understanding of Long Term Capital Management.

Mr. GRAMM. If the Senator will yield, I would respond that, if we had a hearing, I do not think they would be the people we would call on to give us advice. I was thinking of the Chairman of the SEC, perhaps former Chairmen, the Chairman of the Commodity Futures Trading Commission, the Chairman of the Board of Governors of the Federal Reserve System.

I might say about Long Term Capital, that they went broke by making bad decisions. They didn't go broke because of the existence of financial instruments. They went broke because they made bad choices in the use of those instruments. You cannot blame the instrument. It is like blaming thermometers—saying I hate thermometers because every time they register above 100 degrees it is hot. It is not the thermometer's fault. So it is clear that we have had people go broke. I guess my feeling is that we simply need to know more about this.

As I have said from the beginning, if we can make some simple changes in this I could be for it, and I believe everybody who I quoted here today would be for it. Let me just tell you what the amendments would be.

First of all, the focus of this amendment is supposed to be on natural gas and electricity. The problem is, when you get into energy in general, and also into metals, you cast a very wide net. And while the plain truth is—and I believe it—that there is no evidence to substantiate any claim that the price spike in California had anything to do with the existence of derivatives on natural gas and on electricity, under the circumstances and especially given the precedent set in the 2000 law, I am in favor of, and I believe everyone who opposes the amendment is in favor of, strengthening the provisions of law related to antimanipulation, antifraud, and recordkeeping. That much we agree to. That part of the amendment is agreed to.

But I believe, and all these other groups from the bankers to the Federal Reserve Board, to the SEC, to the CFTC believe, that one of the ways you could improve this—they are all still very nervous about this amendment, even if we made all these changes—but if you could narrow it just to electricity and natural gas they would see that as an improvement.

The amendment is about the CFTC, and it ought to be about futures, not about swaps. That is getting into another agenda, and that agenda is basically expanding markets on exchanges. And we should not be getting involved in deciding where a product is bought and sold and who ought to be buying and selling and who should benefit economically and who should not.

This whole question of capital is a very important issue. At the risk of just overstating the case and oversimplifying, this is the problem. Many of these mechanisms, whereby trades are sold—or undertaken—just bring buyers and sellers together. They never take ownership of the derivative or the swap. So to make them put up capital based on the transactions, if they don't ever take ownership, how does it make any sense to make them put up some part of $75 trillion when none of their own money is at risk?

So that requirement, if you are not very careful, ends up killing off the market for no purpose. If you are not taking ownership, if all you are doing is bringing a bank and an insurance company together, why should you have to put up capital based on the transaction?

Then you have the toughest of the issues, and I admit this is a hard one. If you look at it one way, it seems like how can anybody be against it. If you look at it another way, it makes little sense. This is the point.

What we have agreed to in this amendment, sitting down—and again I thank the Senator from California for being willing to sit down and try to work it out—what we have agreed to is extensive recordkeeping, under the Commodity Exchange Act. Any of these platforms that bring together buyers and sellers of these instruments would have to keep records for 5 years—which is the same thing that any futures dealer has to do. They would have to keep them at a level where the individual transaction could be reconstructed. They would have to make it available to the CFTC when the CFTC is looking at a potential for fraud and a potential for price manipulation. And they have to provide it in whatever form the CFTC wants: price, trading volume, other trading data to the extent appropriate, which the Commission determines as being appropriate.

The question is, Should they have to make it public? This is the question. When you are talking about the prices that you and I see every day when we go to Wal-Mart or when we go to buy a pair of tennis shoes, we are used to dealing in the world we deal in as consumers where people not only want to make prices public, but they pay money to publish them in the newspaper. But Wal-Mart does not make public what it pays for the things it buys. Wholesale transactions in America are proprietary information.

So that is part of the reason you have this tremendous opposition from the entire financial structure of the country. Everyone has agreed to the CFTC having the data in whatever form they want, and the ability to intervene. But when you are dealing with wholesale proprietary information as to how people are brought together in these transactions, where if I am a trading floor, or if I am one of these people who is a middle man, bringing buyers and sellers together, and I have a way of doing it, I don't want to share my trade secrets with somebody else.

So we are not talking about retail prices. The CFTC has total access if there is fraud, price manipulation—they can intervene. But in terms of these wholesale transactions requiring that these prices be made public, and that these transactions would be made public, it would be like requiring a shoe store to make public what it paid Nike for tennis shoes.

That is something we do not do in any industry in America of which I am aware. Granted, if you are choosing which side to be on in the debating club in high school, you want to be on the side of disclosure of wholesale prices. But if you are trying to have efficiency in the running of the greatest economy in the history of the world, you want retail prices to be public, you want the Government to have access to data so, if somebody is engaged in an illegal, fraudulent, or manipulative activity, you can intervene, but to make people make public wholesale prices is something we do not do because that is proprietary information. How people put their business together, what kind of deals they make with Nike—that is private information.

So I urge my colleagues, again: Can we focus this down on electricity and natural gas to be sure we do not have these unintended consequences?

Second, can we focus it just on futures?

Third, can we at least require that capital requirements are not based on the transactions that come through your purview but on any risk you take or ownership you take? Can you imagine if you had some job collecting money and consummating transactions for somebody, and you had to put up capital based not on what you invested or the risk you have, but of your gross and net volume? No company in America that has a huge volume could possibly deal with the problem. When you are dealing with a $75 trillion industry, it becomes even more important.

And, finally, any information that Government needs to prevent wrongdoing in wholesale transactions—if there is something we have not agreed to that would make people feel more confident, I am willing to sit down to try to see if we can work it out. But proprietary information on a wholesale level is something that we do not do in other places.

So I urge my colleagues, if we can, there are two ways of working this out, it seems to me: One, to do an amendment to send the matter to these three agencies for evaluation on an expedited basis. Let them report back. Let the committees of jurisdiction hold a hearing so we can hear from people who know something about this area, rather than simply talking among ourselves. That is one approach.

Another approach is to go back one more time and see if we can deal with these concerns. When the people who have been entrusted by us to make these markets work, and work fairly, and work efficiently—such as Chairman Greenspan—when they and their staff have raised an issue, it seems to me we have an obligation to try to see if we understand it and to see if we can fix the concern.

So my guess is we are probably agreed on 90 percent of the things that are in this amendment. But the 10 percent we differ on is very important.

Finally—and I will conclude because I see the leader, with the right of prior recognition, in the Chamber—let me say if we could work something out, I think we would serve the public's interest. I think having a series of votes, where we really do not understand what we are doing, is not in the public's interest. You feel uncomfortable as a Senator saying that, but these are complicated issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, a further definition of ''derivative'': ''A financial instrument whose characteristics and value depend upon the characteristics and value of an underlying instrument or asset, typically a commodity, bond, equity, or currency. Examples are futures and options.''

I am sure that further clarifies the earlier definition that was read.

AMENDMENT NO. 3033 TO AMENDMENT NO. 2989

Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3033 to amendment No. 2989.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;

(2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;

(3) seventeen of the 31 vacancies on the Courts of Appeals have been declared ''judicial emergencies'' by the Administrative Office of the U.S. Courts;

(4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 to the 22 circuit court nominations that he submitted to the Senate were confirmed; and

(5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

Mr. LOTT. Mr. President, I have made the point here—and Senator GRAMM was making the point very strongly—that this first-degree amendment clearly needs additional work, additional consideration. The committees of jurisdiction should have an opportunity to work on it. I had hoped that some accommodation could be worked out. I am still hopeful of that. But I do not think we are ready to go forward at this time.

Having said that, I also think it is very important the Senate take a position with regard to judicial nominations. This second-degree amendment is the resolution that was offered last week. There has been no indication of how we would proceed on that. All it would say is the first nine circuit judge nominations that were offered last May—May of 2001—would have a hearing—just a hearing—by May 9, 2002.

This issue is very important to our country, and it needs to be considered in the order in which it was pending before we came back to the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2989, AS MODIFIED

Mr. FITZGERALD. Mr. President, I am pleased to rise in support of Senator FEINSTEIN's amendment. I want to address and rebut a number of things my good friend from Texas said.

I have as much respect for Senator GRAMM as I do for anybody in this body. It is going to be a great shame that he is retiring this year because I will miss him dearly. I think this is, perhaps, the first time in my 3 years in the Senate that I have ever risen in opposition to Senator GRAMM, but I do disagree with him. I do not think this is a complicated issue.

I think it is a relatively simple issue. I think what it comes down to is that 2 years ago, when we passed the Commodity Futures Modernization Act, we patterned our bill after the recommendations of the Presidential Working Group, which included the Chairman of the CFTC, the Chairman of the SEC, and the Chairman of the Federal Reserve Board. And they had recommended that we create three categories of regulation.

One was a designated contract market which would be our Board of Trade and Mercantile Exchange in Chicago or the NYMEX in New York. There would be heavy regulation on those designated contract markets.

The other recommended level of regulation was the so-called DTEF, the derivatives transaction execution facilities. Those would be online bilateral trading facilities that could be trading derivatives online. They would be regulated but with lighter regulation than the full-blown regulation of designated contract markets.

And, finally, we created an exclusion for financial OTC derivatives. The opponents of this amendment have created the false impression that somehow the amendment by Senator FEINSTEIN and myself intrudes upon the now essentially excluded financial derivatives industry. There is no regulation by the CFTC to speak of for all the financial derivatives that are out there, mainly between banks. Our amendment would not impose any regulation on the banks in that regard or on others who engage in purely financial derivative transactions. This has nothing to do with that.

Instead, we are simply closing off an exemption that applied to just a handful of online trading companies that happen to be trading energy and metals. At the last minute, over in the House, they were exempted, not just from one or two levels but from all levels of regulation. And this exemption applied to literally just a handful of companies. It was a special carveout that is upheld by absolutely no public policy rationale.

The companies that benefited from this exemption included, of course, Enron Online. There is a company called ICE, the IntercontinentalExchange; they benefited from this exemption.

The reason banks are interested in this issue is not because they are worried we are imposing some kind of legal uncertainty on financial derivatives but, instead, because a couple of banks have a big ownership interest in this totally exempt energy online trading facility, ICE.

And, finally, there is another company called TradeSpark that is owned by a couple of energy companies.

So you have three companies that essentially got a special carveout from the whole scheme of regulation that originated with the President's Working Group.

The President's Working Group, in essence, said financial derivatives, interest rate swaps, for example, between banks would be exempt from regulation by the CFTC.

I take issue with Senator GRAMM when he says no Member of the Senate knows what a derivative is. I do. I grew up in a banking family. I was on the board of many banks. I was a general counsel of a publicly traded bank holding company. We used to enter into interest rate swaps. When our banks wanted to do a lot of fixed rate mortgages, we wanted interest rate protection. We would go protect ourselves against an increase in interest rates by entering a swap with another bank.

There should be no fear, whatsoever, out there that that market would be disturbed by our amendment because it has absolutely nothing to do with it. We would not impose any requirements on banks entering into interest rate swaps, for example. Instead, the intent of our amendment is to close off an exemption, a special carveout for online energy trading companies that makes no sense.

The President's Working Group distinguished between financial commodities of an infinite supply, such as interest rate swaps, and said those should be excluded. And they are excluded. We maintain that exclusion.

But they said: Finite commodities such as agricultural commodities—corn, soybeans, pork bellies—or metals—gold, silver—finite physical commodities such as that in which there is a finite supply and in which, theoretically at least, the market could be cornered, there should be some regulation for those markets.

The President's working group further said that there should be full-bore regulation if the trading is in an open outcry pit such as we have at the Board of Trade and the Mercantile Exchange in Chicago. There is full-blown regulation. But there is a lighter degree of regulation, some regulatory oversight, for online exchanges that trade those physical, finite-quantity commodities.

It is that level of regulation that we are seeking to impose on these now exempt online energy transaction facilities.

Senator GRAMM cited section 4(g) of the Commodities Act. He said we already have recordkeeping requirements in the CFMA; we already have the ability for the CFTC to go after fraud if they find it.

I looked at section 4(g). Guess what. Section 4(g) does say that the Commission shall adopt rules requiring that a contemporaneous written record be made, as practical, of all orders for execution on the floor or subjected to the rules of each contract market—a contract market is a board of trade like the Chicago Board of Trade—or a derivatives transaction execution facility. Those are the online transaction facilities we are talking about that are regulated.

The fact is, earlier in this act we created a special category for these online energy and metal firms such as ICE which is in turn owned by Morgan Stanley and Goldman Sachs. They have a rifleshot exemption in this code, and this section 4(g) that Senator GRAMM talked about does not apply to them because they are exempt from the definition of derivatives transaction execution facility. That is back earlier in the act.

What we need to do is close this loophole. What public policy rationale upholds the picking out of a couple of online firms and saying: You are going to be exempt from the requirements of the act? It doesn't make any sense.

Now, we did have good-faith negotiations with Senator GRAMM. He has proposed regulating natural gas and electricity contracts that are traded online but exempting metals and oil contracts. Why does that make any sense? Shouldn't everybody be playing on a level regulatory playing field? Why should some business have a regulatory advantage? That isn't what America is all about. We want all businesses to be playing on the same level playing field. If some succeed because they work harder, have better products, and they are smarter, that is great. But when they succeed or make a lot of money because the Government has sponsored some special advantage based on their power and their adeptness at playing the political game in Washington, that is not right. That is not what America is all about, giving a special carve-out to a few companies. It doesn't make sense.

Now, I happen to agree with Senator GRAMM on one point. I have seen no evidence that the trading by online energy trading firms had anything to do

with the spike in oil or electricity prices on the west coast. I certainly doubt that is the case.

But that is not why I am here supporting this amendment. Instead, I am supporting this amendment because I think price discovery is very important to consumers.

Senator GRAMM was saying we never require retailers to disclose the wholesale prices they pay. That is true. But this is not really analogous to going to buy something at Wal-Mart. This is more analogous to buying a stock from a broker. You call up your broker, and you ask them to buy 100 shares of IBM stock. They can look up on the New York Stock Exchange and get one of the latest quotes, and they can tell you. Let's just say it is $100 a share. You go buy the 100 shares for $100 a share, and then your broker gets a commission.

The problem with this kind of trading is that the customer can't see the prices. In the case of your going to your broker and buying 100 shares of IBM, you can find out what the price was on the New York Stock Exchange. It is different with an online energy trading firm. You may call them up and say you want a contract for, let's say, natural gas or something, and you will pay $265 for the contract.

Well, what if the person from the online energy company looks up and he finds he can buy it at $263? But then he resells it to you at $265. You never would know the difference, would you, because you would never know the wholesale price at which he got it.

I am sure no one at Enron Online would ever cheat their customer in the way I just described. I am sure that would never happen, or that this would ever happen in ICE or TradeSpark—that they would use their superior knowledge of the wholesale market and the lack of knowledge of their customer to make a few extra points. I am sure that would never happen.

But let's just say that this could happen, that there could be some dishonest people in those companies. And in addition to wanting to make a commission for selling that contract at $265, they might want to take a little bit of markup, a little bit of kickback. It probably happens in the political business when we all buy our direct mail. You are always wondering how much your direct mail firm is actually paying for their printing and mailing. You know they are marking it up, and you try to guard against it.

But that very same thing could happen when you are trading with one of these online customers. That is why I do believe it is important for the CFTC to have the ability to require these companies to report their volumes and to report their prices. That is protection for the consumer.

Oddly, I think ICE, Enron Online, and TradeSpark would have more customers if they were regulated by the CFTC than they now have. I will tell you this: I would never go trade with them because I would have no idea at what wholesale prices they were buying. I wouldn't use them. I would go to a regulated board of trade where I could be sure there were some safeguards for me. I wouldn't trade with somebody such as that, an online energy company. And I believe their businesses are smaller than they otherwise would be if there were some protections for consumers.

It is much like our stock markets. Our capital markets have exploded in the last 50 or 60 years. We have the best capital formation markets in the world. I do believe that our securities laws have helped foster that strong capital market. If you go back to the 1920s and before, when there was really no regulation, or go back before the Federal Trade Commission, when there was absolutely no regulation of our stock markets, the little guys didn't get involved in that at all because they figured it was an insider game and that the deck was stacked against them. They were right; the deck was stacked against them.

Since we have put in protections for the consumer, we have banned insider trading and made a lot of manipulative practices illegal, more and more Americans have felt comfortable investing in the stock market to the point that we now have over 50 percent of Americans investing their own stocks directly or indirectly. If there were this light level of regulation that Senator FEINSTEIN and I are suggesting with our amendment, that would be good for these companies that want to uphold this special privilege that exempts them from all regulatory oversight.

Now, I also note that there is a Senator who probably knows as much as any of the derivatives experts in this country about derivative transactions, and that is Senator JOHN CORZINE of New Jersey. Senator CORZINE was chairman of Goldman Sachs, which is an owner of IntercontinentalExchange. He has joined us as a cosponsor of this amendment.

I think this is an outstanding amendment. I think it is very simple. We are closing off a special deal that just applies to a few firms. There is no public policy rationale that supports the special deal these firms have. We are making the treatment of all firms the same under the Commodity Futures Modernization Act. It makes perfect sense. We are doing so in a way that was originally recommended by the President's Working Group.

I appreciate the hard work of my colleague from California and also my colleague from Texas. We have had a lot of negotiations. I think one thing we have done is conclusively demolish any argument that this represents any threat at all to financial derivatives. They are not affected in any way.

Senator GRAMM initially said this was his primary concern. We worked on it, and we have modified the amendment to make it crystal clear that we have no intent of affecting the financial derivatives markets. Those are excluded and will continue to be excluded. We are simply trying to close off a special loophole that applies to a handful of companies. I think it is very good public policy. Let's close this exemption that was stuck in by the House at the last minute when they passed the CFMA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GRAMM. Mr. President, might I ask if the Senator will give me about 3 minutes to respond to these points before they get cold in everybody's mind? Would that work for her?

Ms. CANTWELL. How long?

Mr. GRAMM. I think I can do it in 3 minutes.

Ms. CANTWELL. I will wait.

Mr. GRAMM. Mr. President, first of all, I thank the distinguished Senator for giving me 3 minutes. She did not have to do that.

Let me be brief. First of all, if you go back and read the Commodity Exchange Act, as amended, you will find that what I said, in fact, was correct. There are exempt commodities, which have always been exempt, have never been regulated, but they are exempt, except as provided in these paragraphs.

Then we go through a reference to anti-fraud, anti-price manipulation, and recordkeeping. So they are exempt from the normal process because these are huge wholesale markets among sophisticated dealers that have never come under regulation. But they are not exempt from anti-fraud, anti-price manipulation, and from recordkeeping. I wanted to be sure that we all knew that was true.

The Senator says the working group favored his amendment. There is only one problem with that. Every member of the working group has written a letter opposing the amendment. The Chairman of the Federal Reserve Board, the Secretary of the Treasury, the Chairman of the Commodity Futures Trading Commission, and the Securities and Exchange Commission Chairman are the members of the working group. The Senator takes a sentence from their report that he says bolsters his argument. But every member of the working group who wrote the report, and who is charged with it today, opposes the amendment. I have seen no evidence that anybody who held these positions during the Clinton administration supports the amendment either.

Special carve-out? There is no special carve-out. We are getting back to a myth. Let me remind my colleagues that, as I look at the 2000 bill as it was passed, Senator FITZGERALD was an original cosponsor of the bill. What this legislation did was simply clarify to a legal certainty something the President, the Secretary of the Treasury, and the Federal Reserve Board wanted to do, and that was that these sophisticated wholesale products that had never been regulated by anybody

in the history of this country—and since we invented them, and nowhere else were they started, that I am aware of—that they were exempt from normal regulation, but they were subject to anti-fraud, anti-price manipulation, and recordkeeping.

In terms of buying a stock, that is where all this confusion comes from. The example is a good one, but it has nothing to do with the point. We are not talking about the same product. Every swap is not a future, it is a specific, custom contract. They are not homogeneous. If they are, then they are not exempt. These are individually negotiated contracts. They are not bought by individual, retail investors, such as our colleague from Illinois. They are bought by banks and mining companies and those businesses trying to protect themselves against risk.

I thank the Senator from Washington for yielding me this time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to urge my colleagues to approve this amendment that we have been debating, which would subject energy derivatives trading to the same degree of regulatory scrutiny as many other commodities. Senator FEINSTEIN and others have worked hard to bring about a fair resolution to this issue, and to the chaos brought upon many Western States in the electricity crisis as it unfolded.

What I think is important to understand is exactly what this amendment does. First and foremost, my colleagues must recognize that this legislation is designed to close a specific loophole—the Enron loophole—that allowed Enron and other online traders to sell energy futures behind closed doors, without any form of safeguards for consumers or investors whatsoever.

At its core, our amendment would allow the Commodity Futures Trading Commission to treat energy futures similar to other regulated commodity futures. It does not give the CFTC any new powers that it does not already have over many other futures markets. This legislation deals specifically with energy futures, without tampering with regulation of financial derivatives as much of the floor debate would lead you to believe.

Some have claimed that by subjecting energy derivatives to the same level of regulatory scrutiny as other commodities, we would be imposing some sort of unacceptable level of ''uncertainty'' on these markets. I find that argument fundamentally flawed. How, then, does one explain the prominence and global importance of other American markets, such as NYMEX, already under the CFTC jurisdiction? They don't seem to be struggling because of oversight and scrutiny by the CFTC.

In fact, I believe that by subjecting trading platforms, such as Enron Online, to the same transparency and antifraud rules as other types of exchanges, we will actually be increasing the confidence of market participants. They can know with certainty that prices for energy derivatives are not the result of manipulation. And believe me, in my State, consumers have a lot of doubt about why they are paying a 50-percent rate increase in energy prices. Under this amendment, consumers can rest assured that they will not become the casualties of gaming in these markets. That is very important.

To quote the New York Mercantile Exchange, the world's largest trader of energy futures:

> With numerous reports of reduced confidence in market integrity in the wake of the Enron bankruptcy, never has it been more important to restore faith in that great American resource, our competitive markets.

Some have suggested that there has not yet been conclusive evidence that Enron manipulated derivative markets and, they argue, that alone is reason enough not to proceed.

Mr. President, there never will be conclusive evidence of such market manipulation, if Enron Online and businesses like it are allowed to continue operating in secret. I ask the opponents of this amendment to think about the ramifications of this situation on the ongoing investigation into price manipulation in my home state. As I said, in my State, consumers have seen rates increase up to 50 percent in long-term contracts that they are going to have to live with for many years. In fact, Enron is still buying power at cheap prices, marking it up, and selling it to utilities at higher prices because of these long-term contracts. Yet, FERC's investigation into these price hikes has been severely hampered by the lack of information surrounding swaps transactions done in secret.

The task of investigating Enron's collapse and Enron Online's impact on energy markets has been made infinitely more complex by virtue of the fact that no one was required to maintain books or records that would have shown this clear pattern of irregular trading. Instead, we are saddled with this post hoc investigation that may well last years.

Some colleagues talked a lot about the President's Working Group recommendations, and some have suggested we delay this legislation. What is interesting is that many of the names thrown about this morning, Alan Greenspan, then-Secretary of Treasury Larry Summers, SEC Chairman Arthur Levitt, and CFTC Chairman Bill Ranier, were signatories to the President's Working Group report given to Congress before passage of the Commodity Futures Modification Act of 2000. While it is true that the report supported exemptions for over-the-counter derivatives, the report included significant cautionary notes.

The President's Working Group basically issued a warning saying: commodities with finite supplies are more easily subject to price manipulation.

Obviously, those of us from the West know how finite the energy supplies can be, as California, Washington, and other States experienced the unbelievable skyrocketing of prices.

What we, the cosponsors of this amendment, are talking about here is how to implement the Working Group's recommendations on antifraud provisions. We are saying transaction information should be collected and kept. Then, if there is a suspicion of fraud, investigators will have something tangible to examine.

The Working Group unanimously recommended that there should be an exclusion for bilateral transactions between sophisticated counterparties, but it made specific note: Other than transactions that involve nonfinancial commodities with finite supplies.

The Working Group recommended an exclusion from the Commodity Exchange Act for derivatives traded on electronic trading systems provided systems limit participation to sophisticated counterparties trading for their own accounts and are not used to trade contracts that involve nonfinancial commodities—again culling out nonfinancial commodities with finite supplies.

The Working Group noted the danger of exempting these transactions, including energy derivatives, from regulatory scrutiny, and they did this in November of 1999. These are precisely the transactions that our amendment would put under the jurisdiction of the CFTC.

Unfortunately, these cautionary notes were not heeded by Congress and were instead translated into a statutory exemption for bilateral energy derivatives and electronic exchanges in the context of the Commodity Futures Modernization Act of 2000. I can tell you, my State has suffered greatly because of this exemption and has not been able to find out whether price manipulation has actually occurred.

I also suggest that my colleagues take note of the Working Group's recommendation that the regulatory regime should be reevaluated from time to time. In the aftermath of Enron's collapse, a reevaluation is certainly warranted.

Again, to quote from the President's Working Group:

> Although this report recommends the enactment of legislation to clearly exclude most over-the-counter financial derivatives transactions from the Commodities Exchange Act, this does not mean that transactions may not, in some instances, be subject to a different regulatory regime or that a need for regulation of currently unregulated activities may not arise in the future.

Specifically, the Working Group recommends the enactment of a limited regulatory regime aimed at enhancing market transparency and efficiency may become necessary. That is what we are doing.

We are saying that these things may have come about because of the Enron collapse. We have seen, while Congress may have acted in 2000 thinking this

exemption was the right thing to do, this exemption cost consumers—if not the high rates they are paying directly—it has at least cost them confidence in the system.

We must restore that confidence by opening up the energy derivatives market to transparency and oversight. I urge my colleagues to support this very important amendment and to tell the American public that Congress is acting to protect them from the kinds of loopholes that Enron was able to walk through and cost consumers higher energy prices in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Washington. I do not know anyone who has been more concerned about what has been happening with electricity markets than Senator CANTWELL. She has really tried to help her constituents and the consumers in this area. I am very pleased she has been in the leadership of this amendment.

I particularly thank the Senator from Illinois, Mr. FITZGERALD, for straightening out the record from the perspective of somebody intimately involved in the banking industry.

Let me tell you how all of this boils down for me. It is this: Should some parts of this trading community essentially be exempt from any form of transparency, from recordkeeping or from oversight? That is the bottom line. We are not trying to do anything that is horrendous. All we are saying is they should have oversight, they should keep records, and there should be information for the public that the Commodity Futures Trading Commission would find to be nonproprietary. This is, in essence, all we are trying to do.

I have a hard time understanding how one has to have a large degree of sophistication in the industry to want to shed the light of day on some of these trades.

Maybe California was impacted by these trades and maybe California was not impacted by these trades, but I can tell you this: The price of electricity in California in 1999 was $7 billion. The price the next year was $27 billion. It went up fourfold. Something happened other than the fact there was a huge demand and no supply. There was trading.

We saw it with natural gas coming in to California. Natural gas prompts the price of electricity, and when it is $59 a decatherm in southern California and $8 a decatherm in New Mexico, when the cost of transportation from New Mexico to that place in California is only $1, one has to look at what has happened to boost that price way up.

So all we are saying is to put it back the way it was before. Give the CFTC jurisdiction.

It is being made light of that the CFTC does not support this action. The CFTC has three members. One of the members supports what we are trying to do, and his name is Thomas Erickson.

I will quickly read what he says.

> This amendment would bring transparency to markets and provide Congress and the public with the assurance that no exchange offering energy commodity derivatives transactions would go completely unregulated. Moreover, it would restore to the Federal Government those basic tools necessary to detect and defer fraud and manipulation. Therefore, I strongly support the amendment.

That is one member of the regulatory body out of three members to whom we are trying to give this responsibility. So there is nothing nefarious about the amendment.

As I pointed out, all members of the FERC support the amendment, as well as the Chairman of the FERC, whose letter I read into the RECORD. They know something about these matters. They know what derivatives are. They know the transparency and recordkeeping and oversight.

Whether there was a carve-out for two or three companies or not, I am not going to comment because I do not know. I do know there is this one narrow exemption whereby all of these online trades go on not in the light of day but in the dark of night, so to speak. Nobody knows what they are. There are no records kept of them. Therefore, whether the CFTC thinks it has some jurisdiction or not does not really make a difference because they cannot go back and look at records of trades, compare them wholesale versus retail prices, and know whether there was any price manipulation or not. So sure, investigate. If there are no records, there is no evidence. Therefore, there is not much that is going to come from the investigation.

So all we are trying to say is because this has become a huge, burgeoning online business, subject it to all of the same regulations and oversight that every other part of the trading community has. It does not take a Philadelphia lawyer to understand that. I do think it benefits consumers, I do think it benefits responsible trading, and I do think it benefits a level playing field for everyone who is trading in these markets. I think it provides that level of consumer protection. Some people, say, oh, there is a reason why the NYMEX and the Chicago Board of Trade want it. They want to force everybody on their exchanges. No, not true. If it is easier to trade online, you can trade online, no problem with it, but there should be a record kept of the trades. There should be transparency, and information that the CFTC deems is not proprietary but should be in the public domain can, in fact, be in the public domain, and that, finally, there is some regulatory body that when there is an allegation of fraud would step in.

For example, I would like the CFTC to take a look at the California situation, evaluate the record and tell us, was there price manipulation? Was online trading of natural gas manipulated to artificially raise prices? They might try to do it now, but they would have no records on which to base any investigation. Therefore, that is what this amendment is all about.

Sure, I know there are people who do not like it. There are people who have tried to obfuscate about it, but is the consumer going to be better off because the light of day is shed on these trades in a market that is billions and billions of dollars? I think so. I cannot understand how anybody feels disadvantaged because there is transparency, there is oversight, or there is recordkeeping that is required in every single level of trading on any market that exists in America today.

So if anyone takes the time to read these letters, I think they will find we are doing nothing nefarious. We are simply trying to bring the light of day to provide a record and to provide some regulatory oversight to a huge, burgeoning market.

When I talked to Mr. Greenspan, and I did on two occasions, what he was concerned with was financial certainty. What I would say to him is this brings financial certainty. This lets everybody who trades online know there is some regulation. Just as you have regulation with FERC, if you deliver natural gas directly to an entity, if you are trading gas in between the delivery, there also is certainty—a certainty that one must keep a record, a certainty that the record can become public, and a certainty that there is some Federal oversight as there is everywhere else.

I see no reason at all why there should be this widespread exemption, particularly at a time when we have seen these prices escalate beyond anyone's expectation. Nobody could think that someone could be selling electricity at $30 a megawatt and overnight have that price go to $300 and then $3,000 without the opportunity for the light of day to be shed on it, and also have some records and some oversight.

It is a very simple thing we are doing. It existed before the year 2000. All we are saying is give the CFTC this oversight. It is supported by FERC. It is supported by the New York Merchantile Exchange. It is supported by the Chicago Exchange. It is supported by people who deal in electricity and natural gas, the municipal systems. It may not be supported by the banks that want to run an exchange in this secret way. It may not be supported by some who would like to see this anonymity continue. But if my colleagues believe that light of day is important, then please vote for this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Idaho.

Mr. CRAPO. Madam President, I appreciate the opportunity to rise in opposition to this amendment. We have heard a lot of debate today about a

very complicated topic that has been discussed, that understanding derivatives is very difficult to do. Since this debate started and I began working on this issue, even in years previous as we tried to address the issue, I still have to go back again and again to the experts who help us to understand the issue.

The first point I want to make is: We spent the better part of a year, a couple of years ago, working on this entire issue of how transactions called derivatives are regulated as they deal with commodities. We had a Presidential Working Group with which then-President Clinton worked, and we relied on the advice of that working group in setting up the model we put forward to help us address how we in the United States should regulate and manage transactions in commodities known as derivatives.

I am going to try in a few minutes to give a little bit of structure to how we did that, but the first point is we spent a tremendous amount of time with congressional committees working on it over a long period of time, and with a Presidential panel working on it, and an advisory group, and we came together with an approach that we then brought forth as legislation which became law and which President Clinton signed into law, and which we have now been working under for a few short years.

This amendment will change that approach. Before I get into what we are talking about and try to put a little order to what the whole debate is about in terms of the structure of the law, let me state the conclusion that Alan Greenspan gave in answer to me in a Banking Committee hearing a few weeks ago when I said to the Chairman: Chairman Greenspan, is this amendment going to be good for America?

His answer to me—and I will read his words in a few minutes if I need to, but his answer, in essence, was he believed the way we had set it up was working, that it provided a resiliency to our markets in the United States and that resiliency was, in his opinion, probably one of the big factors in our ability to have the strength in our economy to rebound as fast as we did when the recessionary trends hit us.

In other words, the recessionary trends we are hopefully now starting to see ourselves grow out of were lessened, and the time we had to spend in that financial trough was reduced because we had the resiliency in our derivatives transactions that we put into place as a result of this very thorough study we went through just a few years ago.

This amendment seeks to change that. The arguments are in that act we passed a few years ago. There was a rifleshot created, a specific exemption for a few commodities that was not fair, and all commodities should be treated equally. The reality is the reverse. We created basic categories in the law we passed. This amendment is a rifleshot amendment to pick out just a couple commodity groups and say these commodity groups should have been treated differently.

How did the law we passed last time work? The question, again, is how are we going to regulate derivatives and commodities that are going to be marketed through derivatives transactions. First, there was an entire category we said we were going to exclude, we would not regulate. Those are called financial derivatives. This includes Treasury bonds, foreign exchange, interest rates, things that happen in the financial industry.

The Senator from Illinois discussed how banks and others deal in these transactions. They are totally excluded.

Another category of commodities included, because historically they have been included and traded on exchanges and derivatives transactions, was the agricultural commodities. They were included with full regulation, full coverage. They are now traded on these boards.

All other commodities were exempted. I use the word ''exempt'' as opposed to ''exclude'' because it is different than how we treat financial transactions. Financial derivatives were excluded; no regulation. Agricultural commodities were included; complete regulation. All other commodities were exempted, meaning they were not going to be regulated and forced on to the exchanges and forced to be traded in the ways that the agricultural commodities were, but they were still subject to very important regulatory controls. The Senator from Texas has already gone over those. Those were protections against fraud. They would be subject to the antifraud protections, the anti-price manipulation protections, and the recordkeeping protections. All other commodities, other than agricultural and financial transactions, are still subject to those types of fraud, price manipulation, and recordkeeping requirements under the act.

What has happened with this amendment? From that category called ''all other commodities,'' the amendment seeks to pick out just two commodity groups: Energy and minerals. That is the rifleshot, saying we do not like the categorization we did a few years ago; we need to take energy and minerals and move them to another category. The arguments given in favor of it are because we need more recordkeeping control and protection. That is included under the act.

The other argument is that we should not treat one group different from any other group. Frankly, as I indicated, we already have exemptions and exclusions and coverage in different categories. I ask this question: If the argument is that regulation is good and therefore we should not have any commodity derivatives transaction that is not regulated, why not, instead of having a rifleshot amendment that regulates only energy and mineral transactions, bring all the financial transactions in as well?

If people are at risk in America today because we are not regulating derivatives transactions, why shouldn't we have regulated derivatives transactions and Treasury bonds? People's retirement depends on their investment in Treasury bonds. Financial transactions, like foreign exchange and interest rates, are every bit as important to the investor in America as are energy or mineral transactions—and, in fact, probably more so if you look at the financial transactions and all of the other types of commodities not included when we did the act before.

If we do that, we take the resiliency out of the markets and make it harder for this Nation's financial system to work effectively. If you accept the argument that everybody should be under the same rules and nobody should be rifleshot out, we should cover everybody and have no exclusion for financial transactions and no exclusion for any commodities. Instead, that is not what the working group recommended.

I make another point. It has been argued somewhat subtly, but I think the point has been clearly argued, investors are at risk because they do not have information about these derivatives transactions. These transactions are not investor transactions. This is not a situation where an investor is looking at a transaction and saying: I think I will invest in that derivative or I will see if I can buy into this derivative transaction.

What is going on is the transfer of risk from those who hold a higher risk situation but do not want to maintain that risk or are not in a financial position to maintain that risk to someone in a better position to maintain risk. We talk about what derivatives transactions do. They transfer risk from one who cannot manage it as well to one who can manage it better. It helps our economy be resilient.

These are transactions between extremely sophisticated managers—whether they be people who are transacting in energy commodities or in minerals commodities. There is not a situation where an investor is being shown a document and being asked to invest in a particular instrument. This is not like a stock market sale or transaction. This is a negotiated contract between sophisticated buyers and sellers who are working in the marketplace to try to reduce risk, which brings strength and stability to the economy and, as Greenspan said, helped in this last recession to bring us back more rapidly.

What we are being asked to do is to shackle it and make it so that these transactions cannot occur except over the board. These transactions have to be regulated like the agricultural transactions.

There has been a lot of talk about who supports and who opposes this

amendment. There is already in the RECORD a letter from our Secretary of the Department of Treasury and from the Chairman of the Board of Governors of the Federal Reserve System, Paul H. O'Neill and Alan Greenspan, who strongly say we should maintain the current system. I read from the very last part of their letter:

[Such legislation] could jeopardize the contribution that off exchange derivatives have made to the dispersion of risk in the economy. These instruments may well have contributed significantly to the economy's impressive resilience to financial and economic shocks and imbalances.

So you have the Secretary of the Treasury and the Chairman of the Federal Reserve saying: Do not shackle our economy this way.

We also have the Commodity Futures Trading Commission itself, the Chairman, representing the majority point of view, stating that there is no shown reason for us to change the structure we achieved after such careful debate previously.

We also have the Securities and Exchange Commission saying there is no need for this change and we should walk carefully.

We are talking about the Government regulators—the Department of Treasury, the Federal Reserve, the SEC, the CFTC—saying there is no need for this.

What is the private sector saying? Those opposed to this amendment are those who deal in these transactions: The International Swaps and Derivatives Association, the American Bankers Association, the ABA Securities Association, the Bond Market Association, the Financial Services Roundtable, the Futures Industry Association, the Securities Industry Association, and the U.S. Chamber of Commerce, the point being that those in our economy who deal with derivatives are saying to us: We don't want to have a rifleshot amendment that takes energy and mining transactions and moves them over.

Again, I want to go back and summarize a little bit. We have a situation here in which we had a Presidential working group that said we should set it up the way we did. We set it up the way we did. It worked. Those who deal with our financial markets in America have said it brings us and brought us the resilience we needed this last time when our economy had the shocks and turmoil we have faced in the last few years. It has been working.

There was also testimony in the hearings we held before the Banking Committee and elsewhere, where those who have tried to tie the failure to regulate derivatives transactions to some kind of problem in the energy markets in California, or to the Enron collapse, have been able to show no real evidence of that. If there were evidence of that, then I think that is something that would be a valid debate for us to have in the Senate.

Instead, I have sat here now for hours this morning, listening to the debate, and it has come down to basically two points, as I understand the reasons that have been put forth for this amendment.

They are that we need to have more information available for investors and those in the industry who might want to look at these transactions to see if there was fraud or whatever. And the response to that argument again is that they are already subject to the Act's anti-fraud provisions, their anti-price discrimination provisions, and their recordkeeping provisions, and that these are not investor transactions.

Then there are those who say it is just a good thing for us to have everybody under the same rules and nobody should get any exemptions. If that is the case, we should amend the amendment to bring in all commodities, including those that are excluded, such as the financial transactions, and those that are exempted, such as the commodities that are not agricultural.

Again, I am not recommending that. I am simply saying the argument that everybody should be under the same rules does not carry with regard to these kinds of transactions. If it did, then the amendment should be much broader than it is.

The bottom line here is this: If there is some basis for us to consider changing the law, which we worked so hard to put together a few years ago, then that process of determining the change that needs to be made and evaluating the facts and the arguments behind why such a change should be made should first go through the regular process of legislating here in this Congress; namely, the committees with jurisdiction should take jurisdiction over these issues and establish the analysis. We should hold hearings.

If there is an argument that somehow the Enron situation is connected to how we regulate derivatives transactions, then we should hold hearings. Those hearings should probably be in the Agriculture Committee, which is where the jurisdiction of this amendment lies. But somewhere we should have hearings to find out whether such a connection is real and, if so, what the connection is and why it occurred. That will guide us, then, in terms of figuring out how we might create a better regulatory mechanism.

The same is true if there are those who contend that somehow the California energy collapse and the circumstances that occurred there were caused by failure to properly regulate energy derivatives. Again, no connection has been made in the minds of those who work in the marketplace. But if there is an argument that such a connection is there and that it justifies a change in the law, then shouldn't we have a study of it? Shouldn't we evaluate it? Shouldn't we have a hearing—at least one? Shouldn't we let the committees of jurisdiction dig into this and go through the process we did before? Maybe we need another Presidential advisory board.

If the results of the last system are not adequate, we could add to them and supplement them. But we should study the issue and try to find out what facts justify such an argument and, if there is any validity to it, what caused it, so we can then understand how to regulate it better.

The bottom line is that we have had none of this. We have had no hearings. We have had no committee evaluation. We have had nothing, other than a several-hour debate in this Chamber. We had a couple hours of debate a week or so ago and now a couple of hours more today. But we have not had the opportunity to get to the bottom of all of these arguments, whether they be factual allegations or arguments about the proper mode of regulation.

I suggest what we need to do is to refer this amendment to the appropriate committees of jurisdiction and let them conduct the studies, conduct the evaluations. In fact, what might even be a better solution is to refer this issue to the appropriate regulators.

At some point in time I may submit an amendment to do just that, to let the CFTC and the other appropriate regulators have a period of time—the Senator from Texas suggested maybe a short period such as 45 days—to dig into this matter and give a report to Congress about what they have found out about all the alleged contacts between wrongs in our society that might be related to something here dealing with derivatives.

Again, if they find anything in that context, then the appropriate committees of jurisdiction can have hearings and review these issues, determine if there is any merit whatsoever in proceeding forward with changing our regulatory scheme, and then in a very effectively fine-tuned way figure out how we should change the law.

To me it seems very clear; if we do not have the kind of threat that some suggest we have, and if we do have the potential strength in our economy that is provided by having this flexible system of commodities transactions regulations, it would be very dangerous for us to move into a new regulatory system without understanding where we are heading.

This is one of those circumstances in which it is far too important for our economy for us to take a risk of unintended consequences.

One of the most significant things we will face with regard to this amendment, in my opinion, is the list of unintended consequences that could occur.

The Senator from Texas indicated earlier it is really hard to debate unintended consequences because we really don't know what they are, because they are unintended, uninformed—something of which we are unaware. It is something about which, if we held hearings and went through the regular legislative process on this issue, we would identify. Then whatever consequences flowed from what we were

doing would be understood and supposedly intended by those who supported it.

Instead, we are being asked here on very short notice, without the kind of debate we need, to regulate in a way that is not necessary one section of our economy—the energy and the minerals transactions related to derivatives.

Again, if the argument is going to be made that we need to protect investors in America, it is hard to see that because these are not investor transactions; they are transactions between highly sophisticated individuals. If it is true that derivatives are somehow a threat to the investor community and the safety of the investments of the American public is at risk because of something wrong with the way we manage derivatives, then why don't we cover all commodities? As I said earlier, it seems to me the question of how we regulate Treasury bonds or foreign exchange or interest rates or other financial transactions is every bit as important to the American investor as is the question of how we regulate minerals or how we regulate energy transactions.

I know in today's climate, with the Enron collapse and with the energy troubles we faced a few years ago in California, there are those who want to look at every aspect of financial and other transactions relating to energy and see if there is some way we can improve it. But I suggest it does not necessarily mean that more regulation and more government bureaucracy is the best way to solve these problems, particularly when you have the Secretary of the Treasury and the Chairman of the Federal Reserve telling us we have to have the kind of resiliency in our economy that derivatives provide to us.

In conclusion, I believe the bottom line is that each side can point to those who support their positions and those who oppose them. Each side can come up with arguments about why what we are doing now is or is not working. But no side can say we have the background information necessary to make this decision, because we have not had the kind of hearings and congressional evaluation of this issue we should have had.

Because of that, I stand firmly opposed to the amendment. I believe ultimately the American people will be much better served if we do our jobs in the Senate the way our procedures are set up to do them. The procedures and the policies of the Senate have been established to make very clear that we can have the time to evaluate issues such as this and do the study necessary to have good, solid support.

I also believe, as has been indicated by those who debate here, if we went through that process I have suggested—having a study and then further congressional evaluation and then maybe propose legislation—we would probably have much more support for whatever came forth, if anything. We would build the collaboration, we would build the consensus, and we would come forward, because the one thing that there has been agreement on today is that nobody wants to have the problems we saw occur in California.

Nobody wants to see any kind of fraud or abuse from financial transactions or derivatives transactions. Everybody is willing to make sure that antifraud provisions and price protection provisions and the recordkeeping provisions are adequately available for derivatives transactions as necessary, so that we do not cause or increase any risk of problems in the economy.

If we will follow the procedures and the processes of the Senate, let this matter be handled by the committee of jurisdiction, which I believe is probably the Agriculture Committee, and then let other related committees handle their parts of it, with studies in support from the private sector and from our regulating agencies, I believe we can get the information necessary for us to do a good job, build consensus, and come forward with a solution that can be broadly supported on both sides of the aisle.

I thank the Chair very much for this time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CINTON).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENT NO. 2989, AS MODIFIED

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise again, as I did a week ago when we debated derivatives, in opposition to the derivatives amendment. It offers no solutions to problems that caused either Enron or the California energy crisis. In fact, the amendment we have is a solution looking for a problem.

I am glad we have had a little time to study the amendment further because we have asked a number of regulators what their position is regarding the additional regulation of this relatively new form of business. We have heard from two regulators who have jurisdiction over the trading markets. They both have come back with the same response: This is not needed at this time.

CFTC Chairman Newsome has said:

> This amendment would rescind significant advances brought about by the Commodity Futures Modernization Act.

In response to a letter I sent to the Securities and Exchange Commission, Chairman Pitt responded:

> The Securities and Exchange Commission believes this legislative change is premature at this time.

This amendment will disrupt a market that is working efficiently and providing important tools for energy companies. For instance, this amendment would require new capital requirements on electronic trading exchanges, even if they simply match buyers and sellers. These exchanges bear no risk associated with trading but this legislation could provide additional new taxes.

This amendment also provides new regulation on metals. I don't know of anyone who can point to how metals had anything to do with Enron or the California energy crisis. The regulatory model for metals has offered no problems. In fact, if you take a look at the derivatives market, there isn't a problem with any of the markets. I will speak about that in a moment.

Yet the supporters of this amendment believe we should quickly enact some new form of regulation to oversee the metals market. Enron was not caused by the trading of energy derivatives. As I said last week, Enron was not an energy trading problem. Enron was not an accounting problem. Enron was a fraud problem.

In fact, when the Chairman of the Federal Reserve, Alan Greenspan, was asked at a Senate Banking Committee hearing whether a nexus existed between energy derivatives trading and the collapse of Enron, he responded that ''he hadn't seen anything'' that would indicate that.

Why are we rushing to regulate an emerging business when the collapse of Enron was likely caused by potentially illegal acts by executives and, furthermore, that the collapse of Enron did not cause a blip on the scope of derivatives trading?

I know this is something everybody uses on a daily basis. In the example I gave a week ago, I cited some examples of things that might help to understand derivatives trading. I will not go into that again. I am kidding about this being something that everybody works with on a daily basis. In fact, we have been taking some classes in my office on how to spell ''derivatives.'' It isn't a common, ordinary thing, but it is a new market that we have looked at extensively, held hearings on, and have done work on in the past through the regular channels. Again, there was not a blip in that system when Enron went down.

We recently passed the Commodities Futures Modernization Act. Most of us in the Senate worked on this legislation extensively.

This legislation examined the regulation of energy derivatives. This legislation was debated at public hearings. It was negotiated. It was drafted over a significant period of time with full participation and input from members of the Clinton administration and the committees of jurisdiction. What

emerged was the proper amount of regulatory oversight for the trading of energy derivatives.

I also wish to comment on a letter sent to Senator LOTT by Secretary of the Treasury O'Neill and Chairman Greenspan. In it they write:

> We urge Congress to defer action on Senator Feinstein's proposal until the appropriate committees of jurisdiction have a chance to hold hearings on the amendment and carefully vet the language through the normal committee processes.

We know from history that hearings can make a difference on a bill, that working it through the committee process allows a lot more flexibility in actually working an issue and bringing it to light on the Senate floor, without some of the difficulties we have had on this particular amendment, which has been in the negotiation stage for about a week and a half. But the floor operation does not allow the kind of flexibility that could correct problems and lead to good legislation.

Madam President, this is all we are asking. I haven't heard anyone say we should not examine the issue. However, we should address it through the normal legislative process so we could learn exactly the ramifications of the amendment. I don't believe anybody has come to the floor and given us a thorough accounting of what would happen to the energy trading markets, the swap markets, or the metal markets if this law were enacted tomorrow.

We all want to solve the problems posed to us by Enron and the California energy crisis. But this amendment will not solve those problems. This amendment may add to those problems. Once again, I ask Members to oppose this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Madam President, at approximately 3 o'clock today, Senator KYL is going to come to offer his amendment dealing with renewables. I spoke with Senator KYL. He says the debate on that should take some time. He did not say how much time. It may take a matter of hours. What we would do at that time is move off the Feinstein amendment. I have spoken with her.

With respect to the matter relating to the second-degree amendment Senator LOTT offered dealing with judges, there will be an arrangement made that we could vote on his amendment and perhaps side by side tomorrow.

I hope anyone wishing to speak on derivatives will come and do that as soon as possible. I understand Senator BOXER wishes to do that at this time. We will get into what I think is a very important debate dealing with Senator KYL's amendment on renewables at approximately 3 o'clock.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, what is the pending business?

The PRESIDING OFFICER. The Lott second-degree amendment to the Feinstein derivatives amendment.

Mrs. BOXER. Madam President, I rise to speak in behalf of the Feinstein derivatives amendment which I think is a very important amendment for us to adopt.

Senator FEINSTEIN's amendment, of which I am a cosponsor, narrows a gap in the oversight of the energy market. It is very simple. It would require the Commodity Futures Trading Commission to regulate the energy derivatives market.

We all know that derivatives are very complicated, and I know Senator FEINSTEIN has spent a good deal of time educating the Senate on derivatives. The point is very clear. It used to be that the energy derivatives market was regulated by the CFTC. It is the way it used to be, and it is the way it should be.

The CFTC should have the ability to obtain information critical to market oversight and to make market information public if the CFTC determines that it is, in fact, in the public interest to do so.

Senator FEINSTEIN has gained the support of the New York Mercantile Exchange and various consumer organizations. I have to say, as someone who has long fought for the rights of consumers, this amendment is crucial for consumers. We know in California what can happen when energy markets go secret and you do not know what is happening, except one day you wake up and find you cannot afford to heat or air-condition your house, and if you are a business, you can no longer afford to pay the energy bill.

I have to say from my heart that if the Senate walks away from this amendment, then it is giving a message to the country that we do not care much about this whole Enron scandal. Enron worked very hard to change regulations and laws to remove all government oversight. In my home State, they actually were under no oversight at all. One of the places there was oversight was the derivatives market under the Commodity Futures Trading Commission, and that was changed. Therefore, there was no oversight, and there was no way to ensure that the market was transparent—in other words, you could see the various transactions that led to the final energy bill—and it allowed, after they got out of the CFTC, for this online trading to go on in secret.

Clearly, in my opinion, Enron manipulated the electricity market for one reason, and one can explain it in one word: secrecy. They operated in secrecy. There was only one agency to mind the store, the Federal Energy Regulatory Commission.

This administration was wined and dined by Enron, and they did nothing to help California—zero, nothing—for almost a whole year. We saw the biggest transfer of wealth from ordinary working people to these energy companies. Enron had a methodical plan to free itself of any and all Government oversight so they could cooperate in secret and trade up the price of energy in secret through financial arrangements, including derivatives.

Senator FEINSTEIN has a very good amendment that will restore transparency to these sales. That is why I am very proud to support it, and that is why I say to you that it will be the first test vote on whether we learned anything from this Enron scandal, and more than that, are we willing to do something about the problems that led to the whole crisis in California.

In 1992, Enron worked to remove energy derivative contracts from Government regulations. This resulted in Enron being able to hide information about individual trades from Government oversight. That is why Senator FEINSTEIN has written this amendment. Let's go back, she says, to the days when there was oversight over these online trades.

Once the contracts were outside Government oversight, Enron lobbied Congress to remove the trading itself from Government regulation, and in 2000, Enron was successful and was allowed to create an unregulated subsidiary that could buy and sell electricity, natural gas, and other energy commodities in huge volumes without any Government oversight.

As I said, we know what happened. The prices soared in my home State. My State suffered a devastating economic crisis. I have a chart that shows the demand went up in that 1 year that Enron got out of any oversight 4 percent; energy prices in toto went up 266 percent.

I will never forget meeting with Vice President CHENEY after trying desperately to get a meeting with him—this goes for me, Senator FEINSTEIN, and other Members of the California congressional delegation. Do you know what he said to us? We told him to look at the prices: How can we sustain this? All of California spent $7.4 billion on energy in 1999, and then in 2000 when Enron got out of oversight, it shot up to $27 billion? How can we sustain it? He looked at us and said with a straight face: You are using too much energy.

I say again to the Vice President and anyone who happens to be watching, California on a per capita basis is the most energy efficient State in the Union. We use less energy than any other State.

We are a model in that regard. We have 34 million people plus, but on an individual basis we use less.

Our energy went up by only 4 percent and our prices went up by 266 percent,

and one of the reasons for this is Enron was allowed to trade online in secret. They sold the same energy over and over, sometimes, they say, as many as 14 and 15 times before it got to the consumer.

No oversight. People can make the argument that deregulation everywhere is a wonderful thing, and I am willing to listen to it, but I have to say, when it comes to a commodity that people need to live, they need it to heat their homes; they need it in hospitals to make sure an operation will not be terminated in the middle of it because of the loss of energy.

The Chair was talking about how many proud farmers are in her State. I say to the Chair, in my State I went to a meeting in the central valley—and the Chair has been there, I know—where they have all kinds of farming. One of the big industries is the poultry industry. They were so fearful that the refrigeration would go out and this poultry would spoil, some of it would make people sick, or they would have to throw it out.

The bottom line is, energy is not a luxury, it is a requirement. So when we go ahead and take the whole energy area outside of any type of reasonable regulation, we are setting up a horror story for people. I can truly say, we went through that and I want to spare that from happening in the State of the Chair—the Senator from New York has already gone through enough trauma for any Senator—and I want to stop it from happening anywhere in this great country of ours. The first test case is the Feinstein amendment to restore some type of oversight to this online trading.

There is a gentleman from San Marcos, CA, who wrote to President Bush. He sent me a copy. This was during the electricity crisis. He said:

> I am a father and a husband in a single income family. My wife and I very carefully planned our family economics in order to give our daughter the benefits of having a full-time parent at home. We are currently spending money on electricity bills that should be going into family investments for college or retirement planning.

This gentleman was so right. What happened was no regulation, the ability for Enron and others to completely manipulate the market. Senator FEINSTEIN's amendment, which has been second-degreed by a whole different subject about judges—and I am all for voting on that, but it should not have been done to this. We need a clean vote on her amendment to restore some sense of transparency and honesty to the electricity business.

This is another story I read about in the San Diego Union-Tribune when we were having our troubles. There is a pizza store called Big Top Pizza where the electricity bill went from $200 to $646—a 223-percent increase. It kind of mirrors what happened to my State. That happened in 1 month. Imagine as a business person seeing that kind of increase. I also read about a florist where their electricity bill went up 135 percent.

When we talk about these things, they may not sound as though they are so related to the amendment. The amendment talks about making sure we have an electricity business we can monitor to make sure it is fair and just and we do not have unjust and unreasonable prices. If we cannot see through this system—which is currently the case because no one is monitoring it—this is going to happen again. It is going to happen to other good people in other States.

In closing, I cannot say enough about how much I thank Senator FEINSTEIN for coming to the Senate with this amendment. What she is doing is looking at our experience in California and saying, how can we do something quite simple, which we always did before, which is to make sure we do not have people facing this type of escalation in costs, manipulation of prices, all done in secret, nobody looking over their shoulder, and who pays the price? The good American people and the good consumers of this country.

I hope we will have an outstanding vote in favor of the Feinstein amendment, and I hope we can begin then to attack the basic causes of what happened in my State—an unregulated industry, out of control, insider trading going on by the people at the top without one care in the world for the shareholders, for the consumers, and for the people.

Jeffrey Skilling, the CEO of Enron, made a ''joke'' about California which was: California and the Titanic are very much alike. The one difference is at least the Titanic went down with its lights on. That was supposed to be a humorous joke.

The bottom line is Enron turned out to be the Titanic, and if we do not learn lessons and if we do not move now to correct what happened, I do not know why we are here. That is how strongly I feel.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, my understanding is we are awaiting mid-afternoon for an amendment that will be offered, we are told, by Senator KYL. I should not speak for him, but I am told the amendment will strike the renewable portfolio standard in its entirety.

What is the renewable portfolio standard? To some, when we talk about an energy policy, debate on that term sounds like a foreign language—a renewable portfolio standard. It means an attempt by this country to develop different approaches, using renewable, limitless supplies of energy to produce electricity in our country.

There are some who despair this energy bill that is designed to try to take us into a new day and a new approach to energy policy, does not have the CAFE standard that was voted on last week. Some are concerned about that. Frankly, with or without the CAFE standard, this piece of legislation does include some significant areas of improvement in dealing with the efficiency of the transportation sector. It does, for example, provide very significant financial inducements for people to buy automobiles that have new sources of power: fuel cell automobiles, hybrid automobiles, and others. We recognize that if you are going to deal with this country's energy problem, you have to deal with efficiency of the energy used in transportation. That is true. I understand that. There are many ways to do that.

Remaining in this bill are important provisions, including significant tax benefits to consumers with which they can purchase a car that meets certain specifications, or a vehicle that meets certain specifications with respect to gas mileage, the kind of power train it has, and other issues. So while some despair about the vote we had last week, let me say there remain in the bill significant areas of efficiency dealing with transportation.

But that is not the issue now. The issue is a renewable portfolio standard with respect to the production of electricity. The question for all of us has always been, when we debate energy on the floor of the Senate, will we develop new policies? Will we really turn a corner or will we simply repeat the debate we had a quarter of a century ago and beef it up just a little bit so we can debate it again a quarter of a century from now?

Will our policy simply be yesterday forever? Is that our policy? It is that just to dig and drill and dig and drill represents our policy for the next 25 years?

Look, I support digging and drilling, provided it is done in an environmentally acceptable way. We must produce new energy. We must and will produce new oil and natural gas and use coal. We must do that because we cannot solve our energy problem without producing more, but we must do it also in a way that is environmentally acceptable.

As we transition toward more production and more efficiency and more conservation, we also must, then, turn to this other issue of trying to find new sources of energy so we do not just rely on digging and drilling: new sources of energy such as wind energy, biomass, solar energy, geothermal, and more.

When we produce electricity in this country, there are several ways for us to do it. We have in the past traditionally mined coal and used coal in power plants to produce electricity and move that electricity over a series of transmission wires to places in America

where it is needed. Other plants use natural gas as the principal fuel. But there are other ways to produce electricity.

We now have newer technology—wind turbines. Those wind turbines have the capability, with much more effectiveness, to take that energy from the air and, through those turbines, create electricity. That electricity can be moved around the country where it is needed.

Likewise, with solar energy, geothermal energy, biomass—we also can produce electricity using renewable and limitless supplies of energy.

We must, when this bill leaves the Senate, have a renewable portfolio standard that is reasonably aggressive, and one that is workable. The renewable portfolio standard of 10 percent is one that we agreed to, generally speaking, when we wrote the bill earlier. Some have talked about 20 percent, which others have said is too aggressive. There are still others in our Chamber who say there should be no renewable portfolio standard, there should be no standard by which we achieve more in limitless and renewable sources of energy for the production of electricity.

I could not disagree more with that position. For us to write an energy bill in the Senate and say, let's just keep producing electricity the same old way, let's not really have any changes, let's not stretch ourselves, let's not turn the corner with respect to energy supply, I think is not a step forward at all. That is not new policy. That is, as I said, yesterday forever. We will not be here in most cases, 25 years from now, someone will have a new idea for a new energy policy. It will be digging more and drilling more.

That is not new, and it does not resolve our issues in the long term that are so important for this country.

September 11 described for all of us the fact that this is a pretty uncertain and dangerous world in some respects. We have talked a great deal since September 11 about national security. Madmen, sick, twisted, demented people who live in caves in Afghanistan, plot the murder of thousands of innocent Americans in America's cities. So we talk about national security and we prosecute a war against terrorism and we talk about homeland security and it is all very important. But there is another part of national security that is also very important. That is the security or the lack of it that comes with the need to get 57 percent of our oil, our energy supplies of oil and natural gas from abroad—most of which come from Saudi Arabia and Kuwait, in one of the most unsettled regions of the world.

Connecting our country's need for oil to a supply from a region that is so unstable and so uncertain is not a smart policy for this country. We have ratcheted this up to almost 60 percent of our energy supply coming from abroad—most of it coming from a region that is a very unstable region. We need to begin stepping that back. One way to start doing that is by reaffirming this afternoon that we believe in a renewable portfolio standard; that is, we believe in a standard by which we want this country to aspire to a goal, an achievable goal and a real goal of having 10 percent of its electric energy produced by renewable and limitless sources of energy.

I mentioned wind a moment ago. Wind energy is something that has, now, the capacity to produce a substantial amount of new energy for us. My home State of North Dakota is last in numbers of trees, as I have told my colleagues from time to time. We rank 50th in native forestlands, so we are dead last in numbers of trees. But according to the U.S. Department of Energy, we are No. 1 in wind. We are what they call the Saudi Arabia of wind energy. Putting up a turbine with the capability to take the energy from the wind and, through that turbine, turn it into electricity and move it across transmission lines makes good sense for this country. It is renewable; it is limitless; it is good for our environment; it just makes good sense.

That is why just one step in this energy bill that would be helpful for this country—just one—is to reaffirm today that we believe in this standard, in stretching our country to at least achieve the 10-percent level on alternative energy for the production of electricity. That is all we are talking about.

In North Dakota, for example, we have some transmission issues we have to deal with in order to produce more wind energy. I hope we can move to produce more energy from wind, from biomass, from solar, but we also have to find ways to transmit it through transmission lines. We are talking now in this legislation that Senator BINGAMAN brought to the floor about new technologies for transmission lines. It is for a range of initiatives. I was helpful in working on some incentives to try to move us toward composite conductor technology, for example, which is one technology, to double or triple the efficiency of transmission lines. If you can triple the efficiency of transmission lines, you don't have to build new corridors. You can move substantially more electricity across the grid system in this country to where it is needed.

The point is, we have a lot to do. This legislation does a lot. I believe this afternoon we will be confronted with an amendment that says, no, let's step back and not do quite as much. In the area of a renewable portfolio standard, it would be awful, in my judgment, for the Senate not to stand for and perhaps even improve that which is already in the bill. The 10-percent standard that is in the bill, with respect to some agreements, as I understand it, has been changed a bit. Perhaps we could even strengthen that. The point is, we ought not retract; we ought not step backwards on this issue.

So when Senator KYL offers his amendment, I hope we can have an aggressive debate today and have a vote in which this Senate, by a very strong majority, says: We insist on a renewable portfolio standard in this bill. It is the right way and the right step for this country, to make a break towards less dependence on foreign oil and more national security for this country, by having a renewable and limitless source of energy well into the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Republican leader.

Mr. LOTT. Mr. President, I asked questions this morning as to when we might be able to get an agreement on proceeding to the campaign finance reform issue. I know there have been a lot of efforts underway—Senator MCCONNELL, Senator MCCAIN, Senator FEINSTEIN, and others. Of course, I know the House has a real interest in this.

This morning I was beginning to feel that we were going to have to nudge it a little bit to get this worked out and get it agreed to so we could get a vote and move on to other issues without it interrupting them—the energy bill, for instance—even further.

UNANIMOUS CONSENT REQUESTS

I ask unanimous consent that notwithstanding the provisions of rule XXII, the Senate now proceed to the cloture vote with respect to H.R. 2356, the campaign finance reform bill, with the mandatory quorum being waived. I further ask unanimous consent that following that vote, again notwithstanding rule XXII, the Senate proceed to the consideration of a Senate resolution, the text of which is at the desk; further, the resolution be agreed to and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate then resume consideration of H.R. 2356 and the time until 6 tonight be equally divided between Senators MCCONNELL and MCCAIN.

I further ask unanimous consent that no amendments be in order to the bill and, at 6 tonight, the bill be read the third time and the Senate then proceed to a vote on passage of the bill with no intervening action or debate.

Finally, I ask unanimous consent that when the Senate receives from the House a technical corrections bill regarding campaign finance reform or a concurrent resolution which corrects the enrollment of H.R. 2356, and the text has been cleared by Senators MCCONNELL and MCCAIN, then the Senate immediately proceed to its consideration, the bill be read the third time and passed, or the resolution be agreed to, with the motion to reconsider laid upon the table and with no intervening action or debate.

Here is my point and why I make this request. I believe it is ready. I think it is time we bring this to conclusion. I think we can get a vote on it at 6 o'clock tonight, and then we would be prepared to get back to energy or other issues that the Senate would desire.

Mr. MCCONNELL. Will the leader yield?

Mr. LOTT. I am glad to yield, Mr. President.

Mr. MCCONNELL. Let me concur with what the leader said. As a Senator who has fought for many years to defeat that bill, I believe it is clear that position is not going to prevail.

We had good negotiations over a technicals correction to the bill. The consent request to which the Republican leader has asked that we agree gives Senator MCCAIN and myself, who have been on opposite sides of this issue, a chance to review a subsequent technicals bill that passes the House. Either one of us would have the right to veto it. We are very close to an agreement.

I agree with the Republican leader that there is certainly no necessity to have any all-night sessions or any of these other scenarios we hear have been suggested to the press, since the opponents of this bill are ready to move on with it. That is what this consent agreement makes clear.

I commend the Republican leader for offering it.

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The deputy majority leader.

Mr. REID. I do congratulate the leader. It is really important we have gotten this far. We are very close. I say, however, Senator FEINGOLD and others—but especially Senator FEINGOLD—need to make sure the resolution referred to in this request is appropriate—and the correcting bill. I have no doubt they will be approved by Senator FEINGOLD. To my knowledge, he has not yet signed off on these.

I ask that the Republican leader and Senator MCCONNELL recognize it is really important that we get this out of the way. No one wants to spend all night here. We have so many other important things to do. I think there is no reason we can't work something out in the next little bit. But I have to do, as I have indicated, what needs to be done. I will do that. As a result of that, I object at this time.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. LOTT. If I could inquire of Senator REID, I understand he needs to confer with other Senators, and we would perhaps need to do that even more on our side.

But let me clarify, this did not include the technicals correction; is that correct?

Mr. MCCONNELL. What it does is set up a procedure by which, even after the passage of Shays-Meehan, if the technical corrections on which we are working is agreed to and is passed by the House and comes over here, in order to make sure it is one on which we still agree, Senator MCCAIN or I could veto it; otherwise, it could come up and be passed.

The point I think the leader is making is that we are ready to move on. It is time to pass this bill. We understand debate is largely over and we would like to wrap it up.

Mr. LOTT. I emphasize that point, Mr. President. When I was talking to Senator REID this morning, there were still, I guess, negotiations—or not even negotiations—the technical corrections were being reviewed by a number of people, including House people, and it seemed to be moving very slowly and seemed to be holding up the final disposition of this issue. And this looks to me as if that problem is taken care of by doing it this way.

So I just would inquire of Senator REID——

Mr. REID. If the leader will yield.

Mr. LOTT. Certainly.

Mr. REID. The Republican leader is absolutely right. We did have a conversation today. We have heard a lot of talk the last week or so that things have all been wrapped up. But we never really got to that point. I think we are almost there. This is a tremendous step forward from where we were this morning. I have no reason to doubt that we can be back here very shortly and enter into this agreement. We will make sure the Senator from——

Mr. LOTT. You are indicating, then, you hope very shortly we could come back perhaps and propound—or perhaps you would want to propound something such as this?

Mr. REID. I think we will be in a posture to do that very quickly.

Mr. LOTT. I thank you.

Mr. REID. I see both Republican leaders. Senator KYL is in the Chamber. What we wanted to do is move to his amendment dealing with renewables to get that issue out of the way. And I see Senator BOND and Senator LINCOLN in the Chamber. They have an amendment that may be agreed to.

I ask my friend, Senator NICKLES, are you going to speak on the derivatives issue?

Mr. NICKLES. I am going to speak on the energy bill.

Mr. REID. Yes. I am just wondering; Senator KYL is back in the Chamber, and he has had so many dry runs.

Mr. NICKLES. I will speak on the Kyl amendment as well.

Mr. REID. If we get this campaign finance agreement, everyone will step aside, of course, and we will move to that. I indicated to the staff on the Republican side, we are going to work something out tomorrow so we can go to an amendment the Republican leader has pending on the Feinstein amendment.

So what I would like—I am sorry to have been interrupted, but it was important I be.

I ask unanimous consent that the Senate now resume the Bingaman amendment No. 3016 and that Senator KYL be recognized to offer a second-degree amendment to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, the Senator from Arkansas has an amendment that I plan to cosponsor. I do not think it will be controversial. We do not have it fully cleared.

I talked to the Senator from Arizona. He does not seem to have an objection. I ask if the Senator from Arkansas might be permitted to go.

Mr. REID. I say to my friend, it is my understanding that the Senator from Arkansas and the Senator from Missouri wish to lay down an amendment, and with the hope that it will either be accepted or finished at some later time. But after your initial statements, we could go to Kyl. It should not take too long; is that correct?

Mr. LOTT. Reserving the right to object—and I do so to save time—I know Senator REID is trying to make use of time while he works out clearances. I would object right now to going to Kyl. In the meantime, we have Senator NICKLES who would like to speak, and also Senators LINCOLN and BOND, and then we can communicate and see if we can't get an agreement on the Kyl amendment after we get through this. But I object at this point.

Mr. REID. The only thing I would ask: Senator KYL has been over here like a yo-yo. I hope he will not go too far away, so maybe we can lay this down a little later.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Lott second-degree amendment to the Feinstein first-degree amendment.

AMENDMENT NO. 3023 TO AMENDMENT NO. 2917

Mrs. LINCOLN. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3023.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. BOND, Mr. JOHNSON, Mrs. CARNAHAN, Mr. HUTCHINSON, Mr. HARKIN, Mr. GRASSLEY, Mr. BUNNING, Mr. BAYH, and Mr. CRAIG, proposes an amendment numbered 3023 to amendment No. 2917.

Mrs. LINCOLN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels)

On page 142, strike lines 8 through 11 and insert the following:

SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

''(2) USE.—

''(A) IN GENERAL.—A fleet or covered person—

''(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

''(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

''(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).''.

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking ''CREDIT NOT'' and inserting ''TREATMENT AS''; and

(2) by striking ''shall not be considered'' and inserting ''shall be treated as''.

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term ''alternative fueled vehicle'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term ''light duty motor vehicle'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

Mrs. LINCOLN. Mr. President, I am very pleased to be joined in offering this amendment with my good friend from my neighboring State of Missouri, Senator BOND. Senator BOND and I have worked together on numerous issues during our tenure in the Senate, and I am pleased to work with him again.

I am also pleased to be joined by Senators JOHNSON, CRAIG, CARNAHAN, HUTCHINSON, HARKIN, GRASSLEY, BUNNING, and BAYH as cosponsors of this amendment. I ask unanimous consent to add Senators CARPER, FITZGERALD, DAYTON, and DORGAN as cosponsors.

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

Mrs. LINCOLN. The purpose of this amendment is to place biodiesel fuel on an equal footing with every other alternative motor fuel in this Nation.

Biodiesel is a clean-burning alternative fuel that can be produced from domestic renewable sources, such as agricultural oils, animal fats, or even recycled cooking oils.

It can be used in compression-ignition diesel engines with no major modifications. It contains no petroleum, but it can be blended with petroleum at any stage in the production and delivery process from the refinery to the gas pump. Biodiesel is simple to use. It is biodegradable. It is nontoxic and essentially free of sulfur and aromatics. It is completely user friendly.

Although new to our country, its use is well established in Europe with over 250 million gallons consumed annually. The Energy Policy Act of 1992 set a national objective to shift the focus of national energy demand away from imported oil toward renewable and domestically produced energy sources. When EPACT was passed in 1992, it recognized ethanol, natural gas, propane, electricity, and methanol as alternative fuels. The original list of alternative fuels did not include biodiesel because the technology had not been fully developed at that point.

EPACT set a goal to replace 10 percent of petroleum-based fuels by the year 2000 and 30 percent by the year 2010. However, a GAO report issued in July of last year noted that ''limited progress had been made in increasing the numbers of alternative fuel vehicles in the national vehicle fleet and the use of alternative fuels'' as compared to the conventional vehicles and fuels.

We have not met the original EPACT goals of replacing 10 percent of the petroleum-based fuels by the year 2000, and we are not on track to meet the goal of 30 percent by the year 2010. In fact, we have not even come close. That is partly a result of not allowing all alternative fuels to be used to meet that EPACT alternative fuel mandate.

My amendment will significantly increase the use of alternative fuels by enacting a temporary program to allow covered fleets to meet up to 100 percent of the EPACT purchase requirements through the use of biodiesel. Currently, covered fleets can meet up to 50 percent of purchase requirements with biodiesel.

The amendment would also require the Secretary of Energy to conduct a study evaluating the availability and cost of alternative-fueled vehicles and alternative fuels.

The provisions of this amendment would automatically sunset after 4 years. At that time, covered fleets would again be able to satisfy only 50 percent of purchase requirements with biodiesel. This temporary program, in conjunction with the Energy Department study, is necessary to determine if vehicle and fuel markets are significantly developed to support continuing the purchase mandates or if a further extension to the biodiesel credit program is warranted. We must allow all alternative fuels to count toward EPACT's alternative fuel requirements.

Our amendment will allow us to make the most of existing opportunities. By offering an additional option for the use of alternative fuels, we will widen the possibilities for these fuels to be made more widely available. Fleets will continue to have the option to choose the complying vehicles and fuels that best meet their needs.

This amendment is not expected to affect fleets that are currently using ethanol or natural gas. But this amendment does provide a further option for alternative-fueled vehicles. Furthermore, it does not directly displace natural gas or ethanol sales since biodiesel is used in medium and heavy-duty trucks rather than light-duty vehicles.

It is in the best security interest of our Nation to reduce our reliance on foreign energy suppliers. We can no longer afford to be subject to the whims of the foreign cartels such as OPEC which successfully manipulate the price of oil.

Added to these threats posed by OPEC and the instability of the Middle East are the even more threatening possibilities we face in other parts of world. Developments in many regions of the world where much of today's energy supplies are obtained—West Africa, the Caspian Sea, Indonesia, and on and on—clearly serve notice that our Nation cannot continue to depend on these areas for our future energy needs. These events make it even more pressing than ever that we proceed forward with developing our own domestic alternative energy resources.

By allowing fleets to meet 100 percent of their AFV requirement by using biodiesel, we will take a positive step toward moving this country away from dependence on petroleum-based motor fuels and toward alternative motor fuels.

The time to start investing in renewable energy sources is now. We have taken far too long to get to this point. There are many other nations way ahead of us in using these types of alternative fuels. I urge my colleagues to support our amendment to work hard on being able to present the realities of the fact that we are there. We have products now that we can be using. If we can provide the incentives and the abilities to make sure the marketplace can become ready for these alternative fuels, we are on the cusp of finding the solution.

I appreciate the support of my colleague in working with me. I look forward to a very positive reception of our amendment with the wonderful cosponsors we have. I know the Senate will be ready to move forward on this one. I appreciate all the work Senators have put into this alternative fuels effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I particularly appreciate the great work of my colleague from Arkansas. There is a lot of rivalry across the border, but on this one, the Senators from Arkansas and Missouri and many other States are working together.

I have just come from a very exciting session outside with the National Biodiesel Board Assistant Secretary, J. D. Penn; USDA; Congressman HULSHOF; members of the Missouri Soybean Merchandising Council talking about the benefits that soy diesel can provide to our environment, to reducing our dependence on imported oil, and to strengthening our rural economy.

They had a wonderful old soy diesel truck that the Missouri Soybean Council first brought here 10 years ago. That baby is still running, still smells sweet. You follow that diesel down the road, you don't get smoke coming out of it that smells like burning tires. Think of french fries. It is not only cleaning up the air, but it is using a renewable fuel. We have been talking about renewable fuels; they are doing it. They are doing it in my State and Arkansas and Illinois and Iowa and Delaware, I gather. It works.

This is a fuel that doesn't require special kinds of newfangled engines. Right now the B–20 blend is being used in major bus fleets. The St. Louis Bi-State Transit Authority has agreed to use 1.2 million gallons of soy diesel in a B–20 blend. We are working with the Kansas City Area Transit Authority, which covers Kansas and Missouri, to use it. We have worked with Ft. Leonardwood in Missouri to train soldiers using soy diesel for battlefield smoke rather than petroleum diesel. Again, the real problem is that soldiers get hungry when they smell that soy diesel smoke.

I think it is particularly useful because studies have shown there are dangers from using regular diesel in school buses, and soy diesel can significantly clean up the emissions from buses as well.

What we are doing is very simple, as my good friend from Arkansas has already pointed out. We are just changing a qualification or limitation that was in the 1992 Energy Policy Act. We have not seen the progress we expected under that act, also known as EPACT, to displace 10 percent petroleum by 2000 and 30 percent by 2010.

One of the problems is the limitations on the use of biodiesel or soy diesel because they don't require alternative-fueled vehicles. Incidentally, the CAFE amendment proposed last week by the Senator from Michigan and myself and adopted on the energy bill specifically mandated that the alternative-fueled vehicles that are mandated in the existing act actually use alternative fuels. And soy diesel is one way of getting there.

What we believe is important under the Energy Policy Act is to allow 100 percent of the usage of biodiesel to be applied toward the requirement.

Now, the fleets that are using it include the Army, Air Force, Marines, NASA, Department of Agriculture, national parks, State departments of transportation, in Missouri, Iowa, Ohio, Virginia, Maryland, and others, and public utilities, such as Commonwealth Edison, Georgia Power, Kansas City Power and Light, and Duke Energy.

These fleets have found the biodiesel fuel use option to give them more flexibility to comply with their requirements, while more directly addressing the original intent of EPACT—displacing foreign petroleum sources. These fleets, particularly public utility fleets, that are strapped for resources have urged Congress to lift the 50-percent limitation on biodiesel fuel use credits. In addition to more directly addressing the primary intent of EPACT, the biodiesel fuel use provision serves to address the secondary intent of EPACT, which is providing for cleaner air emissions.

According to Government estimates, 90 percent of heavy-duty fleet emissions come from the oldest vehicles in the fleet. New vehicles that are being purchased are much cleaner. Biodiesel offers a solution to cleaning up the emissions of older vehicles.

Lifting the 50-percent limitation on biodiesel—which does not exist for any other alternative fuel—will serve to enhance the effectiveness of the EPACT program. Biodiesel offers one of the best ways immediately to reduce our reliance on foreign petroleum through the use of our existing national infrastructure and current and future diesel technology.

I would love to discuss the benefits of soy diesel at great length. If anybody has any questions, the Senator from Arkansas or I will be more than happy to discuss them. But given the fact that we do have many contentious provisions and amendments to discuss, we will limit our comments, unless somebody wants to get into a debate. We welcome the opportunity to provide more information on it.

With that, I simply urge all of my colleagues to support this amendment. It has tremendous bipartisan support in the heartland. I think, as more people look at it, this should be overwhelmingly accepted. I urge colleagues to look at it and ask questions and support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am going to make a few comments concerning the Senate and then the energy bill that is pending, and maybe a couple of amendments that are pending as well.

I am very concerned, as an individual Senator who has been in the Senate for 22 years, about how the Senate is working—or, in some cases, not working. I am concerned about the pending bill and the fact that I have served on this committee for 22 years and I didn't have a chance to offer an amendment. I am also concerned about how the bill has grown. It started out at 400-some pages. The second bill, dated February 26, had 539 pages. The bill we have pending, dated March 5, has 590 pages.

This bill never went through committee and didn't have a committee markup. I didn't have a chance to amend it, to read it, or to improve it. The full Senate failed to have this opportunity as well. Twenty members of the Energy Committee didn't have that chance, either. So we now face the situation where we are amending on the floor; we are significantly rewriting it on the floor. There were provisions that didn't belong in the bill in the Energy Committee on CAFE. That belonged in the Commerce Committee, but they didn't mark it up there, either. We had to amend that on the floor and fight that battle. Those provisions on CAFE standards would have impacted every automobile user, consumer, every person in the country. It would have made automobiles less safe, and it would have cost thousands of jobs and thousands of dollars per automobile. But we didn't have that debate in committee. We didn't have a committee report to say what the impact would be.

We didn't have the committee report dealing with the energy bill, either. We didn't have minority views and majority views, which we usually do. Some people said it had been done before. It hasn't been done in the Energy Committee. I have been on the committee for 22 years. Every major substantive piece of legislation in the Energy Committee has been bipartisan and has gone through the legislative process. Deregulation of natural gas comes to mind. That was a very complicated, comprehensive bill. We had both Democrat and Republican support.

But we didn't take these steps this case. We find ourselves rewriting this, discussing it, and educating Members on the floor.

I noticed that Senator DASCHLE, when he was referring to the Judiciary Committee, made this quote in a news conference on March 6. I have it behind me:

> If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would any other committee.

Then he said on March 14: Committees are there for a reason, and I think we have to respect the committee jurisdiction, responsibility, and leadership, and that is what I intend to do.

That statement, I happen to agree with. It is just that we did not agree with it when it came to the energy bill. So we have been wrestling with this bill now for a couple of weeks. We may well spend another couple of weeks on it. It is because we didn't do it in the committee. And so for the majority leader to say he respects the process, we didn't respect the committee process when we dealt with the energy bill,

unfortunately. We didn't respect it when we dealt with CAFE standards, which would have gone through the Commerce Committee. Now we are not respecting the committee process in dealing with the Feinstein amendment. That didn't go through the Banking Committee or the Agriculture Committee.

I happened to listen to the debate by Senators GRAMM, ENZI, and FEINSTEIN. I concur that most Members don't know much about the issue. I put myself in that majority group of Members. When you start talking about derivatives and futures contracts, and so on, maybe your eyes glaze over and you say: Doesn't somebody else work on this issue? We are going to be deciding that on the floor of the Senate. We never had a committee hearing on Senator FEINSTEIN's proposal. Senator GRAMM says it has impacts of $75 trillion. That is a lot of money. That is a lot of contracts. That is a lot of issues.

Should we not have committee hearings on that in the Agriculture Committee, in the Banking Committee, where they deal with that issue and where they have expertise? I would think so.

We are going to be dealing with an issue of renewables. Senator KYL has an amendment on renewables. We had an amendment last week that Senator JEFFORDS offered, 20-percent renewables. He ended up getting 30-some votes. Did the renewable section pass out of committee? No. But we are going to pass a law that is going to mandate that every utility in the country has to come up with renewables of 10 or 20 percent? What is the impact of that? What does that mean to consumers on their utility bills? Is it even achievable?

What do you mean by renewables? When we look at the underlying definition that is in the Daschle-Bingaman bill, renewables doesn't count hydro. Most of the definitions I have seen of renewables count hydro. According to this amendment, we are not going to count it as a renewable. We are going to count solar, wind, biomass, and a few other things; and if you add that together, that is about 1.5 percent of our electricity production. We are going to waive a law, or a bill and say, bingo, you have to be at 10 percent, or maybe 20? What does that mean? How much does that cost?

Senator KYL has an amendment saying, hey, let's tell the States, do consider renewables, give them flexibility on how to do it, and count hydro when you define renewables, as does everybody else in the world. Every State counts hydro as a renewable. But it is not in this bill. Wow. That little amendment, the 10-percent mandate for States to have renewables—I have been trying to figure out how much it costs. I have checked with experts. I get one figure of $88 billion over 10 or 15 years. Other people are speculating since it simply depends on which renewable you are talking about. Is it hydro or wind? We subsidized some renewables—a lot.

Wind energy right now has a tax credit. I think it is about 1.7 cents per kilowatt. That is the equivalent of 40-some percent of the wholesale cost of electricity. That is a pretty large subsidy.

I guess wind energy could take up the balance. Can we take wind energy from .2 percent of energy production up to 10 percent? I do not know. We are going to have hundreds of square miles of windmills if we do. Is that the right thing for our country to do, and can we do it without massive subsidies—we being the taxpayers—paying a significant portion of the energy cost? I do not know, but we are getting ready to vote on an amendment in the next day or two that will mandate this 10 percent. Is it going to be wind energy? Is it going to be solar? A lot of people are getting ready to vote and do not have a clue how much it will cost or if it is even achievable.

I support Senator KYL's amendment, and I hope my colleagues will as well.

The Senate is not working and I am critical of the Energy Committee and I am offended because as a member of the Energy Committee, as someone who has invested a lot of time on that committee, for me not to have any input on the composition of this bill is offensive to the process.

I read Senator DASCHLE's comments. He said: I will respect the wishes and the decisions made by that committee as I would with any other committee.

The wishes of the committee were not respected when it came to the energy bill. We did not get that chance. We disenfranchised I know every Republican member on the committee.

I have only been on the Energy Committee 22 years. Senator MURKOWSKI has been on it 22 years. Senator DOMENICI has been on it 26 years, maybe longer, plus or minus. That is a lot of years not to have a chance to offer an amendment during a committee markup.

When Senator DASCHLE said he was going to respect the wishes and decisions of the committee, he did not respect the wishes of the committee when it came to this major legislation, one of the most important pieces of legislation we will consider all year long. He did not respect the wishes of the Commerce Committee when it came to CAFE standards because they did not get to mark up the bill. They did not get to vote on it.

And I look at some of the other committees. It came to the Agriculture Committee. The Agriculture Committee did report out a bill but, for the first time in my Senate career, it reported out a bill on an almost straight party vote. I think there was one member who crossed over. The committee came up with a very partisan agriculture bill for the first time.

In addition, we had a partisan Finance Committee bill. We did not get the stimulus package through. The Senate is not working.

The Judiciary Committee last week failed to approve the nomination—or send to the floor—of Judge Pickering who is now a district court judge. It is the first time in 11 years that the Judiciary Committee defeated a nominee in committee, and 11 years ago is when the Democrats controlled the Senate.

I know I heard my colleagues, the leaders on both sides, say: We want to treat all judicial nominees fairly and give them appropriate consideration. Circuit court nominees have not been treated fairly by the Democrats who are running the Judiciary Committee today. They have not been treated fairly.

There are 29 people President Bush has nominated for circuit court nominees. They have been nominated to be on the circuit court—29. Seven have been confirmed; two or three of those were Democrats nominated by the previous administration supported by Democratic colleagues. We have done 7 out of 29. One was defeated. We have now had a hearing on two. There are 19 who have never had a hearing—19.

There is a tradition in the Senate—maybe I should educate my colleagues—there is a tradition in the Senate that we give Presidents their nominations by and large. If there is a problem with the nomination, fine, let's hold it, discuss it and debate it, but, by and large, Presidents have the majority of their nominations through the Judiciary Committee and through the Senate in their first 2 or 3 years as President.

I have a chart that shows President Reagan in his first 2 years got 98 percent of his judges through, including 19 of 20 circuit court nominees. The first President Bush got 95 percent of his circuit court nominees, 22 out of 23. I might mention, that is when the Democrats controlled the Senate. Somebody said: No, Republicans controlled the Senate when Ronald Reagan was President. Yes, we did, but Democrats controlled the Senate when President Bush 41 was President, and he got 93 percent of his judges in the first 2 years and 95 percent of the circuit court nominees.

President Clinton in his first 2 years, with a Democratic Senate—got 19 of 22 circuit court judges, 86 percent of circuit court judges, and by the end of his second year, he got 90 percent of all of his judges confirmed. He got 129 judges. He got 100 judges confirmed in his second year.

Why all of a sudden now with President Bush we have only done 24 percent? We have done 7 out of 29 circuit court nominees—7 out of 29. That is pathetic. President Bush nominated nine on May 8 of last year. Nine. We have disposed of one—that was Judge Pickering—and seven were confirmed out of that nine. Eight have not even had a hearing.

Miguel Estrada, a Hispanic who immigrated to this country from Honduras when he was a young man—he immigrated, frankly, with nothing. He

could not even speak English. He graduated with honors from Harvard. He has argued 16 cases before the Supreme Court, and he has not even had a hearing. John Roberts argued 36 cases before the Supreme Court. He was nominated in May of last year. He has not even had a hearing.

We have only dealt with one-fourth of the circuit court nominees, while the three previous Presidents had 90-plus percent confirmed. 90-plus percent circuit court nominees in the three previous administrations, Democrats and Republicans, were confirmed, and now we have only confirmed 7 out of 29—that's one out of four.

That is not working. The Senate is not working. This institution I love is not working. The Energy Committee did not work. It did not mark up a bill. So now we have to rewrite the bill on the floor.

The Commerce Committee did not work. The Agriculture Committee is becoming partisan. We have never had a partisan agriculture bill in decades. The Finance Committee could not even report out a stimulus package. Eventually, we took half a package from the House and adopted it when in the past the tradition of the Senate has always been, whether you are talking about Bob Dole, Bob Packwood, or Russell Long, we had bipartisan tax bills almost every time, and we could not get it done this year.

Mr. President, I am critical of the process. I happen to love this institution. I want the Senate to work. I want Members to do what Senator DASCHLE said: Have the committee process work. It is not working, and it is not working in committee after committee.

I urge my colleagues that we lower the partisan rhetoric and do our job in committees and respect Members. I will also make a comment on Judge Pickering. It is unconscionable to me to believe that this fine judge was defeated. It is unbelievable to me to think Members would not confirm a nominee who is a close friend of the Republican leader.

I cannot imagine that we would do something like that to the Democratic leader. I cannot imagine that ever happening to Bob Dole. I cannot imagine it happening to George Mitchell. I cannot imagine it happening to Howard Baker.

The Senate has really stooped, in my opinion, pretty low. Maybe in a way I am afraid we are trespassing where we should not go. It is very important that we step back and we figure out what is the right way to legislate, what is the right way to consider nominees. If people are nominated to be a district court judge or a circuit court judge, they are entitled to a hearing, they are entitled to a vote whether Democrats are in charge of the Senate or Republicans are in charge of the Senate.

I am not saying we did it perfect either when the Republicans were in charge. I do think, by and large, we ought to let people have a vote certainly the first 2 and 3 years of a President's term. Maybe in the last year of their term it is understood they do not get a lot of judges: Let's wait and see how the election goes. Particularly if the judges are nominated in the last few months of a Presidential term, there are legitimate reasons to wait until after the election.

Let us come up with a little better understanding. We should not hold people in limbo and maybe hold careers in jeopardy or on hold when we have outstanding people who are willing to serve, and in many cases at a great financial sacrifice. The President has nominated good people and they cannot even get a hearing? Something is wrong. Something is wrong on the Sixth Circuit Court when they only have 8 out of 16 positions filled. In other words, they have half that circuit court vacant. Something is wrong. The Senate is not working.

President Bush has nominated several outstanding nominees to the Sixth Circuit and they should have a chance to have a hearing and to be voted on. I am confident that the overwhelming majority would be confirmed.

I saw Senator DASCHLE's comments when he said we ought to follow the Senate committee process. I agree with that. It is unfortunate we have not been doing it. What happened last week in the Judiciary Committee, where Judge Pickering was defeated, I hope people do not go down that road. Right now the Democrats are in control, but barely. My guess is Republicans—I have been in the Senate where the leadership has changed. I think this is the fourth time, and I am sure I am going to be in the Senate where it is going to change again, and maybe again and again. Who knows?

So people should recognize they can be in the majority, they can be in the minority. So to treat nominees the way they are being treated now, because they happen to be a circuit court nominee, is not right. I will also tell my colleagues on the Democrat side I will make the same statement when Republicans are in control. I do not think we should hold people indefinitely and not give them hearings. I do not think we should confirm 24 percent of the circuit court nominees. I think that is pathetic, and we need to do better. We need to do much better, and I hope and expect that the Senate will.

I ask unanimous consent that short biographies of the eight nominees who were nominated on May 9 for the circuit court of appeals be printed in the RECORD.

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

MAY 9TH NOMINEES

JOHN G. ROBERTS, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Mr. Roberts is the head of Hogan & Hartson's Appellate Practice Group in Washington, D.C. He graduated from Harvard College, summa cum laude, in 1979, from the Harvard Law School, where he was managing editor of the Harvard Law Review. Following graduation he clerked for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit, and the following year for then-Associate Justice William H. Rehnquist. Following his clerkship, Mr. Roberts served as Special Assistant to United States Attorney General William French Smith. In 1982 President Reagan appointed Mr. Roberts to the White House Staff as Associate Counsel, a position in which he served until joining Hogan & Hartson in 1986.

Mr. Roberts left Hogan & Hartson in 1989 to accept appointment as Principal Deputy Solicitor General of the United States, a position in which he served until returning to the firm in 1993. Mr. Roberts has presented oral arguments before the Supreme Court in more than thirty cases.

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group. Mr. Estrada has argued 15 cases before the U.S. Supreme Court. From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. He previously served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988–1989, and to the Honorable Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit from 1986–1987. He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

TERRENCE BOYLE, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 4TH CIRCUIT BIOGRAPHY

Terrence Boyle is the Chief Judge of the United States District Court for the Eastern District of North Carolina. He was appointed to the bench in 1984 and was unanimously confirmed by the Senate. Chief Judge Boyle began his career working in Congress, where he was Minority Counsel for the House Subcommittee on Housing, Banking & Currency from 1970 through 1973. He later served as the Legislative Assistant for Senator Jesse Helms before going into private practice in 1974 in the North Carolina firm of LeRoy, Wells, Shaw, Hornthal & Riley.

Since joining the federal bench Chief Judge Boyle has been appointed twice by Chief Justice Rehnquist to serve on Judicial Conference committees. From 1987 to 1992 he served on the Judicial Resources Committee, and from 1999 to the present he has served as a member of the Judicial Branch Committee. Chief Judge Boyle has sat by designation on the United States Court of Appeals for the Fourth Circuit numerous times, and has issues over 20 opinions for that court.

MICHAEL MC CONNELL, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT BIOGRAPHY

He is currently the Presidential Professor at the University of Utah College of Law. McConnell received a B.A. from Michigan State University (1976) and a J.D. from the University of Chicago (1979), where he was Order of the Coif and Comment Editor of the University of Chicago Law Review. Upon graduation, he served as law clerk to Chief Judge J. Skelly Wright on the United States

Court of Appeals for the District of Columbia Circuit, and then for Associate Justice William J. Brennan, Jr., on the United States Supreme Court.

Professor McConnell was Assistant General Counsel of the Office of Management and Budget (1981–83), and Assistant to the Solicitor General (1983—85), after which he joined the faculty of the University of Chicago Law School in 1985. He has published widely in constitutional law and constitutional theory, with a speciality in the Religion Clauses of the First Amendment. He has argued eleven cases in the United States Supreme Court. He has served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, and member of the President's Intelligence Oversight Board.

PRISCILLA OWEN, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 5TH CIRCUIT

Priscilla Owen is currently a Justice on the Supreme Court of Texas. Prior to her election to that court in 1994, she was a partner in the Houston office of Andrews & Kurth, L.L.P. where she practiced commercial litigation for 17 years. She earned a B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. She was a member of the Baylor Law Review. Thereafter, she earned the highest score in the state on the Texas Bar Exam.

Justice Owen has served as the liaison to the Supreme Court of Texas' Court-Annexed Mediation Task Force and to statewide committees regarding legal services to the poor and pro bono legal services. She was part of a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars per year in additional funds for providers of legal services to the poor.

JEFFREY SUTTON, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT

Mr. Sutton is currently a Partner in the firm of Jones, Day, Reavis & Pogue of Columbus, Ohio. After graduating first in his class from the Ohio State University College of Law, Mr. Sutton served as a clerk to the Honorable Thomas Meskill, United States Court of Appeals, Second Circuit. The next year he clerked for United States Supreme Court Justices Lewis F. Powell, Jr., and Antonin Scalia. Mr. Sutton has argued nine cases and filed over fifty merits and amicus curiae briefs before the United States Supreme Court, both as a private attorney and as Solicitor for the State of Ohio. In his role as Solicitor between 1995 and 1998, Mr. Sutton oversaw all appellate litigation on behalf of the Ohio Attorney General, as well as state litigation at the trial level.

For the past eight years Mr. Sutton has held the post of adjunct professor of law at Ohio State University College of Law, teaching seminars on the constitutional law. In addition, Mr. Sutton teaches continuing legal education seminars on the United States and Ohio Supreme Courts to Ohio state court judges and develops curriculum for appellate judges on behalf of the Ohio State Judicial College. Mr. Sutton is a member of the Board of Directors of The Equal Justice Foundation and of the National Council of the College of Law, and is a four-time recipient of the Best Briefs award by the National Association of Attorneys General.

DEBORAH COOK, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 6TH CIRCUIT

Justice Deborah Cook was elected to the Ohio Supreme Court in 1994 for a six-year term. She was reelected in November 2000. She served as a Judge of the Ninth District Court of Appeals in Ohio for four years prior to taking the Supreme Court bench. Following graduation from Law School until her election to the Court of Appeals, Justice Cook was a member of Akron's oldest law firm, Roderick Linton, and the firm's first female partner. Justice Cook received her Bachelor of Arts and her Juris Doctor degrees from the University of Akron. In 1996 the University of Akron presented her with an Honorary Doctor of Laws Degree. Justice Cook was president of Delta Gamma and president of her senior class at the University of Akron.

Justice Cook is a recipient of the Delta Gamma National Shield Award for Leadership and Volunteerism and the Akron Women's Network 1991 Woman of the Year. In 1997 she received the University of Akron Alumni Award. She and her husband founded a college scholarship program benefitting 23 underprivileged children from the 4th grade through graduation, with the guarantee of four years' college tuition. She has been called by the Cincinnati Post a ''clear-headed, intellectually rigorous jurist with a good grasp of the big picture . . . She has served with distinction.'' (October 8, 2000).

DENNIS SHEDD, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Dennis Shedd has been a judge for the United States District Court for South Carolina since 1990. Judge Shedd graduated Phi Beta Kappa from Wofford College in 1975, received a juris doctor from the University of South Carolina in 1978, and received a Masters of Laws from Georgetown University in 1980. From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee. Upon leaving the Senate staff in 1988, Judge Shedd became of counsel in the firm of Bethea, Jordan & Griffin while simultaneously maintaining his own Law Offices of Dennis W. Shedd.

From 1989 to 1992, Judge Shedd was an adjunct professor of law at the University of South Carolina. While serving in his current capacity as a United States District Court Judge for the District of South Carolina, Judge Shedd has been a member of the Judicial Conference Committee on the Judicial Branch and its subcommittee on Judicial Independence. Judge Shedd is actively involved in community activities in his home of Columbia, South Carolina including his participation helping to organize and promote drug education programs in the local public schools.

Mr. NICKLES. I yield the floor.

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

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of sending an amendment to the desk.

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

AMENDMENT NO. 3038 TO AMENDMENT NO. 3016

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. MILLER, Mr. WARNER, and Mr. MURKOWSKI, proposes an amendment numbered 3038 to amendment No. 3016.

In lieu of the matter proposed to be inserted, insert the following:

(a) REQUIREMENT.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(14) GREEN ENERGY.—

''(a) Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

''(b) Renewable sources of electricity include solar, wind, geothermal, landfill gas, biomass, hydroelectric and other renewable energy sources, as may be determined by the appropriate state regulatory authority.''.

(b) PRESERVATION OF STATE AUTHORITY.—Nothing in this Act affects the authority of a State to establish a program requiring that a portion of the electric energy sold by a retail electric supplier to electric consumers in that State be generated by energy from any particular type of energy.

Mr. KYL. Mr. President, I have laid down an amendment to the underlying Bingaman amendment, which I think sets up a classic choice for our colleagues. We have been selling this energy bill and especially the electricity section of it as promoting competition, the market economy, and deregulation.

The underlying Bingaman bill is exactly the opposite of deregulation. It is reregulation by the U.S. Government in a new and extraordinary way. The amendment I have laid down is an attempt to move forward with deregulation, keeping the Federal Government out of the business of telling Americans what they have to do.

The Bingaman amendment reminds me of the old Soviet-style command economy, where the Soviet government told the people of Russia what it was going to have produced and they had to buy it. It did not allow choice of production or consumption. The United States understands that is a road to ruin, but the Bingaman amendment says the U.S. Government is going to mandate, to require, to compel that 10 percent of the electricity sold at retail in this country be produced with certain fuels, certain politically correct fuels.

They have been described as renewables, but not all renewables count because some renewables are more equal than others, to borrow the phrase from the animal farm. No, only those politically correct renewables will count toward the requirement that 10 percent of the electricity the people of this country buy in the future be from this particular energy source.

It does not matter how much it costs. It does not matter what good it does. It does not matter how hard it is to do. It does not matter how discriminatory it is among different people within the country. None of that matters. What matters is that people in Washington know best, and so the U.S. Government is going to tell people how much electricity they have to buy from these unique sources of fuel: Biomass, wind, solar, and geothermal. Other renewables such as hydropower, for example, do not count. There is something wrong with hydropower. That is the underlying Bingaman amendment.

The Kyl amendment says let us leave it up to the States. Fourteen States already require some percentage production of electricity with renewables, as

defined by the States. They are moving toward the production of power through this so-called green energy, and that is fine. My own State has a requirement that 2 percent of the energy sold at retail be produced in this fashion, all the way up to the State of Maine requirement that 30 percent be produced through this kind of renewable fuel, and that is fine.

What the Kyl amendment says is each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available. Then it defines renewable sources to include solar, wind, geothermal, landfill gas, biomass, hydroelectric, and any others as the State may determine are appropriate. Then it says that nothing in the act affects the authority of the State to establish a program requiring that a portion of the energy source come from renewables. So we require the States to take a look at it, but we do not tell them what they have to do because I do not think we know best.

I know the conditions in the State of Arizona are a lot different from the conditions in New York, for example. I do not think that New Yorkers would be able to produce much solar electrical power, but we can sure do that out in Arizona.

I heard my colleague from North Dakota, Mr. DORGAN, say his State of North Dakota had been defined as the Saudi Arabia of wind. I say wonderful. Then let them produce electricity through wind power. I am not stopping them. Senator BINGAMAN is not stopping them from doing that. The State of North Dakota can produce 100 percent of its power from wind generation if it wants.

It is interesting to me that North Dakota is not in that list of States that requires any production of retail electricity from renewable fuels—Arizona, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, Wisconsin. Where is the Saudi Arabia of wind? It is not here.

The people of North Dakota who have all of this resource must have some reason why they are not taking advantage of it. And since we are providing a tax credit of a billion dollars a year to those who produce electricity through these renewables, one would think that would be a big incentive. As a matter of fact, that is how we are getting the renewable produced energy in the country today. We provide a carrot, a big tax credit. We just extended it for 2 more years in this bill at a cost of $2 billion. So there is a big incentive to produce electricity with taxpayer subsidy.

As I recall, the subsidy is something like 1.7 cents per kilowatt hour for wind generation, which is about 40 percent or so of the cost of producing the power. That is a pretty generous subsidy. So if a State such as North Dakota has that much capacity to produce it, then why does it not produce it? Why does the Senator from that State say, look, we have decided, or we have not decided, to require this in our own State, but we are going to require it for everybody else and then maybe it will work for us.

Maybe what they are saying is we can have a lot of production in our State if everybody else has to buy it from us. Maybe that is it.

As a matter of fact, it transpires that there are a couple of utilities that apparently have access to a lot of wind generation, and they are lobbying pretty hard to get this bill passed. The reason? They are going to get the U.S. Government to tell everybody else they have to buy power from these particular producers.

We have always been against oligarchy, monopolies, in this country. Why would the U.S. Government force people to buy a particular kind of energy knowing it is only produced by a very few sets of utilities today? Talk about a windfall. I suggest the Energy Committee ought to look at this very carefully, take a little inventory of who is producing this and who is not. My guess is there are a very few, very special people who are going to benefit from this big time. I would like to know who they are. I would like to know to whom they have contributed in their campaigns. I would like to know whom they have lobbied.

There has been criticism of energy people talking to Vice President CHENEY before he came up with the administration's energy plan. I would like to know who, on behalf of these particular utilities, has talked to whom and what kind of support there is to enrich this small group of utilities that would take advantage of this particular amendment. I would like to know that.

However, we did not have any markup in the Energy and Natural Resources Committee. That was taken away from the Energy and Natural Resources Committee on which I sit. We had no opportunity to get into that. We are going to be asking some of those questions. We never had a cost-benefit analysis. We have no idea whether this is going to do any good and, if so, how much good, and how you can quantify it, but we do know how much it will cost. On the order of $88 billion, for starters. That is only until the year 2020. After that, it is $12 billion a year. Who pays? The electric customers. Is it equal for all of the electric customers in the country? No, it turns out it is not. If you are fortunate enough to be a State that can produce this renewable energy electricity, it will not cost. You get to sell credits to the States that do not produce it. They have to buy the credits. What do they get for that? Nothing. They do not get any electricity. What they get is a pass from the Federal Government from having to build those renewable energy sources themselves.

What we are doing is creating a big new market in electric credits. This is a la Enron—not producing anything but creating credits. As a matter of fact, as I read the Bingaman amendment, it is not restricted to production in the United States. In fact, I believe it is contemplated British Columbia electrical production could be imported into the United States for the credits it would be provided. As a matter of fact, I don't understand why other countries would not get into this, too. The Three Gorges Dam in China might well qualify. Since the generators have not been put in the Three Gorges Dam, that would be incremental additional electrical production by hydro—the only way you can count hydro.

Since it is not limited by the current language, as I read the amendment, what we are doing is creating a trading market in electrical renewable energy credits which might well enrich not just a few special companies in the United States but some foreign countries as well. Who pays the tab? The electrical retail consumer.

I have this challenge for my friends who think it is a wonderful idea: How will they feel when somebody runs an ad against them in their next campaign that says: Are you sick and tired of high electric energy rates? You have Senator So-and-So to thank for that because he got a bill passed that required, by the authority of the U.S. Government, your electrical retail seller to buy 10 percent of the energy from these costly renewables or, if you do not buy that, to buy the credits. The credits, of course, will cost a lot of money. As a matter of fact, these credits probably will become a very valuable commodity.

The way the Bingaman amendment works, as I understand it, the generator does not get the credits. If I have an electrical generating facility in Arizona and I decide to create a lot of solar-powered generation and I know there is a big market for electricity in California, I sell a lot of this power to California so the folks in Los Angeles can air-condition their homes or for whatever they need the power. I don't get the credit for that. The retailer in Los Angeles is the one that gets the credit for whatever renewable fuel is used in the production of that electricity.

What does that mean? First of all, if I have any retail customers myself, I will try to keep that power. Although electricity is fungible, I will somehow try to allocate it to my retail customers. But if I have extra power, what I might do is, instead of applying it to my requirement, I might simply say I have this much on the market, and I will withhold it from the market, and I will see how much it would bring on the market.

Of course, our friends from California complained about the fact that Enron and others withheld energy from the market, thus driving the cost up.

A retail seller in Los Angeles is going to need a lot of renewable power in order to meet this mandate. Where is

that company going to get the renewable power? It will have to buy it from somebody. If that electricity or those credits are withheld from the market long enough, the cost of the credits will escalate substantially. There is nothing in the bill that prevents that.

There is no regulatory regime, although I am sure once we get going, there will be a very big regulatory regime. It is fraught with potential for fraud and abuse. Once we see all of that happening, we will have to have a director of this and that, with a big bureaucracy and a lot of law enforcement and penalties in order to enforce the law so it will not be abused. We will have the Enron situations, and there will be a big hue and cry, and we will all want to prevent that, so we will establish more bureaucracy. The Soviet survival command economy will march on as we have to enforce the policy we dictate.

What are we going to do? Are we going to force people to sell the credits they have accumulated? Are we going to say they can only sell them for a certain amount of money? As I read the Bingaman amendment, there is one other place you can buy the credits. You can buy them from someone who has already produced the power or, I gather, if it is not available, you can buy it from the Department of Energy. The Department of Energy, even though it does not produce anything, would be able to sell these credits at something like 200 percent their value or 3 cents a kilowatt hour. Actually, the Federal Government might make some money on this.

Who pays the tab? The retail electric customers. Is that what this is all about: Another way to tax the American people? It kind of sounds like it to me. As a matter of fact, there are two new taxes in this legislation. One is the tax of which I just spoke, and the other is a Btu tax by any other name. Remember when we defeated the Btu tax? It was a tax on coal-fired, oil-fired, gas-fired, and nuclear production of electricity. We said: That is not fair. That is what is embodied in the Bingaman amendment and the underlying bill. We are favoring some energy sources over others.

What are the ones in disfavor, out of favor? Nuclear, coal, hydro, oil, and gas. That is how we produce about 98 percent of the power in the country today. Those are out of favor. The people who get their electricity from those sources will pay a tax to those who are willing to pay for and generate the power through the renewable fuels or who buy the credits. There will be a tremendous transfer of wealth in this country. If you live in the State of New York and New York has a hard time producing wind power or solar-powered generation, then the retail seller in New York will have to somehow acquire credits to offset the fact that you cannot generate that kind of power in New York. Who is going to pay the cost of those credits? The retail customers of the New York utilities. And to whom are they going to be paying them? They are going to be paying them to the favored States, those that actually could produce this renewable fuel energy. This is the equivalent of a Btu tax. If you are going to get your power from coal or nuclear, for example, you are going to pay a big premium. Your customers are going to have to pay because you are not producing electricity with the favored fuels.

That is wrong. This legislation is costly, it is discriminatory, it walks away from deregulation, and imposes a massive new regulation of what we can buy in this country, it is anti-American, and it also will favor the few to the cost of the many. We don't even know who those few are. They know who they are. They are lobbying for this legislation. But I suggest we better know who they are before we vote on it or this is going to come around and bite folks.

I know some of my colleagues say, Oh, I need a green vote. I need to impress my environmentalists.

I have two responses to that. Vote your conscience. Do whatever you want to do. But if you are just trying to do this to impress some environmental constituents, think about all the rest of the constituents, the ones who have to buy electricity. Do they count? They are the ones who are going to have to pay the bill. I hope they remember at election time that they are just as important as this environmental community that wants a green vote out of some of my colleagues.

Why are you willing to impose a requirement on others that they buy a particular product that one of your friends has to sell? To me that is very unfair.

This is one more thing that makes this unfair. There was a point of order that lay against part of this amendment as it pertained to a mandate on the municipalities and State-owned and co-ops and others that are the political subdivisions that generate and sell power. Because it would have required a significant expense for them, it was an unfunded mandate and would have been subject to a point of order. So Senator BINGAMAN has wisely agreed to take the mandate out as it relates to those particular sellers of power and generators of power. I think that is a good thing.

The problem is, it creates a great disparity and distinction between those generators on the one hand and the investor-owned generators and sellers on the other hand. Now we have a massive discrimination. The municipals do not have to comply but the investor-owned utilities do have to comply. To their credit, the power association for the municipals, and many of the individual municipals and political subdivisions that are currently exempted, have taken the position that the underlying Bingaman bill is still a bad proposition. It is bad on principle, regardless of the fact they do not have to comply with it now. But they are also concerned that in the end they will have to comply, that they were only removed from its provisions because a point of order lay, and that there would be an attempt later to include them in it—among other things, because it is unfair for one group of utilities to be treated one way and another group to be treated another way.

I appreciate that they have not backed off their opposition to the bill notwithstanding the fact that temporarily they are not subject to its provisions.

I note the cosponsor of my amendment to leave this to the States, the Senator from Georgia, is present. For the purpose of allowing him to comment on this for a moment, I would like to yield to him and then, when he has completed all he wants to say, regain the time so I can make some more comments. I would like to yield to my colleague from Georgia, Senator MILLER.

Mr. MILLER. I thank the Senator from Arizona.

Mr. BINGAMAN. Mr. President, I will not object to this procedure, although it is a little unusual. I would like a chance to respond to the Senator from Arizona at some point here. So I do not want him yielding time to various people around the floor for the whole afternoon. I am glad to have the cosponsor, Senator MILLER, go ahead and speak and then, when the Senator from Arizona concludes, I will expect to speak at that point.

Mr. KYL. That is certainly acceptable to me, and I appreciate the sentiment of the Senator from New Mexico. I simply saw my colleague from Georgia and wanted him to have an opportunity to interrupt my presentation.

The PRESIDING OFFICER. Is the Senator from Georgia seeking recognition in his own right?

Mr. MILLER. I ask to be recognized for up to 5 minutes to speak on the legislation.

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

Mr. MILLER. I thank the Senator from New Mexico. I will be very brief.

I rise in support of the Kyl/Miller amendment on the renewable portfolio standard. As a Governor and now a Senator, I have always been sensitive to the real-world effects of policy. I want to tell you about some of the real-world effects of the issue before us today, the issue of renewable fuels.

I commend the majority leader and the Senator from New Mexico for including the subject of renewable fuels in the debate on the comprehensive energy bill. I think it is very important for us to be able to enjoy the comfortable life we all expect and still leave a clean planet to our children and our grandchildren. Using renewable fuels helps our society to fulfill these goals.

But when I read the original provisions on renewable fuels in S. 517, they give me pause. I understand Senator

BINGAMAN's intent in putting a renewable standard in this bill. I think that is good. With all due respect, however, I believe he is going about it in the wrong way.

Perhaps it is because of my previous life, but I trust State governments. I trust the people who run them, and I think we need to trust the States to create a renewable standard that meets both their needs and their capabilities. We do not need to hand them an expensive Federal standard that they will not be able to meet.

Fourteen States already have renewable programs in place, and this amendment would preempt them. It would be saying to them: We are smarter. We know better.

States would be forced to pass renewable legislation to meet conditions mandated by the Federal Government. I don't think that is how it should work.

These blanket conditions do not take into account the needs and requirements of each individual State, and they are different. What works in Georgia might not work in New Mexico, and vice versa.

My State of Georgia, I am proud to say, has been a leader in the production of reliable low-cost energy. If the underlying amendment is enacted, consumers in Georgia could end up paying for credits to subsidize renewables in other parts of the country. Georgia would be forced to pay for a benefit that it will never receive, and I do not think that is right.

In my State of Georgia, the Governor has commissioned an energy task force to examine current and future needs for energy generation in the State. This will include a formal study and recommendations for how to use renewable fuel sources, and how to best take advantage of Georgia's available natural resources.

The task force will also assess the demand for renewable energy to determine if the cost and benefit will be supported by electricity users in the State. These are the people who know and understand Georgia's energy needs and capabilities. These are the people who should be in charge of regulating Georgia's renewables. That is why Senator KYL and I have introduced this amendment. That is why I urge my fellow Senators to support it. Our amendment encourages the use of renewable fuels, but it lets the States decide how to do this.

This Nation can attain the goal of cleaner energy, but we must do it in the right way. We must let the States decide for themselves the level of renewable fuel that works best for each of them.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. KYL. I would like to say to the Senator from Alaska, I have a couple more points I want to make before I conclude as does, I know, Senator BINGAMAN.

I ask unanimous consent to have printed in the RECORD numerous letters in support of the Kyl amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, DC, March 19, 2002.

Hon. JON KYL,
Senate Hart Building,
Washington, DC.

DEAR SENATOR KYL: On behalf of the American Public Power Association (APPA), an association representing the interests of more than 2,000 publicly owned electric utility systems across the country, I would like to express support for your amendment regarding renewable portfolio standards (RPS) which is expected to be offered during consideration of S. 517, the Energy Policy Act of 2002.

While APPA has consistently supported efforts to expand the use of renewable energy, we nevertheless oppose the use of federal mandates as a mechanism to achieve that goal. APPA has always maintained that decisions of this type are best made at the local level.

Your amendment would shift the RPS program to Section 111(d) of the Public Utility Regulatory Policies Act of 1978. This would, in effect, remove the federal mandate and leave decisions related to a RPS to the discretion of State and local regulatory bodies. Further, your amendment preserves the ability of States and local governing bodies to create and implement their own renewable energy programs. This will enable a balanced approach, which takes into account the unique and diverse characteristics of regions and customer bases, to promoting renewable energy sources. For these reasons APPA supports your amendment.

While APPA continues to have major concerns with the current language in Title II—Electricity of the bill, I commend you for taking a leadership role on this critical issue.

Sincerely,

ALAN H. RICHARDSON,
President & CEO.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, March 14, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: On behalf of the National Association of Manufacturers and the 18 million people who make things in America, I urge you to oppose federal mandated renewable portfolio standards, and support the amendment to be offered by Senator Jon Kyl (R–AZ) to the Energy Policy Act of 2002 (S. 517). The NAM represents 14,000 members (including 10,000 small and mid-sized companies) and 350 associations serving manufacturers and employees in every industrial sector and all 50 states.

The NAM will consider any votes that may occur on the renewable portfolio standards as possible Key Manufacturing Votes in the NAM Voting Record for the 107th Congress. The NAM strongly urges you to support the renewable portfolio amendment that will be offered by Senator Kyl, and oppose the amendments to continue the federal mandates (using different levels) that will be offered by Senator Jeff Bingaman (D–NM) and Senator James Jeffords (I–VT).

Now is not the time to raise electricity rates by mandating construction of renewable (mostly wind) technologies to generate electricity—mandates that may not be achievable and may threaten electricity reliability.

A one-size-fits-all national standard is not in the best interests of the economy and energy security. States that do not have adequate wind resources, or have already invested heavily in renewable energy that will not be counted toward meeting the mandates, will suffer disproportionately under the Jeffords and Bingaman amendments.

Senator Kyl's amendment will encourage the various states to tailor renewable portfolios to meet the needs and wishes of their citizens, instead of having the federal government dictate which energy sources each state must use to generate electricity.

Congressionally mandated renewable portfolio increases will have negative consequences for manufacturers and consumers, while doing little to address our nation's energy security goals. As the manufacturing sector struggles out of its 18-month recession, it is vital that the Senate help—not hurt—America's economy.

The nation needs a balanced energy policy that will serve as the foundation for economic growth. Please support Senator Kyl's amendment to eliminate the federal renewable mandate, which will dramatically improve S. 517 and help to further that goal.

Sincerely,

MICHAEL E. BAROODY,
Executive Vice President.

MARCH 5, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: We are writing to express our deep concern over the economic impact of the renewable electricity portfolio mandates contained in the Substitute Amendment (the Energy Policy Act of 2002) to S. 517. This renewable portfolio standard would require that 10 percent of all electricity generated in 2020 must be generated by renewable facilities built after 2001. The renewable portfolio standard would become effective next year, and the amount of renewable generation required would increase every year between 2005 and 2020. While we believe that renewable sources of generation should have an important, and growing, role in supplying our electricity needs, the provisions contained in the Substitute Amendment are not reasonable and cannot be achieved without causing dramatic electricity price increases. This in turn would have the unintended consequence of reducing the competitiveness of American businesses in the global economy and, thereby, reducing economic growth and employment.

Today, according to the Energy Information Administration, non-hydro renewables placed in service over past decades make up only about 2.16 percent of the total amount of electricity generated in the United States. However, even this modest existing renewable capacity will not count under the Substitute Amendment toward satisfying the renewable portfolio requirement. Generally, under that Amendment, renewable facilities that can be used to meet the 10 percent minimum must be placed in service in 2002 or thereafter. Therefore, compliance with the Substitute Amendment's 2.5 percent renewable mandate for 2005 would require doubling the amount of non-hydro renewables that we now have in just three years—even though it took us more than 20 years to get to where we are today.

In addition, because the Substitute Amendment requires that 10 percent of all electricity generation, not capacity, must come from renewables, vast numbers of renewable electricity-generating facilities will have to be built. Wind energy, perhaps the most promising non-hydro renewable technology, operates effectively only between 20 percent to 40 percent of the time. Solar is also intermittent. Therefore, the actual

amount of newly installed capacity needed to generate enough electricity to meet the Daschle Amendment's requirements could well exceed 20,000 negawatts by 2005. To put this into context, according to the American Wind energy Association, we currently have less than 5,000 megawatts of installed wind capacity in the United States.

Simply imposing an unreasonably large, federally mandated requirement to generate electricity from renewables will not guarantee that enough windmills and other renewable facilities can be built on schedule; that the wind (or sun or rain) will cooperate; or that the generating costs will be as low as would be the case from a more diverse, market-dictated portfolio of conventional, as well as renewable and alternative fuels. If retail supplies do not comply with the mandate, they would face a 3 cent per kilowatt hour civil penalty. Some may suggest that this penalty would operate as a ''cap'' on the inevitable run up of electricty costs under the Amendment. Even if this penalty were effective at limiting skyrocketing electricity costs—and experience with similar ''penalties'' indicates that it will not—the penalty still would constitute an almost doubling of current wholesale electricity prices for renewable power. Clearly, electricity rates will substantially increase if the Substitute Amendment becomes law.

The federal government's past record in choosing fuel ''winners and losers'' is dismal. The Powerplant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas in electric powerplants and discouraged its use in many industrial facilities, was essentially repealed less than a decade later when its underlying premises were conceded to be wrong. While holding back the use of natural gas, the federal government spent billions of dollars attempting to commercialize ''synthetic fuels,'' including oil shale and tar sands, with little to show for its efforts.

While we believe that the federal government has an important role to play in encouraging the development of renewable and other energy technologies, we are troubled when that role turns to mandates and market set-asides for one particular fuel or technology. Mandates and set-asides usually don't work, and create unintended consequences far more severe than the underlying problem being addressed.

For these reasons, we respectfully request that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate or mitigate the harmful economic consequences of the renewable fuels portfolio mandate.

Sincerely,

Adhesive and Sealant Council, Inc.
Alliance for Competitive Electricity.
American Chemistry Council.
American Iron and Steel Institute.
American Lighting Association.
American Paper Machinery Association.
American Portland Cement Alliance.
American Textile Manufacturers Institute.
Association of American Railroads.
Carpet and Rug Institute.
Coalition for Affordable and Reliable Energy.
Colorado Association of Commerce and Industry.
Edison Electric Institute.
Electricity Consumers Resource Council.
Independent Petroleum Association of America.
Industrial Energy Consumers of America.
International Association of Drilling Contractors.
Interstate Natural Gas Association of America.
National Association of Manufacturers.
National Lime Association.
National Mining Association.
National Ocean Industries Association.
North American Association of Food Equipment Manufacturers.
Nuclear Energy Institute.
Ohio Manufacturers' Association.
Oklahoma State Chamber of Commerce & Industry.
Pennsylvania Foundry Association.
Pennsylvania Manufacturers' Association.
Texas Association of Business and Chambers of Commerce.
U.S. Chamber of Commerce.
Utah Manufacturers Association.
Westbranch Manufacturers Association.

MARCH 19, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: The undersigned associations urge you to support the ''renewable portfolio standards'' (RPS) amendment expected to be offered today by Senator Kyl and Senator Miller to S. 517, the Energy Policy Act of 2002.

The Kyl/Miller RPS amendment will preserve the ability of each State to decide for itself and its own citizens which appropriate mix of renewable and alternative energy sources is optimal for their own preferences and needs. In addition, the amendment will ensure that businesses and homeowners alike will have more affordable and reliable electricity supplies in the future, with renewable energies being an important and appropriate part of the energy mix.

The Senate should not adopt a one-size-fits-all national mandate for an arbitrary quota for renewable energy use in producing electricity, such as is currently in section 265 of S. 517. Sen. Bingaman's amendment attempts to make the mandates in S. 517 more technically feasible, but his amendment still mandates an aggressive, nationwide renewable portfolio standard that will raise costs, threaten electricity reliability and create inequities among not only energy sources, but also among States and electricity generators.

Many States do not have access to optimal wind energy locations or large volumes of inexpensive biomass. Under Sen. Bingaman's amendment, consumers in these States would have to pay for electricity generated in other States that have more access to renewable energy. In addition, the Bingaman amendment treats electricity generators differently—large private utilities are covered, but, inexplicably, public electricity generation is exempt, at least for the present.

Finally, adopting a mandated federal renewable quota will establish a framework for additional market interference in the future, such as by raising the percentage of the portfolio or extending the mandate to other electricity generators or other energy users. Such portfolio mandates fly in the face of the goals of reasonable electricity policy—to increase competition and efficiency in the electricity market and to lower consumer costs.

We urge you to vote for the Kyl/Miller amendment to eliminate mandated federal renewable portfolio standards and replace them with a provision that encourages the States and their citizens to determine their own goals for renewable energy sources. Please support the Kyl/Miller amendment to forge a sound energy policy that will promote economic growth and prosperity for all Americans.

Sincerely,

The Adhesive and Sealant Council, Inc.
American Chemistry Council.
American Iron and Steel Institute.
American Paper Machinery Association.
American Petroleum Institute.
American Portland Cement Alliance.
American Textile Manufacturers Institute.
Association of American Railroads.
Edison Electric Institute.
Electricity Consumers Resource Council.
National Association of Manufacturers.
National Electrical Manufacturers Association.
National Lime Association.
Naitonal Mining Association.
Natural Gas Supply Association.
U.S. Chamber of Commerce.
National Restaurant Association.
US Oil & Gas Association.

Mr. KYL. Second, if I could, I would like to make a couple of points in conclusion and then respond to any questions or comments that Senator BINGAMAN would like to make, and I also want to hear what our ranking member, Senator MURKOWSKI, wants to say because I know he and I were both looking forward to having an opportunity to work on this issue in the Energy Committee. As I noted, we didn't have that opportunity.

I appreciate what the Senator from Georgia just said. As a former Governor of the State, he appreciates, probably more than most of us, the responsibilities of the publicly elected officials and the need to know what works and what does not work in any given State and what is fair for the people within their State. That is really the basis for the Kyl-Miller amendment: to allow the States to determine what is in their best interest.

I note that in more than 90 utilities across the country there is already a green pricing policy, what they call green pricing, which allows consumers to request and pay for the cost of this green power. In other words, they can say, I want 50 percent of my power to come from renewable sources, or whatever it is, and whatever the cost of that is, the utility is required to provide that power to them and charge that cost to them. That is a customer's option.

That is one of the specific provisions in the Kyl-Miller amendment. Obviously, this would be preempted, as with the other State programs, with the underlying Bingaman amendment.

I also make the point that I did not make earlier, which is that the administration, Secretary Spencer Abraham specifically, has told me he is supportive of the Kyl amendment and not supportive of the Bingaman proposal.

Another thing I want to do is make the point that section 263 of the bill allows the Federal Government to purchase a percentage of its electricity from renewable sources—I am quoting now—''but only to the extent economically feasible and technically practicable,'' and the minimum required purchase is 7.5 percent, while section 265 imposes a 10-percent mandate on private utilities, and it does not include the ''economically feasible and technologically practicable'' waiver. So again, there is another double standard here. The Federal Government is not required to do as much as

the private utilities are required to do and has a special waiver that it can exercise. If this is such a great idea, why wouldn't we apply it to the Federal Government just as much as we would to the private sector? I do not really have an answer to that.

I make a point, too, that with respect to the cost-benefit analysis, one of the concerns I have had is that the ability of States to provide power through renewables is not without tradeoff. I will show you a couple charts that illustrate this point.

In the case of the Southwest, where we have a lot of sunshine, maybe this is the ''Saudi Arabia for solar power,'' but it is at significant cost. This chart illustrates the fact that you are going to have to have an enormous quantity of desert covered with these reflective mirrors, about 2,000 acres of solar panels, it is estimated, to produce the energy equivalent to 4,464 barrels of oil per day. Two thousand acres of ANWR would produce a million barrels of oil a day. So for the equivalent 2,000 acres: In one case, you get a million barrels of oil, and in the other case you get the equivalent of 4,400 barrels of oil.

It would take 448,000 acres, or two-thirds of the entire State of Rhode Island, of solar panels to produce as much energy as the 2,000 acres of ANWR that are available for energy production here.

I do not know exactly how many square miles, but one of the assessments was it would take 2,000 square miles to produce the same amount of energy that would be produced by a nuclear generating facility. If that is true, you would have a corridor 5 or 10 miles wide on either side of the highway all the way from Tucson to Phoenix with these reflective mirrors. I have not done the environmental analysis of that. I know it would not be very attractive. I do not know what the other costs to the environment would be. But that is the problem. We have had no environmental analysis.

The same problem exists with respect to wind generation. Wind generation, we understand, has certain environmental consequences. It is not very friendly to birds, although with more and more of the Federal subsidy, they have been working on ways to design the propellers so they turn more slowly and therefore give the birds a little bit better chance.

But 2,000 acres of wind generators produce the energy equivalent to only 1,815 barrels of oil each day; again, compared to a million barrels of oil that would be produced out of the same number of acres in ANWR. It would take 3.7 million acres of wind generators, or all of the States of Connecticut and Rhode Island combined, to produce as much energy as just 2,000 acres of ANWR.

Now the 2,000 acres, we have said before, is roughly the equivalent of Dulles International Airport. So you can get an idea, if you take Dulles Airport on the one hand and the States of Connecticut and Rhode Island on the other hand, you get a little bit of an idea of some of the tradeoffs involved. I do think there has been adequate consideration of the kind of tradeoffs that would be required to produce the massive amounts of energy that are called for under this legislation as a substitute for other ways of producing power.

As I understand it, the way the Bingaman amendment works is that each public power, or, that is to say, investor-owned utility supplier, would be annually required to report to the Secretary of Energy several facts: One, how much their electric retail load is; what percentage of that was produced by renewable fuels; how they acquired that renewable fuel—was it by production purchased through a wholesaler or renewable credit, or in whatever form it was—and then there would be an audit done. In the first year, it would be 1 percent required, the year 2005; and it would escalate to 10 percent by the year 2019.

You would exclude the eligible renewables, municipal waste, and hydro from that, and the credits would have to be from sources other than existing hydro. The only way you could get additional hydro, or any hydro credit, would be if you did something such as rewinding the generators or, in some other way, added to the efficiency of a particular unit.

As I said earlier, you could acquire, at a 200-percent market cost, a credit from the Department of Energy as well, even though energy would not be producing any new power. What would the cost of this be?

According to the Energy Information Administration of the Department of Energy, you are looking at a cost, starting in the year 2005, of about $2 billion, escalating, by the year 2020, to a cost of about just a little bit under $12 billion per year. And most of that would be from production. There would be a small amount through penalty payments because of the assumption not a whole 100 percent of the production could actually be achieved at that point. Every year thereafter, for the next 10 years, you would be paying $12 billion a year. So you are talking about $88 billion of gross cost, in addition to $12 billion each year thereafter until the year 2030. That is a lot of money that would have to be paid by the retail customers of the utilities.

Just a couple questions, and then I will give Senator BINGAMAN a chance to respond and perhaps answer some of these questions.

I made the point before that it does not appear to me the generation of the renewables is required to be within the State in which the electricity is sold. So, presumably, you would have a credit trading system throughout the United States. And I do not even see a limitation to power produced in the United States. As a matter of fact, as I understand it, as drafted, incremental hydro from B.C. Hydro would count, and then a retail supplier from the United States could use that as a required percentage to be achieved under the legislation.

One of the concerns—I guess another question I would have—is whether there is actually a reverse incentive not to produce power with renewables. I know that is the intention of the sponsors of the amendment. But I think it could quite work in exactly the opposite direction. Because of the tradeable credits that are being created under this legislation, you would actually have an interest in withholding those credits from the market and even preventing the siting of any new generation.

Here is the concern I have for those of us who are in the West where there is some potential for some new generation. In my State of Arizona, in the State of Nevada, in the State of New Mexico, and others, a very large percentage of the land is owned by the U.S. Government. In the State of Arizona, only 12 percent or 13 percent of the land is privately owned. Another 12 or 13 percent is owned by the State. The rest is held in trust by the U.S. Government. In Nevada, it is approximately 90 percent.

You would have to have a lot of permits to cross Nevada Federal lands for either the generation or the transmission. Every action is a Federal action. They have to have an environmental impact statement. And the opportunities to prevent the establishment of energy generation and transmission throughout the Western United States are substantial.

I suspect there would be an incentive on the part of those who have a monopoly on the generation of this power right now to maintain that monopoly by finding ways to throw roadblocks in the way of the production of this power, especially those States, as I said, where there is substantial Federal land-ownership such as my State of Arizona. Both because there would be an incentive to withhold the credits from the market in order to enhance their value and because there would be the natural tendency to use the Government yet again to advance economic purposes by withholding approval of competitive generation, I suspect there could be actually a diminution in renewable generated power than an enhancement of that power.

I am especially sensitive to the concerns of those from California who charge that there was a deliberate attempt to withhold energy from the California market which jacked up the prices there. And we all know that California consumers suffered as a result of much higher prices just 1 year ago.

These are some of the concerns and questions I have. I am anxious to understand how the amendment is intended to work and how it could be made to work in such a way that it would not be as costly as I indicated; how it would not be discriminatory;

how it would not preempt the States that already have programs such as this, that I indicated; how it wouldn't impact the environment in a negative way; how it would not result in the trading of credits to the detriment of the retail purchasers in States that would have to buy those credits; and, in fact, how it would work in States such as Maine where you already have a very high percentage of renewable energy required, 30 times the amount that is required in my own State of Arizona. Yet there would not be any credit for the sale of that to other States, notwithstanding their high production from renewable energy.

To cite an analogy, one of my staff members said he didn't quite understand why this was such a great idea. I tried to explain it to him. He said: I still don't understand. Grapefruit is really good for you, but I don't quite understand. Should the Federal Government then pass a law that mandates 10 percent of all the fruit sold in the country be grapefruit?

He said: That might help my State of Arizona because we grow a lot of grapefruit. I guess we could set up a trading deal where people in New York would have to buy a credit since they couldn't actually produce grapefruit. Since it is so good for you, if I am in a preferred position politically, I might have the clout to pass a law that says that 10 percent of the fruit has to be grapefruit. That might be a good idea.

I really don't think that it is any business of the Federal Government to impose that on the American people. Let the free market work. Let's get back to deregulation. That is what this whole electric section of the energy bill was supposed to be about in the first instance: To deregulate, to reduce cost; not to reregulate and increase costs; to provide more local control of the situation, not more Federal control.

This underlying Bingaman amendment goes exactly in the wrong direction, which is why Senator MILLER and I have proposed an amendment to require the States to look at this but not require them to impose any particular percentage mandate. Let's let each State decide what is best for their local retail electrical customers. If after a period of years that we carry these significant tax credits, where we are promoting renewables, we still haven't gotten to the point where people think we need to be, we can take another look at this.

My guess is we are going to continue to march on to produce as much of this energy as we can in an economic and feasible way, and the percentage is going to increase over time. And we can at that time determine whether we want to replace some of the existing generation with this kind of new generation.

Now is not the time to be imposing this kind of requirement on the country with its additional costs, with its discrimination, and with so many questions that could have been answered, had we done this in committee, that obviously have not been answered.

I ask my colleagues to support the Kyl amendment. Let's lay this Bingaman amendment aside, see how things work for a while before we try to regulate the market with a brandnew, very costly and discriminatory Federal mandate.

Mr. MURKOWSKI. Mr. President, I wonder if the Senator will yield for a question.

Mr. KYL. I am happy to yield.

Mr. MURKOWSKI. I didn't hear all the debate. Do I understand that there is nothing in the Bingaman-Daschle bill that would prohibit a scenario that would suggest that maybe the Three Gorges dam, which is in the process of being completed and would classify perhaps as an incremental renewable, could theoretically sell credits to U.S. firms that would need credit in order to comply with a 10-percent mandate by the year 2020; so this is not limited to just encouraging U.S. construction and development of new renewables that would give them credit?

Mr. KYL. Mr. President, I asked the question of the staff people, who have read and reread and reread the underlying bill and the Bingaman amendment, if there was any limitation on from where the credits came. And they told me they could find none. There is no State limitation, no border between the United States and Canada, or other border, so that indeed you could end up with a worldwide credit system, not just one as among the different States of the United States.

Mr. MURKOWSKI. And a follow-up to that: As an example, I have been over to the Yangtze River. I have seen the construction of the Three Gorges dam. It is truly one of the largest construction projects in the history of the world, much like the projects that occurred on the Columbia River in the 1930s where we attempted to reduce flooding and combat the tremendous source of energy.

But my question is, With the potential credits available to them because of the size of that project, wouldn't it be attractive to acquire these credits at a relatively inexpensive price rather than putting in renewables that would be mandated by the amendment?

Mr. KYL. I say to the Senator, I think he is on to something here. That is really a third reason why there would be a disincentive to produce new renewables here in the United States. The Senator is quite right. There would be an incentive to acquire those credits from abroad because you could undoubtedly do it much cheaper because there would be so much hydroenergy produced out of this dam.

Of course, Senator BINGAMAN can answer this question, but under his amendment, if we were—obviously, we will not be able to do this—able to build a dam here in the United States, you would not be able to get any renewable credit from that. The only way you get any credit from hydro would be if you went back in and made the generator more efficient. Then all you would get is that incremental improvement in output in terms of renewable credit.

As I understand it, the Three Gorges dam is essentially constructed, but the generation equipment has not yet been embedded in it. Therefore, if that is the situation when the bill becomes effective, that would qualify as incremental electrical generation above and beyond what the dam produced on the effective date of the act.

Mr. MURKOWSKI. That is something I think we should bring out in the debate, and perhaps we can get enlightenment. Clearly, I am sure that is not what it was designed to do. The obvious objective was to try to encourage renewables being built and not to acquire credits that might be relatively inexpensive.

I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will be very brief. I rise to make a couple of comments in response to the presentation by the Senator from Arizona. He has clearly thought through this and done a fair amount of homework. He brought some charts with him and gave some examples of why he thinks this is bad legislation.

I think he makes a terrible mistake by suggesting that this is not national in scope. The implication of the proposal by the Senator from Arizona is to say: If it is to be done, let's let the States do it. This is not something that ought to be a matter of national policy.

Let me make a couple of comments about that. We would have had the same kind of discussion over 20 years ago when we first discussed the Clean Air Act in Congress. People said: Let's leave it to the States. This isn't something we ought to do nationally. This is not a national responsibility or a national goal. Let the States do it.

We didn't do that. We said: As a matter of national purpose, this country deserves clean air. We passed clean air standards. Why? Because the Congress demanded it and said: This is a matter of national purpose and a matter of developing national standards, and national aspirations for our country.

On the issue of energy, the question is: Are we going to write a national energy bill and have an energy policy that turns the corner and moves us in a different direction in certain areas—Yes or no? It is not a question of can we do it. We can. The question proposed by the Senator from Arizona is, Should we do it? He says no.

Now, can we do it? Let me show you this chart. This is from the U.S. Department of Energy's National Renewable Energy Laboratory. This chart shows the biomass resources in this country. The dark shades of green represent the potential kilowatts per county in America. Solar, geothermal,

and wind resources: all of these represent real potential to extend America's energy supply with renewable energy.

Now, it is perfectly reasonable for someone to say, I don't think we ought to do it. I don't think it is a matter of national policy. It is a perfectly reasonable position—wrong, but reasonable.

If we are going to address energy policy in the Senate, then we have to begin describing a new policy, and we have to begin describing it as a sense of national purpose.

I recall a story about Mark Twain being asked to debate. He said he would be happy to debate as long as he could be on the negative side. They said: You don't even know the subject yet. He said: The negative side requires no preparation.

The affirmative proposal that is offered by Senator BINGAMAN is to develop a renewable portfolio standard. That is an affirmative proposal. Why? Because it will advance the interests of this country, extend America's energy supply, reduce our reliance on foreign energy, and improve America's security.

What are the consequences of doing nothing? My colleague mentions the free market. The free market has allowed us to import 57 percent of our oil supply from overseas, largely from Saudi Arabia. Is that the free market that helps this country? I don't think so. I think it makes our country and our economy more dependent on an oil supply that comes from one of the most unsettled areas in the world.

What if, God forbid, tomorrow morning a terrorist should shut off that supply of oil from Saudi Arabia and Kuwait to the United States? Our economy would be flat on its back. If we wake up tomorrow morning at 6:30 and turn on the morning news and discover that, God forbid, somebody has interrupted this flow of energy from the Middle East, our country's economy is going to be flat on its back. We all know that this puts America's economy in jeopardy. That is why, as we develop a new energy policy, it is incumbent upon us to look at these new approaches.

The renewable portfolio standard can be controversial, yes, I understand that. Every new idea is controversial. But it is essential to pull this new policy along and to say that it is good for our country, good for our economy, and good for American security. That is our requirement in the Senate.

Now, my colleague from Arizona said that the State of North Dakota doesn't have a renewable portfolio standard. That is true. It should. I am not in the State legislature. If I were, I would propose it. But North Dakota doesn't have an RPS. That is precisely why we need a national policy. Some might have an RPS at the State level; some states might not. Some might care about it; some might not. Some might think it would be fine to go from a 57-to a 70-percent reliance on foreign oil. Some might think that is fine because the cheapest oil in the world comes from the Persian Gulf. But it is not fine. We all understand that. It puts our economy in jeopardy. It imposes on our national security in a very significant way.

So the question is not, Do we understand these things? The question is, Are we as a Congress going to do something about it? Are we really going to decide there are certain national energy goals and aspirations that we have as a country?

Let me end as I began. We have had this debate before. We had this debate on clean air and clean water standards over two decades ago. We had people who didn't want those standards. ''Don't you dare impose these burdens on State and local governments,'' they said. Good for those policymakers. Good for them for having the courage to say, let's do this as a country, let's make progress in addressing this national issue.

That is exactly what the Bingaman renewable portfolio proposal in this energy bill is designed to accomplish. It says, let's address this issue, let's aspire to higher goals, let's understand that energy comes not just in a pipe or by digging it out of the ground. It comes from the sun, wind, biomass, and geothermal resources. There isn't any reason that this country ought not aspire to do more in these areas. That is what this standard is about.

As I said, it is easy to take the opposing side. It is more difficult to assume the responsibility to be on the affirmative side. But the affirmative side here is saying, let's do this as a country. That is the right side.

I hope when the Senate finishes this debate, it will say, yes, this is the right thing to do—not State by State, but as a nation. This is what we aspire to do as a nation, to extend our energy supply, to make us less dependent upon Middle East oil, and to use limitless and renewable sources of energy to help strengthen our country.

I yield the floor.

Mr. MURKOWSKI. I wonder if my good friend will yield for a question.

Mr. DORGAN. I am happy to yield for a question.

Mr. MURKOWSKI. I appreciate that. We have had a long relationship on energy matters. I look with interest at the chart the Senator has displayed. The one thing that strikes me is the areas. Obviously, the areas that can generate solar relatively efficiently is the South and Southwest, as indicated by my colleague, with the red concentrated area, including Arizona and New Mexico. To some extent, that leaves the rest of the country without the same potential advantage.

I find it rather curious, in looking across from the solar down to geothermal, most of that is on the west coast, in California. There is not much on the east coast. The wind, on the far right of the chart, suggests that the northern areas along the Canadian border, and other areas, have a predominance of wind. Of course, the green is the biomass.

If we address the combination of circumstances on how we resolve our energy crisis and address renewables, there seems to be a tradeoff, because I am sure the Senator from North Dakota would agree that the biomass concepts suggest burning carbon, and we can address that through technology. Nuclear, of course, would not show any significant emissions.

The problem I have is that portions of this bill do not really get us there from here. For example, in this bill, we are prohibited from using any timber products from public land sales, with the exception of preconditioned thinning. So I can refer to the language specifically. It says:

> With respect to material removed from national forest systems land, the term biomass means fuel and biomass accumulated from preconditioned, thinning slash and brush.

So I take that to mean there would be a very narrow use of any of the products from public lands. In my State, we are all public lands, so we could not develop biomass because we can't use the slash, the bark, any of the remains for biomass. I think that is an effort in this legislation. I ask if my colleague agrees with me or not, where clearly we have an oversight, because that doesn't allow some States that really have no private or State timber to utilize the waste for biomass production. Is that not kind of an inconsistency?

Mr. DORGAN. My colleague from New Mexico will speak next and will describe some of the policies with respect to public lands.

I say this to the Senator from Alaska. If you take a look at this chart—the import of this chart—it shows a fairly balanced representation across the country, to be able to achieve limitless, renewable sources of energy that we don't really aspire to harness these days. We are trying to see if we can pull the country along with a national standard to actually harness energy from these renewable resources.

I understand there are some concerns about certain areas of the portfolio standard, and we can have some discussion about those concerns. But I do believe that the principle here to aspire to have the country using more renewable energy.

The Senator from Arizona, I think, toward the end of his presentation, described his real objection. It is not with some problems over resources on public lands.

His problem is he believes that we ought not to mandate anything and that the free market ought to help increase our use of renewables. That is the underlying objection.

I do not know whether the import of the question of the Senator from Alaska is——

Mr. MURKOWSKI. In my State of Alaska, for example, I am precluded by

this language, and I am going to have to go out——

Mr. DORGAN. Let me finish my thought. I have the floor, Mr. President.

Mr. MURKOWSKI. I am going to have to go out and buy credits which is not——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. My point was this: If the Senator from Alaska is saying he has some concerns about timber, but he believes there ought to be a renewable portfolio standard, that is one thing. My point is the author at the end of his presentation said: I do not think we ought to impose a mandate on the States. This should be left to the States, No. 1, so it is not a national policy to embrace. Second, let's let the free market handle this.

My response to that is, the free market has gotten us to the point where over 50 percent of our oil is imported, mostly from Saudi Arabia. If you think it strengthens national security, good for you. I am not saying you believe that. No one believes we are in the position of increasing our national security by increasing the amount of oil that comes from the most unstable part of the world.

That is the point and the reason we need a renewable portfolio standard.

Mr. MURKOWSKI. I assume the Senator from North Dakota is aware that some of the predominant wind areas are in my State of Alaska in the high Arctic. I suggest there is little enthusiasm for putting up windmills associated with the Arctic National Wildlife Refuge where there is lots of wind. We have inconsistencies in this. We expended $7 billion in renewables, and now we are talking about a mandate that is going to cost the consumers of this country a considerable amount of money. The problem I have with the bill is we have not had this kind of conversation, as the Senator knows, in the committee process. We are doing this on the floor, and that is difficult.

The problem I have with this particular application of the chart is the inequity associated with what is good for the Southwest does not necessarily address what is good for the east coast or the South.

The PRESIDING OFFICER. Senators are advised that the Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, let me make a final point that I think is important. The mandate here is going to strengthen this country's national security and energy security. We can decide to do nothing. We can decide, as my colleague from Arizona has, that we ought to essentially ignore this and let State-by-State judgments be made. We can decide that whatever the free market determines is our future. But that, in my judgment, does not resolve the need for a national energy policy that stretches this country and moves it in a different direction—one that I believe will strengthen national security by reducing our reliance on foreign oil.

Does anybody in the Senate want to stand at their desk in the Senate and say: We really think it is good for the country, we really believe it strengthens America's national security to have 57 percent of our oil coming from the Middle East or from foreign sources? Is anyone missing what is happening in the Middle East these days? Does anybody believe it does not injure our national security to be so dependent on that source of oil?

If you believe—and I think almost everyone in this Chamber does believe—it actually hurts our national security to be that dependent, then we ought to strive as a nation to find ways to change that. I am not talking about Arizona, Alaska, North Dakota, or New Jersey by themselves. The Nation ought to strive to back away from that dependency.

If my colleagues believe that, the question is, What is the menu of changes that allows us to reduce our dependence on foreign oil?

One answer is the Bingaman proposal in the energy bill that aspires to have a renewable portfolio standard of 10 percent; 10 percent coming from renewable, limitless sources of energy.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. REID. The Senator is aware, I am sure, that out of all the petroleum reserves in the world, the United States has 3 percent, and the rest of the world has 97 percent. Is the Senator aware of that?

Mr. DORGAN. Yes.

Mr. REID. Is it pretty fair to state it is very difficult for us to produce our way out of the problem we have with petroleum products?

Mr. DORGAN. I say to my colleague from Nevada, that is the case. We cannot produce our way out of this problem. We certainly can produce. We had a vote in the Senate about production in the Gulf of Mexico. I supported that. I also support incentives to increase production of oil and natural gas.

Yes, I do think we have to increase production and do it in an environmentally sensitive way. We have to do a lot of other things and do them well as a matter of national policy. That is the point of having an energy policy debate on the floor of the Senate.

If, in fact, the result of an energy policy debate is to say let the States do whatever they want to do, that is a kind of yesterday-forever strategy. Members of the Senate will, 25 years from now, be having the same debate. The suits will have changed, the names will have changed, and the people occupying the desks in the Senate will have changed, but nothing else will have changed.

Mr. MURKOWSKI. Will the Senator yield for another question?

Mr. DORGAN. I will be happy to yield.

Mr. MURKOWSKI. I wonder if the Senator can explain to me how any of the examples he has given on that chart will significantly reduce our imports of oil from foreign nations? He is talking about the generation of electricity from these sources, but we do not move out of Washington, DC, on hot air. It takes oil. There is no oil associated with those particular examples.

We have to be careful in our definition of energy. There are many kinds of energy. The Senator is absolutely right, those are important alternatives. But to suggest somehow this is directly related to reducing our dependence on imported oil, I think the Senator would agree with me there is very little coalition there because we are talking about two different things.

Mr. BINGAMAN. Will the Senator yield for another question?

Mr. DORGAN. Let me say, I do not agree with him, but I will be happy to yield for a question.

Mr. BINGAMAN. Will the Senator from North Dakota acknowledge one reason why we are interchanging these various issues of wind power, solar power, and oil is because the Senator from Alaska has been using charts for the last 2 weeks that try to equate the two and try to make the point that we have to keep drilling more and more of Alaska in order to avoid using wind power?

Mr. DORGAN. Not just the Senator from Alaska, but the Senator from Arizona, in the points he made toward the end of his presentation, specifically talked about the size of the devices to gather solar energy that would be required to offset X amount of oil. I believe it was 2,000 acres, something the size of Dulles Airport.

He said: Here is the amount of wind energy; here are the number of wind turbines it would take to offset a certain amount of oil.

The point is, when we talk about a renewable source of energy, we are talking about electricity. That is the case. How do you generate electricity? You generate it through electric generating plants. We can put coal in them, use natural gas—there are a number of ways to generate electricity.

Our colleague, for example, from Utah, now drives this hybrid car I saw parked in front of the Capitol yesterday. His car uses less petroleum, because it runs, in part, on battery-powered electricity.

Renewable and limitless sources of energy will help us reduce our supply of imported oil. I am not suggesting, and I would not suggest, that doing all we can on renewables takes us far down the road in relieving us from the substantial amount of oil we now receive from abroad. I am not suggesting that at all.

I do believe, especially in the area of production of electricity, we have opportunities to do things in a different way. The question in the Senate is, Do you want to do that or don't you?

Some say, no. The same attitude prevailed, as I mentioned, on the clean air and clean water debates about 20 years ago with respect to this energy debate.

My hope is that at the end of the day on the Kyl amendment we will vote no and say we really do want to be involved in a different way with respect to production of electricity.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. Just a few miles out of Las Vegas—I explained this to the Senator, and I want to see if he remembers this—we are going to build a wind site at the Nevada Test Site. We have permission from DOE to do that. Within 2½ years, that will be producing 260 megawatts of electricity, enough to satisfy the needs of 260,000 people in Las Vegas.

Will the Senator agree that is a pretty good step in the direction for wind energy?

Mr. DORGAN. A leading question, but of course I agree. Take a quarter of an acre of land, put on it a 1-megawatt, new, very efficient wind turbine, and produce electricity that is used to power 1,000 homes. Pretty good deal? I think so. With 160 acres of land, especially with the new turbines, you can produce electricity for nearly 160,000 homes in this country.

My point is, this is the right thing to do. Let's do it as a matter of national policy. Let's establish a national renewable portfolio standard.

Let me finally say, as I conclude, I understand it is controversial. I understand why some people do not want to do it. In fact, there are some people who have never wanted to do anything for the first time. I understand that, too. But if we are talking about national energy policy, and we end the day in the Senate having done nothing that is new, then we have only postponed for another 25 years a debate that is identical to the one we are having today, and we will find ourselves in exactly the same situation. Let's hope between now and then we do not encounter some dramatic circumstance that really shuts off the supply of energy that is critical to our country.

Mr. REID. Will the Senator yield for one last question?

Mr. DORGAN. Yes.

Mr. REID. The Senator's predecessor, Quentin Burdick, I remember once when he came back from North Dakota in February. I read in the papers and saw on the news there was a terrible storm in North Dakota. I said to him: That must have been a bad weekend, Senator Burdick.

He said: Bad weekend? It was a good weekend. I love that weather. The wind blows there all the time, and we like the wind.

I say that to remind the Senator from North Dakota, as he said earlier today, the Saudi Arabia of wind is North Dakota. I can see that from the map. I never realized, even though Senator Burdick told me the wind blew there all the time, he was really right.

I have said in this Chamber, if one looks at geothermal resources, the Saudi Arabia of geothermal is Nevada. So I would hope Nevada—we have a lot of wind. We do not nearly match what happens in North Dakota, but it is not bad. I hope when we complete this legislation there are some goals set whereby the potential of Nevada with geothermal and the potential of North Dakota with wind can be realized.

Is that what the Senator is saying, simply that we should set some marks and guidelines and try to reach them?

Mr. DORGAN. That is exactly the case. We have the potential to do things in a different way, and we ought to use that potential. Now we can decide to ignore it, as my colleague from Arizona would have us do, or we can decide to embrace it, believing it will strengthen this country and move us toward greater energy security.

I believe it makes sense to take the natural, renewable resources that exist and produce energy from them. I do not want the Senator from Nevada to leave this Chamber somehow describing to others that North Dakota has bad weather. That certainly should not be a conclusion that is left. North Dakota is a wonderful State. It has perhaps more sunshine than the State of Nevada. We have a little bit of a breeze, and it is fairly constant. That is why it ranks well in wind energy. It is a great State, with a great temperature, and a great climate, and the Senator from Nevada should visit it more often.

The point is, we also have the opportunity to, from that general breeze I have described, capture the energy and use it to extend America's energy supply, just as is done with geothermal in the Southwest, biomass in the East, and solar resources in much of the country, especially the Southwest.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I think the expectation was I would speak at this point in response. I know Senator JEFFORDS from Vermont has been waiting to speak, and I will allow him to go ahead at this point. Then Senator VOINOVICH will follow Senator JEFFORDS, and then I will respond after Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I listen to this debate and at times it gets discouraging because I was around 27 years ago when the cars were lined up trying to get gasoline and the people of this country were absolutely ballistic about the fact that we were hostage to the oil suppliers in the Middle East.

We did some authorization in the hopes we would build an energy supply and this Nation would make it so that those kinds of situations would never occur again. Here we are, with the recognition of the volatility in the Middle East, again ignoring the possibility of moving forward to ensure we do not become subject to that kind of control by the Middle East.

So I oppose very strongly the practical effect of Senator KYL's amendment. The practical effect will be to remove all renewable energy production from this bill. It would strike the modest 10 percent provision in the underlying Daschle bill and leave us with effectively nothing. It would strike the 10 percent renewable energy standard, even though most recent studies by the Department of Energy estimate that a 10 percent national renewable energy standard would cause consumer energy prices to decline by almost $3 billion by the year 2020. It is hard to understand why we would not want to encourage clean energy, energy which causes our consumer costs to go down.

The amendment before us, however, says no to clean energy, no to reducing carbon dioxide, no to reducing smog and acid rain, and no to assisting our American companies to expand domestically and to compete in the thriving international market.

I cannot support this amendment. It simply is not an option for me to go home to my State of Vermont and tell them I have done nothing to try to slow the flow of emissions from fossil fuel powerplants into Vermont's air and water. Remember, this is an air pollution problem as well.

As chairman of the Environment and Public Works Committee, it is not an option for me to ignore the fact that electricity production is the leading source of carbon dioxide emissions in this country, accounting for over 40 percent of that total. I cannot be blind to the fact that the powerplants contribute significantly to emissions of sulfur dioxide, nitrogen oxide, and mercury. These pollutants greatly increase asthma, lung cancer, and other health risks, and contaminate our air and our water. We must enhance production of clean, domestically produced, renewable energy in this country, and we can.

The amendment offered by my colleague from Arizona would reject all Federal renewable energy standards and instead require utilities to offer consumers energy from renewable resources. It would also allow States to continue to establish State standards for renewable energy.

States already are establishing State renewable energy standards, and utilities are already offering consumers green energy. Federal legislation along that line is already happening. It is not necessary. Even if such legislation were needed, it would not be enough. We would still have a national renewable energy shortage. We would have no standard.

A nationwide standard would address the reality that electricity is generated on a regional basis. Many State standards require that renewable energy credits come from energy generated from within State boundaries. A national renewable standard would enable

utilities to meet requirements by purchasing and selling renewable energy outside of the State boundaries. A national renewable standard would therefore guarantee broad, long-term, and cross-regional renewable power generation.

To date, only 12 States have established State renewable energy mandates, although others are actively considering them. A national standard would increase renewable energy production, thereby expanding environmental and health benefits and facilitating greater market entry of renewables into the energy sector.

As is indicated by this chart, public opinion polls constantly show that an overwhelming majority of voters nationwide favor requiring power companies to generate electricity from alternative energy sources. A 2002 survey conducted by the Mellman Group found that 70 percent of those surveyed favor requiring power companies to generate 20 percent—that was my amendment awhile back, which received a pretty good vote—from renewable sources, even if it would raise their monthly electricity bills by $2 or more.

Polls conducted by Texas utilities show consumers are willing to pay as much as $5 per month to receive energy from renewable sources. This is almost five times as much as the Department of Energy has found that the national renewable energy standard of 20 percent would cost consumers.

Without a strong provision to expand the use of renewable fuels, I have to question why we are here at all. If all we are doing is continuing business as usual, we might as well finish up and go home. We do not need massive new legislation simply to preserve the status quo. Before we do that, however, I think we need to remember that renewables will not only help clean our environment and provide countless new high-tech jobs, they will also diversify our energy use. In our current security conscious environment, that is worth doing.

Mr. President, I ask unanimous consent to have printed a letter written to myself and other Members by several former national security experts regarding a contribution of renewable portfolio standards to our national energy security.

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

SEPTEMBER 19, 2001.

Senators THOMAS A. DASCHLE, TOM HARKIN, ROBERT C. BYRD, CARL LEVIN, JEFF BINGAMAN, JAMES M. JEFFORDS, MAX BAUCUS, JOSEPH R. BIDEN, JR., TRENT LOTT, RICHARD LUGAR, TED STEVENS, JOHN W. WARNER, FRANK H. MURKOWSKI, ROBERT C. SMITH, CHARLES E. GRASSLEY, JESSE HELMS.

DEAR SENATORS: Americans are aware of the enormous and complicated tasks ahead in dealing with the consequences of the unprecedented September 11th attack against our Nation.

There are many corrective actions that require lead-times that could be months or even years. But, there are actions that can and must be taken now. One of those critical actions is to advance America's energy security. The Congress will soon act on that issue.

It is not enough just to ensure uninterruptible supplies of transportation fuels and electricity. We must also act to advance the security of those supplies, and the nation's ability to meet its needs in all corners of the country at all times. Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks.

Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges. Fortunately, technologies to deliver these supplies have been advancing steadily since the Middle East fired its first warning shot over our bow in 1973. They are now ready to be bought, full force, into service.

But, while the U.S. Government has committed intellectual and monetary resources to developing these technologies, the status quo marketplace is unwilling to accommodate these new supplies of disbursed and renewable fuels and electricity. Speedy action by the Administration and the Congress is critical to establish the regulatory and tax conditions for these renewable resources to rapidly reach their potential.

Fortunately, such actions are under consideration by the Energy, Environment, and Finance Committees. We urge the Energy Committee to immediately adopt the Renewable Portfolio Standard (for electricity) as well as provisions to ensure ready interconnection access to the electric grid, and cost-shared funds to the state public benefit funds to continue essential support for emerging technologies and the provision of electricity to the truly needy. We urge the Environment Committee to immediately adopt the Renewable Fuels Standards in conjunction with measures to deal with environmental issues. Finally, we urge the Finance Committee to immediately adopt residential solar credits and renewable energy production tax credits, including a provision for fuels (liquid, gaseous and solid fuels), or their Btu equivalent, similar to the fuel provision tax credit made available in Section 29 of the Internal Revenue Code.

These actions will also develop new industries and jobs, strengthen communities, enhance the environment, and assist in the stabilization of greenhouse gases. On the transportation fuels issue, ethanol, biodiesel and other biofuels will slow the flow of dollars to the Middle East, where too many of those dollars have been used to buy weapons and fund terrorist activities.

Consequently, we also recommend a major and concerted effort to assemble the talent and resources needed to launch a ''Liberty Ship'' type program to convert agricultural wastes and cellulosic biomass into biofuels, biochemicals and bioelectricity. The technology to do so is in place; all that is lacking is the political will to deploy it.

Sincerely yours,

R. JAMES WOOLSEY,
Former Director, Central Intelligence.

ROBERT C. MCFARLANE,
Former National Security Advisor to President Reagan.

Admiral THOMAS H. MOORER, USN (Ret),
Former Chairman, Joint Chiefs of Staff.

Mr. JEFFORDS. On September 19, shortly after the attacks on the World Trade Center and the Pentagon, James Woolsey, former Director of the CIA, ADM Thomas H. Moorer, former Chairman of the Joint Chiefs of Staff, and Robert C. McFarlane, former National Security Adviser to President Reagan, sent a letter urging in the strongest possible terms that we must take immediate action to address our energy security.

One portion of the letter reads:

Americans are aware of the enormous and complicated task ahead in dealing with the consequences of the unprecedented September 11 attack against our nation. . . . There are actions that can and must be taken now. One of these critical issues is to advance America's energy security. . . . We urge the Energy and Natural Resources Committee to immediately adopt the renewable portfolio standard.

Mr. President, I urge my colleagues to join with me in heeding this advice from the great leaders of our Nation who know best why we should do this. I strongly disagree with the amendment offered by Senator KYL.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I rise today in support of the amendment offered by my colleague, Senator KYL. I ask unanimous consent I be made a cosponsor of this amendment.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I applaud the efforts of my colleagues on the other side of the aisle to encourage the use of renewable electricity generation. I agree that renewable energy is an important part of the future and should be developed. I also strongly believe renewable energy sources are vital as this country seeks to diversify energy supplies and decrease our dependence on foreign sources to meet our energy needs.

However, I cannot support the renewable portfolio standard included in the underlying amendment because it mandates unrealistic levels of renewable usage in a short period of time at the virtual expense of all other sources of electricity generation. Instead, I believe the amendment of the Senator from Arizona is a reasonable approach to making renewable energy a greater piece of our overall energy mix. One point that seems to get lost in the debate over the use of renewables is America relies very little on renewable sources of energy right now and will for the foreseeable future.

This chart shows a breakdown of how our electricity is generated today. Coal contributes 52 percent; nuclear energy is 20 percent; natural gas is 16 percent. For all electricity generation by renewables nationwide, and that includes geothermal, hydro, biomass, as well as wind and solar, the total generation is only 9 percent. When that is broken down, hydro is 7.3 percent of the renewables; biomass, wood, waste, and others is 1.1 percent; geothermal is .4 percent; and wind and solar is .2 percent.

This last number is important, since a number of my colleagues have put

quite a bit of faith in solar and wind power. However, the American consumer does not appear to share that enthusiasm which is evidenced by the fact that wind and solar combined make up only .2 percent of our current electricity generation. Another startling but little known fact is, if you do not include existing hydropower as renewable, which the underlying amendment does not, again, renewables are only 1.7 percent of our electricity generation.

Although the amendment includes incremental hydropower prospectively, it still will make up a very small portion of the electricity generation in our country.

Now, when you factor what the Department of Energy believes our electricity usage will be over the next 20 years, you see that the use of coal will continue to rise, natural gas will rise dramatically, nuclear fuel remains fairly level and hydropower remains steady. At the bottom is petroleum, and just above that, non-hydro renewables increase slightly. These projections show, renewables will make up a very small portion of the production of energy in this country for the next 15 to 20 years.

However, the underlying amendment says, regardless of market forces, America is going to dramatically increase its use of renewables. In fact, the underlying amendment stipulates we must develop a mandatory minimum standard for renewable energy of 10 percent for our electricity generation by the year 2020. The only way I can see that we can accomplish this mandate, if it is implemented, is for energy-producing companies to take a dramatic turn toward using renewables. That means they have to cut back on clean coal technology, put the brakes on natural gas, which is the current energy source of choice in America, and restrict the further development and use of nuclear power. This will have a particularly dramatic impact on energy producers in regions of our country that do not currently rely on a tremendous amount of renewable resources.

For example, in my home State of Ohio, our use of renewable energy is much lower than the national average. Renewables, including hydropower, generate 1 percent. Remove hydro from this number and the State of Ohio generates less than .4 percent of its electricity from renewable sources. This is predominantly biomass power which comes mostly from wood-burning boilers in woodworking and paper manufacturing industries.

However, there are many other States which rely on renewable sources for electricity generation. According to 1998 data from the Energy Information Administration, at least 10 percent of the electricity generated in 16 States comes from renewable power sources. Of these 16 States, 5 States receive more than 50 percent of their electricity from renewable sources, and the primary source is hydroelectric power. Four of the five States—Idaho, Oregon, South Dakota, Washington—rely on hydroelectric power for more than 60 percent of their electricity.

Maine is the only State east of the Mississippi to rely on more than 50 percent of electricity generation from renewables, 30 percent coming from hydro and 30 percent coming from other renewable fuels. Regions, and even individual States, that currently have a high percentage of renewable energy sources would be less impacted by the requirements of the underlying provisions. However, forcing a mandatory minimum will unduly burden States such as Ohio.

I don't want my colleagues to misunderstand me. I do believe we need to continue to invest in renewable forms of energy. They are environmentally friendly and contribute to meeting the requirement of national energy self-reliance, and as the technology gets better, have the potential to become inexpensive.

Right now, electricity from renewable energy sources is very expensive. However, we need to realize that the current research and development costs make a practical national application of a mandatory minimum renewable standard very difficult. Renewables simply do not have the capacity to meet our needs in the timeframe established in the underlying amendment. Their growth will come, however, and we should support research funding that will get us to the point where renewables are a viable energy option.

In fact, over the past 5 years, Congress has provided more than $7 billion in tax incentives and other programs to assist renewables. Recently, we extended a renewable energy tax credit for $1 billion, and the Finance Committee has reported legislation that provides an additional $3 billion.

However, I believe it is not prudent for the Senate to mandate a renewable standard. The amendment offered by the Senator from Arizona, on the other hand, lets the free market decide.

If the demand for energy derived from renewable sources exists, then I have no doubt that energy suppliers will respond to their customers and satisfy the demand, just as they are doing in Cleveland, OH.

Last year, the Northeast Ohio Public Energy Council made an agreement with Green Mountain Energy Company in Texas to supply customers in eight northeast Ohio counties with electricity. Green Mountain Energy Company uses a blend of sources including wind, water, and solar energy. Customers in these counties were able to make the decision themselves if they wanted to purchase the power instead of being mandated to purchase green power.

Having spent 10 years as Mayor of Cleveland, and as mayor I ran a municipally-owned utility, and 8 years as Governor, I have developed some very strong beliefs regarding federalism and the role of our various levels of government.

The Kyl amendment lets the States decide whether a mandatory renewables program is something they would want to implement for their residents. Right now, 14 States have already implemented mandatory RPS programs. This is consistent with the policy of the National Governors' Association, which states that any Federal legislation should:

> . . . allow a State to decide what mix of renewable technologies should be included in any renewable portfolio package implemented in a State.

The amendment offered by the Senator from New Mexico does eliminate the original language which would require that larger municipally owned utilities meet the RPS standard, but it still does not address the fact that this mandate will ultimately be paid for by ratepayers. In Cleveland, and in many of our cities and communities nationwide, a lot of these ratepayers are poor and a lot of them are elderly and it would be hard for them to afford the cost of this standard.

If you look at this chart, the people who seem to be left out are the ratepayers. They seem to be left out so often from debates we have here on the floor of the Senate. These are the least of our brethren, the ones who were the most affected a year ago when the demand for natural gas in this country went way up and their utility bills skyrocketed.

If you look at people with annual income under $10,000, you see that almost 30 percent of their income goes for energy costs. If you are in an income bracket between $10,000 and $24,000, you spend 13 percent on energy costs; and of course if you make over $50,000, only 4 percent of your income is spent on energy. There are a lot of people in this country who can afford that. But I have to tell you, there are a lot of people in this country who cannot afford it.

Last winter, in the midst of the heating cost increase, I held a meeting in Cleveland with Catholic Charities, Lutheran Housing and the Salvation Army and heard first-hand the effects of the high energy costs were having on the people who could least afford it. Many of them were just hanging on trying to stay in their own homes.

I am concerned about them and I think that the Senate should be concerned about them as well.

I honestly believe if the decision to implement a Renewable Portfolio Standard is left to the discretion of the Governors in the States, many of them will go forward with it. Some states will not go as fast as other ones, but overall we will probably achieve the goal of the sponsors of the Bingaman amendment, but do it without mandating it throughout the country in each and every State.

Renewables and conservation need to be a bigger part of our energy policy—

I agree with that. But we have to be realistic about our challenge. These two strategies do not have the capacity to meet our growing energy needs in the timeframe mandated in the underlying amendment.

I have to say, anyone who says renewables are going to take care of the energy needs of this country by the year 2020 just is not being intellectually honest in terms of what renewables can do.

We are going to need more coal, we are going to need more nuclear power, we are going to need more natural gas, we are going to need more hydropower and other renewables, we are going to need more conservation. We are going to need it all.

I think the Senator from Arizona is on the right track with his amendment and I urge my colleagues to support his amendment. It encourages the use of renewable power without mandating it and meets our energy, environmental and economic needs in a responsible way.

I yield the floor.

Mr. WELLSTONE. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator CANTWELL, since we are both in the Chamber.

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

Mr. BINGAMAN. Mr. President, I have heard the discussion by the two sponsors of the amendment, Senator KYL and Senator MILLER, and, of course, now Senator VOINOVICH and my colleague, Senator MURKOWSKI, who is the ranking member of the Energy Committee. I want to try to respond to some of the points that were made and put this issue in some kind of perspective as I see it.

First of all, why are we even proposing this amendment? Why does my underlying amendment that Senator KYL would propose to eliminate—why does my underlying amendment try to move us in the direction, as a country, of using more renewable energy to produce electricity? Why is that a priority for the country?

I have essentially the same chart as that to which my good friend from Ohio referred. and it has the same basic information on it.

This chart points out that when you look ahead—we do now depend primarily on coal. We do now depend heavily on nuclear. We do now depend heavily on natural gas. And renewables are not a major part of our energy mix, particularly the nonhydro renewables are not a major part of our energy mix.

One of the purposes we have in this energy legislation—and in this particular renewable portfolio standard provision—is to diversify the sources from which we generate power, so when we get to 2020 the chart I show you in this Chamber does not look exactly like it looks now as I am pointing to it here.

Today, in 2002, about 69 percent of the electricity we generate in this country is produced from coal and natural gas. If we do not adopt something such as this renewable portfolio standard, the expectation is that by 2020 it will be 80 percent produced by those two fuels. That is too much concentration. That is not smart.

The Presiding Officer is familiar with investment strategies. One of the simplest, most basic investment strategies is to diversify so you are not too dependent on what happens to one particular thing. We are too dependent today on what happens to the price of natural gas.

My colleague from Ohio was citing the terrible plight which many people in this country faced when natural gas prices went up 100 percent, 200 percent 18 months ago. I certainly saw that in my State. Many of the people I represent were very adversely affected. That is what we are trying to get away from with this renewable portfolio standard.

We are trying to say some of this electricity that is produced in the country—some modest amount of it—I would be the first to admit that this amendment to require up to 10 percent by the year 2020 is a modest amendment. I think it is very doable. It is a movement in the right direction, but it is a modest requirement. We are saying, let's at least do that. Let's at least require utilities to do the best they can, wherever they are located, to generate some of the electricity they sell from renewable sources. So that is what we are about here.

This chart I have shown before on the Senate floor. It tries to make the point that as compared to other countries, particularly in Europe—that is what is reflected on the chart—the United States has done much less in the way of trying to generate energy from renewable sources. It shows on the chart that Spain has had a 300-percent increase from the years 1990 to 1995; Germany, over 150 percent; Denmark, nearly 150 percent; the Netherlands, over 50 percent; France, a substantial amount. The United States is the one shown on the chart with the yellow circle around it. We have been moving ahead at a very, almost imperceptible, rate.

So what we are trying to do with this legislation is incentivize and require that some action be taken to move toward more production of energy from renewable sources.

My friend from Arizona, in his zeal, referred to this as ''Soviet style command and control.'' This proposal, which we brought to the Senate floor, is essentially the same as President George W. Bush signed into law in Texas. We all know how sympathetic he is to Soviet style command and control. It has worked tremendously in Texas. In fact, there are all sorts of articles being written about how successful that State has been in increasing the use of renewables, and increasing the generation of power from renewables, and how the rest of the country ought to learn something from Texas. What we are trying to do here is learn something from Texas.

I see the majority leader in the Chamber. If he has comments or a statement to make, I would be glad to yield to him at this point.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I thank the distinguished Senator from New Mexico for his kindness.

Mr. President, I make an announcement that there will be no more rollcall votes tonight. We will pick up, hopefully, on the Kyl amendment tomorrow and have a vote on it at some point shortly after we reconvene.

TECHNICAL AMENDMENTS NEGOTIATIONS

Mr. President, I also announce that it appears it is unlikely we are going to reach an agreement with regard to the so-called technical amendments that have been the subject of a good deal of discussion and negotiation over the last several days. I appreciate the effort made by many of our colleagues. That will, as we have all understood, necessitate the cloture vote tomorrow.

My expectation is that we will come in late morning and then have the cloture vote and begin the debate on the campaign finance reform bill. Perhaps we still may reach some agreement with regard to the technical amendments, but at least as of this hour no agreement has been reached.

Senator MCCAIN has indicated to me he is not in a position to agree to the amendments that have been discussed. As a result, while I encourage further discussion, I do want people to know that it is very likely, I would say, we could have that cloture vote as early as late tomorrow morning. So I want to inform my colleagues of that.

I would be happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. If the leader will yield, I must say that I am somewhat frustrated. The leader may or may not know that Senator MCCAIN and I have had three meetings on this subject. My staff and his staff, and others on the other side of that issue, worked for 3 weeks to resolve six very small items. There were 10 meetings between the staffs of Senator MCCAIN and FEINGOLD and mine, several phone conversations daily when staff was permitted to speak to each other, phone conversations late at night and over the weekend. Late last night, Senators MCCAIN and FEINGOLD provided a draft incorporating two technical changes of their own, to which we immediately agreed. In fact, we agreed to all of Senator MCCAIN's and Senator FEINGOLD's provisions and their changes. And I have been representing to my colleagues for over a week now we were almost there.

I was hoping we would be able to end this debate with everybody feeling good about the situation, but I must say I am not sure I have been dealt with in good faith, having worked on

this now for 3 weeks, and every time I am told we are almost there, we are never there.

So I think the majority leader is correct. That is where we seem to be. But I am going to say, I am astounded. This is my 18th year in the Senate. I have been involved in a lot of negotiations—never one so painful over so little: six rather small items.

So I do think we are going to wrap this bill up tomorrow. It is too bad we will not, apparently, be able to pass a technical package that would benefit both sides because of our inability to bring this to conclusion.

But I say to the leader, as I have said repeatedly over the last week, we are anxious on this side, those of us who oppose this bill, to complete it. And, hopefully, we can wrap it up tomorrow, not only the cloture vote but final passage, and the resolution that I believe we have agreed upon, which is separate from the technical amendments. It is really regretful that we negotiate for 3 weeks over relatively small items and cannot seem to get there.

So let me say to the leader, we look forward to wrapping this bill up tomorrow—we know it is essentially over—and hope we can do it in a minimal amount of time.

Mr. DASCHLE. I thank the Senator from Kentucky. I appreciate all of his efforts. I said a moment ago, I still hold out the possibility that some agreement can be reached. And, of course, the cloture vote does not preclude that. So we will keep talking.

I think Senators should be on notice that the cloture vote will take place, and, hopefully, we can then reach some kind of unanimous consent agreement with regard to the time required for further debate on the bill prior to the time we have a final passage vote.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3038

Mr. BINGAMAN. Mr. President, let me just speak for a few more minutes and conclude my comments. I know there are others waiting to speak on this Kyl amendment.

One of the issues that was raised by the Senator from Georgia was a concern about whether or not this preempted States from doing what they wanted to do about renewable energy generation. It does not do that. There is no way that we in any way preempt a State from taking action.

There are many States that have taken action which far exceeds the standards to which we would be holding them. So this is not in any way an effort to preempt States. It is an effort to move them along this road, and some of them are already a great deal of distance down this road.

Let me also discuss the idea of wealth transfer. My colleague from Arizona has said repeatedly that this is a terrible thing because some States are at such a terrible disadvantage. The truth is—and the various maps that my friend from North Dakota showed earlier make the point very clearly—we do not specify in this legislation which type of renewable resource be used. Instead, we allow each State to use whatever is available to them. There are a great many different resources available.

Finally, let me talk about cost. There has been a real concern that the cost of this provision would be substantial for ratepayers, for various individuals.

I have the Energy Daily, which is a well-known publication in town and around the country. This is dated March 12. There is an article entitled ''EIA Sees RPS Having Little Impact On Prices.''

What that means is that the Energy Information Administration was asked by my colleague, Senator MURKOWSKI, to do a study on what would be the impact of this provision on prices?

Mr. VOINOVICH. Mr. President, will the Senator yield for a question?

Mr. BINGAMAN. I am pleased to yield.

Mr. VOINOVICH. You have just stated that many States have already implemented greater RPS standards than required in your amendment. In my statement, I said 14 already have RPS standards. But this bill does mandate a 10-percent renewable requirement on all the States. In a State like Ohio, we are currently generating less than four-tenths of 1 percent of our electricity with non-hydro renewable power sources. We are also facing some dramatic increases in electric generation costs to reduce the pollution from coal-fired plants by using clean coal technology. About 85 percent of our plants use coal today.

I can't believe an RPS in Ohio will reach 10 percent because in all probability, the utilities that serve my State, if this goes in as a mandate, will buy credits and then the cost of those credits will be passed on to Ohio ratepayers.

Mr. BINGAMAN. Let me respond: There clearly are some challenges for some States in this legislation, but I am persuaded that there are ways for them to meet those challenges through coal-fired generation, using biomass. That is one way to do it. We are glad to work with the Senator to be sure that the legislation has the flexibility in it so that this is a goal that can be achieved in his State by utilities operating in his State. I think it can be.

If I could just conclude the description of this study, this is the study by the Energy Information Administration, it concludes:

> . . . that the retail price impacts of a requirement that electricity generators provide at least 10 percent of their output from renewable sources by 2020 ''are projected to be small because the price impact of [the program] is projected to be relatively small when compared with the total electricity costs and to be mostly offset by lower gas prices.''

Then they go on to say:

> The study, which was requested by Sen. Frank Murkowski of Alaska . . . concludes that increased electricity generation from renewables would have the biggest impact on natural gas-fired prices, which EIA said would drop as a result of competitive pressure from renewables.

So the chart my friend from Ohio put up showing gas prices going through the ceiling, as they did 18 months ago, that would be less likely if there were other sources from which energy was being generated.

Mr. President, I have other points I can make. I know there are several Senators who have been waiting quite a while to speak. I may have an opportunity later on before the vote to conclude my comments.

Mr. President, I have a series of letters in support of the underlying Bingaman amendment that Senator KYL would wipe out with his amendment. I ask unanimous consent those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL HYDROPOWER ASSOCIATION,
Washington, DC, February 20, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: The National Hydropower Association (NHA) writes to ask you to support Majority Leader Tom Daschle and Energy & Natural Resources Committee Chairman Jeff Bingaman for their inclusion of ''incremental hydropower'' in the Renewable Portfolio Standard (RPS) contained in S. 517, the ''Energy Policy Act of 2002.'' Additionally, we ask that you oppose any efforts to modify or remove incremental hydropower from the RPS when the bill is considered on the Senate floor and to support S. 517's RPS in the event of an ''up-or-down'' vote.

Both Democrats and Republicans have recognized the importance of hydropower—our nation's leading renewable technology—in meeting future energy demands. What's more 93 percent of registered voters overwhelmingly support an important role for hydropower in the future, and 74 percent favor incentives for increased hydropower production at existing facilities.

With the inclusion of incremental hydropower in the RPS, approximately 4,000 Megawatts (MWs) of new hydro generation could be developed meeting today's environmental standards at existing hydropower facilities—none of which would require the construction of a new dam or impoundment. This is enough power for four million homes—clearly a significant contribution to our nation's energy supply.

The most commonly used definition of incremental hydropower, including that of S. 517, allows new hydro generation to be achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam. This concept is based on extensive discussions and a general agreement between the hydropower industry, a segment of the environmental community and other members of the renewable energy community.

NHA strongly supports Senators Daschle and Bingaman for their inclusion of incremental hydropower in S. 517 and hope you will do the same. What's more, we hope you'll support the RPS when it is debated on the Senate floor as it will allow America to rely more on clean, renewable energy.

If you have any questions, please contact Mark R. Stover, NHA's Director of Government Affairs, at 202–682–1700 x-104, or at mark@hydro.org.

Sincerely,

LINDA CHURCH CIOCCI,
Executive Director.

FLORIDA POWER & LIGHT COMPANY,
Washington, DC, March 14, 2002.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the compromise Renewable Portfolio Standard (RPS) contained within S. 517, the Energy Security Policy Bill.

As you may know, FPL Group, comprised of its two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates the two largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects, and a number of biomass plants. And, significantly, with over 1,400 megawatts of net ownership in wind energy, FPLE is the nation's largest generator of wind power.

FPLE plans on adding up to 2,000 megawatts of new wind generation over the next two years. Due to the wind energy production tax credit (IRC Sec. 45(c)(3)) and the industry's success in reducing production costs, wind energy has become economically feasible. A long-term extension of the credit combined with your RPS will allow wind generation—and, hopefully, other renewable sources—to contribute to America's energy independence and security. Ultimately, such an aim should be the keystone of any American energy policy.

We appreciate your leadership on this important issue, and we strongly support your efforts to enact a fair and balanced RPS. Please do not hestitate to call on me should you require any assistance in your endeavor.

Sincerely,

MICHAEL M. WILSON,
Vice President.

CALPINE CORP.,
Washington, DC, March 14, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of Calpine Corporation, I am writing to convey our support for the Renewable Portfolio Standards (RPS) amendment that I understand you plan to offer.

We support a reasonable RPS that will provide a market-based incentive for increasing the amount of energy that is produced by renewables. Your amendment is a significant improvement over both the existing Senate energy bill language and the Jeffords amendment to be offered on this subject. We particularly support the fact that your amendment treats all types of renewable energy the same.

We also believe that an RPS is only workable when it is coupled with tax incentives for the production of renewable energy and we strongly support the production tax credit for basic renewables that is contained in the underlying energy bill.

As the world's largest producer of geothermal energy, we are concerned, however, that only new renewable capacity will be eligible to receive tradable credits under the RPS. While I understand your desire it to encourage new capacity rather than reward past behavior, it seems that there should be some recognition for early action. Perhaps when this issue comes to conference, you might consider a system whereby existing renewable capacity is eligible for credits that phase out over time. We would certainly be willing to work with you on such a proposal.

Finally, I want to thank you for your leadership in guiding this energy legislation through the Senate. The bill contains some important features that will help to promote more competitive markets and we appreciate everything you have done to maintain these features and oppose amendments that would turn away from open access and competition.

Sincerely,

JEANNE CONNELLY.

MIDAMERICAN
ENERGY HOLDINGS COMPANY,
Omaha, NE, March 14, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate's comprehensive energy bill. MidAmerican Energy Holdings Company is one of the world's largest developers of renewable energy, including geothermal, wind, biomass and solar.

MidAmerican has been a long-time proponent of both a production tax credit for electricity generated by renewables and a federal government purchase standard for renewable electricity. We strongly support these provisions in the comprehensive energy bill before the Senate, as well as recent modifications to the bill's renewable portfolio standard (RPS) section that will ensure that implementation of the RPS is achievable and affordable.

Renewable electricity can play a critical role in diversifying the nation's fuel mix and providing emissions-free electricity for American consumers. By including both supply and demand side components in the comprehensive energy package, your legislation will benefit the environment and American energy security.

Thank you again for your leadership in promoting renewable energy.

Sincerely,

DAVID L. SOKOL,
Chairman and Chief Executive Officer.

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, March 13, 2002.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I write on behalf of the Board of Directors and member companies of the American Wind Energy Association (AWEA) in support of the Renewables Portfolio Standard (RPS) contained in the proposed substitute to S. 517, the Energy Policy Act of 2002.

While we believe that all of America's renewable energy technologies—wind, solar, geothermal, biomass, and hydropower—are capable of contributing higher levels of electricity generation than would be required by the proposed RPS, the provision is a significant step forward in meeting America's growing energy needs.

In 2001 alone the wind energy industry installed close to 1,700 megawatts of new generating capacity, enough to meet the needs of about 475,000 households. More than half of this new wind power development (915 megawatts) was produced in Texas—a state with the most effective renewable energy requirement law in the nation. In addition to producing electricity without emitting any pollutants, each megawatt of wind power creates at least $1 million in economic activity.

The wind industry is proud to support the RPS contained in S. 517, aimed at diversifying America's energy production while also enhancing our effort to secure cleaner air and a more sustainable energy future. Thank you.

Sincerely,

RANDALL SWISHER,
Executive Director.

GEOTHERMAL ENERGY ASSOCIATION,
Washington, DC, March 14, 2002.

DEAR SENATOR: This afternoon, Senator Bingaman plans to offer a substitute for the RPS provisions in S. 517 that the geothermal industry urges you to support.

While we believe that significantly more renewable energy could be brought on-line over the next twenty years, the Bingaman amendment would establish an important national minimum requirement for new renewable development. This will help ensure the continued growth and health of renewable industries and will have positive economic and environmental benefits for our Nation.

Moreover, the Bingaman proposal would preserve the essential market-based approach that is at the heart of a renewable portfolio standard. This proposal—together with the provisions proposed by the Senate Finance Committee that would equalize renewable tax treatment by expanding the production tax credit to include geothermal energy—will stimulate market forces to develop reliable and cost-effective renewable technologies to help meet our country's energy needs.

On behalf of the geothermal industry, I strongly encourage you to support the Bingaman amendment and the renewable energy tax provisions reported by the Senate Finance Committee.

Sincerely,

KARL GAWELL,
Executive Director.

The PRESIDING OFFICER. Under a previous order, the Senator from Minnesota is recognized, followed by the Senator from Washington.

Mr. WELLSTONE. What I can do is—I would be pleased to speak for myself; I know Senator MCCAIN wants to speak—if I could get 10 minutes before the vote tomorrow to speak, I would be pleased to relinquish the floor last.

Mr. BINGAMAN. Mr. President, I am not in a position to commit to that without the assistant majority leader, floor leader, to talk about that. I don't know what the procedure is. Since we are jumping from the energy bill to the campaign finance reform bill and back every few minutes, it is very difficult for me to commit to that.

Mr. MCCAIN. May I just ask my friends from Minnesota and from New Mexico—three of us are on the floor. We would take about 2 minutes to kind of clear up a problem that has arisen. If I could ask unanimous consent that we could take a maximum of 3 minutes, 1 minute each.

Mr. WELLSTONE. Mr. President, that would be fine. I ask unanimous consent that I just immediately follow them.

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

Mr. WELLSTONE. And then I would be followed by Senator CANTWELL as in the original agreement.

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

The Senator from Arizona.

TECHNICAL AMENDMENTS NEGOTIATIONS

Mr. MCCAIN. Mr. President, I will take less than 1 minute. We have been working with the Senator from Kentucky, the Senator from Wisconsin and I have, and our staffs. We have come up with a package of technical amendments with which we are in agreement. We are ready to move that package. There seems to be a problem with another Member, a very senior Member. I hope we can get that worked out.

I do have it worked out. I think we should be ready to move forward tomorrow. I think we have had good-faith negotiations.

I yield to either one of my colleagues.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I said before the Senator from Arizona had arrived that I was totally frustrated. I recounted all the meetings he and I and our staffs had had, and I was exasperated that we seemed to have gotten so close and not been able to complete it. I confirm what the Senator from Arizona said, that we have reached an agreement among the three of us on this technical package. We would like to be able to move it, and we would plead with our colleagues on both sides of the aisle to give us a chance. I don't think there are three Members of the Senate who know any more about the subject than we do. Our positions are pretty well established. We have actually reached agreement, and we would hope that the Senate would let us act on it in some kind of consent arrangement sometime tomorrow.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, there have been good-faith negotiations. I agree with the Senators from Arizona and Kentucky that we have finally reached agreement on the technical amendments package. There is a different Member of the Senate who has a concern about it. Because we are operating on the basis of a unanimous consent, we have to deal with that. But we have finally reached the point where the actual provisions are something we can agree on, and we are hoping we can work this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I assume we will have time to talk about campaign finance reform.

AMENDMENT NO. 3038

As a matter of fact, I think I can do it in just a couple of minutes. Last week when we had the debate on the Jeffords amendment, to increase the renewable portfolio to 20-percent electricity, I spoke at some length. I just want to pick up on a couple of points that Senator BINGAMAN made, and probably my colleague from Washington can speak about this with more eloquence. Nobody, to respond to the Senator from Ohio, is making the argument that, by 2020, we will be totally independent from fossil fuels. No one is making that argument. It's really a ''straw man'' argument.

I think the question is whether or not we will, no pun intended, continue to barrel down the fossil fuel energy path. Will we continue to rely primarily on oil, coal, or on other fossil fuel? Or do we want to take a new direction. I, frankly, think this is going to be a test vote for a new direction in energy policy. I think the Senator from New Mexico agrees that this is going to be a test vote on this bill. This 10-percent renewable energy portfolio, which is from my point of view too little, makes this legislation a reform bill—it makes this an energy bill that is sensitive to how we produce energy in connection with the environment. It takes us down a different energy path.

The different path is significant for many States. For example, in Minnesota, we produce enough wind to produce all of our electricity through wind, when the technology is there. In fact, Minnesota, South Dakota, and North Dakota, Nebraska and Kansas could produce enough energy through wind generation to produce electricity for the whole country.

So there is enormous potential here. In addition to wind, we have biomass to electricity, solar, and geothermal. When my colleague from Ohio was giving some projections, I think he missed the point about the potential of efficient energy use and where that figures in. Again, one more time, it is a marriage ready to be made between being much more respectful of the environment, clean technology, many more small business opportunities, keeping dollars and capital in our States and our communities, national security, and less dependent on Middle Eastern oil.

Look at what happened last year with natural gas prices. We would be much less dependent on a few giant energy conglomerates for energy.

This is pro-environment, pro-consumer, pro-small business, pro-clean technology, and is going to be a huge growth industry in our country. Frankly, the only folks who are really opposed to this renewable portfolio standard are some Senators are opposed because they think it is a mistake to have a mandate or a subsidy. Although I have to tell you, the oil and gas industry have gotten huge subsidies over the years. Last year the House passed a bill with over $30 billion in tax breaks, most of them going to oil, coal, and the nuclear industry. Now that is a government subsidy. If I were to look back over the last 50 years of energy policy, it would be a massive amount of money we have given to the fossil fuel energy industry. We don't want to stack the deck against renewables. We want to nurture and promote energy policy for all of the good reasons I have tried to outline.

Frankly, if we can't hold on to this 10 percent renewable energy portfolio, then I don't think we have much of a form bill here at all.

This is a key vote. That is why I wanted to speak briefly about it. I hope we will get a strong vote against the Kyl amendment, and I think we will. I think it should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak in opposition to the Kyl amendment. We are debating this energy bill against the backdrop of one of the country's most severe energy crises, which has definitely impacted ratepayers in my State and in many parts of the West.

After September 11, the war against terrorism even more underscores the need for us to develop a national energy policy that helps create more independence. It is clear that the time has come for us to enact a 21st century energy policy. But we will fail if this bill is simply about the extent to which we should increase oil production or determine the best route for pipelines. We will fail if we do not learn from the lessons of the past and recognize that we are on the cusp of a revolution of energy technology that could be as significant as the revolution in computing technology.

We are faced with a clear choice: We can go down the path of debating false choices of conservation versus production, regulation versus deregulation, nuclear versus fossil. But I think it is time that we recognize what is at the core of the debate is this 21st century energy policy; about developing a new policy that will lead us to a system of cleaner, more efficient, distributed power, located closer to the homes and businesses that it is built to serve.

Mr. President, the renewable portfolio standard we are debating today is the centerpiece of our effort of a 21st century energy policy marked by environmentally responsible sources of energy. An aggressive renewables portfolio standard will help this Nation diversify its energy, level the playing field for renewable resources, and encourage investment in clean energy technology. A transition to clean, renewable sources of energy will help stabilize increasing and volatile fossil fuel prices, ease energy supply shortages and disruptions, clean up dangerous air pollution, and reduce emissions of greenhouse gases.

Again, arguments in favor of a strong Federal renewables portfolio standard are straightforward. An RPS will spur more environmentally responsible generation, diversify electricity sources, and that is enhancing and helping to protect our economy from price spikes; and, three, create a national market

for renewables and clean energy technology, spurring innovation and reducing their cost—potentially for international export.

Today, less than 2 percent of the Nation's electricity is generated by nontraditional sources of power such as wind, solar, and geothermal energy. This has to change. By putting a renewables portfolio standard in place, we will set the Nation down a path toward a more independent, sustainable, and stable power supply.

I want to emphasize just how important it is to diversify our generating resources. As many of my colleagues are aware, last year the Pacific Northwest suffered the second worst drought in the history of our State. In Washington State, about 80 percent of our generation comes from hydroelectric sources. So because of this drought, consumers in my State were exposed far more directly to the pervasive market dysfunction activity that happened in the West. As a result, many of our utilities have had to raise their retail rates by as much as 50 percent.

So I believe we must diversify our resource portfolio, but to accomplish this goal, many of our utilities are making a tremendous investment in new generation. Much of it is from ample renewable resources. We realize the investment in renewables is affordable and a perfect complement to our hydroelectric base. For example, I visited, in our State, the Stateline Wind Project last August, which is located in Walla Walla, WA. The wind farm, which went into operation December 13, consists of 399 turbines and has a capacity to produce 263 megawatts of electricity. That is enough energy to serve almost 70,000 homes. So this is working.

The Bonneville Power Administration, which supplies about 70 percent of the power consumed in Washington State, has set a goal of obtaining a total of a thousand megawatts of energy.

Many of our small and rural utilities are banding together to invest in wind projects, and the Yakima Tribe is also exploring similar options.

As we consider the renewables portfolio standards provisions of this bill, I think it is important to recognize the tremendous untapped potential that these renewables represent. Washington State and the Pacific Northwest have begun to make this investment. With the construction now underway, our regional renewable resources, excluding most hydropower, will soon approach 4 percent—far surpassing the national average. But I believe we can still do better.

A strong renewables portfolio standard will create the market certainty that companies and utilities need to continue down the path toward resource diversification and technological innovation. Specifically, increasing our supply of renewable resources makes not just environmental sense but also economic sense. A study released last November, sponsored by a group of Northwest utilities and interest groups, estimated that the international market for clean energy technologies will grow to $180 billion a year over the next 20 years—that's right, $180 billion a year over the next 20 years.

It is in our national economic interest to set policy that will ensure the United States captures a major part of this market.

Already the Northwest has a $1.4 billion clean energy industry that is on track to grow to $2.5 billion over the next several years, creating 12,000 new jobs in our region. That is right, 12,000 new jobs in our region.

With the right public policies in place, we can attain 3.5 percent of the worldwide market for clean energy technologies, including not just generation but smart-grid transmission technologies needed to bring power to market more efficiently and create as many as 35,000 new jobs in the Northwest.

Developing the clean energy technology industry on a national level means job creation. We need a Federal renewable portfolio standard both to break our century-old reliance on traditional fossil fuels and to create predictable markets for renewable technologies and lay the groundwork for even greater innovations.

Last week, the Senate was unable to make meaningful progress on the important issue of corporate average fuel economy standards for our Nation's vehicles. We had an opportunity before us to alleviate threats to our national energy and economic security posed by our dependence on imported oil. Nonetheless, it is important that we make progress today in this particular area and make sure that we make a renewable standard an important part of this legislation.

The renewable portfolio standard is one of the thresholds that will determine whether the Senate really does create an energy policy that sets itself apart from the 19th century focus of digging, burning, and drilling and focuses more importantly on these 21st century technologies.

Now is the time to enact an energy policy that will help us meet these goals. A strong renewable portfolio standard will encourage use of renewable sources and reduce harmful air and water pollution from coal and fossil fuels. It will help ensure a sustainable, secure energy supply and protect our environment for future generations. It will create the investment, income, and jobs in our communities, especially our rural areas.

These are the characteristics that I think should be part of our 21st century energy policy. I ask my colleagues to support a strong renewable portfolio standard and, most importantly, oppose any efforts to strip from this bill or in any way undermine this measure which I believe is critical. I urge my colleagues to vote against the Kyl amendment and to vote instead for a strong renewable portfolio standard.

I yield the floor.

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

Mr. KYL. Mr. President, I wish to respond to some of the comments made relative to my amendment by various Senators who have spoken since I laid that amendment down earlier this afternoon.

First, I ask unanimous consent to print in the RECORD two letters from the Public Service Commission of the State of Florida, both dated March 18, 2002, one to the Honorable BILL NELSON and the other to the Honorable BOB GRAHAM, the two Senators from the State of Florida.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
PUBLIC SERVICE COMMISSION,
Tallahassee, FL, March 18, 2002.

Re: Energy Legislation (Substitute Amendment 2917 to S. 517).

Hon. BILL NELSON,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR: The purpose of this letter is to let you know that the Florida Public Service Commission has major concerns with the 400-page Substitute Amendment currently being addressed by the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for States in ensuring reliability of all aspects of electrical service-including generation, transmission, and power delivery services and should not authorize the FERC to preempt State authority to ensure safe and reliable service to retail customers. Also, we support the Kyl amendment on the renewable portfolio standard.

In particular, our concerns are:

(1) Electric Reliability Standards.

The substitute amendment would limit the States' authority and discretion to set more rigorous reliability standards than the Federal Energy Regulatory Commission (FERC) over transmission and distribution. In fact, the Substitute Amendment appears to provide no role for States at all on transmission reliability. Yet, the Florida Legislature has carefully set cut statutory authority for the PPSC over transmission.

If legislation moves forward, Congress should expressly include in the bill a provision to protect the existing State authority to ensure reliability transmission service. We note that the Thomas amendment passed. The amendment appears to strengthen state authority. In that regard, the amendment is better than the overall bill under consideration. Our interpretation is that the amendment will not restrict state commission authority to adopt more stringent standards, if necessary.

(2) Market Transparency Rules.

The section is silent on State authority to protect against market abuses, although it does require FERC to issue rules to provide information to the States. State regulators must be able to review the data necessary to ensure that abuses are not occurring in the market.

(3) Public Utilities Regulatory Policy Act (PURPA).

The FPSC supports lifting PURPA's mandatory purchase requirement, but States should be allowed to determine appropriate measures to protect the public interest by

addressing mitigation and cost recovery issues. Thus, we do not support preempting State jurisdiction by granting FERC authority to order the recovery of costs in retail rates or to otherwise limit State authority to require mitigation of PURPA contract costs. States that have already approved these contracts are better able to address this matter than the FERC.

(4) Federal Renewable Portfolio Standards.

This requires that beginning with 2003, each retail electric supplier shall submit to the Secretary of Energy renewable energy credits in an amount equal to the required annual percentage to be determined by the Secretary. For the year 2005, it will be less than 2.5 percent of the total electric energy sold by the retail electric supplier to the electric consumer in the calendar year. For each calendar year from 2006 through 2020, it shall increase by approximately .5 percent.

The Secretary will also determine the type of renewable energy resource used to produce the electricity. A credit trading system will be established. While a provision is established to allow states to adopt additional renewable programs, we continue to have concerns. Thus, we strongly support the Kyl amendment which provides some flexibility to the States.

The FPSC believes that States are in the best position to determine the amount, the time lines, and the types of renewable energy that would most benefit their retail ratepayers. This is particularly true in the case of States without cost-effective renewable resources. A one-size-fits-all standard will likely raise rates for most consumers.

(5) Consumer Protection.

The FPSC is concerned with language in Section 256 that requires that State actions not be inconsistent with the provisions found in the bill. While the FPSC favors strong consumer protection measures, preempting States by Federally legislating retail consumer protections is not necessary. States are better positioned to combat retail abuses. States are partners with federal agencies in these efforts to ensure consumer protection.

The critical role of State Commissions in the analogous area of implementing the Federal Telecommunications Act provision against slamming (the unauthorized switch of a customer's primary telecommunications carrier) serves as a good example. The Federal Communications Commission saw the benefit of having State Commissions carry out the anti-slamming program. State Commissions are simply better situated and have a more in-depth understanding of the abuses in the consumer protection arena. As a result, Florida's slamming rules are actually more strict and provide better remedies to the consumers than the FCC rules. We would like to retain the ability to take similar steps in the energy area if warranted.

It is our understanding that there are now 100–200 amendments. We are in the process of reviewing all of them. In the meantime, please call us with questions on them. We appreciate that your staff has been in frequent contact with FPSC staff.

In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

STATE OF FLORIDA,
PUBLIC SERVICE COMMISSION,
Tallahassee, FL, March 18, 2002

Re Energy Legislation (Substitute Amendment 2917 to S. 517).

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U.S. Senator, Hart Senate Office Building, Washington, DC

DEAR SENATOR GRAHAM: The purpose of this letter is to let you know that the Florida Public Service Commission has major concerns with the 400-page Substitute Amendment currently being addressed by the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for States in ensuring reliability of all aspects of electrical service—including generation, transmission, and power delivery services and should not authorize the FERC to preempt States authority to ensure safe and reliable service to retail customers. Also, we support the Kyl amendment on the renewal portfolio standard.

In particular, our concerns are:

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In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

Mr. KYL. Mr. President, what those two letters say is that the Kyl amendment should be adopted and the Bingaman amendment should lose. They are echoing the sentiments of a lot of other groups both in the private and public sectors. I have put in the RECORD some other letters from the public sector and associations that strongly support the Kyl amendment.

I wish to respond to some of the comments from colleagues that have been made in response to my presentation. My colleague from North Dakota made the point that we should have a national energy policy just like the Clean Air Act and that is why we need a national energy bill.

There is a difference between a national policy and a Federal policy. We do have national problems, but not all national problems are best solved by a Federal solution.

In this case, we have a combination because we have clearly decided that the Federal Government does need to be directly involved in the national energy policy debate, but we do not say —none of us says—the Federal Government should take it all over; it is a

Federal problem; therefore, we have a Federal solution.

Most of what we do as a nation we do as private sector operatives, as State and local governments, and then, of course, the U.S. Government does a fair amount of directing and financing of programs, but clearly we cannot run everything from Washington, DC.

The Bingaman amendment does deviate from this otherwise pretty commonsense approach to American life by saying: This is not just a national problem; we do not need just a national solution, we need a Federal solution to the point that we are going to mandate, compel, require, under penalty of law, that you will produce 10 percent of your power through renewable sources or else.

I actually misstated that a little bit. It is not produce, it is sell. We are requiring that the retailer account for 100 percent of the power sold so that you can prove to the Department of Energy that 10 percent of that power sold came from renewable sources. You do not have to produce it yourself. You either have to buy it from somebody who produced it or you have to buy credits from somebody who produced it or you have to buy credits from the Department of Energy that does not produce anything. But if you are willing to assess your retail customers for that, then you can get away without producing it yourself.

Either way, the energy is going to cost you something; it is going to cost them something. In one case, you actually have to buy it from somebody, and, in the other case, you have to buy it from somebody or the Department of Energy. There is a big difference between having a national policy and having a Federal mandate.

There are a lot of items in this bill that are OK, and they have national scope to them. There are a lot of items in the President's plan that are national in their scope, but they do not all provide for Federal mandates, and that is a distinction we need to make.

As a matter of fact, the Senator from Washington just talked about the need for Federal encouragement. In fact, her exact statement was: We need a policy to encourage the use of renewable energy as part of a 21st century national plan. I agree we need to encourage, but there is a big difference between encourage and require.

The encourage part we already have in the law. As a matter of fact, under this bill we are actually extending and expanding the tax credit that we currently provide for renewable energy sources to encourage greater production of that renewable energy. In fact, it would not make any economic sense to produce this without the Federal Government subsidy of 1.7 cents per kilowatt hour, for example, for wind generation. One could not compete in wind generation without this Federal tax credit which provides roughly 40 percent of the cost of the production of the power.

We do encourage, in a big way. We are already doing the encouraging part. The question is whether we should have both a carrot and a stick. I am all for the carrot approach, but I do not think the Federal Government should be taking a stick to people who buy electricity and say you have to buy 10 percent renewable power or we are going to make you pay for it. That is exactly what the Bingaman amendment does.

What the Kyl-Miller amendment says is, let the States decide. If we are going to have a national policy for this national problem, then let's let all the States within the country decide what is best for them.

I am intrigued by the chart that is on the easel behind the distinguished chairman of the Energy Committee. The Senator from North Dakota used that chart to illustrate that we have potential renewable resources throughout the country.

He demonstrated that by pointing to four different kinds of renewable energy power source. Biomass and solar, I guess that is the one that is very bright red down in my part of the country. Then geothermal in the lower left, and wind power in the lower right, and certainly in the State of North Dakota there is a bright red color, the Saudi Arabia of wind power in North Dakota, and in South Dakota, it seems.

What one can see from those four charts is the renewable opportunities are very divergent around the country. They are distributed not fairly in one sense but in a very disparate way.

The distinguished Presiding Officer does not have much of a shot, it seems, for wind power or geothermal power or solar power, but there might be some good biomass opportunities. I certainly hope so, because it is going to have to be produced or credits are going to have to be bought from somebody else who can produce it.

The real story behind these four charts is not the disparity and the fact there are winners and losers and there will have to be trading among the States, but according to the EIA report dated February 2002—that is the Energy Information Agency of the Department of Energy—on page 16, and I am quoting, only wind capacity is projected to make significant change between the renewable portfolio standard and the baseline, or the status quo.

In other words, of all of these renewables—solar, geothermal, biomass, and wind—that have been examined by the Department of Energy, the only one projected to make a significant change is wind power. There are a couple of reasons for that. The amount of the subsidy that has been used to develop the wind power industry and the general efficiencies with respect to wind power make it the only one economically viable, even close to being economically viable, as a producer of mass amounts of energy of the four basic renewables.

As much as we would like to produce it from solar power in the Southwest, the economics are not there, even with the substantial Federal subsidies. The same is true with respect to geothermal and biomass. I would like to burn more biomass in the State of Arizona. It is not an efficient way to produce power. The Btu content is not there.

So of these four basic energy sources, only wind power, the Department of Energy says, can really make a significant difference. That is a fact.

What is the importance of that fact? Well, first of all, the Senator from South Dakota and the Senator from North Dakota are sitting pretty good when it comes to production of electricity from wind power, it would seem, and maybe a couple of other States which I cannot quite see on that chart. Maybe northern Idaho, it looks like, and it looks like a little piece of Oklahoma. I hear the wind blows pretty well there, and I think there is a red dot where Oklahoma is, but that is about it. The rest of us do not appear to have a great deal of capacity to generate by wind power.

What does that mean? That means a transfer of wealth from all of the other parts of the country into those regions.

I am not suggesting the proponents of the legislation all are from those particular States. That is not true. But it is true that those who would utilize that resource in those areas would stand to gain the most. That is why I ask my colleagues to consider the discrimination that exists in this legislation. If we left it to the States to decide what percentage to set and how to define the renewable so as to take advantage of what is available in their locales, and how to set the timeframe so they could achieve some reasonable level, that would be one thing. That is what we have done. Fourteen of the States, including my State of Arizona, do have a renewable requirement. If we mandate at the Federal level, we are saying in Washington we know best for the entire country and this is a one-size-fits-all proposition now, we are going to define what counts as renewable and, by the way, hydropower does not. That is the first big difference.

We know full well going into this that only one of these sources, wind power, has a chance to really make a significant difference anytime in the foreseeable future. So the reality is we are not talking about renewables, we are talking about wind.

As I said before, I would kind of like to know who the winners and losers are if we are going to pass this bill. I do not want to buy a pig in a poke.

There was a lot of talk about Enron investing in certain kinds of energy and then trying to get the Federal Government to make everybody else trade in that particular energy or to make it easier to trade in that energy, and there were a lot of us in the Senate and elsewhere who criticized a Federal policy that would have favored a particular entity or group of entities within our economy. That should not be

what the use of Federal power is all about.

If we are going to talk about deregulation as the goal in this legislation, why would we be imposing a brandnew kind of regulation over the market that mandates that fully 10 percent of the energy has to come from a particular source—in this case, the reality, wind? That is what the Department of Energy says is the only renewable that can make a significant difference as part of a renewable portfolio. It only exists in a few parts of the country in abundance, apparently. So who are the winners and losers? What are the people in other parts of the country going to have to pay to the producers in this limited area of the United States for the privilege of continuing to generate power from oil or gas or coal or nuclear or hydro?

What are we going to have to pay to those areas that have the benefit of a lot of wind in their State? Nobody knows for sure. The Department of Energy calculates the gross cost at about $88 billion for the first 15 years; $12 billion each year thereafter. Of what is that cost comprised? It is the equivalent of credits or penalties. In other words, one is either going to have to produce it or they are going to have to buy a credit—and they estimate what that credit will cost—or they will pay a penalty because they did not do one of those two things. They calculate the cost of that at $88 billion, plus $12 billion a year thereafter after the first 15 years, after the year 2020. That is a huge cost passed on to the retail consumer.

There is also some evidence that if that much of the market replaces other energy sources, and there is a big footnote here, the question is: Will it replace or will it be providing additional energy because the energy needs of the country will grow over time? Let us assume we remain static, stagnant, and therefore the universe is exactly what we can envision today; we actually replace some natural gas or coal. The idea is the cost of that fuel will then go down because there is not as much demand for it, and so the people who get generation from those sources will be paying less because there will be lower fuel. As a theoretical proposition, that cannot be argued.

I suggest we have done no cost-benefit analysis. The committee has not looked at this. We really do not know what might happen 25 years out into the future in terms of the market price of these various kinds of fuels, but we do have pretty good numbers as to what the penalties and the credits are going to cost because they are fixed in the statute.

As a matter of fact, one could buy the credits from the Department of Energy at a very specific 200 percent of market or certain kilowatts per hour. So the costs are going to be significant to the retail purchasers of power. There is going to be discrimination from one part of our country to the next because the only real renewable that can be utilized under this legislation, according to the Department of Energy, is wind power, and the opportunities for that are somewhat limited.

As a result, to those who say we need a national policy, I say, yes, we need a national policy, not a Federal policy, one that takes into account all of these differences. So let us stick with the State option that currently exists.

Tomorrow our colleague from Texas, Senator GRAMM, is going to address the allegation that this bill is, after all, patterned after the Texas legislation, so what could possibly be wrong with it? Well, somebody from Texas can explain what the Texas legislation does, and I will let Senator GRAMM do that, but I would note the first point, which is that Texas did something on its own for the State of Texas does not mean therefore that the Senate should say everybody else has to do the same thing. I daresay, as much as I like Texas and Texans—I did not say how much; I said ''as much as I do''—I am not willing to say whatever Texas does is what everybody else in the country should be mandated to do. So bully for Texas.

Arizona has a standard as well. I am not really keen on mandating that the rest of the country do exactly what Arizona did. So I am not much impressed by the fact that part of this is patterned after what Texas did. The Senator from Texas will point out why it really is not that much like the Texas plan.

Leaving that aside, it is irrelevant. The fact that one State did it a certain way suggests to me that the State found a way to make it work for itself and other States ought to look at it, too. But the State of Maine did not copy Texas. Maine has a 30-percent requirement. Should we pick Maine instead of Texas as the great example to follow and require everybody to have 30 percent? If 10 percent is good, why not 30 percent? I ask my friends, if the object is to diversify, if 10 percent is good, why not 30 percent?

One of my colleagues said the United States is too dependent on coal and natural gas. I have an answer. We can drill for oil at ANWR and produce more nuclear power. That is a great way to diversify.

There is a problem. One of my colleagues from Washington State said: We need to diversify because in the Northwest, where we rely so much on hydro, we are getting killed by the drought. And it shows there won't be as much hydro available, so we need to diversify.

Let's examine that. We get some hydropower in the State of Arizona, but we have diversified by relying a lot more on nuclear, oil, and coal. We know there can be a drought and therefore that renewable is not as much of a sure thing as our coal supply, our natural gas supply, or our nuclear energy supply.

How about wind? Can you get wind power when the wind does not blow? No. How about solar? Can you get solar power when the Sun does not shine? No. That is why with all of the so-called renewables, because they are not as sure a thing as the other sources—which is why we use the other sources—we have to combine them with some other source. We have to combine them with a storage capacity or some other source so when the Sun is not shining, where the wind is not blowing, or the water is not flowing, you have stored the energy or you have an alternative source to provide that energy. That is one of the reasons these are not part of the baseline energy production in the country.

Think about it. It is why you would not want to have too much dependence on these unreliable resources. We call them renewable because we know there will always be wind, sun, and water, but you do not know exactly when or where.

We have an almost inexhaustible supply of coal in this country and we have spent millions to generate clean coal technology. We are producing a very large percentage of power in this country on clean coal. We added scrubbers. We demand all kinds of things that take the pollution out of the air. We now produce very clean power with coal.

Natural gas is even cleaner. It is available where we are able to provide the exploration. Today we have an abundant supply of natural gas. And, of course, nuclear is virtually inexhaustible. We can produce nuclear power energy for centuries to come. It is the cleanest burning fuel, in effect. It produces no pollution whatever. Its supply is virtually inexhaustible.

To those who say we should diversify in order not to be dependent upon a particular source of energy, and use the example of hydropower, I say you are absolutely right; that is why we do not rely upon these renewables. They are not dependable, as are the other major sources of electrical generation in the country today.

Why should the Federal Government be mandating unreliable sources for generation if we want to become more energy dependent and diversify our capacity and have greater ability to be assured of power production in the future? This is folly. This is like going back to the 18th century. Windmills are great. If you are in the middle of ranch country, you have to have a windmill to pump the water. It is a great way to do it. But it is not a great way to generate thousands of megawatts of power to serve our great cities in the United States in the 21st century. At best, it is a supplemental source of power and we encourage it. We provide tax credits for it.

The Kyl amendment will permit customers to say this is what we want, and if they want it, the States let them buy it at cost. I don't think we should be mandating all sellers of electricity have to provide more and more and more of their power from less and less

and less reliable sources—all in the name of diversification and a new energy policy that is going to make us ''safer'' and less reliant upon others? It does not make any sense.

There was a suggestion that the Federal mandate is not a preemption of the State plans. I beg to differ with my colleague. It certainly preempts the States that have decided to have no renewable portfolio and preempts those that want a different kind of standard than the Federal standard. There may be some things in common with some of the States that provide a requirement but only to the extent is it not preemption. To a far greater extent it is preemption.

To say it does not transfer wealth from one part of the country to another clearly is erroneous. It will result in that disparity and differential treatment.

I also pointed out other discriminatory features: this does not apply to governmental entities such as Bonneville and TVA or other governmental producers but investor-owned utilities. Why? What is the policy rationale for that? I happen to know, so I will explain.

If it had applied to the governmental entities, that part of the bill would have been subject to a point of order because it constitutes an unfunded mandate, imposing huge costs on those governmental subdivisions which under our law, now at least, we cannot do without subjecting that proposal to a point of order by the Members of the body. To avoid that point of order, the sponsor of the amendment wisely removed those utilities from the requirement of renewables. That creates a great imbalance. The investor utilities have to comply.

The public sector utilities do not have to comply. That is not fair. I guarantee we will see the customers of one screaming because they have higher utility bills.

I take my hat off to the municipal power producers that have written letters saying, notwithstanding the fact we are temporarily out of this bill, we still think it is a bad idea. It is not fair for our competitors that we have an advantage over them. And besides that, we are not too sure you will not try to come back and do it to us at a later time.

I appreciate their willingness to help out their competitors. There is probably some self-interest in it, but it does not matter. They are right.

There is also discrimination with respect to States such as Maine that have a huge hydro generation right now. They call that a renewable. But the Bingaman amendment does not. Maine says hydro is good; This is a renewable source and we count it toward our 30-percent requirement. The Bingaman amendment says, no, we do not let you count that for this Federal standard. The only thing you can count is if you somehow rewind the generators there and get a little more capacity out of this hydrodam in the future. We will let you count that incremental savings, that economy that you effected or the additional production, as going toward the renewable. Why do we discriminate in that way? Why do we count solar twice as much as geothermal? Why do you get twice as much credit on an Indian reservation? It looks as if there was a lot of looking at special interests and politics and issues such as dealing with the point of order issue rather than sound policy.

They talk about national energy policy. This looks to me as if it is a lot more than a national energy policy. There are a lot more different considerations than would go into a real national energy policy.

I hope my colleagues who have already said to some folks—and I acknowledge this—I need a green vote, I need to show I am pro-environment, that being for renewable energy will demonstrate that, I hope they ask themselves the following questions: What are all of my constituents who buy power going to think about that? I suggest that is almost everybody who is eligible to vote. You might want to please an energy company here or there or some environmental group here or there. But you are going to have to be accountable to all of the people who use electricity in your State.

For those who are going to have to buy credits from elsewhere, it is going to cost and they are going to wonder why their power bills have gone up. If that is the way you are inclined to vote, you are going to have to be prepared to explain that to them. I daresay there are probably going to be some political opponents or people in the media who are going to remind the folks about how this happened. So that is the first thing I think you are going to have to answer; you are going to have to answer to the people who buy the power at greater cost because you needed to have an environmental vote.

Second, there is the matter of discrimination. How are you going to be able to explain that it is going to cost you, but it doesn't cost somebody else in the country, just because of where you happen to live and where the wind happens to blow? You are going to have to explain that.

Frankly, to the extent solar power could be produced in my State, I could say I am really for this and I might benefit. The problem is, we don't have that much wind potential, as a result of which we are still going to be losers, so it wouldn't matter anyway.

I don't want to make somebody else suffer to buy a product I produce except at the marketplace. If people need to buy what I can make available because they need it and the market is open to their purchase of it, then that is great and I am willing for Arizona companies to make some money on that. But I don't want to use the Federal Government as my hammer, as my agent, to say I have something I want to sell and I can't figure out a way to make people buy it. I know, I will get the Federal Government to pass a law to say people have to buy it. That is the way I will take care of my investment.

That is wrong and that is what a few people are urging us to do. I am not talking about people in the body here, of course. I am talking about some folks on the outside. They have the good fortune of having a resource they would like to be able to sell. They would like to make some money on it and they haven't been able to do it that well yet because it is not that economical. The way they get it done is to have Congress pass a law to say you have to buy it. I don't think that is what the Federal Government should be all about.

We are going to be taking up campaign finance reform tomorrow and my colleague, Senator MCCAIN, has made a point that I totally agree with him on, that the real problem here ultimately is that the Federal Government has become so powerful now that everybody comes running to the Federal Government to seek special benefits because the Government can grant those benefits. It becomes very valuable after a while, so people decide they want to spend money influencing governmental policy.

In the abstract that is fine. We understand that is the way it is in a democracy, and there is nothing wrong with spending money to influence Government policy. But when you have a lot of money and you can influence the Federal Government to make people buy something that you have to sell that you could not sell to them otherwise, that is wrong. It is an abuse of power. Frankly, it is something that we as Senators should not countenance.

We should say to those people: Look, go develop a product that can sell. We have already given you a big tax break. If you can't sell it based upon that and you can't convince the State utility commissions or Governors or legislators to mandate a particular level of renewable energy resource in your own State, don't come to the Federal Government and ask us to do your work for you by forcing everybody to buy your product.

That is wrong. That is what creates the problem with the campaign finance issue—we make the Government so powerful that it can make or break businesses and therefore they all come rushing to us to get us to change Federal policy and to use it as a hammer rather than as an inducement.

I hope my colleagues will be able to answer these questions when they vote and that they will conclude we are really better off at this point in our history saying: We are not ready for an absolute Federal mandate. It is better to let the States decide this. With the encouragement that we provide through the tax incentives, we will see what kind of progress we can make toward the goal that we want. Then we

will reevaluate it to see if we really want to impose something on the American purchaser of electricity.

As I said before, we have to be very careful about mandating the use of unreliable energy sources. The renewables, with all due respect to those who think they are the great wave of the future, renewables provide some capacity for diversification, some ability to produce power in the future, but they should not be considered a good idea for baseload or for any significant portion of power requirements as a mandate because they are simply not that reliable.

I hope colleagues will consider supporting the Kyl amendment, and, as a result of that, it will eliminate the underlying Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I have a unanimous consent request, that amendment No. 3023 be modified with the language that is at the desk. This modification is technical in nature.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3023), as modified, is as follows:

(Purpose: To expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels)

On page 185, strike lines 9 through 14 and insert the following:

SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

''(2) USE.—

''(A) IN GENERAL.—A fleet or covered person—

''(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

''(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

''(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).''.

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking ''CREDIT NOT'' and inserting ''TREATMENT AS''; and

(2) by striking ''shall not be considered'' and inserting ''shall be treated as''.

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term ''alternative fueled vehicle'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term ''light duty motor vehicle'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

Mr. BINGAMAN. Mr. President, I know my colleague from Nevada is here to speak on this amendment, so I yield the floor to him.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—H.R. 2356

Mr. REID. Mr. President, I have a unanimous consent request I would like to propound to the Senate. I see my friend from Kentucky, who has spent so much time allowing us to arrive at this point. I hope we can work this out for everyone's benefit.

Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, that is Wednesday, the Senate resume consideration of H.R. 2356, the campaign finance reform bill, with the time until 1 p.m. equally divided between the leaders or their designees prior to the vote on the motion to invoke cloture, with the mandatory live quorum under rule XXII being waived; further that, if cloture is invoked, there be an additional 3 hours of debate equally divided between the two leaders or their designees, that upon the use or yielding back of time, the Senate vote on passage of the act with no amendments or motions in order, with no intervening action or debate; further, if cloture is not invoked this agreement is vitiated.

I further ask unanimous consent that immediately after final passage of the bill, the Senate proceed to the immediate consideration of a Senate resolution, the text of which is at the desk, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Kentucky.

Mr. MCCONNELL. Reserving the right to object, and I am not going to object, I say, once again, that what is missing from this consent agreement is a technical corrections package which Senator MCCAIN, Senator FEINGOLD, and I have agreed to. This is the first time in the history of this debate, over all of these years, that the three of us have actually agreed to something.

Regrettably, it has now been objected to by someone else on that side of the aisle. I say to my friend, the assistant majority leader, I hope at sometime during the course of the day tomorrow we can get that objection cleared up and hopefully Senator MCCAIN, Senator FEINGOLD, and I will offer a unanimous consent agreement tomorrow related to this technical package which the three of us have agreed to and hopefully we can work out some way tomorrow to clear that as well.

But I have no objection to this package as far as it goes. The only caveat I issue is that we hope to be able to achieve yet another consent agreement tomorrow, to move a technical package out of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I am grateful to the Senator from Kentucky for his work on this issue. It has been a very difficult thing for him, but he has persevered and we have gotten to the point where we are now and look forward to trying to work on the other problem that he mentioned today.

I will be very brief. I know the hour is late. I say to the Republican manager of this legislation that at such time as the Senate gets back on this legislation, the first thing that will be done is move to table this Kyl amendment. I explained that to the floor staff. I have explained that to Senator KYL. But we thought, rather than doing that today—we had the right to do that earlier today—that there was interest in this. Even though we had the right to do that, we wanted to make sure everyone had an opportunity to speak on this. People can speak as long as they want on this tonight.

But I do say that as soon as we get back to this legislation, unless there is some kind of an agreement that we will vote on this motion where we would have 10 minutes equally divided or 20 minutes equally divided, something reasonable, the majority leader will seek recognition to move to table because we have spent enough time on renewables.

AMENDMENT NO. 3038

Mr. President, I feel very strongly we need to diversify the Nation's energy supply by stimulating the growth of renewable energy.

America's abundant and untapped renewable resources are essential for the energy security of the United States, for the protection of our environment, and for the health of the American people.

We should harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide clean, renewable energy for our Nation.

I rise in opposition to the amendment by Senator KYL to strike provisions in this important legislation that would establish a renewable portfolio standard. The prospect of passing an energy bill without a renewable portfolio standard, to me, is embarrassing. It should be, I would think, to the country.

We have already told the automobile industry to build the cars as big as they want, using as much gas as they want. We are not going to increase fuel efficiency standards. So I think we can at least go this step further.

In the United States today, we get less than 3 percent of our electricity from renewable energy sources about which I have spoken—wind, Sun, geothermal, and biomass—but the potential is much greater.

This visual aid in the Chamber says it all.

In Nevada, we have great resources for geothermal. If you look on the map, you'll see that we also have wind all over the State. As the Senator from Alaska has heard me say, Nevada is the most mountainous State in the Union, except for Alaska. We have over 300 mountain ranges. We have 32 mountains over 11,000 feet high. By Alaska standards, I guess that is not very high. We have one mountain that is 14,000 feet high. By most standards, Nevada is a pretty mountainous part of the world.

In many of those areas we already have people who are beginning the development of wind farms, especially with the production tax credit that was passed for wind energy as part of the economic stimulus package. So, the credit for wind energy has been renewed, which is good. There is a 260-megawatt wind farm being constructed at the Nevada test site, as we speak. So there really are a lot of resources in Nevada and around America for this alternative energy.

My friend, who I have the greatest respect for, the junior Senator from Arizona, has talked a lot about the cost in dollars of renewable energy. It reminds me that many years ago there was a company called the Luz Company, which was in Eldorado Valley, near Boulder City, NV. In this big valley, they wanted to build a big solar energy plant—about 400 megawatts.

They went to the Nevada Public Service Commission, and they were turned down. Why? Because, in effect at that time there was a law and a regulation by the utilities commission saying that you had to have power produced that was the cheapest. Solar was not the cheapest in actual dollars. But it is cheaper in many ways when it comes to providing clean air for my children and grandchildren who live in Las Vegas.

What has happened? In that valley today they have natural gas plants. They are clean, but they are not as clean as solar energy. I think it would have been wonderful to build that solar facility. The cost is not always the dollars it takes to build a power plant. The cost is other things including environmental and health effects. What does it do to foul the air? What does it do to people's health? What does it do to the environment?

That is why we need more alternative energy. It is more than just the cost that we see in dollars and cents that you can add up when you build a plant. It is the dollars and cents in people's health, people's comfort.

Eldorado Valley used to be as clear as the complexion of a newborn baby. Not anymore. So the potential for renewable energy in real terms is significant.

Senator DORGAN from North Dakota has talked about wind. The ''Saudi Arabia in America for wind'' is North Dakota. The ''Saudi Arabia in America for geothermal'' is Nevada. We need to change what we have been doing in the past and diversify the Nation's energy supply.

My State could use geothermal energy to meet one-third of its electricity needs—a State which will soon have 2.5 million people—but today this source of energy only supplies about 2½ percent of the electricity needs in Nevada.

I have said before that I remember the first time I drove from Reno to Carson City. I saw this steam coming out of the ground. I thought, what is that? I had never seen anything like that. It was heat coming from the depths of the Earth. Every puff that came out of the ground was wasted energy. We need to harness that steam energy and produce electricity.

Other nations are doing better than we are doing. We started out doing great, but now we are falling behind. They are using a lot of equipment that we have developed. We need to stimulate the growth of renewable energy and become a world leader.

Drawing energy from a diversity of sources will protect consumers from energy price shocks and protect the environment from highly polluting fossil fuel plants.

Fourteen States have already enacted a renewable portfolio standard, including Nevada, which has the most aggressive standard in the Nation.

I hope the Senate will be willing to establish a national portfolio standard with achievable goals. I support Senator BINGAMAN, but I think his goal of 10 percent is too low. I supported Senator JEFFORDS' amendment. I think we should go for 20 percent.

In Nevada, we are going to require 15 percent of the State's electricity needs be met by renewable energy by the year 2013. That is pretty quick.

We must diversify the Nation's energy supply by stimulating the growth of renewable energy. This is essential to the energy security of the United States, the protection of the environment, and the health of the American people.

My friend from Arizona, the junior Senator, has stated that renewables are more expensive than conventional power sources, including nuclear. But I would just mention in passing, no electric utility of which I am aware—I could be wrong—has ever declared bankruptcy because of investments in renewable energy. But I do know that El Paso Electric, on the other hand, was driven into bankruptcy by its investment in the Palo Verde nuclear plant in Arizona.

I think we need to be aware of the volatile nature of the supplies and price of natural gas. There have been charts shown earlier today where you see the amount of natural gas that is going to be used in the future.

From 1970 up until 2020, natural gas is just going up in consumption, but the price variables during that period of time, because of supply and demand, have been really like a teeter-totter. With renewables, you do not have that. You have price stability.

I am a big fan of coal. We have a lot of resources in America for coal. But I am for clean coal technology. We should be spending more, not less, money on clean coal technology. In the United States, we have more coal than the rest of the world. We need to figure out a way to use coal that burns clean. We have not done a real good job on that. We have made progress, but we need to do more.

I hope we defeat the Kyl amendment. I cannot imagine an energy bill that has no renewable energy in it. I heard people get on the floor and say: Well, we have to look at this State by State. Some States are more able to produce alternative or renewable energy. That is probably true, but remember, we are not saying, in this legislation, it has to be State by State. We are saying utilities have to do that. As we know, we have excluded co-ops and a lot of the smaller producers.

But there is no reason in the world these big utilities should not use renewables for part of their portfolio. That is what we are saying. It is not a State by State issue; it is a utility by utility issue.

I hope we resoundingly defeat the Kyl amendment. If there were ever an amendment that deserves defeat, it is the Kyl amendment. We need to encourage the growth and development of renewable energy resources in our great country.

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

Mr. MURKOWSKI. Mr. President, I have listened very carefully to my good friend, the majority whip, and I am certainly fascinated by the example he has given with regard to geothermal.

Geothermal has a tremendous potential in certain parts of the United States. One of the problems, however, is that a lot of our geothermal is adjacent to or in national parks. Clearly, there is a tradeoff there as to whether or not we want to develop that. But in many cases, particularly out in California, there has been enough public

pressure to suggest that this natural phenomena should remain untouched. As a consequence, to a large degree the potential has not been realized to the extent it might have.

I am also inclined to question the tactics and the strategy of the Democratic side relative to the announcement that the amendment is going to be tabled. That sounds like a fishing expedition to me. They are going to make a determination of just where the votes are, and it might make it easier for some Members to simply justify their vote by saying, well, we tabled it. That doesn't really mean that we have a position one way or another on it.

Mr. REID. Will the Senator yield for a comment?

Mr. MURKOWSKI. Without losing the floor, I will.

Mr. REID. Of course. We would be happy if Senator KYL and/or the Senator from Alaska wanted to have an up-or-down vote. We would agree to that also.

Mr. MURKOWSKI. All I know is that I was advised that the majority had made the decision to table it. I was not aware that the minority had made the decision. I can only comment on what I have heard. In any event, I would certainly honor the statement by the whip, as well as Senator KYL, as to just how this is disposed of. But if indeed the commitment and the agreement is that we will have a tabling motion, it appears we will have a tabling motion.

Again, I remind my colleagues, that kind of determination, in my opinion, is a bit of a finesse. There is other terminology I could use. Members have different ways of justifying tabling motions. We are all quite aware of it. I would prefer to see an up-or-down vote.

We have had a good debate on this issue. Some of the things, however, that I think we have overlooked are, this isn't the first time we have come up with renewables in this country or discussed it or debated it or argued the merits. Clearly, there is a tremendous merit to renewables. But the question is, How fast and how far can we move?

I am told that about 4 percent of our entire energy mix comes from renewables. That includes hydro. Two percent of our electricity is generated from renewables. That is significant as well. But, clearly, when you understand we have spent some $6.5 to $7 billion investing in renewables, in tax credits, in subsidies, in loans, I am sure it is well spent, but we have had a reasonable concentration.

So as we look at the mix now and say, here we are going to have a mandate, a 10-percent mandate, we ought to look at just what the cost of this is and how significant it is going to be, what effect it is going to have on the economy. I know that is what Senator KYL has been commenting on for some time.

First, I would like to address a couple of statements made in this debate. One is that the U.S. is too dependent on coal and natural gas. I would be happy to be corrected, but I believe that was the statement made by the chairman. We can do something about that if we wish. We could concentrate on nuclear energy. I don't see any great support for nuclear energy in this package, even though it is clean and the consequences of any air quality emissions are nonexistent. We have a problem with the waste, but everything seems to have a tradeoff.

Certainly, we could go to my State and open up ANWR. That would address dependence on coal and natural gas.

But we have to recognize the role of coal in this country. The United States is the Saudi Arabia of coal. U.S. coal, for all practical purposes, is never going to run out. The question is the technology of cleaning up the coal.

I notice a good deal of attention has been given to the chart of the majority. That chart was rather interesting because it proposed biomass. Let's not make any mistake; I don't think a lot of people know what biomass is.

Biomass is primarily wood waste. What do you do with wood waste? You burn it. And when you burn it, you generate heat. The heat generates, in the process of generating in a boiler, steam. The steam goes into a turbine, and it generates electricity.

But is it magic? No, it has tremendous emissions. I know in my State, a few small sawmills that, by the Environmental Protection Agency, have been mandated to burn their waste. They have to use so darn much fuel oil to get it hot enough to burn that the economics are out the window.

Another thing that I can't understand why the majority doesn't face up to is the provision in here that says you can't use any wood waste from public land. What does that mean?

In my opinion, that is another finesse. I have another word for it, but I shall refrain. It simply is in response to America's environmental community. It doesn't want any timber harvesting in the national forests, which is where the public lands are. It says you can't, in your biomass mix, use anything from the national forests other than residue that has come from thinning. In other words, you can have a mill that has a timber sale in the forest, and they have mill ends, they have bark, they have sawdust. In this legislation, you can't use it.

That is not a practical way. The specific reading deserves to go into the RECORD. These are the things that are wrong with this particular bill. That is why I think it is so important to recognize the contribution of the Kyl amendment. We will pick that up in a minute.

Nevertheless, it is a crass inconsistency. Good heavens, what difference does it make? Waste is waste. If you have cut a tree from a national forest legitimately, you could make lumber out of it, but you can't use the residue for biomass. The issue here is obvious to those of us out West. This is to discourage harvesting in the national forests.

What are you going to do in my State of Alaska? I don't have any nonpublic timber. We have two forests. We would have to, under this legislation, go out and buy credits. We couldn't make biomass because all our timber, all our sawdust, all our mill ends come from those forests. Let's get realistic.

I will have to offer an amendment, and I am prepared to do it.

Let me read what it says here. This is on page 6:

> With respect to material removed from the national forest system lands, the term ''biomass'' means fuel and biomass accumulation from precommercial thinning, slash and burn.

That is the limitation. You can't use the residue from a commercial tree that you take out of the forest.

That is inconsistent with the utilization of the product. What are you supposed to do, waste it? Save this and waste that?

The chart wasn't ours, but it was an interesting chart because it showed biomass. And, again, biomass is not the magic it is cracked up to be because you have to burn it. To burn it, you have emissions. Because of emissions, you have to address air pollution. Air pollution means technology. Technology means cost. Don't think you are going to get a free ride with biomass.

Solar works great in Arizona and New Mexico, the Southern States. It doesn't work in Barrow, AK. We have a long dark winter where the sun never rises above the horizon for about 3 months. Solar has an application, I grant you. I don't belittle it. But nevertheless, the footprint is pretty broad. You would have to cover several States with solar panels to equal what I can produce from ANWR in 2000 acres. I can produce 1 million barrels a day, and it would take somewhere in the area of two-thirds, three-quarters of the entire State of Rhode Island.

We had some discussion earlier today relative to wind generation. Wind generation has an application. I think one of the tremendous application of wind generation is using it to fill dams. In other words, the technology is relatively simple because when the wind blows, the wind powers electric pumps or generators that pump water from a lower area to an upper area. And then you have the fall into the turbines and you can generate. There is a lot of thought that says that some areas near saltwater, where you have canyons and so forth, you could theoretically dam up a little inlet where you have wind, and you could have the wind generating power for the pumps. And then you pump the saltwater up and run it through the generator. You are really picking up something if that is the kind of technology you are talking about. But make no mistake, there is a footprint.

This chart shows San Jacinto, CA, between Banning and Palm Springs. I

have driven through there many times. If you look at it, it is rather astounding because you see literally hundreds of these windmills. And some of them are turning; some are not. Sometimes they have technical problems because the wind pitch and velocity is such that it can tear up the transmissions.

We have some in a few areas of Alaska where they actually have brakes on the ends of the blades. It has a tendency to brake itself rather than tear the transmissions up or to get ice on them, and so forth.

But the point I want to make here is that this is about 2,000 acres of a wind-generating area that is committed to the placement of the wind generators and the towers, and that equates to making about 1,815 barrels of oil. So the footprint there, 2,000 acres, equates to 1,815 barrels of oil in an equivalent energy Btu comparison. Yet 2,000 acres of our area, in ANWR, will produce a million barrels of oil. So there is a tradeoff. So we have solar, and we have wind, and we have biomass. They are all meaningful, they all make a contribution, but they have a certain cost to them. Now, there is either biomass, wind, solar, geothermal—I mentioned geothermal and a good portion of those, unfortunately, are in or adjacent to our parks.

Another point made earlier in the debate is that this is not a State preemption. It really is a State preemption, Mr. President. It preempts those States that have decided that a renewables portfolio standard is not in the consumers' interests. There are 14 now that have come in voluntarily. But this legislation would mandate that all States achieve it.

Let's take the State of Michigan, for example. What is in it for Michigan? I am not from Michigan. I can't speak about it, other than to share some observations that the staff has made. But we have some wind in Michigan; some solar; not much hydro potential; biomass—I suppose there is some; geothermal, very little. But they clearly don't have a significant segment of one of these alternatives available. So what are they going to do? Well, probably buy credits.

Another thing that came out of the debate that is wrong with this legislation is there is nothing to prohibit. The Three Gorges dam on the Yangtze River in China, which is about completed—but they are putting in turbines now, and so forth—it is my understanding that would qualify for credits. That is a pretty big project—one of the largest hydroprojects ever undertaken in the history of the world. Are we going to see a situation where utilities are going to be allowed to go buy credits? There is nothing in the legislation to prohibit it.

That isn't the intent. The intent is to encourage the development of renewables.

That is another thing wrong with this legislation. I am sure this can be corrected; nevertheless, it suggests that we have left an open door in this concept of buying credits.

Another point that was brought up in the debate is the issue of transferring wealth from one part of the United States to another. It is fair to say that the State of California, with a large population, dynamic economy, depends on energy coming from the outside. They would rather buy energy than develop their own. We saw that last year in the crisis in California. We have seen it time and time again. My good friends from Louisiana have indicated that they get a little tired of this ''not in my backyard'' business. Louisiana is developing oil and gas offshore. They are subject to the impact of that on their school systems, roads, and so forth. Do they get anything extra? No. The OCS goes into the Federal Government fund. Yet they are generating this for the benefit of other States.

So it is not fair, necessarily, to consider this transfer of wealth from one part of the United States to another. In other words, those areas that have the potential of generating biomass from either solar or wind are not going to have to buy credits. Others that don't have this availability are going to have to do so. I suggest to you this is not necessarily equitable.

There are other examples that I think deserve a little examination; that is, under this mandate, each electric utility, other than public power—and why is that, Mr. President? We have investor-owned power and we have public power. But we make a distinction here. We do the mandate on every electric utility other than public power. What is the politics of that? I don't know, Mr. President, but I know public power opposes it, and they have prevailed. They don't have to maintain a mandate. You are a businessman, Mr. President, and so am I. What does this mean?

This means that investor-owned power companies are not necessarily going to have the same comparative cost mechanism because investor-owned companies are going to have to go out and buy credits or put an investment in renewables.

Does that mean public power can increase their rates a little bit to coincide within investor-owned? Who pays that, and is that kind of a windfall profit? I don't know, but I think every Member who is going to vote on this ought to be able to go home and explain this because it is not equitable. Power produced by investor-owned and by public power—they both do a good job, but why are we excluding one? It is because of the politics. They don't want it. I would like to hear the debate from the other side, but I see they have adjourned for the evening—at least on that side of the aisle. I would like to hear an explanation of that.

So what we have here is each electric utility other than public power must have one renewable credit for the required percentage of its retail sales. That starts at 1 percent and increases to 10 percent in the year 2020. Who are we exempting, Mr. President? We are exempting Bonneville, which you heard of, out West, and TVA, WAPPA, which are significant power groups in their own right, entitled to the process; nevertheless, the public and we should question this.

To obtain a credit, a utility can, one, count its existing wind, solar, geothermal, or biomass, but not hydro. Well, I have been chairman of the committee, and I have been ranking, and how they can conclude that hydro is nonrenewable is beyond me. But I have made my case. It looks as if they have put this in here so it will fit. That is what is wrong.

This legislation has been shopped on the other side to the point where it has accommodated virtually every special interest group. That is what is wrong with it. It never had the process that normally takes place around here, and that is the committee process, where the legislation is developed within the committee, the bill is introduced, referred to the committee, hearings held and markups and so forth. We know the history. But it is beyond me that the media has not picked up on the injustice of that.

The majority leader obstructed the committee of jurisdiction —Energy and Natural Resources—to do this. He said it was too contentious. He pulled it away from the chairman. Here we are on the floor of the Senate at 7:10 enlightening one another as to what is in the legislation. That should have been done in the committee process. It was not and that is a tragedy.

It is kind of interesting, to make a parallel—I will not make an issue of this, but what is good for the goose is good for the gander. Somebody made an observation of that nature, where we had the majority leader, in the Pickering nomination, on a question relative to sending the matter directly to the floor, taking it up, and resolving it on the floor. Oh, no, we had to observe the traditional process of the committee jurisdiction. I don't know why it is not good enough for the Energy Committee, but it certainly applies in the case of Judge Pickering. I don't want to go down too many rabbit trails this evening, but I wanted to point out an inconsistency.

As I have indicated, to obtain a credit, a utility can count existing wind, solar, geothermal, and biomass, but not hydro.

It can build a new renewable powerplant or purchase the credit from another new renewable powerplant or purchase the credit from the Secretary of Energy. Is the Secretary of Energy going to be selling these credits? Is that revenue to the Federal Government? What is it worth? What is it going to cost?

My understanding is the average cost of electricity is about 3 cents per kilowatt hour. You are going to have to pay something for these credits. I am told it may be another 3 cents. So that

is 6 cents. That is going to be passed on to the consumer, Mr. President. Public power is not going to pay it, just investor-owned companies. Isn't there some kind of subsidy, tax credit, associated with this of about 1.7 cents?

We are now taking power that usually goes to the consumer, about 3 cents, and that consumer is now going to be paying about 7.5 cents. Is anybody concerned about that? I do not see a lot of concern. Evidently the public is just willing to pay from the investor-owned business only an increase from 3 cents to 7.5 cents. Think about that: Every Member and staff who is watching, you had better be prepared to explain that to your ratepayers and your consumers. That is the price you are paying for this mandate.

In the early years of the renewable portfolio program, there will be few tradeable credits because only new facilities produce credits for sale. The renewable credit would be, as I said, about 3 cents per kilowatt hour through the wholesale market price of power. This is on top of the 1.7 per kilowatt hour renewable tax credit. That substantiates what I said.

Let's talk about a few key States.

West Virginia: American Electric Power serves the bulk of West Virginia. Ninety-seven percent of the American Electric Power Generation is from coal. A smaller portion is from natural gas and nuclear, and eight-tenths of 1 percent is hydro. We are told that American Electric Power could not meet the renewable portfolio standard through existing renewable generation. They would have two choices: Build new renewable powerplants or purchase credit.

New York: Consolidated Edison serves New York City. Con Ed has disposed of most of its generation, as we know, and now purchases 95 percent of its electricity. All of its remaining generation is gas fired and located within the city of New York. Con Ed could not build renewables production in New York City to satisfy its renewable portfolio requirement. It would have to purchase credits to satisfy the renewable portfolio standard requirement. They simply cannot do it in New York. They acknowledge that.

Arkansas: Arkansas is served by Entergy. It is 98 percent natural gas, nuclear, and coal, and only 2 percent hydro or wind. It would not meet its RPS—renewable portfolio standard—requirement through existing wind generation. It would have to purchase credits to satisfy the RPS requirement.

Illinois: Exelon serves most of Illinois, including Chicago. It is 88 percent nuclear, coal, and natural gas, and 8 percent hydro. They would have to build renewables or purchase credits to meet the RPS requirement.

What are they going to do? Are they going to purchase them or build them? They are going to make a business decision, and the business decision is going to be made on the quickest return on investment. That is what you make business decisions on—the least risk and the highest return. Are they going to build renewables or buy? It depends on the mix.

I do not think we have really reflected because the other side is so anxious to salvage something in this energy bill. This energy bill can only be salvaged by good amendments because it was a bad bill to start with. It has been improved dramatically. I support the continued process, but the continued process toward a good bill can only be resolved by amendments.

The Kyl amendment is not a vote against renewables; it is a vote for States, it is a vote for consumers, and it is a vote for the freedom to choose.

This is not in the House bill. What is going to happen when it goes over to the House for conference? There is nothing in the House bill. We all have a little idea what the House is going to do.

The Bingaman amendment, in my opinion, subsidizes renewables at the expense of coal, natural gas, and nuclear power. What does that mean? To me that is a Btu tax, British thermal unit tax. It was the first legislation introduced by former President Clinton when he first took office, looking for revenues: We are going to put on a Btu tax.

Do my colleagues know what happened? He was defeated because the public said: This country is energy rich. We have a broad choice of energy mix. We have coal, we have oil, we have natural gas, we have renewables, we have biomass, and you want to tax us first thing.

This is a Btu tax on coal, natural gas, and nuclear power, make no mistake about it. Fourteen States have existing programs with different fuel mixes, and they would be preempted by this legislation.

Senator KYL's amendment replaces the Bingaman renewable mandate—and remember, renewable mandate; we all know what mandate means: you must do it—Senator KYL's amendment would replace it with a program to encourage renewables without preempting the States, without micromanaging the market.

What is the matter with the way this market is working? Fourteen States have initiated programs because they believed it was in the interest of their State, the consumers, the air quality, and good citizenship. But, no, we are going to mandate it, and at what cost?

The Kyl amendment requires State utility commissioners—and I use the words ''to consider''; it is not a mandate—''to consider the merits of a green energy program.'' It does not order them to implement one. It says consumers can purchase green power if they want to; they are not required to. And I guess the utilities can charge them for green power if it is higher. There is nothing wrong with that if that is what they want.

Over the past 5 years, Congress has provided more than $7 billion in subsidies, tax incentives, and other programs to assist renewables. As I said earlier, I support those. That is how we bring on technology. But you do not get a free ride from it. If we do make this mandate the law, we are going to increase the cost of electricity to the consumer, but only for the investor-owned company, because that is to whom it applies. It does not apply to public power. I have yet to get an explanation as to why. We all know why. It is politics. They do not want it. They want to enjoy a differential. Is the public aware of that? Are they aware why one source of power should enjoy the benefits and not another?

If you happen to have public power providing you with energy, you are going to break. If you are an investor-owned business, you do not. This is not the American way, and people ought to begin to understand this. Members had better be able to explain it when they go home.

Now the Bingaman amendment, in my opinion, is not good policy, frankly. I have the greatest fondness for my friend Senator BINGAMAN, but what it does, it picks winners and losers; it favors types of fuel based on politics, not policy; exempts public power, although there is no policy justification.

On the other hand, the Kyl amendment points out fundamental philosophical differences between—and we have heard that today—Daschle-Bingaman. We really want consumers to choose for themselves. On the other side, they want the Government to choose for the consumer. That is what this Daschle-Bingaman proposal is all about.

We want the States to make decisions on the needs of the people. They want the Federal Government in charge. This issue, renewable mandates, is opposed by the United Mine Workers, Public Power, Investor Owner Utilities, Chamber of Commerce—well, I have an explanation, and I appreciate that. I want to make sure the record reflects it because I have been saying that this would benefit Public Power, but I have been corrected by my staff to say that Public Power also is opposed to it.

Why is Public Power opposed to it? Because they are fearful it will be lost in committee, and they will in the committee process be also included in this mandate.

The record should reflect my reference to Public Power and the clarification.

So the renewable mandate is opposed by the Chamber of Commerce, United Mine Workers, Public Power, Investor Owned Utilities.

The fear that Public Power has is they will be exposed in committee and have to be subject to this as well.

I think all Members should consider the merits of what we are getting into, the precedence we are setting, and the emotional argument associated with: Gee, we have to do something on renewables. We have not been able to respond on CAFE. We have not been able

to move in a manner in which we could address even the pickup issue, on which we had a vote. Let us make sure the legislation we pass is good legislation; that it is well thought out; it is applicable; that it does something meaningful that is in the appropriate role of government to do, as opposed to what I think the States are doing very nicely by themselves. They are proceeding, should they wish, with their own renewable mandate proposal, and that is where I think these types of decisions belong.

I think we would all agree as Members of the Senate that one size does not fit all.

With the recognition it is late, I am prepared to yield the floor. I believe we will be on this bill in the morning. Might I ask the Presiding Officer what the order of tomorrow might be again for those of us who might not have heard the majority whip?

The PRESIDING OFFICER. There will be a cloture vote tomorrow at 1 p.m. on campaign finance reform.

Mr. MURKOWSKI. If I may ask further, upon the conclusion is there any order from the leader as to what we would go to?

The PRESIDING OFFICER. There is no special order. The Senate, by default, will resume consideration of the energy bill.

Mr. MURKOWSKI. I thank the Chair.

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 that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3039 TO AMENDMENT NO. 2917

Mr. REID. Mr. President, I send a technical correction to the desk with respect to amendment No. 2917. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 2917) was agreed to, as follows:

On page 555, line 14, after ''Secretary'', insert ''shall''.

Mr. REID. Mr. President, for the information of the Senate, this technical correction is simply the addition of the word ''shall'' on page 555 of the amendment.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak not to exceed 5 minutes each.

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

HONORING FRED SCHEFFOLD

Mrs. CLINTON. Mr. President, I would like to take this opportunity to honor the late Fred Scheffold, a battalion chief with the New York City Fire Department and one of the many NYC firefighters who so bravely gave their lives on September 11, 2001.

Today, I had the honor of meeting Fred's widow, Mrs. Joan Scheffold, and their daughter, Karen Scheffold-Onorio, at a news conference in the Mansfield Room of the U.S. Capitol Building. They were here to join my distinguished colleagues, Senator STABENOW, Senator ALLEN, Senator KYL, and me to announce the next steps in the implementation of the Unity in the Spirit of America Act, the USA Act.

The USA Act is legislation introduced by Senator STABENOW that establishes a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11. The measure was signed into law by President Bush in January. To recognize the heroism of New York Firefighter Fred Scheffold, and all the victims of September 11, I ask unanimous consent that the statement of Joan Scheffold be printed in the RECORD. It is a warm and loving tribute to a heroic husband, father, and American.

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

REMARKS BY MRS. JOAN SCHEFFOLD, MARCH 19, 2002

The world lost many treasures on September 11th, and I mourn the loss of my own gem, my husband Fred. Fred's 32 year career with the NYC Fire Department brought him to many corners of New York and on the morning of September 11th, he was just finished his 24 hour tour as a Battalion Chief in East Harlem. When the alarm came in, he rushed to the scene along with the Chief who was relieving him. Like so many others that day, he was not obligated to respond to the alarm but he did so out of the sense of duty and the simple fact that he knew his help and expertise would be needed.

But, he was so much more than just a fireman who was lost on September 11th. As an avid runner, skier, and golfer, he inspired our 3 daughters to reach their highest goals and set them higher once again. A talented painter and sculptor, our home and yard are decorated with many of his pieces, including a giant insect made of metal and wood on the front lawn and a front door painted purple. A self-proclaimed ''news junkie'', he read everything that he could get his hands on and could hold an intelligent conversion about any topic. Essentially, he had a lifelong love of learning.

He had the unique ability to make you feel like you were the only one of the room when you were talking to him and that what you were saying was the most interesting thing he's heard all day. But he never failed to end the conversation by making you laugh.

We mourn the loss of Freddie every single day. He was a magnificent human being and a beautiful soul who will never be forgotten. Fred's memory has been celebrated in many ways including a scholarship fund that has been established at his alma mater in the Bronx and trees that have been planted in his honor. We hope that we can continue to honor his life and the lives of those 3000 others lost on September 11th through projects of the Unity in the Spirit of America Act.

SALT LAKE 2002 PARALYMPIC WINTER GAMES

Mr. HATCH. Mr. President, during the last 2 weeks of February, the world watched the 2002 Winter Olympic Games held in our home State of Utah. The success of these games and the achievement of the competing athletes have been recognized as high points in the long Olympic tradition. We are all proud of the spectacular athletic accomplishments of the participation and support of this outstanding event.

Today I rise, as a Senator from the great State of Utah, to call attention to and express support for the Salt Lake 2002 Paralympic Games which concluded with the closing ceremony this past Saturday.

As meaningful and significant as the 2002 Winter Olympic Games have been, the Paralympic Winter Games, perhaps, elevate that significance, for paralympic athletes must not only excel in athletic skill and prowess, but must also accommodate a disabling condition.

During the 10 days of the Salt Lake 2002 Paralympic Winter Games, world-class athletes brought together their minds, their bodies, their spirits, and their determination to pursue the highest level of performance and commitment.

I especially want to recognize the fantastic achievements of our athletes from Utah. Steve Cook showed incredible speed and skill earning four silver medals in cross country skiing events—the 5K, the 10K, as an anchor on the relay, and the biathlon.

No less exceptional was Muffy Davis who was awarded three silver medals in alpine skiing. Her performances were stellar.

Lacey Heward excelled in both the Super G and the Giant Slalom, winning bronze medals in both events.

Also winning two bronze medals was Christopher Waddell in the Giant Slalom and downhill skiing event. Christopher also captured a silver medal in alpine skiing.

Monte Meier, through strength and courage won a silver medal in alpine skiing. Our alpine skiing is exceptional in Utah.

Stephani Victor earned a bronze in the downhill skiing through her great diligence and prowess.

No less outstanding is the participation of Daniel Metivier and Keith Barney, who also gave their all in these games. The stellar achievement of our Utah athletes has been magnificent. I am so proud of their excellence.

While it is fitting that the U.S. Senate express recognition and praise to these outstanding athletes, I cannot forget to applaud their dedicated coaches, trainers, and families. These individuals provide the needed unconditional support for the athletes. Though they stand in the background, they are no less deserving of Olympic glory.

I compliment the U.S. Olympic Committee, which is designated as the National Paralympic Organization. Under

the direction of President Sandy Baldwin and Chief Executive Officer Lloyd Ward, the U.S. Olympic Committee has offered their incredible support for these games.

I also pay tribute to the Salt Lake Organizing Committee, SLOC, for taking the challenge to improve on the success of the Utah Winter Olympics by organizing and carrying out the 2002 Paralympic Winter Games. Nancy Gonsalves, who has been at the head of this venture for the Salt Lake Organizing Committee, is to be commended.

My colleagues might be interested to learn that this was the first time the Paralympic Winter Games have been held in the United States. It was also the first time a local organizing committee assumed the responsibility for the organization, acquiring of sponsors, and staging of the games. The contributions of the sponsors, the volunteers, and SLOC were essential to the success of the Salt Lake 2002 Winter Paralympic Games. The commitment of the people in Salt Lake City and the great state of Utah deserve our appreciation and recognition.

In addition, I wish to give special recognition to the national media for the attention they gave to the Paralympic Winter Games. The purpose of the 2002 Paralympic Winter Games, the events, and the individual stories of the athletes were covered more extensively by the national and international media than in any previous Paralympic games. This coverage suggests that we, as a society, not only recognize outstanding physical performance requiring concentration, dedication, and discipline, but, in addition, we recognize the challenges that must be accommodated by people with disabilities. These Paralympic Games proved that there is no limit to what an individual can accomplish.

The Salt Lake 2002 Paralympic Winter Games enriched the lives of thousands of people with disabilities and their families. Even more important, they enriched the lives of those of us fortunate enough to live free of disability. I wish to commend the dedication and commitment of the athletes, their families, their trainers, the Salt Lake Organizing Committee, and the citizens of the great State of Utah.

Mr. BENNETT. Mr. President, I rise today to join my colleague from Utah in recognizing the outstanding success of the Salt Lake 2002 Paralympic Winter Games. Ten days after the conclusion of the Winter Olympic Games, another group of elite athletes from around the world gathered in Salt Lake City to push the limits of physical achievement. These athletes, along with their coaches, trainers, families, and many volunteers, made the 2002 Paralympic Winter Games a remarkable 10-day event.

The paralympic movement began in 1948, when Sir Ludwig Guttmann organized a sports competition for World War II veterans with spinal cord injuries in Stoke Mandeville, England. From that small beginning came what we now know as the Paralympic Games, which have grown dramatically in recent years. The Salt Lake games were the eighth official Paralympic Winter Games, with over 1,000 world class athletes from 36 countries competing in 100 medal events.

While the athletes at the Paralympic Games all have some form of disability, the level of competition is no less intense. Because the games emphasize the participants' athletic achievements rather than their disabilities, spectators quickly forget that these athletes face special challenges and instead focus on the thrill of competition.

I am proud of the accomplishments of my State during the past 2 months. The Paralympic Games were an outstanding partner to the Olympic Games. I congratulate everyone involved, especially the athletes, who showed us that with dedication and commitment, no obstacle is too great to overcome.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of 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 February 8, 2002, in Missoula, MT. A lesbian couple and their 22-month-old son were victims of an arson attack. An intruder broke into their home, poured accelerant throughout, and set it on fire while the victims slept. The attack came 4 days after the couple received statewide publicity for suing their employer for same-sex domestic partner benefits.

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 and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

SORROW TO SOLACE

• Mr. HELMS. Mr. President, I decided that the CONGRESSIONAL RECORD should use the same heading, ''Sorrow To Solace,'' on what I am about to say to the Senate as the Raleigh (N.E.) News and Observer used on its heart-rending story on March 12 about Christelle Geisler.

Who is Christelle Geisler? For openers, she is a charming student at Raleigh Meredith College whose home is in Hickory, NC, in the western part of my State. But that does not tell the real story about Christelle, so let me begin at the beginning of my brief relationship with her a few days ago.

James Humes was waiting for me when I arrived at my Senate office in the Dirksen Building. In the hallway were a number of other visitors. James Humes is well known and highly respected in this city. He looks like Winston Churchill, he walks like Winston Churchill, he sounds like Winston Churchill. He served a stint as speech writer for a President of the United States; he is a well-known and highly respected author, his most recent book bearing the title, ''Eisenhower and Churchill,'' with a subtitle reading, ''The Partnership That Saved The World.''

Jamie Humes and I met Christelle Geisler at the same moment. Christelle giggled quietly in appreciation of Jamie Humes' imitation of Churchill. The three of us had our picture taken together; then Jamie departed with her appealing smile and her good manners. I recall being disappointed that she could not stay longer.

An hour or so later I found a portion of The News and Observer's March 12th story about Christelle. It began with the three-word heading I asked to appear at the top of these remarks in the Senate this morning. The subhead: ''A Girl Scout uses what she learned from grief to help other teens''.

It is touching story about how Christelle having written a brochure designed to help other teenagers cope with grief. Catawba County, Christelle's home county, has distributed hundreds of copies of the brochure.

At this point, allow me to ask to print in the RECORD the News and Observer story, written by Kelly Starling, to finish the heart-warming story about a young lady who has been honored by the Girl Scouts of America because she wanted to help others in their time of grief.

The article follows:

[From the Raleigh News and Observer, Mar. 12, 2002]

SORROW TO SOLACE

A GIRL SCOUT USES WHAT SHE LEARNED FROM GRIEF TO HELP OTHER TEENS

(By Kelly Starling)

At the sound of the front door closing, her ears always perked up. She listened for the rap of a briefcase hitting the wood floor. Then the patter of shoes that meant Daddy was home. Christelle Geisler would dart from her bedroom, speed down two flights of stairs and into his arms. He kissed her and his two younger daughters. Then he gave the gifts: a coral necklace from the Philippines or dolls from Indonesia, a Japanese kimono.

She was dad's girl.

Phillippe Geisler traveled a lot, looking for new merchandise for his furniture store. He journeyed to foreign countries searching, and attended North Carolina furniture shows. Home in Hickory, Christelle was his buddy. She filed papers at his office. They played tennis. He teased her about practicing violin.

He was on a business trip in Florida one July night when the doorbell rang.

Christelle, then 15, turned away from ''Law and Order,'' got up and squinted through the peephole. Two policemen stood on her porch. They asked for her mother, then ushered her to another room: There had been a car accident, they explained. Police suspected that . . .

Christelle, who had been listening by the open door, howled.

''I don't think I've screamed so loud in my life,'' Christelle said. ''It was just raw emotion.''

She recalled that three-year-old memory last week sitting on a wooden bench across from the chapel at Meredith College, where she is a freshman. Gazing at the pond, Christelle wore a distant look. Grief is hard for adults to manage. But when you're a teenager, she said, the voyage can be even lonelier. Everyone thinks they know what you're feeling. There are few resources to help you cope.

The night she learned of her father's crash, Christelle walked around like a zombie, she said. When her boyfriend, Brian Giovannini, called later that night, she was crying.

''She was always daddy's little girl,'' he said. ''She went to him for strength, for advice. When something came up in her life, he was the first person she talked to.''

That night, Christelle slept with her mother, Marie-Alix, in bed. Her baby sister, Margot, who would turn 2 in the following week, was asleep in a nearby cradle. In coming days, they picked up her sister Emilile from violin camp. And the ordeal began.

She learned the details of her father's death: His car had malfunctioned, gone over the median strip, landed in oncoming traffic, flipped over. He was 40. She endured the days-long wait for his body to be brought home. Neighbors cleaned their house. They brought food.

''We had ham for about two months,'' she said.

But Christelle couldn't eat. She kept to herself, stayed away from the phone. The one time she did pick it up, the caller asked about her father's organs; her dad was a donor. She just wished the reality would go away: She had just one parent. No father to help her choose her first car that fall. Or walk her down the aisle one day.

''She couldn't believe it,'' Giovannini said. ''Even after the funeral, it was hard for her to accept.''

Life changed. At school that fall, Christelle kept up with homework and her clubs. But in the evening, with time alone to focus on herself, she faced the pain. Christelle cried in her room. Her mother sent her to a church counselor, and to a school counselor. Christelle resented them, feeling that they didn't understand what she was facing. Mail addressed to him arrived. Friends who had been out of town when the crash happened asked about her dad. People kept dredging up his death.

''You have to face it again and again,'' she said. ''What I hated the most was 'I've been there' from people who hadn't even lost a parent yet. How could the tell me it was going to be OK?''

A CHANCE TO HELP

Christelle found solace in going to church each week and becoming more active in youth group. ''It had more meaning for me,'' she said.

Then Christelle came up with the idea of researching teen grief for a Girl Scout project. She had been a Girl Scout since second grade, rising from Brownie to Senior Cadette. She loved the support system the organization gave her, which helped her learn more about herself. She earned all of the pins and completed almost all the projects she needed to earn a Gold Award, the Scouts' highest honor. The only thing left to do was a research project: Teen grief, she decided, was the perfect subject.

She started working toward the award in January of her senior year, going to public and college libraries. She found scant to nothing on the subject of teen grief. She tried Barnes & Noble: same thing.

She met JoAnn Spees, director of the Council on Adolescents of Catawba County. Spees helped her find enough information to start her research and talked with her about her plan to present it. Christelle decided that her research could benefit more than herself: She would create a teen-to-teen brochure for others struggling with grief.

''She is one of the most capable young women I've ever met,'' Spees said. ''She's very talented, has an incredible joie de vivre and a maturity level beyond her years.''

Now, Christelle had a cause, Spees said. After visiting the Council, Christelle left with books and diaries on grief to read at home. She read everywhere, even on the beach. She interviewed classmates who had lost parents to illness. She talked to psychologists, to teachers whose parents had died when they were young. The Gold Award project required 50 hours of research; Christelle, who completed the project that October, logged more than 92.

Her desire to learn was never sated. What were the stages of grief she would go through? What would Emilie and Margot face? Her notebook was the size of a phone book when she finished. Her journal was full of pages expressing her jumble of feelings: denial sometimes, longing the next.

The brochure she created is simple and powerful. A childlike drawing of a heart graces the cover. Inside, there's a road map showing the journey through grief with exits to shock, the ''whys'' (why them? why me? why now?) and healing. She reminds teens that there's no speed limit or deadline for working through grief. On the back, she offers tips and explains that she is a teen who has lost someone too.

The brochure not only earned Christelle her Gold Award—an honor achieved by about 3,500 Girl Scouts each year—but also led to her being named one of this year's Girl Scout Gold Award Young Women of Distinction—an honor shared by only 10 Scouts. Christelle was chosen because of the impact her brochure had on the community, said Michele Landa, spokeswoman for Girl Scouts of the USA. Catawba County's council on Adolescents has circulated more than 800 copies to school counselors, pediatricians and psychologists. It has been used to help students at a school where three teens died in a car accident. Everyone always wants more, Spees said.

As part of her award, Christelle is in Washington, D.C., this week for a Girl Scout anniversary celebration and gala. She is thought to be the first North Carolina Girl Scout to receive the honor since the award began three years ago, Landa said. Christelle will receive a White House tour and attend a luncheon presided by U.S. Supreme Court Justice Sandra Day O'Connor. She is scheduled to meet influential women such as fashion designer Vera Wang U.S. Senate candidate Elizabeth Dole and Kathryn Sullivan, the first American woman to walk in space.

''Isn't that cool?'' Christelle said.

AN EMERGING WOMAN

Doing the research, Spees said, gave her a deeper sense of maturity. She had always been self-assured. But when Christelle spoke at a luncheon put on by the Council on Adolescents last year, Spees saw an emerging woman.

''She was calm, confident,'' Spees said. ''She just had a sense of new control, a peace that she was conveying. Before it was a cause, but now that the project was finished she found a sense of closure.''

At Meredith, Christelle looks young in a pale yellow cardigan and jeans, her smooth skin and dark brown ponytail accented by a red and green striped bow. But she has grown in ways that don't show. She pulls out a memorial card with a grainy black and white picture of her dad, showing his hair parted on the side, his quirky smile.

''I see so much of my sisters in him now,'' she said, looking at the picture while the chapel bells ring. ''His smile is exactly like my little 4-year-old's. I'll never be able to look at her and not see him. Dad is with us in his own way.''

It has been three years, but Christelle still returns to her grief from time to time. Thinking about a special moment with her dad can cause the tears to run again. She gains comfort from the silver circle of moons and suns on her finger—the ring he bought her in Charleston, S.C., and that she still wears every day. And she leans on her faith. She has even taught her youngest sister that to talk to Daddy she can pray Sometimes you have to turn things over to God, she said, and everything will be OK.●

IN RECOGNITION OF NOTTINGHAM INSURANCE & FINANCIAL SERVICES

● Mr. TORRICELLI. Mr. President, I rise today to recognize Nottingham Insurance & Financial Services which is being honored by the Mercer County Chamber of Commerce with its Outstanding Small Business of the Year.

Nottingham Insurance & Financial Services represents one of the great success stories of family owned businesses. Since its founding in 1917, it has seen 4 generations of family members in successful perpetuation grow and expand its business. Over the years, it has grown from providing property and casualty services to the residents of Central New Jersey to providing group health and life insurance, and financial services.

While also providing valuable insurance and financial services to the residents of Central New Jersey, Nottingham Insurance & Financial Services has also played a vital role in the community. They support numerous youth leagues and teams while also serving on several local board and organizations such as the Hamilton Township Library Board of Trustees and Meals on Wheels of Hamilton.

Nottingham Insurance & Financial Services is a fine example of the positive and vital role that local businesses play within our communities.●

HONORING SHARON DARLING

● Mr. BUNNING. Mr. President, I rise today to pay tribute to a truly inspiring woman, Ms. Sharon Darling. Ms. Darling is this year's recipient of the prestigious National Humanities Medal. President Bush and First Lady Laura Bush will be personally presenting this award to Ms. Darling at a ceremony to take place next month.

Sharon Darling is the founder and president of the National Center for

Family Literacy, NCFL, a non-profit organization located in Louisville, KY, recognized world-wide for their effectiveness and innovativeness in teaching children and adults to read. The NCFL, founded in 1989, has worked diligently year after year in an attempt to bring about a positive change in the level of family literacy rates. This group has been soulfully dedicated to placing family literacy on the national agenda and has been very successful through their efforts. The NCFL rightly understands that to live without an education is to live without a future.

Sharon Darling got her start in education 35 years ago in the basement of the Ninth & O Baptist Church. The basement of this Baptist Church is where she first began to teach illiterate adults to read. It was also the first time she began to realize that she could make a difference in people's lives. She recognized that without access to knowledge, these people would never possess the ability to fight their way out of poverty or empower themselves with the gift of rational thought. If they cannot read, no amount of money or Federal assistance will help.

Throughout her career in education, Sharon has spent time as a teacher, administrator, and educational entrepreneur, constantly working to develop new and improved strategies for teaching children and adults how to read and how to interpret what they read. She has served as an advisor on issues dealing with education to governors, policy makers, business leaders, and foundations across the country. She has been and remains an invaluable resource to the educational community.

The National Humanities Medal will not be the first time Sharon has been recognized for her work. She received the 2000 Razor Walker Award from the University of North Carolina for her contributions to the lives of children and youth; the Woman Distinction Award from Birmingham Southern University in 1999; the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University in 1998; the Charles A. Dana Award for Pioneering Achievement in education in 1996; and the Harold W. McGraw Award for Outstanding Educator in 1993. She has also received several honorary doctorate degrees for her contributions to education and has been featured on the Arts & Entertainment television network's series, ''Biography.'' Her latest accolade places her in the company of such great men and women as Stephen Ambrose, Ken Burns, and Toni Morrison. The National Humanities Medal is the Federal Government's highest honor recognizing achievement in the humanities.

Sharon Darling has been a shining star for the literacy movement throughout her career as an educator, guiding the unfortunate into a land of opportunity. I congratulate Ms. Darling for this much deserved distinction and thank her for striving to make the world a better place to live and to learn.●

TRIBUTE TO MICHIGAN'S OLYMPIANS

● Ms. STABENOW. Mr. President, I rise to commend the residents of the State of Michigan who participated in the recently concluded 2002 Winter Olympics.

''Swifter! Higher! Stronger!'' That's the Olympic motto.

I am proud to say that at least 13 athletes who call or have called Michigan their home followed that motto and competed with the world's best in this year's Winter Olympics. Among them was Naomi Lang, the first Native American to compete in the history of the Winter Olympics and who placed 11th in ice dancing.

Athletes included members of the men's Silver Medal hockey team: Chris Chelios, of Detroit; Mike Modano, of Livonia; Brian Rafalski, of Dearborn, Brian Rolston, of Flint; Doug Weight, of Warren, and Mike York, of Waterford.

Other athletes from Michigan were: Women's hockey team Silver Medalists Shelley Looney, of Brownstown Township and Angela Ruggiero, of Harper's Woods; Mark Grimmette, of Muskegon, and Chris Thorpe, of Marquette, who won the Silver and Bronze medals respectively in the men's luge doubles; Jean Racine, of Waterford, who placed 5th in the women's bobsled, and Todd Eldredge, of Lake Angelus, who placed sixth in men's singles figure skating.

I am so proud of all of them!

Besides these wonderful athletes, I am pleased to say that another 15 Olympic competitors and one coach came from the U.S. Olympic Education Center based at Northern Michigan University in Marquette.

These athletes didn't just do Michigan proud, or the Nation proud; they made the whole world of amateur athletics proud.

They, and all the great athletes who participated, gave us a chance to share together in another motto of the Winter Olympics, ''Celebrating Humanity.''

It was impossible to watch these games without marveling at all the hard work and dedication these young people brought to the games.

So, again, let me congratulate the athletes from Michigan as well as the athletes from across our Nation and around the world who gave us a chance to watch the best compete against each other and together celebrate the spirit of humanity, the spirit of the Olympics.●

TRIBUTE TO MR. CLIFFORD C. LAPLANTE

● Mr. WARNER. Mr. President, I rise today to pay tribute to a great American who has served his country well. For over five decades, Cliff LaPlante has dedicated himself to supporting the defense needs of the Nation. Born in upstate New York, Cliff entered the service of his country as an Air Force officer during the Korean War. During his 20 years of Air Force service, Cliff specialized in acquisition matters where he helped ensure that our troops were provided with the best equipment our industrial base could provide.

Cliff became well known to this body long before leaving the Air Force in his role as a legislative liaison officer to Capitol Hill. He truly distinguished himself as a trusted and admired representative of the Air Force.

Selected to be a full Colonel in 1970, Cliff decided to forgo this much deserved promotion and instead served for eight years as the Boeing Company's first full-time liaison representative to Capitol.

In 1979, Cliff joined the General Electric Company where he has remained for the past 23 years helping General Electric to ''Bring Good Things to Life.''

Now, after more than 50 years of service, Cliff is retiring from General Electric, to begin yet another chapter in his life. Together with his wife, Cecilia, Cliff has established a charitable foundation called ''Children Come First.'' This foundation is dedicated to helping underprivileged children. In the same spirit that has exemplified all of Cliff's past undertakings, he will devote much of his time lending a helping hand to kids to ensure they have a chance filled with hope for tomorrow.

I will miss this jaunty man with the fast walk and warm, charming personality. Along with all my colleagues who have enjoyed his friendship over the years, I wish him well in his latest ''retirement'' and the best of luck with his ''Children Come First'' Foundation.●

IN RECOGNITION OF MAYOR DOUGLAS H. PALMER

● Mr. TORRICELLI. Mr. President, I rise today to recognize Mayor Douglas Palmer of Trenton, NJ who is being honored by the Mercer County Chamber of Commerce as its Citizen of the Year.

Mayor Palmer has achieved a long list of accomplishments since becoming the mayor of his hometown. Under Mayor Palmer's leadership, tremendous strides have been made in the Trenton area. He has overseen the construction and rehabilitation of hundreds of new homes for working families and created numerous economic development projects that have led to the lowest unemployment rate in a decade.

Some of Mayor Palmer's most impressive achievements include the work he has done for the children of Trenton. He established the ''Trenton Loves Children'' program, representing the city's first comprehensive program for children that ensures preschoolers will receive free immunizations against childhood diseases. He also brought the

country's first federally funded Weed and Seed anti-drug program to Trenton.

In light of Mayor Palmer's achievements as mayor of Trenton, he serves as an exemplar of the positive goals that can be achieved by a mayor who is a tireless advocate for his community.●

TRIBUTE TO DESIGNER TICKETS & MORE

● Mr. BUNNING. Mr. President, I rise today to honor a very special teacher and group of students from Estill County High School. Yesterday in Frankfort, Connie Witt and her students received a Springboard Award and a $2,000 grant from the Appalachian Regional Commission. Ms. Witt and her students were recognized for their success running Designer Tickets & More, a school-based printing business, which prints designs on everything from bumper stickers to ball caps.

Six years ago, Connie Witt, who has taught business classes at Estill County High School for nine years, received free ticket-making software in the mail. Ms. Witt, an entrepreneur at heart, thought it would be a shame to let this software go to waste, so she decided that, with the help of a few students, she could be in charge of printing tickets for the district basketball tournament. Soon, Ms. Witt and her student staff realized the value of their work and were suddenly printing designs on business cards, buttons, mousepads, and mugs. Today, the business known as Designer Tickets & More serves more than 300 customers in Estill County. They have been lauded by their customers as efficient, creative, and affordable. The students redirect their profits back into the business as an insurance policy for progressive thinking.

Students who wish to participate in this business venture must submit resumes and go through an interview process just as if they were applying for a job in my office. From among the applicants, Ms. Witt chooses chief executive officers, department heads, and employees. The students are held responsible for clocking in and out and must inform their boss if they will be unable to come to work due to sickness or vacation. Up to 30 students are in charge of running the business each semester. They are required to make sales calls, fill out order forms, design creative products, and prepare invoices. I applaud Ms. Witt for the phenomenal job she has done creating an educational atmosphere where students can learn not only about business basics such as inventory and sales but also life-skills such as leadership and responsibility.

I ask that my fellow colleagues join me in congratulating Designer Tickets & More on receiving a Springboard award and for their hard work and dedication. I believe Ms. Witt has discovered an effective and educational way to teach Kentucky's future business leaders the importance of teamwork, commitment, and responsibility.●

IN RECOGNITION OF THE ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL

● Mr. TORRICELLI. Mr. President, I rise today to honor The Robert Wood Johnson University Hospital. At the forthcoming 132nd Mercer County Chamber of Commerce annual awards dinner, the Robert Wood Johnson University Hospital will be recognized with the Mercer County Chamber of Commerce's Distinguished Corporation of the Year Award for its outstanding efforts in providing support for the postal workers facing the potential exposure to anthrax.

As our nation's Capitol, Florida, and the New York/New Jersey Area faced the fallout of anthrax laced letters, the Robert Wood Johnson University Hospital did its part to help our nation. After it came to light on October 13th that the anthrax-tainted letter sent to the NBC offices was processed at the United States Post Office on Route 130 in Hamilton, the Robert Wood Johnson University Hospital stepped forward to meet the needs of the community. Under the dynamic leadership of Christy Stephenson, the hospital assessed the potential need for Cipro within the community and took steps to secure the amount of Cipro the situation required.

Further, understanding the urgent need for its services, the hospital accommodated its schedule to treat the patients from the anthrax exposure area while continuing to keep its appointments with regular clients.

As an exemplary corporate citizen of the Mercer County community, Robert Wood Johnson University Hospital's efforts during this time of crisis were of life saving importance to over sixteen hundred individuals. I am proud to know that we have such fine institutions looking after the healthcare of New Jersey residents.●

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNIT) FOR THE PERIOD SEPTEMBER 26, 2001 THROUGH MARCH 25, 2002—MESSAGE FROM THE PRESIDENT—PM 77.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2002.*

THE 2002 TRADE POLICY AGENDA AND 2001 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 78.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2002 Trade Policy Agenda and 2001 Annual Report on the Trade Agreements Program, as prepared by my Administration as of March 1, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2002.*

MEASURE HELD AT THE DESK

The following resolution was ordered held at the desk by unanimous consent:

S. Res. 227. A resolution to clarify the rules regarding pro bono legal services by Senators.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5784. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, transmitting, pursuant to law, the report of a rule entitled ''Motor Carrier Identification Report'' ((RIN2126–AA57)(2002–0002)) received on March 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5785. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Saugatuck River, CT'' ((RIN2115–AE47)(2002–0025)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5786. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Harlem River, NY'' ((RIN2115–AE47)(2002–0024)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5787. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Three Mile Creek, Alabama'' ((RIN2115–AE47)(2002–0023)) received

on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5788. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Norwalk River, CT'' ((RIN2115–AE47)(2002–0028)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5789. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2002–0030)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5790. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, Florida'' ((RIN2115–AE47)(2002–0029)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5791. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hackensack River, NJ'' ((RIN2115–AE47)(2002–0027)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5792. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hampton River, NH'' ((RIN2115–AE47)(2002–0026)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5793. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port of Tampa, Tampa Florida (COTP Tampa 01–097)'' ((RIN2115–AA97)(2002–0047)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5794. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Missouri River, Mile Marker 646.0 to 645.6, Fort Calhoun, Nebraska (COTP St. Louis 02–001)'' ((RIN2115–AA97)(2002–0046)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5795. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Missouri River, Mile Marker 532.9 to 532.5, Brownville, Nebraska (COTP St. Louis 02–002)'' ((RIN2115–AA97)(2002–0045)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5796. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2002–0031)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5797. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Chevron Multi-Point Mooring, Barbers Point Coast Honolulu, HI (COTP Honolulu 01–005)'' ((RIN2115–AA97)(2002–0052)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5798. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia (COTP Pittsburgh 01–001)'' ((RIN2115–AA97)(2002–0050)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5799. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ohio River Mile 34.6 to 35.1, Shippingport, Pennsylvania (COTP Pittsburgh 01–001)'' ((RIN2115–AA97)(2002–0049)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5800. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Port of Charleston, South Carolina (COTP Charleston 01–145)'' ((RIN2115–AA97)(2002–0048)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5801. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Grant Fellowships: (1) National Marine Fisheries Service—Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics; and (2) Sea Grant—Industry Fellowship Program: Request for Applications for FY 2002'' received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5802. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish IFQ Cost Recovery Program'' received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5803. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Petition of Richardson, Texas'' ((FCC 01–293)(CC Doc. No. 94–102)) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5804. A communication from the Legal Advisor to the Chief, Cable Services Bureau, Federal Communications Commission, transmitting , pursuant to law, the report of a rule entitled ''Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues'' ((CS Doc No. 00–96)(FCC–01–249)) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5805. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for Fiscal Year 2000; to the Committee on Commerce, Science, and Transportation.

EC–5806. A communication from the Assistant Administrator of the Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Climate and Global Change Program, Program Announcement'' received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5807. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Security, received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions for the Recreational and Commercial Salmon Seasons from the U.S.-Canada Border to Cape Falcon, Oregon'' (I.D. 092601B) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Acting General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Child-Resistant Packaging for Certain Over-The-Counter Drug Products; Correction'' (FR Doc. 01–31400) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; McCall, Idaho and Pinesdale, Montana'' (MM Doc. No. 01–93) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Savoy, Texas'' (MM Doc. No. 01–149) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Oswego and Granby, New York'' (MM Doc. No. 00–169) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, TV Broadcast Stations; Elk City, Oklahoma and Borger, Texas (MM Doc. No. 01–134) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions'' (RIN3206–AJ40) received on March 15, 2002; to the Committee on Governmental Affairs.

EC–5817. A communication from the Office of the Special Counsel, transmitting, pursuant to law, the Counsel's Annual Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–5818. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the agency's report submitted in accordance with the requirements of the Federal Managers' Fiscal Integrity Act of 1982, and the Inspector General Act of 1988; to the Committee on Governmental Affairs.

EC–5819. A communication from the Director of the Trade and Development Agency, transmitting, pursuant to law, a report on the activities of the U.S. Trade and Development Agency Currently Procures from Outside Sources; to the Committee on Governmental Affairs.

EC–5820. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5821. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, a report concerning new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Governmental Affairs.

EC–5822. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the lists of General Accounting Office reports for October 2001; to the Committee on Governmental Affairs.

EC–5823. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5824. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Authority's unaudited general-purpose Financial Statements for the fiscal year ending September 30, 2001; to the Committee on Governmental Affairs.

EC–5825. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5826. A communication from the Vice President of Human Resources, CoBank, transmitting, pursuant to law, a report relative to the ACB Retirement Plan for the year calendar year 2000; to the Committee on Governmental Affairs.

EC–5827. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department's Accountability Report for fiscal year 2001; to the Committee on Governmental Affairs.

EC–5828. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 2739: To amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 205: A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 213: A resolution condemning human rights violations in Chechnya and urging a political solution to the conflict.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations:

*James W. Pardew, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James W. Pardew, Jr.

Post: Ambassador to Bulgaria.

Contributions, Amount, Date, and Donee:

Self: None.

2. Spouse: Mary K. Pardew, None.

3. Children and Spouses: Major and Mrs. Paul Pardew, Jon N. Pardew, David A.J. Pardew, None.

4. Parents; Frances Pardew, $35.00, October 2001, William J Clinton Foundation; James Pardew, deceased.

5. Grandparents: Mr. and Mrs. John Sample, deceased; Mr. and Mrs. Thomas J. Pardew, deceased.

6. Brothers and Spouses: John T. Pardew, none.

7. Sisters and Spouses: None.

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*Richard Monroe Miles of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Monroe Miles.

Post: Georgia.

Contributions, Amount, Date and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Richard Lee Miles, none; Elizabeth Miles, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Deceased.

7. Sisters and Spouses: Louise Angell (Richard Angell), none; Lois Navarro (husband deceased), none; Donna Peabody, none.

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*Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Peter Terpeluk, Jr.

Post: Ambassador of Luxembourg.

Contributions, Amount, Date, and Donee:

1. Self:

1997–1998 Election Years: $1,000, 10/30/97, ARM PAC; $500, 5/5/98, Defend America PAC; $750, 10/12/98, Susan B. Anthony List PAC; $1,000, 2/10/98, Missourians for Kit Bond (Senate) (MO); $500, 1/26/98, Citizens for Bunning (Congress) (KY); $500, 10/14/97, (John) Ensign for Senate (NV); $50, 9/29/98, Ferguson for Congress (NJ); $1,000, 10/16/98, (Peter) Fitzgerald for Senate (IL); $250, 10/16/97, Friends of Mark Foley for Congress (FL); $1,000, 10/29/97, Matt Fong for US Senate (CA); $250, 3/24/98, (Jon) Fox for Congress (PA); $250, 3/24/98, (Jon) For for Congress (PA); $1,000, 10/29/98, (Jon) Fox for Congress (PA); $125, 3/97, Bill Goodling for Congress (PA); $1,000, 10/20/98, (Jim) Greenwood for Congress (PA); $1,000, 10/22/98, Friends of Connie Morella for Congress (MD); $500, 3/25/98, Friends of Senator Nickles (Senate) (OK); $334, 4/24/97, Paxon for Congress (NY); $300, 8/29/97, Portman for Congress (OH); $500, 9/27/97, Regula for Congress (OH); $350, 10/29/98, Regula for Congress (OH); $500, 2/98, Shelby for Senate (AL); $2,000, 6/97, Arlen Specter for Senate (PA); $1,000, 6/25/97, Voinovich for Senate (OH); $500, 5/19/97, Weldon for Congress (PA); $500, 10/22/97, Weldon for Congress (PA); $335, 10/1997, Hagel for Senate (NE).

1999–2000 Election Years: $500, 9/13/00, Susan B. Anthony List Candidate Fund; $500, 2/19/99, Defend America PAC; $500, 4/29/97, Abraham Senate 2000 (MI); $1,000, 7/28/98, Ashcroft 2000 (for Senate) (MO); $1,000, 9/21/99, Ashcroft 2000 (for Senate) (MO); $300, 10/12/00, Bayou Leader PAC; $1,000, 3/30/99, Bush for President (TX); $1,000, 11/22/99, Bush for President Compliance Fund Ctte; $1,000, 3/23/99, DeWine for Senate (OH); $1,000, 8/5/99, English for Congress (PA); $610, 4/20/99, Foley for Congress (FL); $89, 3/14/00, Foley for Congress (FL); 1,000, 10/26/00, Bob Franks for US Senate, Inc.; $1,000, 9/12/00, friends of Dylan Glenn (for Congress) (GA); $500, 3/22/00, Greenwood for Congress (PA); $73, 10/14/99, Kuykendall for Congress (CA); $500, 3/10/99, John Kyl for US Senate (AZ); $1000, 9/28/00, Lazio for Senate (NY); $1,000, 10/11/00, Stenberg for Senate (NE); $300, 9/28/00, Tauzin for Congress (LA); $1,000, 10/14/00, Shelby for Senate (AL).

2001 Election Year: $1,000, 06/2001, Reynolds for Congress.

2. Diane G. Terpeluk (spouse):

1997–1998 Election Years: $750, 10/12/98, Susan B. Anthony List (PAC); $500, 10/27/97, Weller for Congress (IL); $1,000, 7/17/98, Faircloth for Senate (NC); $250, 3/20/98, Mike Forbes for Congress (NY); $250, 3/20/98, Hayworth for Congress (AZ); $1,000, 11/13/97, Fong for Senate (CA); $1,000, 10/14/98, Fong for Senate (CA); $1,000, 3/27/97, Ferguson for Congress (NJ); $250, 10/13/98, Pappas for Congress (NJ); $250, 3/20/98, Nielsen for Congress (CT).

1999–2000 Election Years: $500, 9/13/00, Susan B. Anthony List (PAC); $1,000, 3/30/99, Bush for President; $1,000, 11/10/99, Friends of George Allen (Senate) (VA); $10,000, 5/11/00, RNC Presidential Trust; $500, 9/28/00, Walsh for Congress (NJ); $1,000, 9/12/00, Friends of Dylan Glenn (for Congress) (GA); $1,000, 10/12/00, Stenberg for Senate 2000 (NE); $1,000, 10/3/00, Republican State Central Committee of MD; $1,000, 10/30/00, Greenleaf for Congress.

2001 Election Year: $1,000, 6/27/01, Collins for Senate (ME).

3. Peter Terpeluk III (son): None; Meredith A. Terpeluk (daughter): None.

4. Catherine L. Terpeluk (mother) (deceased): None; Peter Terpeluk (father) (deceased): None.

5. Katherine Long (maternal grandmother) (deceased): None; Peter Long (maternal grandfather) (deceased): None; Anna Terpeluk (paternal grandmother) (deceased): None; George Terpeluk (paternal grandfather) (deceased): None.

6. Paul Terpeluk (brother): $1,000, 5/14/97, Citizens for Arlen Specter; $1,000, 8/6/97, Committee to Re-elect Ed Towns; $250, 10/22/98, Ellen Sauerbrey for Governor (MD); Sandra Terpeluk (sister-in-law): $250, 10/22/98, Ellen Sauerbrey for Governor (MD); $100, 9/13/00, Maryland Victory 2000.

7. Patricia Lynn Terpeluk Anderson (sister): None; Tom Anderson (brother-in-law): None.

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*Lawrence E. Butler, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lawrence E. Butler.

Post: Ambassador to the Former Yugoslav Republic of Macedonia.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Charles E. Butler, none.

4. Parents: Charles L. Butler, deceased; Joan Haskell Hardy, deceased.

5. Grandparents: Lewis and Elizabeth Whipple Butler, deceased; Norman and Lillian Haskell, deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: C.J. Butler & Stephen Coughlan, $100, 9/01, Shaheen For Gov.; $100 1996 Dole for Presi; Barbara & Phil Merrill, $3,000, 2000, Mark Lawrence for Senate; $1,000, 1992, DNC.

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*Robert Patrick John Finn, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert Patrick John Finn.

Post: Kabul, Afghanistan.

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Edward Frederick Finn, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Edward and Linda Finn, $300, 1998, 1999, 2000, 2001, Dem. Party, William and Eileen Finn, none.

7. Sisters and Spouses: John Smith, none; Margaret and James Hartigan, none; Elizabeth and Edwin Dowling, none.

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*Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

*Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Jeffrey Davidow and ending George E. Moose, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 20, 2001.

Foreign Service nominations beginning Gustavio Alberto Mejia and ending Joseph E. Zadrozny, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 20, 2001.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2028. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson, of Albany, New York, for acts of valor during World War I and to direct the Secretary of the Army to conduct a review of military service records to determine whether certain other African American World War I veterans should be awarded the Medal of Honor for actions during that war; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2029. A bill to convert the temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2030. A bill to establish a community Oriented Policing Services anti-methamphetamine grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 2031. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 2032. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2033. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. FEINGOLD, Mr. LEVIN, Mr. DEWINE, and Mr. WARNER):

S. 2034. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL (for himself, Mr. MCCAIN, and Mr. FEINGOLD):

S. Res. 227. A resolution to clarify the rules regarding the acceptance of pro bono legal services by Senators; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 606

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 606, a bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

S. 966

At the request of Mr. DORGAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1022

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. 1606

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1617

At the request of Mr. DODD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1777

At the request of Mrs. CLINTON, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1911

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 1911, a bill to amend the Community Services block Grant Act to reauthorize national and regional programs designed to provide instructional activities for low-income youth.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. RES. 109

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from New York (Mr. SCHUMER), and the Senator from Florida (Mr. GRAHAM) 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. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3023

At the request of Mrs. LINCOLN, the names of the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. FITZGERALD), the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3023 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2029. A bill to convert the temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

Mr. WARNER. Mr. President, I rise today to introduce bipartisan, bicameral legislation to help ensure the continued effective administration of justice in the Commonwealth of Virginia. I am joined in the Senate on this initiative by my colleague Senator GEORGE ALLEN. Congressman ROBERT SCOTT is introducing similar legislation today in the House of Representatives.

Simply put, the legislation we are introducing today will convert a temporary judgeship in the Eastern District of Virginia into a permanent one. Without swift passage of this legislation, the Eastern District of Virginia could lose an authorized judgeship, thus placing an even greater workload on the already hard working judges that serve in this judicial district.

By way of background, in 1990, Congress authorized a temporary judgeship for the Eastern District of Virginia, bringing the total number of authorized judgeships in that district to ten, nine permanent judgeships and one temporary judgeship.

In 2000, Congress looked closely at the heavy caseload the judges of the Eastern District of Virginia carried, and as a result Congress authorized one additional permanent judgeship. With the advice of Senator ALLEN and me, President Bush has nominated Mr. Henry Hudson to fill this judicial vacancy. I strongly support Mr. Hudson's nomination and look forward to him receiving a confirmation hearing and a vote in the full Senate. Mr. Hudson has been deemed ''well qualified'' by the American Bar Association.

Thus, to date, eleven judgeships are currently authorized on the Eastern District of Virginia's bench. However, the temporary judgeship in the Eastern District of Virginia is set to expire with the first vacancy occurring after April 8, 2002. Thus, when one of the active judges on the Eastern District bench retires, takes senior status, or passes away, that position will not be filled, thus leaving the court with one less authorized judgeship than it has currently. It is important to note that Mr. Hudson's nomination will not be effected by the lapsing of the temporary judgeship.

If the temporary judgeship in the Eastern District of Virginia lapses, and this judicial district loses an authorized judgeship, an already overworked judiciary will be without relief.

The Judicial Conference of the United States recommends that a district have a newly authorized judgeship when the weighted filings per judge exceed 430 cases. In 2001, the weighted caseload per judge on the Eastern District was 617. If Virginia's temporary judgeship expires, the per judge weighted caseload would sky-rocket to 679 cases per judge.

Moreover, it is now clear based on experience that the Department of Justice has prosecuted and will continue to prosecute terrorist cases in the Eastern District of Virginia. Already, the Eastern District is proceeding with the cases of Zacaris Moussaoui and John Walker Lindh. While the judges

on the Eastern District bench stand ready to proceed with these and other cases, these cases could significantly increase the numbers of cases and the complexity of cases the judges on this bench preside over.

Given its already high case load and given the fact that the Eastern District is facing the likelihood of even a higher caseload with the terrorist prosecutions, the Eastern District of Virginia is in a unique position. Converting the temporary judgeship to a permanent one will provide some relief.

Accordingly, Congressman SCOTT, Senator ALLEN and I have joined together in support of this legislation that will simply allow the Eastern District to continue to maintain its current level of eleven district court judges.

This request is inherently reasonable. We are simply asking to maintain the status-quo of eleven authorized judgeships on the Eastern District bench. Meanwhile, the Judicial Conference currently recommends one additional permanent judgeship and the conversion of a temporary judgeship to a permanent judgeship.

I ask Chairman LEAHY and Senator HATCH to swiftly report this legislation from the Judiciary Committee, and I urge my colleagues to support final passage. Time is of the essence. We must ensure that the judicial system in the Eastern District of Virginia continues to be able to serve Virginians, and indeed the country, in an efficient manner.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2029

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

SECTION 1. DISTRICT JUDGESHIP FOR THE EASTERN DISTRICT OF VIRGINIA.

(a) CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP.—The existing judgeship for the eastern district of Virginia authorized by section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101–650) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code (as amended by this Act).

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to Virginia and inserting the following:

''Virginia:
Eastern 11
Western ..... 4''.

By Mr. CONRAD:

S. 2030. A bill to establish a community Oriented Policing Services anti-methamphetamine grant program, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I introduce legislation intended to marshal the resources of the Federal Government, the expertise of State and local law enforcement, and the eyes, ears, and caring of our Nation's communities, to work together to eradicate the scourge of methamphetamine from our Nation.

Meth statistics are startling, not only for what they say about where we are currently, but even more important about the potential magnitude of the problem in our very near future. Nationwide U.S. Drug Enforcement Administration, DEA, meth lab seizures have increased seven-fold from 1994 to 2000. The North Dakota lab seizure numbers are even more dramatic: a nearly twenty-fold increase from 1998 to 2001. Among 2001 high school seniors, 6.9 percent had tried meth; the eighth-grade figure was 4.4 percent. Even more startling perhaps is that 28.3 percent of high school seniors said it was ''fairly easy'' or ''very easy'' to obtain meth. This is particularly alarming because meth is more addictive than cocaine, leading to paranoia, aggression, violent behavior, and hallucinations, and ultimately, and amazingly quickly, to brain damage similar to Alzheimer's disease, stroke, and epilepsy.

The COPS Anti-Methamphetamine Act of 2002 has one aim, to focus the principles of community policing on the problem of methamphetamine. Since its inception in 1994, the Community Oriented Policing Services COPS, program has been a catalyst for establishing a partnership between police and the community, leading to a reduction in crime and a strengthening of our neighborhoods. It is now time to tightly focus the COPS success on our nation's meth scourge.

Until now, meth use and production has too often occurred underground and below the radar screens of local law enforcement. My COPS methamphetamine initiative, by bringing the community and the local police closer together, will help law enforcement to react more quickly before a meth epidemic get ingrained in a locality, to weed it out before its roots get too deep. If a meth problem already exists in a neighborhood, the community-oriented policing model will allow police to have a better pulse on the drug market, on both the supply and the demand ends to better know the market's pressure points.

My initiative calls for five years of grants, at $75 million a year, to be given to localities for programs aimed at anti-meth enforcement, production, prevention, treatment, training, and intelligence-gathering efforts. And because meth is such a problem in rural States like North Dakota, I include a mechanism to ensure that smaller localities get their fair share of funding.

Meth is a continuing problem and challenge in our nation and in North Dakota, and I have been a strong supporter of providing the resources for local law enforcement to combat this drug. In 1998, for example, I was able to include North Dakota in the Midwest High Intensity Drug Trafficking Area, which has provided additional Federal funding to ensure that Federal, State, and local law enforcement works better as a team. The last piece of the puzzle is to ensure that local police are able to work as closely as possible with the community. It is simply imperative that if we are going to eradicate our Nation's spreading meth epidemic, and the countless associated shattered lives and futures lost, we all need to work together.

I urge my colleagues to support this legislation, and I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2030

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 referred to as the ''COPS Anti-Methamphetamine Act of 2002''.

SEC. 2. GRANTS AUTHORIZED.

The Attorney General shall make grants on a competitive basis to State and local community policing programs aimed at anti-methamphetamine enforcement, production, prevention, treatment, training, and intelligence gathering efforts.

SEC. 3. USE OF FUNDS.

(a) IN GENERAL.—Grants made under section 2 may be used to support personnel salary, equipment, and technology upgrades, officer overtime, and training.

(b) ASSISTANCE FROM COPS OFFICE.—The Community Oriented Policing Services (COPS) Office in the Department of Justice shall work directly with participating State and local community policing programs to assist in crafting innovative anti-methamphetamine strategies.

SEC. 4. APPLICATION.

Each eligible entity that desires a grant under this Act shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 5. SUPPLEMENT AND NOT SUPPLANT.

Grant amounts received under this Act shall be used to supplement, and not supplant, other funds received by State and local community policing programs to assist in the methamphetamine problem.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2007.

(b) LIMITATION.—Not less than 50 percent of the amount appropriated in each fiscal year under subsection (a) shall be awarded to local community policing programs that serve a population of not more than 150,000.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 2031. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1999, the U.S. Supreme Court issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to Florida Prepaid versus College Savings Bank and

its companion case, College Savings Bank versus Florida Prepaid. The Court ruled in these cases that States and their institutions cannot be held liable for damages for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

Both Florida Prepaid and College Savings Bank were decided by the same five-to-four majority of the justices. This slim majority of the Court threw out three Federal statutes that Congress passed, unanimously, in the early 1990s, to reaffirm that the Federal patent, copyright, and trademark laws apply to everyone, including the States.

I believe that there is an urgent need for Congress to respond to the Florida Prepaid decisions, for two reasons.

First, the decisions opened up a huge loophole in our Federal intellectual property laws. If we truly believe in fairness, we cannot tolerate a situation in which some participants in the intellectual property system get legal protection but need not adhere to the law themselves. If we truly believe in the free market, we cannot tolerate a situation where one class of market participants have to play by the rules and others do not. As Senator SPECTER said in August 1999, in a floor statement that was highly critical of the Florida Prepaid decisions, they ''leave us with an absurd and untenable state of affairs,'' where ''States will enjoy an enormous advantage over their private sector competitors.''

This concern is not just abstract. Consider this. In one recent copyright case, the University of Houston was able to avoid any liability by invoking sovereign immunity. The plaintiff in that case, a woman named Denise Chavez, was unable to collect a nickle in connection with the university's alleged unauthorized publication of her short stories. Now, just a short time later, another public university funded by the State of Texas is suing Xerox for copyright infringement.

The second reason why Congress should respond to the Florida Prepaid decisions is that they raise broader concerns about the roles of Congress and the Court. Over the past decade, in a series of five-to-four decisions that might be called examples of ''judicial activism,'' the current Supreme Court majority has overturned Federal legislation with a frequency unprecedented in American constitutional history. In doing so, the Court has more often than not relied on notions of State sovereign immunity that have little if anything to do with the text of the Constitution.

Some of us have liked some of the results; others have liked others; but that is not the point. This activist Court has been whittling away at the legitimate constitutional authority of the Federal Government. At the risk of sounding alarmist, this is the fact of the matter: We are faced with a choice. We can respond, in a careful and measured way, by reinstating our democratic policy choices in legislation that is crafted to meet the Court's stated objections. Or we can run away, abdicate our democratic policy-making duties to the unelected Court, and go down in history as the incredible shrinking Congress.

Just last month, the Court decided to intervene in another copyright dispute, to decide whether Congress went too far in 1998, when we extended the period of copyright protection for an additional 20 years. Many of us on the Judiciary Committee cosponsored that legislation, and it passed unanimously in both Houses. A decision that the legislation is unconstitutional could place further limits on congressional power.

About 4 months after the Florida Prepaid decisions issued, I introduced a bill that responded to those decisions. The Intellectual Property Protection Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property rights by states.

I regret that the Senate did not consider my legislation during the last Congress. It has now been nearly 3 years since the Court decisions opened such a troubling loophole in our Federal intellectual property laws. We should delay no further.

Last month, the Judiciary Committee held its first hearing on the issue of sovereign immunity and the protection of intellectual property. I want to thank again everyone who participated in that hearing, which helped greatly to clarify the issues and challenges posed by the Court's new jurisprudence.

Today, I am pleased to be reintroducing the Intellectual Property Protection Restoration Act with my friend and fellow Judiciary Committee member, Senator BROWNBACK. I commend the Senator from Kansas for taking a stand on this important issue. I am also proud to have the House leaders on intellectual property issues, Representatives COBLE and BERMAN, as the principal sponsors of the House companion bill, H.R. 3204.

This bill has the same common-sense goal as the three statutes that the Supreme Court's decisions invalidated: To protect intellectual property rights fully and fairly. But the legislation has been re-engineered, after extensive consultation with constitutional and intellectual property experts, to ensure full compliance with the Court's new jurisprudential requirements. As a result, the bill has earned the strong support of the U.S. Copyright Office and the endorsements of a broad range of organizations including the American Bar Association, the American Intellectual Property Law Association, the Business Software Alliance, the Intellectual Property Owners Association, the International Trademark Association, the Motion Picture Association of America, the Professional Photographers of America Association, and the Chamber of Commerce.

In essence, our bill presents States with a choice. It creates reasonable incentives for States to waive their immunity in intellectual property cases, but it does not oblige them to do so. States that choose not to waive their immunity within 2 years after enactment of the bill would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue States for infringement, States that sue private parties for infringement could not recover any money damages unless they had waived their immunity from liability in intellectual property cases.

This arrangement is clearly constitutional. Congress may attach conditions to a State's receipt of Federal intellectual property protection under its Article I intellectual property power just as Congress may attach conditions on a State's receipt of Federal funds under its Article I spending power. Either way, the power to attach conditions to the Federal benefit is part of the greater power to deny the benefit altogether. And no condition could be more reasonable or proportionate than the condition that in order to obtain full protection for your Federal intellectual property rights, you must respect those of others.

I hope we can all agree on the need for corrective legislation. A recent GAO study confirmed that, as the law now stands, owners of intellectual property have few or no alternatives or remedies available against State infringers, just a series of dead ends.

We need to assure American inventors and investors, and our foreign trading partners, that as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies. I want to emphasize the international ramifications here. American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora. Those efforts could be jeopardized by the loophole in U.S. intellectual property enforcement that the Supreme Court has created.

The Intellectual Property Protection Restoration Act restores protection for violations of intellectual property rights that may, under current law, go unremedied. We unanimously passed more sweeping legislation earlier this decade, but were thwarted by the Supreme Court's shifting jurisprudence. We should enact this legislation without further delay.

I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD.

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

S. 2031

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Intellectual Property Protection Restoration Act of 2002''.

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) help eliminate the unfair commercial advantage that States and their instrumentalities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation in furtherance of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the United States Constitution by infringing Federal intellectual property.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) No remedies under section 284 or 289 shall be awarded in any civil action brought under this title for infringement of a patent issued on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that—

''(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to a patent if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

''(B) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(b) AMENDMENT TO COPYRIGHT LAW.—Section 504 of title 17, United States Code, is amended by adding at the end the following:

''(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

''(1) No remedies under this section shall be awarded in any civil action brought under this title for infringement of an exclusive right in a work created on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

''(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to an exclusive right if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

''(B) the party seeking remedies was a bona fide purchaser for value of the exclusive right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(c) AMENDMENT TO TRADEMARK LAW.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

''(1) No remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2002, or any right of the owner of a mark first used in commerce on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

''(A) on or before the date the violation commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to a right of the registrant or owner of a mark if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

''(B) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO PATENT LAW.—

(A) IN GENERAL.—Section 296 of title 35, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 296.

(2) AMENDMENTS TO COPYRIGHT LAW.—

(A) IN GENERAL.—Section 511 of title 17, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 511.

(3) AMENDMENTS TO TRADEMARK LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(A) by striking subsection (b);

(B) in subsection (c), by striking ''or (b)'' after ''subsection (a)''; and

(C) by redesignating subsection (c) as subsection (b).

SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality for any violation of any of the provisions of title 17 or 35, United States Code, the Trademark Act of 1946, or the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as such remedies are available in an action against a private individual under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) DUE PROCESS VIOLATIONS.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that deprives any person of property in violation of the fourteenth amendment of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(b) TAKINGS VIOLATIONS.—

(1) IN GENERAL.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that

takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(2) EFFECT ON OTHER RELIEF.—Nothing in this subsection shall prevent or affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(c) COMPENSATION.—Compensation under subsection (a) or (b)—

(1) may include actual damages, profits, statutory damages, interest, costs, expert witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and

(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), and section 124(b) of the Plant Variety Protection Act (7 U.S.C. 2564(b)).

(d) BURDEN OF PROOF.—In any action under subsection (a) or (b)—

(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as if the action were brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for any deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) EFFECTIVE DATE.—This section shall apply to violations that occur on or after the date of enactment of this Act.

SEC. 6. RULES OF CONSTRUCTION.

(a) JURISDICTION.—The district courts shall have original jurisdiction of any action arising under this Act under section 1338 of title 28, United States Code.

(b) BROAD CONSTRUCTION.—This Act shall be construed in favor of a broad protection of intellectual property, to the maximum extent permitted by the United States Constitution.

(c) SEVERABILITY.—If any provision of this Act or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected.

INTELLECTUAL PROPERTY PROTECTION RESTORATION ACT OF 2002 SECTION-BY-SECTION SUMMARY

Recent Supreme Court decisions invalidated prior efforts by Congress to abrogate State sovereign immunity in actions arising under the federal intellectual property laws. The Court's decisions give States an unfair advantage in the intellectual property marketplace by shielding them from money damages when they infringe the rights of private parties, while leaving them free to obtain money damages when their own rights are infringed. These decisions also have the potential to impair the rights of private intellectual property owners, discourage technological innovation and artistic creation, and compromise the ability of the United States to advocate effective enforcement of intellectual property rights in other countries and to fulfill its own obligations under international treaties. The Intellectual Property Protection Restoration Act of 2002 creates reasonable incentives for States to waive their immunity in intellectual property cases and participate in the intellectual property marketplace on equal terms with private parties. The bill also provides new remedies for State infringements that rise to the level of constitutional violations.

Sec. 1. SHORT TITLE; REFERENCES. This Act may be cited as the ''Intellectual Property Protection Restoration Act of 2001.''

Sec. 2. PURPOSES. Legislative purposes in support of this Act.

Sec. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION. Places States on an equal footing with private parties by eliminating any damages remedy for infringement of State-owned intellectual property unless the State has waived its immunity from any damages remedy for infringement of privately-owned intellectual property. Intellectual property that the State owned before the enactment of this Act is not affected.

Sec. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES. Affirms the availability of injunctive relief against State officials who violate the Federal intellectual property laws. Such relief is authorized under the doctrine of *Ex parte Young*, 209 U.S. 123 (1908), which held that an individual may sue a State official for prospective relief requiring the State official to cease violating federal law, even if the State itself is immune from suit under the eleventh amendment. This section also affirms that State officials may be personally liable for violations of the intellectual property laws.

Sec. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY. Establishes a right to compensation for State infringements of intellectual property that rise to the level of constitutional violations. Compensation shall be measured by the statutory remedies available under the federal intellectual property laws, but may not include treble damages.

Sec. 6. RULES OF CONSTRUCTION. Establishes rules for interpreting this Act.

Mr. BROWNBACK. Mr. President, I am pleased to join Chairman LEAHY in sponsoring S. 2031, a bill that will protect intellectual property rights fully and fairly by complying with the Court's new constitutional requirements. This bill builds upon the same common-sense goals as the statutes that Senator HATCH championed a decade ago. I would like to commend both members for their outstanding leadership in this area. My hope is that S. 2031 will finally bring closure to our efforts in trying to clarify a complex and difficult issue for both Congress and the Courts.

There are two sides to this issue and both are compelling. For individuals and companies who make the investment and take the risk in creating new products and services, their property rights are at stake when a state infringes upon their intellectual property. States on the other hand also want to protect their sovereignty under the Constitution and want to assert their intellectual property rights especially in the context of private/public partnerships where ownership issues may be in doubt, creating the prospect for protracted litigation.

That is why this inherent conflict demands congressional action. With the arrival of the digital revolution where exact copies and reproductions can be made without limitations, this is an important economic issue for individuals and companies trying to compete in the marketplace. The question is how to fashion a legislative remedy in light of recent Supreme Court decisions that struck down previous attempts to bring clarity to the issue.

I believe the Leahy/Brownback bill is a reasonable compromise solution without running afoul of the constitutional issues highlighted by the Supreme Court in Seminole Tribe and the Florida Pre-paid cases.

S. 2031 presents States with a choice. It creates reasonable incentives for States to waive their sovereign immunity in intellectual property cases. States that choose not to waive their immunity within 2 years after enactment would continue to enjoy many of the benefits in the intellectual property marketplace. However, like private parties that sue States for infringement, States that sue private parties for infringement will not be able to recover any money damages unless they waive their immunity from liability in intellectual property cases. All other remedial actions will continue to be available to State litigants.

As Chairman LEAHY previously observed, this is clearly constitutional and avoids the concerns raised by the Courts with regard to past statutes addressing this matter. Under the Constitution's Article I spending power, Congress can attach limited conditions to a State's receipt of Federal funds. Similarly, it would seem to me that a State's receipt of Federal intellectual property protection under Article I's intellectual property power can similarly be conditioned. Especially in light of the commercial implications of this bill, it seems reasonable to expect that a condition to respect the rights of others is a necessary and logical complement to obtaining the full protections of the Federal intellectual property rights.

I would also add that a recent GAO study initiated by Senator HATCH when he chaired the Judiciary Committee confirmed the lack of alternatives or remedies against State infringers.

I would also like to add that this matter has repercussions which extend far beyond the domestic realm. The United States is one of the leading proponents for the enforcement of intellectual property rights throughout the world. That's why we cannot afford to be inconsistent in our own observance of intellectual property rights. Through international agreements such as TRIPs and NAFTA, the United States has vigorously challenged international institutions and other nations to adopt and enforce more extensive intellectual property laws. When States assert sovereign immunity for the purpose of infringing upon intellectual property rights, it damages the credibility of the United States internationally, and could possibly even lead to violations of our treaty obligations. Any decrease in the level of enforcement of intellectual property rights around the world is likely to harm American businesses, because of our

position as international leaders in industries like pharmaceuticals, information technology, and biotechnology.

I urge my colleagues to support this bill which provides a balanced and appropriate intellectual property remedy for American inventors and investors without compromising the sovereign rights of States under our Constitution.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2033. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAFEE. Mr. President, I rise today to introduce a bill to reauthorize funding for the John H. Chafee Blackstone River Valley National Heritage Corridor. I am pleased to be joined by three of my colleagues, Senators REED, KERRY and KENNEDY, as original cosponsors of this legislation. Representative Patrick Kennedy is joining this effort by introducing companion legislation in the House today.

Since the Corridor's inception on November 10, 1986, the Blackstone River Valley has undergone a profound rebirth. The Blackstone River, once polluted and neglected, has been transformed into an object of tremendous community pride and national importance. Historians recognize the Valley of the Blackstone River, gracefully winding through 24 communities in the States of Massachusetts and Rhode Island, as the birthplace of the American Industrial Revolution. Slater Mill, founded by the textile maker Samuel Slater in the 1790's, was the first to adapt English machine technology to cotton-yard manufacturing powered by water wheels. The success of the Slater Mill heralded in America's first factory-based industry of mass production, with accompanying communities dedicated to the production of manufactured goods. Gradually, this new ''Rhode Island System of Manufacturing'' led to profound changes economically, socially and culturally across the new nation.

This nationally significant story was all but forgotten when Senator John H. Chafee authored Federal legislation to establish the Blackstone River Valley National Heritage Corridor with the purpose of preserving and interpreting for present and future generations the uniqueness and significant historical value of the Blackstone Valley. A Corridor Commission, consisting of federally-appointed local and State representatives from Massachusetts and Rhode Island, was established to work in partnership with the National Park Service to carry out the mission of the Blackstone Corridor. For over 15 years, the Corridor Commission and its Heritage Partners have worked to instill a vision of community revitalization, historic preservation, and environmental protection in the Blackstone Corridor. The Corridor is a truly unique national park area, for the Federal Government does not own or manage any of the land or resources within the system. Yet, the Blackstone Corridor includes cities, towns, villages and almost 1 million people, and has become a model for other heritage corridors across the country.

Working in partnership with two State governments, dozens of local municipalities, businesses, nonprofit historical and environmental organizations, educational institutions, and many private citizens, the Corridor Commission has instilled a sense of community and identity to the residents of the Blackstone Corridor. These partnerships have resulted in the reversal of a long-standing lack of investment in the Valley's historic, cultural and natural resources. A Valley-wide identity program has placed over 200 educational signs across the Corridor to guide visitors into the Blackstone and its heritage sites. Key historic districts and sites have been preserved through the assistance of the Commission and its partners working to identify critical historic preservation funding and assistance. The water quality of the Blackstone River has seen dramatic improvements through cooperative, community-driven projects that have worked to ensure more consistent water flows; the protection of open space along the valley; the initiation of local river cleanups; and the remediation of toxic sites along the river's banks.

Since 1986, Congress has established three accounts for the management of the Corridor: the Operation Account providing funding for National Park Service staff support; the Technical Assistance Account to provide assistance to communities and Corridor partners; and the Development Fund to provide construction funding for the implementation of interpretive programming, river restoration, historic preservation, tourism and economic development and educational activities within the Corridor. A 10-year plan, completed by the Commission in 1998, outlines a strategy for the implementation of development funds by focusing on the ''resource protection needs and projects critical to maintaining or interpreting the distinctive nature of the Corridor.''

The legislation I am introducing today, along with Senators REED, KERRY, and KENNEDY, will reauthorize the Development Fund account to provide $10 million in Federal funding from fiscal years 2003 through 2006. This authorization is consistent with the Blackstone Corridor's 10-year Plan guiding the Corridor's future development needs. Development funding will be used to move forward with projects that include a bi-State 45 mile long Blackstone bikeway; construction of river access points for recreational and tourism opportunities; renovation and reuse of historic structures and surrounding landscapes; and educational programs to raise the awareness of the Corridor's significance in the region.

With over 15 years of success and a number of challenges lying ahead, we urge Congress' continued support for the John H. Chafee Blackstone River Valley National Heritage Corridor. The Blackstone Corridor tells the story of the beginnings of America's movement into the industrial era. We must allow the telling of this story to continue.

I ask by unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2033

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking subsection (b) and inserting the following:

''(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) for the period of fiscal years 2003 through 2006 not more than $10,000,000, to remain available until expended.''.

Mr. KERRY. Mr. President, I rise in support of legislation that has been filed today to reauthorize the development fund for the John H. Chafee Blackstone River Valley National Heritage Corridor. The bill is sponsored by Senator CHAFEE, and I am proud to be an original cosponsor.

The John H. Chafee Blackstone River Valley National Heritage Corridor was established by Congress in 1986 to recognize and preserve the natural, cultural and historical resources of the region. I would like to read a description of the Blackstone River written by the National Park Service. I think it captures its special nature.

The Blackstone River Valley illustrates a major revolution in America's past: the Age of Industry. The way people lived during this turning point in history can still be seen in the valley's villages, farms, cities and riverways—in a working landscape between Worchester, Massachusetts and Providence, Rhode Island. In 1790, American craftsmen built the first machines that successfully used waterpower to spin cotton. America's first factory, Slater Mill was built on the banks of the Blackstone River. Here, industrial America was born. This revolutionary way of using waterpower spread quickly throughout the valley and New England. It changed nearly everything. Two hundred years later, the story of the American Industrial Revolution can still be seen and told in the Blackstone River Valley. Thousands of structures and whole landscapes show the radical changes in the way people lived and worked. The way people lived before the advent of industry also can be seen on the land, and the choices for the future are visible as well. For good and bad, each generation makes its choices and changes the character of life in the valley. Today, the rural to city landscapes tell the story of this revolution in American history. Native Americans, European colonizers, farmers, craftsmen, industrialists, and continuing waves of immigrants all left the imprint of their work and

culture on the land. The farms, hilltop market centers, mill villages, cities, dams, canals, roads, and railroads are physical products of tremendous social and economic power.

With the assistance of the National Park Service, the Commission has forged collaborative partnerships with a new spirit of ownership among government leaders, private investors and residents for the river resources and communities. The Blackstone has been called ''America's hardest working river'' because of its industrial legacy. That same description could apply to the people who have decided themselves to making the Blackstone River Valley National Heritage Corridor a success today. The natural value and historical importance of the Blackstone and the dedication of the people involved is why I am eager to support Senator CHAFEE's legislation.

By Mr. VOINOVICH (for himself, Mr. FEINGOLD, Mr. LEVIN, Mr. DEWINE, and Mr. WARNER).

S. 2034. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation along with a bipartisan coalition of my colleagues, Senators FEINGOLD, DEWINE, LEVIN, and WARNER that will allow States to finally obtain relief from the seemingly endless stream of solid waste that is flowing into States like Ohio, Michigan, Wisconsin, and Virginia.

Our bill, the Municipal Solid Waste Interstate Transportation and Local Authority Act, gives State and local governments the tools they need to limit garbage imports from other States and manage their own waste within their own States.

Each year, Ohio receives well over one million tons of municipal solid waste from other States. Over the last four years, annual levels of waste imports have been steadily increasing, and estimates for 2000 indicate that Ohio imported approximately 1.8 million tons of municipal solid waste. While these shipments are not near our record level of 3.7 million tons in 1989, I believe an import level of nearly two million tons of trash is still entirely too high.

Because it is cheap and because it is expedient, communities in a number of States have simply put their garbage on trains or on trucks and shipped it to be landfilled in States like Ohio, Indiana, Michigan, Pennsylvania, and Virginia. This is wrong and it has to stop.

Many State and local governments in importing states have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other States. We saw limited relief. However, Ohio has no assurance that our out-of-state waste numbers won't rise significantly, particularly in light of last year's closure of the Fresh Kills landfill on Staten Island. Unfortunately, the Federal courts have prevented States from enacting laws to protect our natural resources from being utilized as landfill space. What has emerged is an unnatural pattern where Ohio and other States, both importing and exporting, have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, State and local governments' hands are tied. Lacking a specific delegation of authority from Congress, States that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, I set up a comprehensive recycling program when I was Governor that was meant to reduce the waste-stream and help protect our environment. However, the actions of other States have worked to undermine our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other States' trash. Our citizens already have to live with the consequences of large amounts of out-of-state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other States have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal from other States has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the Commerce Clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH now Senator BAYH, of Indiana, Governor Engler of Michigan and Governor Casey, and later Governors Ridge and O'Bannon, of Pennsylvania—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked by congressional leaders to reach an agreement with Governor Whitman of New Jersey and Governor Pataki of new York on interstate waste provisions. The importing States quickly came to an agreement with Governor Whitman of New Jersey—the second largest exporting State—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that my colleagues and I are introducing today reflects the agreement that Ohio, Indiana, Michigan, and Pennsylvania reached with then-Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a ''permit cap,'' which would allow a State to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a State could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other States that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, in 1996, Ohio EAP had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the State and they need to ensure a steady out-of-state waste flow to make the plan feasible.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other States until local governments approve its receipt. States could also freeze their out-of-state waste imports at 1993 levels, while some States would be able to reduce these levels to 65 percent by the year 2006. This bill also allows States to reduce the amount of construction and demolition debris they receive by 50 percent beginning in 2007.

States also could impose up to $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide States with the funding necessary to implement solid waste management programs.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, we are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one State. We are merely asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to consider and pass an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting States—States that have willingly come forward to offer a reasonable solution.

States like Ohio should not continue to be saddled with the environmental

costs of other States' inability to take care of their own solid waste. We in Ohio have worked hard to address our own needs. We are actively recycling and working to reduce our waste-stream to preserve our environment for future generations. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2034

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 ''Municipal Solid Waste Interstate Transportation and Local Authority Act of 2002''.

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

''(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

''(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

''(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

''(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

''(B) SPECIFIC AUTHORIZATION.—

''(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

''(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

''(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

''(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

''(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

''(II) An agreement to pay a fee for the receipt of out-of-State municipal solid waste.

''(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

''(3) DISPOSAL.—The term 'disposal' includes incineration.

''(4) EXISTING HOST COMMUNITY AGREEMENT.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 2002.

''(5) FACILITY.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

''(6) GOVERNOR.—The term 'Governor', with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

''(7) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

''(8) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means—

''(i) material discarded for disposal by—

''(I) households (including single and multifamily residences); and

''(II) public lodgings such as hotels and motels; and

''(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

''(I) is essentially the same as material described in clause (i); or

''(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

''(B) INCLUSIONS.—The term 'municipal solid waste' includes—

''(i) appliances;

''(ii) clothing;

''(iii) consumer product packaging;

''(iv) cosmetics;

''(v) disposable diapers;

''(vi) food containers made of glass or metal;

''(vii) food waste;

''(viii) household hazardous waste;

''(ix) office supplies;

''(x) paper; and

''(xi) yard waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

''(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

''(ii) solid waste resulting from—

''(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

''(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

''(III) a corrective action taken under this Act;

''(iii) recyclable material—

''(I) that has been separated, at the source of the material, from waste destined for disposal; or

''(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

''(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

''(v) solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

''(aa) that is owned or operated by the generator of the waste;

''(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

''(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

''(vi) medical waste that is segregated from or not mixed with solid waste;

''(vii) sewage sludge or residuals from a sewage treatment plant; or

''(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

''(9) NEW HOST COMMUNITY AGREEMENT.—The term 'new host community agreement' means a host community agreement entered into on or after the date of enactment of this section.

''(10) OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'out-of-State municipal solid waste', with respect to a State, means municipal solid waste generated outside the State.

''(B) INCLUSION.—The term 'out-of-State municipal solid waste' includes municipal solid waste generated outside the United States.

''(11) RECEIVE.—The term 'receive' means receive for disposal.

''(12) RECYCLABLE MATERIAL.—

''(A) IN GENERAL.—The term 'recyclable material' means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

''(B) VIRGIN MATERIAL.—In subparagraph (A), the term 'virgin material' includes petroleum.

''(b) PROHIBITION OF RECEIPT FOR DISPOSAL OF OUT-OF-STATE WASTE.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

''(c) EXISTING HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the owner or operator of the facility has complied with paragraph (2); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) PUBLIC INSPECTION OF AGREEMENT.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

''(A) provide a copy of the existing host community agreement to the State and affected local government; and

''(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

''(d) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the agreement meets the requirements of paragraphs (2) through (5); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) REQUIREMENTS FOR AUTHORIZATION.—

''(A) IN GENERAL.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to the terms of the new host community agreement.

''(B) SPECIFICATIONS.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

''(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

''(ii) the duration of the authorization.

''(3) INFORMATION.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

''(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

''(i) the size of the facility;

''(ii) the ultimate municipal solid waste capacity of the facility; and

''(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

''(B) A map of the facility site that indicates—

''(i) the location of the facility in relation to the local road system;

''(ii) topographical and general hydrogeological features;

''(iii) any buffer zones to be acquired by the owner or operator; and

''(iv) all facility units.

''(C) A description of—

''(i) the environmental characteristics of the site, as of the date of application for authorization;

''(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

''(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

''(D) A description of—

''(i) environmental controls required to be used on the site (under permit requirements), including—

''(I) run-on and run off management;

''(II) air pollution control devices;

''(III) source separation procedures;

''(IV) methane monitoring and control;

''(V) landfill covers;

''(VI) landfill liners or leachate collection systems; and

''(VII) monitoring programs; and

''(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

''(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including—

''(i) information regarding the probable skill and education levels required for job positions at the facility; and

''(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

''(H) Any information that is required by State or Federal law to be provided with respect to—

''(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

''(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

''(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

''(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

''(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

''(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

''(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

''(A) the Governor;

''(B) contiguous local governments; and

''(C) any contiguous Indian tribes.

''(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

''(1) PERMIT.—

''(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

''(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

''(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

''(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

''(2) DOCUMENTED RECEIPT DURING 1993.—

''(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

''(i) the date of receipt of the out-of-State municipal solid waste;

''(ii) the volume of out-of-State municipal solid waste received in 1993;

''(iii) the place of origin of the out-of-State municipal solid waste received; and

''(iv) the type of out-of-State municipal solid waste received.

''(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

''(i) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

''(ii) may omit any proprietary information contained in the documentation.

''(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

''(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

''(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

''(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

''(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

''(A) facility design and operation; and

''(B)(i) in the case of a landfill—

''(I) facility location standards;

''(II) leachate collection standards;

''(III) ground water monitoring standards; and

''(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

''(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

''(2) the noncompliance constitutes a threat to human health or the environment.

''(g) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(1) LIMITS ON QUANTITY OF WASTE RECEIVED.—

''(A) LIMIT FOR ALL FACILITIES IN THE STATE.—

''(i) IN GENERAL.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

''(ii) NO CONFLICT.—

''(I) IN GENERAL.—A limit under clause (i) shall not conflict with—

''(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

''(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

''(II) CONFLICT.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

''(B) LIMIT FOR PARTICULAR FACILITIES.—

''(i) IN GENERAL.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

''(ii) NO CONFLICT.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

''(C) EFFECT ON OTHER LAWS.—Nothing in this subsection supersedes any State law relating to contracts.

''(2) LIMIT ON QUANTITY.—

''(A) IN GENERAL.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

''(B) DOCUMENTATION.—

''(i) CONTENTS.—Documentation submitted under subparagraph (A) shall include information about—

''(I) the date of receipt of the out-of-State municipal solid waste;

''(II) the volume of out-of-State municipal solid waste received in 1993;

''(III) the place of origin of the out-of-State municipal solid waste received; and

''(IV) the type of out-of-State municipal solid waste received.

''(ii) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(3) NO DISCRIMINATION.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

''(h) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE TO DECLINING PERCENTAGES OF QUANTITIES RECEIVED DURING 1993.—

''(1) IN GENERAL.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

''(A) In calendar year 2003, 95 percent of the quantity received in calendar year 1993.

''(B) In each of calendar years 2004 through 2007, 95 percent of the quantity received in the previous year.

''(C) In each calendar year after calendar year 2007, 65 percent of the quantity received in calendar year 1993.

''(2) UNIFORM APPLICABILITY.—A limit under paragraph (1) shall apply uniformly—

''(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

''(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

''(3) NOTICE.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

''(4) ALTERNATIVE AUTHORITIES.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

''(i) COST RECOVERY SURCHARGE.—

''(1) DEFINITIONS.—In this subsection:

''(A) COST.—The term 'cost' means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

''(i) the issuance of new permits and renewal of or modification of permits;

''(ii) inspection and compliance monitoring;

''(iii) enforcement; and

''(iv) costs associated with technical assistance, data management, and collection of fees.

''(B) PROCESSING.—The term 'processing' means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(2) AUTHORITY.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(3) AMOUNT OF SURCHARGE.—The amount of a cost recovery surcharge—

''(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

''(B) in no event may exceed $3.00 per ton of waste.

''(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

''(5) CONDITIONS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) PROHIBITION OF SURCHARGE.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

''(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

''(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) SUBSIDY; NON-DISCRIMINATION.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

''(j) IMPLEMENTATION AND ENFORCEMENT.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

''(k) ANNUAL STATE REPORT.—

''(1) FACILITIES.—On February 1, 2003, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

''(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

''(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

''(2) TRANSFER STATIONS.—

''(A) DEFINITION OF RECEIVE FOR TRANSFER.—In this paragraph, the term 'receive for transfer' means receive for temporary storage pending transfer to another State or facility.

''(B) REPORT.—On February 1, 2003, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

''(i) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

''(ii) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

''(iii) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

''(3) NO PRECLUSION OF STATE REQUIREMENTS.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

''(4) FALSE OR MISLEADING INFORMATION.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(5) REPORT.—On March 1, 2003, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

''Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.''.

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

"SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'authorization to receive out-of-State municipal solid waste', 'disposal', 'existing host community agreement', 'host community agreement', 'municipal solid waste', 'out-of-State municipal solid waste', and 'receive' have the meaning given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—The term 'facility' means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

''(b) AUTHORITY TO DENY PERMITS OR IMPOSE PERCENTAGE LIMITS.—

''(1) ALTERNATIVE AUTHORITIES.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

''(2) AUTHORITY TO DENY PERMITS.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

''(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

''(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

''(3) AUTHORITY TO IMPOSE PERCENTAGE LIMIT.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

''(c) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

''(2) NO EFFECT ON STATE PERMIT DENIAL.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

''(d) UNIFORM AND NONDISCRIMINATORY APPLICATION.—A law under subsection (b) or (c)—

''(1) shall be applicable throughout the State;

''(2) shall not directly or indirectly discriminate against any particular facility; and

''(3) shall not directly or indirectly discriminate against any shipment of out-of-State municipal solid waste on the basis of place of origin.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.''.

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

"SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'affected local government', 'Governor', and 'receive' have the meanings given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—

''(A) BASE YEAR QUANTITY.—The term 'base year quantity' means—

''(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2003, as determined under subsection (c)(2)(B)(i); or

''(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 2002.

''(B) CONSTRUCTION AND DEMOLITION WASTE.—

''(i) IN GENERAL.—The term 'construction and demolition waste' means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

''(ii) EXCLUSIONS.—The term 'construction and demolition waste' does not include debris that—

''(I) is commingled with municipal solid waste; or

''(II) is contaminated, as determined under subsection (b).

''(C) FACILITY.—The term 'facility' means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

''(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term 'out-of-State construction and demolition waste' means—

''(i) with respect to any State, construction and demolition debris generated outside the State; and

''(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

''(b) CONTAMINATED CONSTRUCTION AND DEMOLITION DEBRIS.—

''(1) IN GENERAL.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

''(2) SUBMISSION OF RESULTS.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

''(3) DISPOSAL OF CONTAMINATED DEBRIS.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

''(c) LIMIT ON CONSTRUCTION AND DEMOLITION WASTE.—

''(1) IN GENERAL.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

''(2) REQUIRED ACTION BY THE STATE.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

''(A) not later than January 1, 2003, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

''(i) disposed of in the State; and

''(ii) imported into the State; and

''(B) not later than March 1, 2004—

''(i) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2003; and

''(ii) report the tonnage received during calendar year 2003 to the Governor of each exporting State.

''(3) REPORTING BY FACILITIES.—

''(A) IN GENERAL.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

''(i) in calendar year 2002, not later than February 1, 2003; and

''(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

''(B) NO PRECLUSION OF STATE REQUIREMENTS.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

''(C) PENALTY.—Each submission under this paragraph shall be made under penalty of perjury under State law.

''(4) LIMIT ON DEBRIS RECEIVED.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

''(B) REDUCED ANNUAL PERCENTAGES.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2004, 95 percent of the base year quantity;

''(ii) in calendar year 2005, 90 percent of the base year quantity;

''(iii) in calendar year 2006, 85 percent of the base year quantity;

''(iv) in calendar year 2007, 80 percent of the base year quantity;

''(v) in calendar year 2008, 75 percent of the base year quantity;

''(vi) in calendar year 2009, 70 percent of the base year quantity;

''(vii) in calendar year 2010, 65 percent of the base year quantity;

''(viii) in calendar year 2011, 60 percent of the base year quantity;

''(ix) in calendar year 2012, 55 percent of the base year quantity; and

''(x) in calendar year 2013 and in each subsequent year, 50 percent of the base year quantity.

''(5) EXPEDITED IMPLEMENTATION.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

''(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 2002; and

''(ii) the State complies with paragraphs (2) and (3).

''(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2003, 95 percent of the base year quantity;

''(ii) in calendar year 2004, 90 percent of the base year quantity;

''(iii) in calendar year 2005, 85 percent of the base year quantity;

''(iv) in calendar year 2006, 80 percent of the base year quantity;

''(v) in calendar year 2007, 75 percent of the base year quantity;

''(vi) in calendar year 2008, 70 percent of the base year quantity;

''(vii) in calendar year 2009, 65 percent of the base year quantity;

''(viii) in calendar year 2010, 60 percent of the base year quantity;

''(ix) in calendar year 2011, 55 percent of the base year quantity; and

''(x) in calendar year 2012 and in each subsequent year, 50 percent of the base year quantity.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4013. Construction and demolition debris.''.

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

''SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

''(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

''(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

''(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

''(A) was in effect on the suspension date;

''(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

''(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

''(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

''(A) on or before the suspension date, presented eligible bonds for sale;

''(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

''(C) on or before the suspension date, executed a legally binding contract or agreement that—

''(i) was in effect as of the suspension date;

''(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

''(iii) either—

''(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

''(II) otherwise imposes liability for damages resulting from such failure.

''(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

''(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

''(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

''(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

''(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

''(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

''(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

''(d) INDEMNIFICATION FOR CERTAIN TRANSPORTATION.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

''(e) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

''(f) LIMITATION ON REVENUE.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

''(1) Principal and interest on any eligible bond.

''(2) Principal and interest on a bond issued for a qualified environmental retrofit.

''(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

''(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

''(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

''(g) INTERIM CONTRACTS.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

''(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

''(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

''(h) AREAS WITH PRE-1984 FLOW CONTROL.—

''(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

''(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

''(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

''(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow

control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

''(3) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

''(i) EFFECT ON AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.—Nothing in this section shall be interpreted—

''(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

''(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

''(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

''(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

''(j) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

''(k) STATE SOLID WASTE DISTRICT AUTHORITY.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

''(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

''(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

''(l) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

''(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

''(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

''(3) the facility was designated as of the suspension date by at least one of such members;

''(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

''(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

''(m) RECOVERY OF DAMAGES.—

''(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

''(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

''(n) DEFINITIONS.—For the purposes of this section—

''(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

''(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

''(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

''(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

''(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

''(4) ELIGIBLE BOND.—The term 'eligible bond' means—

''(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

''(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

''(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

''(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

''(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

''(B) does not include—

''(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

''(ii) waste generated during scrap processing and scrap recycling; or

''(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

''(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

''(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

''(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

''(A) May 16, 1994;

''(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

''(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

''(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.''.

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 227—TO CLARIFY THE RULES REGARDING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES BY SENATORS

Mr. McCONNELL (for himself, Mr. McCAIN, and Mr. FEINGOLD) submitted the following resolution, which was ordered held at the desk:

S. RES. 227

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to intervene in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

(3) shall not require the establishment of a legal expense trust fund; and

(4) shall be governed by the Select Committee on Ethics Regulations Regarding Disclosure of Pro Bono Legal Services, adopted February 13, 1997, or any revision thereto.

(b) This resolution shall supersede Senate Resolution 321, adopted by the Senate on October 3, 1996.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3033. Mr. LOTT proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3034. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table.

SA 3035. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, supra; which was ordered to lie on the table.

SA 3036. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, supra; which was ordered to lie on the table.

SA 3037. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3038. Mr. KYL (for himself, Mr. MILLER, Mr. WARNER, Mr. MURKOWSKI, and Mr. VOINOVICH) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3039. Mr. REID (for Mr. BINGAMAN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 3033. Mr. LOTT proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;

(2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;

(3) seventeen of the 31 vacancies on the Courts of Appeals have been declared ''judicial emergencies'' by the Administrative Office of the U.S. Courts;

(4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 of the 22 circuit court nominations that he submitted to the Senate were confirmed; and

(5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2001.

SA 3034. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY CANDIDATES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 318, is further amended by adding at the end the following new section:

''LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY CANDIDATES

''SEC. 325. (a) LIMITATION.—

''(1) SENATE CANDIDATES.—A Senate candidate and the candidate's authorized committee shall not accept, during an election cycle, contributions from persons other than individuals residing in the candidate's State in an amount exceeding 40 percent of the total amount of contributions accepted during the election cycle.

''(2) HOUSE CANDIDATES.—A House candidate and the candidate's authorized committee shall not accept, during an election cycle, contributions from persons other than individuals residing in the candidate's congressional district in an amount exceeding 40 percent of the total amount of contributions accepted during the election cycle.

''(b) TIME TO MEET REQUIREMENT.—A candidate shall meet the requirement of the applicable paragraph of subsection (a) on the date for filing the post-general election report under section 304(a)(2)(A)(ii).''.

(b) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 304(c), is further amended by adding at the end the following new paragraphs:

''(27) SENATE CANDIDATE.—The term 'Senate candidate' means a candidate who seeks nomination for election, or election, to the Senate.

''(28) HOUSE CANDIDATE.—The term 'House candidate' means a candidate who seeks nomination for election, or election, to the House of Representatives.''.

SA 3035. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a

candidate for election to any Federal office in that year (including the office held by the Member).''.

SA 3036. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. RIGHTS OF EMPLOYEES RELATING TO THE PAYMENT AND USE OF LABOR ORGANIZATION DUES.

(a) PAYMENT OF DUES.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''membership'' and all that follows and inserting the following: ''the payment to a labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation as a condition of employment as authorized in section 8(a)(3).''.

(2) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by striking ''membership therein'' and inserting ''the payment to such labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation''.

(b) REQUIREMENTS FOR USE OF DUES FOR CERTAIN PURPOSES.—

(1) WRITTEN AGREEMENT.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h)(1) An employee subject to an agreement between an employer and a labor organization requiring the payment of dues or fees to such organization as authorized in subsection (a)(3) may not be required to pay to such organization, nor may such organization accept payment of, any dues or fees not related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless the employee has agreed to pay such dues or fees in a signed written agreement that shall be renewed between the first day of September and the first day of October of each year.

''(2) Such signed written agreement shall include a ratio, certified by an independent auditor, of the dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation and the dues or fees related to other purposes.''.

(2) WRITTEN ASSIGNMENT.—Section 302(c)(4) of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended by inserting before the semicolon the following: '': *Provided further*, That no amount may be deducted for dues unrelated to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless a written assignment authorizes such a deduction''.

(c) NOTICE TO EMPLOYEES RELATING TO THE PAYMENT AND USE OF DUES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158), as amended by subsection (b)(1), is amended by adding at the end the following:

''(i)(1) An employer shall post a notice that informs the employees of their rights under section 7 of this Act and clarifies to such employees that an agreement requiring the payment of dues or fees to a labor organization as a condition of employment as authorized in subsection (a)(3) may only require that employees pay to such organization any dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation. A copy of such notice shall be provided to each employee not later than 10 days after the first day of employment.

''(2) The notice described in paragraph (1) shall be of such size and in such form as the Board shall prescribe and shall be posted in conspicuous places in and about the plants and offices of such employer, including all places where notices to employees are customarily posted.''.

(d) EMPLOYEE PARTICIPATION IN THE AFFAIRS OF A LABOR ORGANIZATION.—Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking ''therein;'' and inserting the following: ''therein, except that, an employee who is subject to an agreement between an employer and a labor organization requiring as a condition of employment the payment of dues or fees to such organization as authorized in subsection (a)(3) and who pays such dues or fees shall have the same right to participate in the affairs of the organization related to collective bargaining, contract administration, or grievance adjustment as any member of the organization;''.

(e) DISCLOSURE TO EMPLOYEES.—

(1) EXPENSES REPORTING.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended by adding at the end the following:

''Every labor organization shall be required to attribute and report expenses by function classification in such detail as necessary to allow the members of such organization or the employees required to pay any dues or fees to such organization to determine whether such expenses were related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation or were related to other purposes.''.

(2) REPORT INFORMATION.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended—

(A) by inserting ''and employees required to pay any dues or fees to such organization'' after ''members'';

(B) by striking ''suit of any member of such organization'' and inserting ''suit of any member of such organization or employee required to pay any dues or fees to such organization''; and

(C) by striking ''such member'' and inserting ''such member or employee''.

(3) REGULATIONS.—The Secretary of Labor shall prescribe such regulations as are necessary to carry out the amendments made by this subsection not later than 120 days after the date of enactment of this Act.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in subparagraph (B), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) USE OF DUES.—The amendments made by subsections (b) and (c) shall take effect on the date that is 60 days after the date of enactment of this Act.

SA 3037. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXTENSION OF SUPERFUND, OIL SPILL LIABILITY, AND LEAKING UNDERGROUND STORAGE TANK TAXES.

(a) EXCISE TAXES.—

(1) SUPERFUND TAXES.—Section 4611(e) is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after the date of the enactment of the Energy Policy Act of 2002 and before October 1, 2007.''.

(2) OIL SPILL LIABILITY TAX.—Section 4611(f) is amended to read as follows:

''(f) APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—The Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply after December 31, 1989, and before January 1, 1995, and after the date of the enactment of the Energy Policy Act of 2002 and before October 1, 2007.''.

(3) LEAKING UNDERGROUND STORAGE TANK RATE.—Section 4081(d)(3) is amended by striking ''April 1, 2005'' and inserting ''October 1, 2007.''.

(b) CORPORATE ENVIRONMENTAL INCOME TAX.—Section 59A(e) is amended to read as follows:

''(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after the date of the enactment of the Energy Policy Act of 2002 and before January 1, 2007.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 4611(b) is amended—

(A) by striking ''or exported from'' in paragraph (1)(A),

(B) by striking ''or exportation'' in paragraph (1)(B), and

(C) by striking ''AND EXPORTATION'' in the heading.

(2) Section 4611(d)(3) is amended—

(A) by striking ''or exporting the crude oil, as the case may be'' in the text and inserting ''the crude oil'', and

(B) by striking ''OR EXPORTS'' in the heading.

(d) EFFECTIVE DATES.—

(1) EXCISE TAXES.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) INCOME TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3038. Mr. KYL (for himself, Mr. MILLER, Mr. WARNER, Mr. MURKOWSKI, and Mr. VOINOVICH) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) REQUIREMENT.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(14) GREEN ENERGY.—

''(a) Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

''(b) Renewable sources of electricity include solar, wind, geothermal, landfill gas, biomass, hydroelectric and other renewable energy sources, as may be determined by the appropriate state regulatory authority.''

(b) PRESERVATION OF STATE AUTHORITY.—Nothing in this Act affects the authority of a State to establish a program requiring that a portion of the electric energy sold by a retail electric supplier to electric consumers in that State be generated by energy from any particular type of energy.

SA 3038. Mr. REID (for Mr. BINGAMAN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 555, line 14, after ''secretary'', insert ''shall''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 21, 2002, at 9:45 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to be followed immediately by a hearing on S. 958, a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 9:30 a.m., in open and closed session to receive testimony on the worldwide threat to United States interests.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. 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 Tuesday, March 19, 2002, at 9:30 a.m., to conduct an oversight hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies.''

The committee will also vote on the nominations of the Honorable Joanne Johnson, of Iowa, to be a member of the National Credit Union Administration Board; and Ms. Deborah Matz, of New York, to be a member of the National Credit Union Administration Board.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 19, 2002, at 2:30 p.m., on the nomination of VADM Thomas Collins to be commandant of the U.S. Coast Guard and immediately following an Oceans, Atmosphere, and Fisheries Subcommittee on oversight of the U.S. Coast Guard budget.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, March 19, 2002, at 2:30 p.m., to conduct a hearing, entitled ''Mobility, Congestion and Intermodalism,'' to examine fresh ideas on transportation demand, access, mobility, and program flexibility. The hearing will be held in SD–406.

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

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m., to hear testimony on ''Child Care: Supporting Working Families.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:15 p.m., to hold a business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

Legislation: H.R. 2739, an act to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes; and S. Res. 213, a resolution condemning human rights violations in Chechnya and urging a political situation to the conflict.

Additional items to be announced.

Nominations: Mrs. Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator (Economic Growth, Agriculture, and Trade) of the United States Agency for International Development; Mr. Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years; the Honorable Robert P. Finn, of New York, to be Ambassador to Afghanistan; the Honorable Richard M. Miles, of South Carolina, to be Ambassador to Georgia; the Honorable James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; Mr. Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg; and Mr. Lawrence E. Butler, of Maine, to be Ambassador to the former Yugoslav Republic of Macedonia.

Foreign Service Officer Promotion Lists: FSO Promotion List, Jeffrey Davidow, Ruth Davis, and George Moose, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, dated December 20, 2001; and FSO Promotion List, Gustavio A. Mejia, dated December 20, 2001.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Finance. Subcommittee on Family Policy be authorized to meet for a hearing on ''Child Care: Supporting Working Families,'' during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, March 19, 2002, in Dirksen room 226 at 10 a.m.

Tentative Witness List

Panel I: The Honorable Arlen Specter; the Honorable John B. Breaux; the Honorable Robert Bennett; the Honorable Craig Thomas; the Honorable Rick Santorum; the Honorable Mary L. Landrieu; the Honorable Mike Enzi; and the Honorable W.J. ''Billy'' Tauzin.

Panel II: Terrence L. O'Brien to the U.S. Court of Appeals for the 10th Circuit.

Panel III: Lance Africk to the U.S. District Court for the Eastern District of Louisiana; Paul Cassell to the U.S. District Court for the District of Utah; and Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, March 19, 2002, at 10 a.m., for a hearing regarding ''The Federal Workforce: Legislative Proposals for Change.''

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

SUBCOMMITTEE ON SEAPOWER

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m., in open session to receive testimony on maximizing fleet presence capability and ship procurement and research and development in review of the Defense authorization request for fiscal year 2003.

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

AMENDING PUBLIC LAW 107–10

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 330, H.R. 2739.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2739) to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2739) was read the third time and passed.

ORDER FOR MEASURE TO BE HELD AT THE DESK

Mr. REID. I ask unanimous consent that S. Res. 227 be held at the desk.

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

ORDER FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding any adjournment or recess of the Senate, the Senate committees may file reported legislative and executive calendar business on Wednesday, April 3, from 11 a.m. to 1 p.m.

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

ORDERS FOR WEDNESDAY, MARCH 20, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Wednesday, March 20. I further ask consent that on Wednesday, immediately 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 proceed under the previous order.

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

PROGRAM

Mr. REID. Mr. President, the Senate will vote on cloture on the campaign finance reform bill at 1 p.m. tomorrow. We will come in at 10 a.m. and vote at 1 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. 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 7:27 p.m., adjourned until Wednesday, March 20, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

PORTUGUESE INSTRUCTIVE SOCIAL CLUB INCORPORATED

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 80th anniversary of the Portuguese Instructive Social Club Incorporated (PISC). The Club commemorated this important milestone on Saturday, March 16, 2002.

In the early 1900's, Portuguese immigrants started making Elizabeth, New Jersey their new home. The Portuguese Instructive Social Club was born out of pride for the founder's heritage, and as a way to preserve Portuguese culture, language, and traditions. The Club provided a support structure to help immigrants adjust to American culture, the English language, and a new way of life.

The Club became a reality thanks to the dynamic leadership of Amadeu Correia and a group of fellow Portuguese immigrants. Officially founded on March 18, 1922, the Portuguese Instructive Social Club became the center of the Portuguese community in Elizabeth. The Club was first located at 131 Pine Street, later moved to 131 Third Street, and today is located at Routes 1–9 and Portugal Grove Street in Elizabeth, New Jersey.

Over time, the Portuguese-American community has grown considerably, and with its growth, the Club began offering more activities to its members. By 1925, the Club included a drama group, an orchestra, and a soccer team. Ten years later, on January 20, 1935, a new group emerged, the ''Ladies Auxiliary of the Portuguese Instructive Social Club.'' In 1935, Amadeu Correia founded the Portuguese School, then known as ''Escola 1 de Dezembro,'' with a class of about 30 students. Today, the school is known as ''Amadeu Correia School,'' with an average of 275 students. In 1940, the ''Youth of the PISC'' introduced new activities, such as bowling, basketball, soccer, and youth dances. On February 7, 1970, after a major fundraising drive, the new Portuguese Instructive Social Club in Elizabeth, New Jersey was inaugurated.

Today, I ask my colleagues to join me in honoring the Portuguese Instructive Social Club Incorporated for providing 80 years of camaraderie and the preservation of Portuguese culture and traditions in New Jersey.

TRIBUTE TO MRS. MARGARET ERVING

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Mrs. Margaret Erving, born in Iowa City. Mrs. Erving graduated from high school in Fort Dodge, Iowa, and was immediately inducted into the United States Air Force, completing her training at Lackland Air Force base in Texas. She spent 5 years in the Air Force, in which time she attended the United States Air Force Supply School in Denver, Colorado. She is a graduate of the College of New Jersey, having earned a bachelor of science degree with a major in sociology, and a minor in business administration.

Mrs. Erving began her career at Fort Monmouth on February 2, 1980, and completed over 27 years of civilian/military service there. Her beginning position was that of a GS–3 Supply Clerk in the Directorate of Materiel Management.

Since her debut in 1980, Mrs. Erving has served in several capacities including Supply, Quality Assurance, and Logistics positions. In February 1981 she was chosen to participate in the Quality Assurance Career Intern Program, and was promoted to the GS–1910–5 position in the Directorate of Materiel Management. That same year Mrs. Erving qualified and was promoted to the grade of GS–1910–9. In June 1983 she was promoted again to the grade of GS–11 in the Directorate of Quality Operations/Communications, Automatic Data Processing Section where she worked until 1985 at which time she was promoted to grade GS–12 Quality Assurance Specialist in the Directorate of Product Assurance and Test. In 1987 she was reassigned to the Communications Directorate MSE (Mobile Subscriber Equipment) branch, from which she is now retiring. In this position she traveled widely both in and out of the Continental United States, journeying to destinations such as Germany, France, England, Sweden, and Canada.

Mrs. Erving's efforts have been outstanding, and she has, consequently, received numerous awards and accolades for her accomplishments and the Retrofit Program. Some of her awards include the Good Conduct Medal, sustained Superior Performance awards between the years 1995 and 2002. Certificates of Achievement in 1989 and 1995, Special Act Awards, and a letter of appreciation from Major General Robert I. Nabors, former Commanding General, United States Army, Communications-Electronics Command at Fort Monmouth, New Jersey. In 1991, she was yet again promoted to the temporary position of GS–13.

Mrs. Erving's external activities include being a life member of the National Council of Negro Women; member of the NAACP; member of the church of the Good Shepard, Willingboro, NJ; substitute school teacher, Willingboro, NJ public school system; a charter member of the women in military service; and vice-president and treasurer of Jonmar creations, an ethnic greeting card company founded and operated by her husband, John Erving, Jr.

For continuing efforts to make a difference both in her own community and the world, Mrs. Margaret Erving deserves our praise and recognition.

TRIBUTE TO UKRAINIAN CONSULATE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LEVIN. Mr. Speaker, I rise today to celebrate the opening of the Ukrainian Consulate in Michigan, which will officially begin operations on March 23, 2002.

The opening of this consulate in Michigan demonstrates the special relationship the United States has with Ukraine, and signifies the importance of the Ukrainian-American community in southeastern Michigan. There are approximately 200,000 Americans of Ukrainian descent residing in Michigan, with the vast majority living in the Detroit metro area, and they have contributed greatly to the diversity and the prosperity of the region.

Since first arriving in the United States, Ukrainian-Americans have done well in all aspects of American historical, socio-cultural, and political life. Their sons and daughters have grown up to be doctors, professors, lawyers, and other professionals. They have been a vital part of the industrial life in Michigan, and served nobly in the armed services of this Nation. Yet, even as they embraced America, Ukrainian-Americans have maintained their rich cultural history and ethnic identity, and sought to teach fellow Americans about this culture.

Nowhere is this culture more in evidence than at the Ukrainian Cultural Center, which serves as the home for the consulate in Warren, MI. The Ukrainian Cultural Center is home to more than 40 arts, civic, educational, social, sports, and youth organizations, including the member organizations of the Ukrainian Congress Committee of America branch for southeastern Michigan.

The center is an integral part of not only the Ukrainian community, but all of metropolitan Detroit and Michigan. With the addition of the consulate, the center now is able to assist Ukrainian-Americans in Michigan and to facilitate trade, cultural and academic programs, and exchanges between Ukraine and Michigan.

The consulate became a reality through the tireless efforts of the men and women of the Committee in Support of the Consulate of Ukraine in Michigan. Borys Potapenko, who served as chairman of the committee, and Bohdan Fedorak, who has been designated Honorary Consul of Ukraine in Michigan, have routinely devoted so much of their time to the Ukrainian community through the years.

The opening of the consulate demonstrates that the partnership between our nations is increasingly being strengthened. This is another milestone along that road. It is not the end of the journey.

So I ask my colleagues to join me as we extend our sincere congratulations to the people of Michigan and around the Nation on the opening of the Ukrainian Consulate in Michigan.

CONGRESSMAN KILDEE HONORS MATTHEW CROFT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating a young student from Michigan who has achieved national recognition for exemplary volunteer service in his community. Matthew Croft of Waterford has just been named on of Michigan's top two honorees in the 2002 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia, and Puerto Rico. Matthew will be honored today with a ceremony to be held at his school.

Matthew is being honored for developing and implementing a program to buy bicycle safety helmets for needy first and second-grade children. As an eighth grader at Marist Academy, Matthew belongs to a group called STAND or Students Taking a New Direction. This group was organized to leadership through doing for others and learning to make healthy choices. After reading an article that stated only 20 percent of bike riders in Michigan wore helmets, Matthew decided to take action. He approached his fellow students in STAND and persuaded them to help correct this problem. Matthew helped organize several fundraisers, he obtained matching funds from AAA, and he approached retailers in the area to get a discount on the cost of the helmets.

Once the helmets were purchased, Matthew was one of four presenters explaining to the elementary students that it is ''cool'' to wear helmets. The students at Whitmer Resource Center in Pontiac responded enthusiastically. Through Matthew efforts more young children in Pontiac are practicing bicycle safety and wearing headgear that may save their lives.

Matthew should be extremely pleased to be singled out from such a large group of dedicated volunteers. He is an example of the important role young Americans play in our communities. I ask the House of Representatives to join me in commending Matthew, his fellow students and faculty at Marist Academy and their families for making this a better world.

PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SUNUNU. Mr. Speaker, I rise to the floor today to honor some very important people in the lives of New Hampshire's children—teachers.

I am proud to recognize the accomplishments of nine recipients of the Presidential Awards for Excellence in Mathematics and Science Teaching. These nine recipients are now candidates for the national award.

Like all teachers, they are hard working and dedicated to their students. They instill curiosity and drive to explore ideas and concepts that will help their students in the classroom and throughout their academic pursuits.

The teachers are recognized for their professional performance and for significantly improving their students' understanding of science and mathematics.

The recipients are science and math teachers in elementary, middle, and high schools from all across New Hampshire. I applaud each one of them for their hard work.

In science, the recipients are: Deborah Morill Bates, of Bluff Elementary School, in Claremont; Laura Elise Dreyer, of McKelvie Middle School, in Bedford; Diane Barbara Savage, of Nashua Senior High School, in Nashua; and Dennis Paul Vienneau, of Moultonborough Academy, in Moultonborough.

In mathematics, the recipients are: Catherine Stavenger, of Memorial Elementary School, in Bedford; Janet Christina Valeri, of Mt. Pleasant Elementary School, in Nashua; Terry Reginald Bailey, of Pinkerton Academy, in Derry; Catherine Brownrigg Burns, of McKelvie Middle School, in Bedford; and Dianne Jaye Klabechek, of Belmont Middle School, in Belmont.

On behalf of your students, your schools, and your state, I salute you.

TRIBUTE TO REVEREND RONALD L. OWENS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Reverend Ronald L. Owens residing in the Sixth District of New Jersey. He is celebrating his 25th year in the ministry.

Reverend Owens is currently the Senior Pastor of the New Hope Baptist Church of Metuchen, New Jersey. On Friday, April 12, 2002, his church will recognize his illustrious career and dedication to Metuchen and surrounding communities. Reverend Owens graduated from Northeastern Bible College in Essex Falls. He also has earned a degree from the Virginia Union University in Richmond, Virginia. Presently, he is a candidate for the Doctorate in Ministry from Andersonville Baptist Seminary in Camille, Georgia.

At the New Hope Baptist Church he has the unique honor of pastoring the church he attended in his youth. The church has grown to more than five hundred active members, with more than thirty active ministries serving the community. Reverend Owens has a noteworthy career. It includes serving as a member of the Board of Supervisors for Field Ministry at Princeton Theological Seminary and the Ad-Hoc Committee for Minority Recruitment for Robert Woods Medical School at Rutgers University. Additionally, he has acted as the president of the Metuchen/Edison Clergy Association and former Vice-Chairman of the Democratic Party of Middlesex County in the State of New Jersey. Lastly, he was President and CEO of the House of Hope Community Development Corporation of New Jersey.

Outside of his career, he spends time with his adoring wife of thirty-years, Cheryl Owens, and his two daughters, Tracey and Kimberly. He also enjoys spending time with his four grandsons, Adam II, Joshua, Blair, Jr., and Brandon. Through his ministry he spreads the word of God and provides spiritual leadership. Now entering his twenty-fifth year of service, I would like to congratulate Reverend Ronald L. Owens on this momentous occasion.

IN HONOR OF DR. JOSE R. SANCHEZ-PENA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Jose R. Sanchez-Pena for his many contributions to the Hispanic community. He will be honored by the Federation of Cuban Musicians in Exile on Sunday, March 17, 2002, at Mi Bandera restaurant in Union City, NJ.

Dr. Jose R. Sanchez-Pena is currently an assistant professor of medicine at the University of Puerto Rico and the University of Medicine & Dentistry of New Jersey.

He is a member of Barnert Memorial Hospital in Paterson, NJ. In Passaic, NJ, he is a member of Beth Israel Hospital, Saint Mary's Hospital, and General Hospital Center. He is the Medical Director at Gregory Medical Associates, Comprehensive Medical Evaluations, and Gregory Surgical Services.

Dr. Jose R. Sanchez-Pena is an asset to the Hispanic community, providing excellent medical care to countless Hispanics at his medical offices in Manhattan, Queens, Jersey City, West New York, Paterson, Passaic, and Hoboken. Having medical licenses in New York, New Jersey, Indiana, Puerto Rico, and the Dominican Republic, he is able to extend his services to a diverse group of individuals.

Not only does he attend to people's medical needs, but his services also benefit the community, as he is a medical consultant for the Social Security Administration, the Immigration and Naturalization Services, and Workmen's Compensation in the State of New York and New Jersey.

Today I ask my colleagues to join me in honoring Dr. Jose Sanchez-Pena for his many contributions to the medical community and the Hispanic community of New Jersey.

TRIBUTE TO JASON CUNNINGHAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, it rained in Washington last Wednesday. By Thursday morning the sun was burning through the mist that blanketed Arlington National Cemetery. On the north side of a ridge near a grove of evergreen trees an Air Force honor guard carried Jason Cunningham's casket to his final resting place.

There were six honorary pall bearers who followed the casket up the incline to where the family and a small cluster of others waited. Those six all wore the maroon berets of the Air Force elite pararescuemen. There were dozens of PJs there, mostly from Jason's squadron in Georgia. All of them had completed their PJ training at Kirtland Air Force Base.

Over the ridge to the south of where we stood two cranes lined the sky where crews

work feverishly to rebuild the Pentagon. You could hear the throb for work from the site and it was comforting, somehow, to know that even as we grieve deeply for those lost we are rebuilding and going on.

Jason Cunningham was a New Mexican and, by all accounts, a good man who was willing to risk his life in daring missions to rescue others. That's what PJs do. When Navy SEAL Petty Officer Neil Roberts was left behind after his helicopter was attacked in a mountain valley in Afghanistan, Jason and his team went in to try to rescue him. They got into a vicious fire fight. Jason, the Navy SEAL, and five others were killed. Eleven Americans were wounded.

Even when you know a cause is just, when those who fight do so willingly, when you know it's a fight we have to win, the grief is just as deep. The rifle shots of the honor guard, the echoes of taps, the rescue choppers flying by in a last salute, the wide-eyed children of a soldier who won't be coming home, weighed heavily on everyone at Arlington on Thursday.

There were thousands of New Mexicans who would have been at Arlington if they could have. I went to represent them and to let the Cunninghams know that the thoughts and prayers of thousands of New Mexicans are with them. We are sorry that Jason isn't coming home and grateful for his service and his sacrifice defending us and our way of life.

Operation Anaconda has been the costliest battle so far in Afghanistan. There will be more battles in this war against terrorism. Let's keep the troops in our thoughts and prayers.

JAMES R. BROWNING U.S. COURT OF APPEALS BUILDING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 2804, legislation to name the U.S. Court of Appeals Building at 7th and Mission Streets in San Francisco, the ''James R. Browning U.S. Court of Appeals Building''. I first want to commend my good friend and distinguished colleague, Congresswoman NANCY PELOSI, who is the sponsor of this legislation.

It is most appropriate that we name the 100-year-old San Francisco Federal Appeals Court building after Judge James R. Browning in recognition of his 40 years of distinguished service on the federal bench and his service for twelve years—from 1976 to 1988—as Chief Judge of the Ninth Circuit Court of Appeals.

Mr. Speaker, Judge Browning received his legal education at the University of Montana Law School, where he achieved the highest scholastic record in his class and served as editor-in-chief of the Law Review. After graduation in 1941 Judge Browning joined the Antitrust Division of the Department of Justice. Two years later, he answered his country's call and was inducted as a Private in the Army. He served in the Pacific Theater for three years, earning a Bronze Star. Upon his return to the United States, Judge Browning rejoined the Department of Justice, where he quickly rose to Chief of the Northwest Regional Office of the Antitrust Division, working out of the Seattle office. He was then called back to Washington, DC to become Assistant Chief of the General Litigation Section of the Antitrust Division.

In 1951 Judge Browning moved from the Antitrust Division to the Civil Division of the Department of Justice, and shortly afterwards became Executive Assistant to the Attorney General of the United States. While in this position, he organized and was then appointed Chief of the Executive Office of United States Attorneys. In 1953 Judge Browning left the Department of Justice for private practice as a partner at Perlman, Lyons & Browning, but continued to lecture on Antitrust Law at both the New York University Law School and the Georgetown University Law Center.

Mr. Speaker, after five years in private practice Judge Browning left private practice to become Clerk of the U.S. Supreme Court. In this position he held the Bible at the time John F. Kennedy took the oath of office from Chief Justice Warren when he was sworn in as President in 1961. He was the last Clerk of the U.S. Supreme Court to perform this task. Since 1961, the Bible in all cases has been held by the spouse of the President-elect.

It was President Kennedy who appointed Judge Browning to the Ninth Circuit Court of Appeals in 1961, where he has remained in service, for over forty years, the longest serving Justice in the history of the Ninth Circuit. Today he is the sole remaining Kennedy appointee serving on any court in the United States.

Mr. Speaker, after serving on the court for 15 years, Judge Browning was elevated to Chief Judge of the Ninth Circuit, which position he held from 1976 to 1988. During his time as Chief Judge, Judge Browning was an influential member of the Judicial Conference of the United States and an active participant in resolving major problems facing the federal judiciary. He has an impressive record of achievement in the Ninth Circuit. Despite calls to reduce the size of the Court, Judge Browning implemented reforms to increase the efficiency of the Court by increasing the number of judges in the Circuit, reducing the enormous backlog of pending case work, and halving the time needed to decide appeals.

With a jurisdiction that includes all the federal courts in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska, Hawaii, Guam and the Northern Mariana Islands, Judge Browning utilized computers and information technology to increase the speed and efficiency of the courts. This included creating a computerized case screening and processing system which allowed geographically disparate judges to maintain docket contract and avoid intra-circuit conflicts. Judge Browning also created three geographic administrative subdivisions headed by senior active judges within each region to decentralize decision-making and increase productivity.

Mr. Speaker, Judge Browning emphasized the importance of collegiality and civility among judges on the Ninth Circuit, and encouraged the use of email, telephone conferences, symposia, conferences and other meetings to increase interpersonal contacts and mutual understanding among Ninth Circuit and District Court judges. With these steps, he succeeded in cutting in half the time needed to decide appeals and eliminating the case backlog at the same time that the circuit expanded in size.

In recognition of his extraordinary service to the federal judiciary Judge Browning was the recipient of the Edward J. Devitt Distinguished Service to Justice Award in 1991, and the American Judicature Society's Herbert Harley Award in 1984.

Mr. Speaker, I am delighted that this legislation will name the San Francisco Federal Appeals Court building after Judge James R. Browning in recognition of 40 years of distinguished service on the federal bench. The building, currently unnamed, is simply known as the Old Post Office Building. It is very fitting that this building in which we uphold justice as enshrined in our constitution, be named after a distinguished jurist who has dedicated his life to upholding our system of justice.

CONGRATULATING THE GIRL SCOUTS OF THE USA ON ITS 90TH ANNIVERSARY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PETRI. Mr. Speaker, I rise today to, somewhat belatedly, congratulate the Girl Scouts of the USA on reaching its 90th anniversary as an organization.

The organization had its origins in 1912 with an 18-girl group in Savannah, Georgia. From those rather humble origins it has grown to its current strength of 3.8 million members, in cluding 900,000 adult members. The Girl Scouts also boast 50 million alumnae. This is the largest organization for girls in the world.

Since the organization's inception, the Girl Scout experience has helped girls acquire self-confidence and expertise, learn to think creatively and develop habits of honor and integrity that are essential in good citizens and great leaders. Many of our educators, doctors, lawyers, elected officials and other community leaders were once Girl Scouts.

The benefits of Girl Scouting are delivered by a dedicated group of people—adult volunteers. Ninety-nine percent of all the adults involved in Girl Scouting are volunteers who give their time to advance the noble goals and purposes of Scouting, teaching their charges about community service, science, money management, health, fitness, and other useful skills and talents. In a time when we are trying to encourage more community involvement, we need to take the time to recognize an organization that has been leading the way for decades.

Again, I am pleased to congratulate this group, which has been such an integral part of the American social fabric, as it reaches an important milestone.

TRIBUTE TO ALACHUA ELEMENTARY SCHOOL'S 2002 QUIZ BOWL TEAM

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to six remarkable elementary school students, Kyle Carlisle, Kaytlynn

Cunningham, Varsha Ramnarine, Jonathan Stewart, Alexandria Whann, and Courtney Wilkerson, their teacher, Shirley Tanner, and their school for triumphing in the Florida competition of the 2002 National Thinking Cap Quiz Bowl.

Located in Alachua, a tiny city of approximately 6000 people, Alachua Elementary School serves less than 500 students in grades three through five. Principal Jim Brandenburg described the 107-year-old school as a ''community school'' and credited community involvement for the school's quality, explaining that, ''Alachua is a stable community. Many parents and grandparents of our students also attended Alachua Elementary. We don't have a lot of money, but parental involvement and community support help make up for that.''

Mr. Brandenburg further states, ''There are no shortcuts to quality education. We have resisted the instructional fads that promise instant success and focused on essential skills and good teaching. You can't 'microwave' sustained high achievement in school or anywhere else. It really comes down to high expectations and hard work.''

Alachua Elementary is often referred to as ''the little school that can . . . and does.'' It has been honored as a Blue Ribbon school and has received numerous awards for student achievement from the School Board of Alachua County. Furthermore, this is the third consecutive year that Alachua's Quiz Bowl team has won first place in the state. For Alachua, a poor rural school, the win was particularly rewarding since they competed against schools from metropolitan areas of Florida and also private schools across the state.

Mrs. Tanner, Teacher of the Gifted and Technology Resource Teacher, began the school's involvement in this challenging scholastic competition several years ago. The test consists of 100 computer-generated multiple-choice questions covering all school subjects, current events, and trivia. Each fifth-grade student on the team studied incredibly long hours and practiced weekly for over two months to prepare for the competition.

Mrs. Tanner said, ''I am far more impressed with their determination and perserverance than by the fact that they won the state competition. They had no idea what questions would be on the test. No notes of any kind may be used during the test; only pencils and paper are permitted. Research, teamwork, and test-taking strategies were the keys to success. Since the total score was based on both speed and accuracy, the team had to be quick calm and knowledgeable about many subjects.''

Now let me tell you a little more about these wonderful kids:

Kyle Carlisle, the son of Roy and Ellen Carlisle, became an expert on Government. His leisure time is spent reading and playing computer games of strategy. Kyle's favorite subject is Math. His goal in life is to have a career in Computer Science. Kyle said, ''Being on the quiz bowl team was a lot of work, but it was fun.'' Mrs. Tanner said of him, ''The same day that Kyle qualified for the team, he began researching various topics and shared this information with teammates. Kyle was responsible for answering questions on Government and in charge of entering the team's answers via the mouse. He did a flawless job in an extremely stressful position.''

Kaytlyunn Cunningham, the daughter of John and Nancy Short, became the expert in Language Arts. Her interests include singing, gymnastics, creative writing, bike riding, and swimming. Kaytlynn's favorite subject is Language Arts, and she wants to be a teacher. Her comment was, ''I spent a lot of time learning a vast quantity of information, but I know I will be able to use it later in life.'' Mrs. Tanner commented, ''Kaytlynn is a talented young lady. Soon after the 9/11 tragedy, Kaytlynn sang, 'Amazing Grace' at the school's Open House Program. The song was so beautifully and emotionally sung that few dry eyes were in the audience. She regularly appears as a news anchorperson on the school's closed-circuit broadcasting station, WALA.''

Varsha Ramnarine, the daughter of Vishnu and Kay Ramnarine, plays softball, reads and plays basketball. She was the team's math expert. Her favorite subject is, of course, Mathematics. Her career desire is to be a pediatrician. She said ''The test was not as hard as I expected. Maybe it was because we were prepared.'' Mrs. Tanner responded, ''We would not have scored nearly so well without Varsha's expertise in math concepts and computation. I was amazed at her quick answer to the math questions without the need to compute with pencil and paper.''

Jonathan Stewart, the son of Tim and Chris Stewart, spends weekends riding his dirt bike, camping, and playing football. His speciality was Sports and Leisure. His favorite subject is also Mathematics, and Jonathan's career choice is to be a veterinarian. Jonathan commented, ''The research was hard and took a lot of time, but it helped prepare us for the test. The hardest lesson to learn, though, was teamwork.'' Mrs. Tanner remarked, ''Jonathan is a quick learner. The team depended on him to answer correctly all the sports questions. Jonathan, a pleasure in the classroom, always wears a mischievous and intriguing smile.''

Alexandria Whann, the daughter of Lloyd and Elise Whann, enjoys swimming, piano, and traveling. Her knowledge of Social Studies meant that the team answered the geography questions correctly. Not surprisingly, her favorite subjects are Social Studies and Spelling. Her comment about the team was, ''Mrs. Tanner is the best advisor a team could have. She insisted that we do our best.'' Mrs. Tanner said, ''Alex has a marvelous sense of humor and a playful attitude. She really got excited answering questions at the weekly practices, but during the competition, she was calm, confident, and accurate.''

Courtney Wilkerson, the daughter of Kenneth and Candis Wilkerson, enjoys reading, swimming, traveling, and creative writing. Her area of expertise was Science, Current Events, and Miscellaneous. Her favorite subject is Mathematics, and she wants to be a lawyer. Courtney's response was, ''Studying for the competition was a lot of hard work, but in the end, it was worth it.'' Mrs. Tanner said ''Courtney's contribution cannot be over-emphasized. It seemed that every week in practice, I'd think of something else under the category of 'Miscellaneous' that she needed to learn. She never complained about the additional work.''

These six students are to be congratulated for their determination, perseverance, and scholastic aptitude. These qualities were rewarded with a First Place finish in the state of Florida.

COMMENDING THE ACHIEVEMENTS OF FERNANDO ZAZUETA

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. LOFGREN. Mr. Speaker, we rise to recognize the remarkable achievements of Fernando Zazueta, the Founding Chairman of the Mexican Heritage Corporation of San Jose. Mr. Zazueta is a leader in the community and has been an invaluable friend to us both.

Fernado Zazueta was born in Culiacán, Sinaloa, Mexico and was raised as a migrant farm worker in California. He attended sixteen separate schools before graduating from San Jose High School in 1957, and then from San Jose State University in 1962. During law school, Mr. Zazueta was president of the Ralph Bunche Society of International Law and treasurer of the Law Students Association. As a result of his involvement in the student Court Interpreter Program, Mr. Zazueta published a Law Review article entitled ''Attorney's Guide to the Use of Court Interpreters with an English and Spanish Glossary of Criminal Law Terms'' and served as a special consultant to Arthur Young and Company in the development and presentation of a statewide study. Fernando Zazueta was a key contributor to a published report for the California Judicial Council regarding an assessment of the language needs of the California population as they related to the California justice system.

Fernando Zazueta has been an active member of local, county, state and national bar associations and served as both treasurer and president of La Raza National Lawyers' Association of California. Mr. Zazueta served on the State Bar Commission on Judicial Nominees Evaluation for two terms, during which the commission evaluated hundreds of nominees for gubernatorial appointment.

As chairman of the 1979 Community Advisory Council of San Jose Unified School District, Fernando Zazueta examined proposals to alleviate the ethnic and racial isolation of students. Additionally, he has held numerous directorships for nonprofit organizations such as the International Hospitality Center in San Francisco, the San Jose Museum of Art, and the San Jose Convention and Visitor's Bureau. He served on the Board of the San Jose Unified Educational Foundation, which raises over $100,000 for school sports through its annual Celebrity Waiters Luncheon.

Fernando Zazueta has been the founder and Board Chairman of the Mexican Heritage Corporation sine 1988, and headed an effort by the corporation to complete the Mexican Heritage Plaza, a $34 million cultural center in East San Jose. Mr. Zazueta has also been instrumental in establishing an annual civic recognition of the founding of the Pueblo de San Jose de Guadalupe as the first civil settlement in California.

Fernando Zazueta's other civic and volunteer contributions are too numerous for us to list here. He has been an integral part of our community for as long as we can remember, for which we are truly grateful. As a friend and as a neighbor, his dedication and enthusiasm is treasured.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GEKAS. Mr. Speaker, as we read daily about the difficult fight for freedom that our armed forces are undertaking around the world, let us consider the similarly difficult mission that the people of Greece fought 181 years ago.

On March 25, 1821, Greek citizens, who were at that time living under the oppressive tyranny of the Ottoman Empire, united together to rise up and courageously fight an overwhelming enemy. Though they were many times outnumbered on the battlefield, they endured and ultimately defeated the Ottomans because of the values for which they fought, namely independence and freedom. More powerful than the weapons of the Ottomans, these values provided the inspiration to fight with conviction and purpose.

Today, the United States of America and Greece unite together in a stand against the forces of terrorism. Though this time the numbers of those fighting are to our advantage, our enemy is extremely deceptive, unpredictable, and willing to attack innocent people.

The noble War of Independence that the Greeks fought reminds us today that freedom and independence do not come without cost. We call upon these righteous values held by Greeks and Americans alike to endure these difficult times. Just as Greece defeated its enemy and gained sovereignty, we will defeat our enemy and preserve our freedom.

I stand today to reaffirm our solidarity with Greece and to celebrate their Independence Day from which we can draw much inspiration during our own time of war.

ON THE 110TH ANNIVERSARY OF THE DAILY CARDINAL

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to extend my congratulations to the oldest student newspaper on the University of Wisconsin-Madison campus, The Daily Cardinal, on its 110th anniversary on April 4. The Daily Cardinal is a steady and celebrated component of campus life—as vital a presence as the Union Terrace, Camp Randall, or Bascom Hall.

For more than a century, The Daily Cardinal has informed students, faculty, and staff on the UW-Madison campus. Through the years, the paper's staff has met serious challenges with courage and determination while maintaining standards of journalistic excellence.

The success of The Daily Cardinal must be attributed to its hardworking staff members, past and present, who juggle their roles as students and journalists or businesspeople, often with little or no recognition. The enduring success of The Daily Cardinal is most certainly due to their dedication and hard work.

It's truly an honor for me to represent the students, faculty, and staff of the UW-Madison and especially those who sustain its award-winning student paper, The Daily Cardinal.

THE MEDICAL COST DEDUCTION ACT OF 2002

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. CRANE. Mr. Speaker, I am pleased to join with my friend and colleague Mr. Johnson of Texas to introduce the Medical Cost Deduction Act of 2002. This legislation makes health care more affordable by allowing individuals to deduct most of their medical expenditures that exceed 2 percent of their Adjusted Gross Income (AGI).

The rising costs of health care are a major concern for many Americans. Whether it is increased costs in health insurance premiums or the high cost of prescription drugs that seniors pay out of their own pocket, if it is unaffordable, many of these individuals will go without necessary health care treatment. The Medical Cost Deduction Act will help lower the tax burden and help families defray the rising costs of health care.

Since 1942, taxpayers that itemize have been able to deduct health care costs that are in excess of a statutory percentage of their AGI. The current threshold where deductions begin is after 7.5 percent of AGI. Because of this relatively high floor, few taxpayers that itemize can reduce their taxable income through the existing deduction because their unreimbursed medical expenses are unlikely to exceed 7.5 percent of their AGI. For instance, under current law, a taxpayer with an income of $30,000 would need to have out-of-pocket health care costs of $2,250 before they could begin taking deductions. Under my proposal that reduces the AGI requirement to 2 percent, that same taxpayer can start taking medical care deductions after $600 in expenses.

Back in 1954 when the threshold for deductibility of health expenses was lowered from 5 percent to 3 percent, the House Ways and Means Committee included in it's report that there is a ''general agreement that limiting the deduction only to expenses in excess of 5 percent of AGI does not allow the deduction of all extraordinary medical expenses.'' By lowering the deduction for medical expenses to 2 percent of AGI seniors may be able to better afford necessary medications and individuals may be better able to afford increased health care premiums. Mr. Speaker, I ask for my colleagues for their consideration and support of the Medical Costs Deduction Act.

CANADA LOVES NEW YORK

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HOUGHTON. Mr. Speaker, as we passed the six month mark since September 11th, I was reminded of one of the more exuberant showings of support from one of our nation's strongest allies. Our good neighbor to the north, Canada.

On September 11, 2001, Canadians shared the pain brought on by the events of that morning. Many Canadians wondered what they could do. Our good friend, Canadian Senator Jerry Grafstein, Co-Chair of our U.S.-Canada Interparliamentary Group, was one of the first to contact me to express his condolences and to commiserate. He, like everyone, wanted to know what he could do to help.

Then, following Mayor Giuliani's speech at the United Nations where he invited the world to come to New York to help get things back to normal, Jerry and many of his friends decided that the best thing they could do would be to organize a weekend for Canadians to visit New York en masse, contribute to the economy of New York, and physically show their support.

Almost immediately, Jerry, his wife Carole, and a handful of outstanding volunteers from the Toronto area went to work.

Publishers of the leading newspapers in Toronto ran full-page ads. TV and radio quickly followed suit. Canadian stars in sports and entertainment rallied to create several ads in support of the venture, each taping 30–60 second spots at no cost. Even movie theater owners offered to run the ads when the Harry Potter movie opened in cinemas across Canada.

Other businesses made in-kind and monetary donations to the effort including Air Canada, who made discount air fares to New York available from across Canada.

New Yorkers also made generous donations to the effort. The Roseland Ballroom was made available at a very nominal rate and venue insurance was donated. Owners of the large screens in Times Square offered to run the ads for free to attract the thousands of Canadians living in New York to the event. Mayor Giuliani issued a proclamation declaring December 1, 2001, ''Canada Loves New York Day'' in New York City. President Bush also sent a message commending the volunteers for their efforts.

It was thought that three to four thousand Canadians would attend the rally on December 1st. It is estimated that over 26,000 people actually did attend. Many of them didn't even get near the Roseland Ballroom, but no one complained. It was a tremendous event—one that I will not soon forget.

So, Mr. Speaker, I just wanted to thank Senator Grafstein and all of the volunteers who worked tirelessly to make that effort a tremendous success. It is another in a long list of reasons as to why the United States and Canada are the closest of allies.

TRIBUTE TO MONMOUTH COUNTY FOODBANK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to the FoodBank of Monmouth and Ocean Counties in the 6th District of New Jersey.

On Friday, February 22, the FoodBank formally celebrated the opening of its new 42,000 square feet warehouse facility at 3300 Route 66, Neptune Township. Member charities and invited guests toured the new facility. A dedication ceremony honored Arthur M. Goldberg,

for whom the facility is named, for his generosity as a major contributor to the building campaign.

Other guests included major contributors, member charities, volunteers and political dignitaries who have played important roles in enabling the FoodBank to build the facility.

The FoodBank currently distributes over 2.5 million pounds of emergency food annually to more than 200 church and synagogue food pantries, soup kitchens, shelter for the homeless, shelter for abused women and children, day care programs for low-income children and homes for the elderly and disabled throughout Monmouth and Ocean counties.

The new facility will enable the FoodBank to provide more food for those in need. With the additional space, new programs will also be started that impact on the root causes of hunger. These include a job skills program in culinary arts and community gardens that will help people to grow some of their own food.

For continuing to make a difference in the community fighting hunger, the FoodBank of Monmouth and Ocean Counties warrants praise. Their new warehouse facility is a great step forward in their cause.

HONORING THE 46TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF TUNISIA

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. BENTSEN. Mr. Speaker, I rise to acknowledge the Republic of Tunisia's 46th anniversary on March 20, 2001. It was 46 years ago that the Republic of Tunisia was formally established as an independent country. Over the years, Tunisia has forged a strong and solid relationship with the United States that extends beyond bilateral ties to issues of world peace and economic partnership.

The close and solid relationship between Tunisia and the United States at the bilateral level has steadily grown from U.S. assistance to the young Tunisian nation in the early years to a constructive and fruitful partnership between two countries for the sake of development and prosperity. This relationship entered a new important phase when Tunisia joined the coalition to fight the scourge of terrorism in the wake of the September 11th attacks.

The population of Tunisia numbers approximately 9.6 million inhabitants, with more than 62 percent in urban areas. The official language of Tunisia is Arabic, while French and Italian are also spoken. Increasingly, English is also spoken among a growing number of Tunisians. The overwhelming majority of the population is Muslim, and the official religion is Sunni Islam. Christian and Jewish communities practice their faith freely and contribute to Tunisia's rich cultural diversity. The family remains the basic unit of Tunisian society. Enjoying total equality of rights with men, women have gained a good measure of autonomy and are able to pursue their own careers on an equal footing with men. Tunis, the capital, with a population of about one million, is one of the principal cosmopolitan urban centers of the Mediterranean.

Strengthened by economic achievements in recent years, Tunisia is starting the new millennium with confidence and serenity. It expects to reinforce and deepen the reforms it has initiated in order to face the challenges of the new stage and integrate its productive system into the world economy. Tunisia continues to be a model for developing countries. It has sustained remarkable economic growth and undertaken reforms toward political pluralism.

Mr. Speaker, Tunisia continues to preserve the safety and security of its people and to protect its borders while moving ahead with deliberate and steadfast conviction to further strengthen the democratic values that our two countries share as foundations for free and open societies. I wish to congratulate the citizens of Tunisia and its elected officials as they commemorate their 46th Anniversary and wish them the best for many more years of continued peace and prosperity.

COMMEMORATING THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF THE USA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HUNTER. Mr. Speaker, last week marked the 90th anniversary of the Girl Scouts of the USA. Founded on March 12, 1912, with the belief that all girls should be given the opportunity to develop physically, mentally, and spiritually, Juliette Gordon Low assembled 18 girls from Savannah, Georgia, for the first Girl Scout meeting. From its initial 18 members, the Girl Scouts flourished to today's membership of over 3.8 million.

The mission of the Girl Scouts is to provide a venue where young girls can learn and develop the necessary skills to help them reach their full potential. They have also implemented successful programs, opening up more opportunities for girls in areas such as sports, technology, and science.

Girl Scouts are given the self-confidence that is important to developing active citizens and superior leaders. President Bush recently requested that every American perform 4,000 hours of community service over their lifetime and the Girl Scouts are in step with the President's challenge. The San Diego chapter boasts a volunteer rate of 90 percent among its girls in such projects as helping out in hospitals and planning nature trails.

I ask that my colleagues join me in congratulating the Girl Scouts for providing 90 years of positive guidance to our nation's young women and future leaders.

POSTHUMOUS TRIBUTE TO THE LATE REV. JOSEPH COATS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most genuine and unsung leaders, the late Rev. Joseph Coats. Indeed, he was also one of the noblest of God's faithful servants. His untimely demise last Sunday, March 3, 2002 leaves a deep void in our leadership toward our ongoing struggle to achieve equality of opportunity and unity among all people.

Born in Alamo, Georgia on January 28, 1927, he married Catherine Coats in 1949. Eight children were born out of this blessed union, with one son preceding him in death. He received his Theology degree from South Bible Seminary, and was subsequently ordained a minister on April 23, 1966. He was then assigned the pastorship of the Glendale Baptist Church in South Miami's Richmond Heights community. In the early days of his ministry his congregation numbered only 150 members. He would pick up in his old station wagon other members who had no way to get to church.

Historic milestones defined Rev. Coats' life of service. In 1969 he led his church in becoming the first African-American church to join the white Southern Baptist Convention. Predictably, his fellow Black ministers castigated him to no end for this move. They even ostracized him. When queried about this stance, he was wont to firmly state that ". . . we simply taught Christ here—not black and white. I preached impartiality and unity, and our members saw people as people . . ."

With great Faith in pursuing God's mission for him, he courageously persevered during that very trying period until such time when many more African American churches joined the Convention. Rev. Coats served as Pastor of Glendale for 30 years before he retired. Upon his retirement the congregation grew to some 3,000, although thousands more continue to flock to his revered church eager to hear him preach God's good news of salvation and redemption.

My state of Florida and most specifically, Miami-Dade County on the southern end, will surely miss his wisdom and expertise. The longevity of his commitment to the well-being of the less fortunate among us, particularly the voiceless and the underrepresented, has indeed become legendary. When I think of his early work in his church's involvement with the civil rights movement, it parallels much of Florida's and the nation's history as we struggled through the harrowing challenges of racial equality and simple justice.

I came to know this quintessential man of God in his understanding of and commitment to the underdogs of our community. Blessed with a lucid common sense and a quick grasp of the issues at hand, Rev. Coats was also blessed with the rare wisdom of recognizing both the strengths and limitations of those who have been empowered to govern. The acumen of his intelligence and the timeliness of his vision were felt at a time when our community and the state of Florida needed someone to put in perspectives the simmering agony of disenfranchised African-Americans and other minorities yearning to belong and pursue the American Dream.

I vividly recall the times when government and community leaders met to douse the still-burning embers of Liberty City and Overtown during the racial disturbances in the early 1980s. His was the firm voice of reason and the steadying influence of conscience. Wisely, he articulated his credo that we have got to learn to live and reach out to each other, or run the risk of shamefully reaping the grapes of wrath from those who have been left out.

Rev. Coats truly exemplified a calm but reasoned leadership whose courage and advocacy appealed to our noblest character as a

nation. While he will be missed by the men and women of good will in my community and beyond, I will join my constituents in celebrating the wonderful gift of his life at the funeral services this Monday, March 11, 2002 at Glendale Baptist Church. We will honor and thank God for sending Rev. Coats to grace our paths and take up our struggles at a time when we most needed him.

My pride in sharing his friendship is only exceeded by my eternal gratitude for all that he has sacrificed on our behalf. This is the magnificent legacy by which we will honor his memory.

IN HONOR OF JUSTICE HUGH J. O'FLAHERTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize former member of the Supreme Court of Ireland, Justice Hugh J. O'Flaherty as an honored guest to our country and to welcome him to celebrate St. Patrick's day with the Cleveland law firm, Collins & Scanlon. Justice O'Flaherty displayed integrity, character, and intelligence throughout his nine year tenure on the Court. We are fortunate to have him visit our country and share his knowledge.

Hugh J. O'Flaherty, was born in Killarney, County Kerry, Ireland. He studied law at the University College in Dublin. He was called to the Bar of Ireland in 1959 and became senior counsel in 1974. In 1990 Mr. O'Flaherty was appointed to the Supreme Court of Ireland. The court holds jurisdiction similar to the Supreme Court of the United States. Justice O'Flaherty carried out his duties with sound judgement and expertise. He has shared his wisdom by lecturing at the law schools at Fordham University and Duquesne University and by addressing numerous bar conferences in the United States as well as Australia.

I ask my colleagues to join me in rising to honor this truly remarkable individual for his distinguished years of service to Ireland's judicial system.

OPPOSING CERTIFICATION OF SERBIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ENGEL. Mr. Speaker, I rise to express my opposition to certification of Serbia to receive U.S. assistance. Belgrade has not met the conditions included in the law by Senator MITCH MCCONNELL and does not deserve to be certified by President Bush. As my colleagues are aware, certification must take place by March 31, 2002.

Until Serbia releases all of the Albanian prisoners under its control, stops funding parallel institutions in Bosnia and Kosova, protects minority rights and the rule of law, and fully cooperates with the International Criminal Tribunal for the former Yugoslavia, it should not be certified to receive assistance from the United States. While I look forward to the day when Belgrade is a constructive and cooperative player in the Balkans, the President must apply the standards Congress has laid down in law and deny certification.

In support of this position I include a letter from Richard Lukaj, Chairman of the Board of the National Albanian American Council, in the CONGRESSIONAL RECORD.

March 17, 2002.

DEAR SENATOR/REPRESENTATIVE: On March 31, 2002, the United States Congress will consider Serbia's eligibility for continued U.S. donor assistance. The National Albanian American Council would like to share with you some of its concerns, as well as point out Serbia's failure to fulfill any of the conditions posed by Congress last year.

According to Congress's decision, financial assistance to Serbia will continue after March 31, 2002 only if the President has made the determination and certification that Serbia is:

Cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

Taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons, and

Taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

A quick overview of these conditions indicates that Serbia and the Federal Republic of Yugoslavia (FRY) have failed to comply with any of them, and moreover, they have engaged in additional actions that run counter to Congress' intent and the administration's efforts to bring peace and stability to the region.

COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL

The trial of former Yugoslav dictator Slobodan Milosevic at the ICTY raised the hopes of many in the Balkans that the victims of war crimes will finally see justice being served. However, while the new Serbian government extradited Milosevic to The Hague at the last moment in a clear attempt to get financial support, it is doing disappointingly little to cooperate with the ICTY in the arrest of other indicted war criminals. Just last month, the Tribunal's Chief Prosecutor, Carla Del Ponte, labeled Yugoslav president Vojislav Kostunica as the ''chief obstacle'' to cooperation and denounced his direct complicity in the efforts to protect Ratko Mladic, the Bosnian Serb general wanted by ICTY for masterminding and executing some of the most heinous crimes against humanity during the Bosnian war. Recently, the Serbian Prime Minister Zoran Djindjic emphatically stated that his government would make no efforts whatsoever to apprehend Mladic.

In addition, four other Milosevic associates wanted for war crimes committed in Kosova remain free men and actively engage in high governmental or military positions. One of the indicted war criminals, Milan Milutinovic, maintains his post as president of Serbia, while Dragoljub Ojdanic, the fomer Chief of Staff of the Yugoslav Army, continues to hold a high ranking post within the Yugoslav Army. On March 9th, Kostunica's party, a key member of the ruling alliance, refused to endorse a draft law on cooperation with the UN Hague Tribunal. Moreover, both Kostunica and Djindjic, rather than seizing the opportunity presented by Milosevic's trial to initiate a debate within Serbia on the issue of war crimes, have instead made statements denouncing the Tribunal as the ''last hole on the flute,'' thus seriously undermining its legitimacy and credibility in the eyes of the Serbian public.

These and additional facts are mentioned in the recently published human rights report by the U.S. Department of State. The report forthrightly notes that ''[w]ith the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the Yugoslav War Crimes Tribunal (ICTY) decreased significantly during the year. [. . .] [A]t year's end, several indictees remained at liberty, and, in at least one case, still in an official position in Serbia.'' The report further states that the FRY government ''has been uncooperative in requests for documents regarding crimes committed by Serbs against other ethnic groups, and in arranging interviews with official and nongovernmental witnesses.''

Clearly, the post-Milosevic governments of Serbia and Yugoslavia are failing utterly in keeping their international commitments for cooperating with the ICTY. The Secretary of State should use the upcoming March 31 cut-off date for U.S. assistance to the FRY government to press for full cooperation by the FRY government with the ICTY. The administration, too, should signal to Belgrade and beyond that it values international justice, and overcome perceptions that it does not fully support the tribunal's work.

RELEASE OF ALBANIAN POLITICAL PRISONERS FROM JAILS AND PRISONS AND THE RULE OF LAW

Despite Congress' unequivocal language and the pressure from the international community, Serbia continues to hold hostage 157 Kosovar Albanian prisoners, rounded up and transported to Serbia during the withdrawal of Serb forces from Kosova in 1999. These prisoners were tried in artificially created courts, tortured brutally, and forced to make false confessions under extreme duress. While President Kostunica frequently claims his respect for the rule of law, he has too easily overlooked many of the legal discrepancies involved in the cases of the Albanian prisoners. To date, Mr. Kostunica has overturned just two cases and this only after direct intervention by leading political figures of the international community.

The recently published human rights report by the U.S. Department of State also has indicated Serbia's failure to adequately address the issue of these prisoners, alongside a host of other problems in its treatment of minority populations. We could not agree more with what Senator Helms stated in the floor debate last year: ''Each day Belgrade keeps people like Albin Kurti, Isljam Taci, Berisa Petrit, and Sulejman Bitici [Albanian political prisoners] locked behind bars is another day that Belgrade has continued the horrors and injustice of the Milosevic regime. And this is totally unacceptable.'' The United States Congress, as well as the international community, should condemn any attempt by the Serb and FRY authorities to continue to use these Albanian prisoners as hostages, should resist the temptation to equate them with ordinary convicted criminals, and should ask for their immediate and unconditional release.

Furthermore, the reality of today's Serbia and FRY is very far from our country's notions of the rule of law. Aside rampant corruption and organized crime, the government and the justice system in Serbia and FRY not only are failing to bring about any resemblance of rule of law and justice in their

country, but are engaged in systematic efforts to obstruct justice by destroying all evidence pertaining to war crimes issues. In the words of Natasa Kandic, a leading Serb Human Rights activist, even ''judges, prosecutors and police chiefs are destroying any remaining papers that might implicate them [for war crimes in Kosova], forging documents, and testing the strength of the wall of silence.'' For example, despite the concern expressed by Senator McConnell last year, the investigation into the murder of the three American brothers of Albanian descent from New York, cold bloodedly killed after the war and whose remains were found in a mass grave in Serbia, had not started as late as February 4, 2002 according to Ms. Kandic.

Ironically, even Vojislav Sesclj, leader of the nationalist Serbian Radical Party has recently accused police generals Sreten Lukic and Goran Radosvljevic of ''initiating, organizing, transporting, and burying bodies of Kosovar Albanians in locations near Belgrade'' and accused the ''authorities for keeping quiet about it!'' Over 800 hundred bodies of Albanians found in mass graves in Serbia are under the supervision of the head of the Serb police since April, 2001. There has been no effort to return these bodies to the families in Kosova. As Ms. Kandic so poignantly writes '' [N]o more questions are asked in Serbia about mass graves, the people whose remains are buried in them, their names, how they died, who gave the orders, who carried them out, and who covered up the evidence.'' Instead, Serbia's own Milosevic is cheered by the public and politicians as a star in a basketball game.

ENDING SERBIAN FINANCIAL, POLITICAL, SECURITY AND OTHER SUPPORT FOR THE MAINTENANCE OF SEPARATE OR PARALLEL INSTITUTIONS IN BOSNIA AS WELL AS KOSOVA

Although this letter is not focused on Serbia's or FRY's relations with Bosnia and Herzegovina, it is relevant to mention that instead of taking steps towards complying with this condition, Serbia and the FRY have been very obstructionist to the Dayton Peace Accords in a variety of ways. The FRY has never ratified the Accords and continues to finance the entire Republika Srpska Army (VRS) and security forces. Furthermore, VRS command and control structures tie directly into Yugoslav Army structures, violating Annex 1–A of the Dayton Peace Accords.

On top of violating Dayton Peace Accords, Serbia and the FRY are in clear violation of the United Nations Security Council Resolution 1244. Belgrade continues to finance and maintain illegal parallel administrative, police, and security structures in Kosova. Paradoxically, a large quantity of the funds that supports these illegal parallel structures is drawn from international aid and potentially from assistance that is given by the United States. According to Deputy Premier Nebojsa Covic, Serbia has on its payroll as many as 29,800 people who illegally operate inside Kosova. The most visible example are the so called ''bridge-watchers'' in the town of Mitrovica who, in an all too clear attempt to partition this territory from the rest of Kosova, violently prevent the free movement of the Albanian population into their own homes as well as do not allow the Government of Kosova and the UNMIK representatives to establish and assert their authority in the northern part of the town. Covic himself has admitted that these troops operate under Belgrade's control and with Belgrade's direct financial support.

OTHER ACTIONS OR INACTIONS THAT PRESENT A THREAT TO THE REGIONAL STABILITY

In addition to the failure to fulfill the conditions posed by the U.S. Congress, Belgrade continues to present a threat to the regional stability by refusing to take responsibility for the carnage and suffering its predecessors instigated in this last decade but instead choosing to continue fuel nationalistic and hate propaganda to their constituents, as well as by embarking in a foreign policy agenda that is a prelude of further destabilization.

As it is clearly stated in a recent report by a well known international think tank (attached herein), in Serbia, the parliament, media, and even its religious institutions frequently serve as a setting and an instrument for the most blatant and prejudiced hate speeches particularly against Albanians, Jews, and other minority groups. While Yugoslav officials led by President Kostunica himself have firmly discouraged any efforts to openly and honestly face the past and tell the Serbian public the truth for the events of this past decade, Serbia's leaders, including Serbian Premier Zoran Djindjic and Deputy Premier Nebojsa Covic, have been all too willing to continue to refer to all Albanians as ''terrorists,'' just as Milosevic is doing in the Hague, in a clear attempt to exploit to their political advantage our country's tragedy of September 11 and raise discontent among America's politicians and public towards Albanians. This at a time when it is widely known, and recently confirmed by a Gallup poll, that together with Israel, Albanians are after September 11, as well as before, among the strongest supporters of the United States in the world, second only to the American people.

Furthermore, Belgrade has set sail in a foreign policy agenda that is a prelude of further regional destabilization. There are clear indications that Belgrade and Skopje are forging anti-Albanian alliances with anti-Western character. For example, despite the efforts of the United States and the international community to discourage the selling of weapons to Skopje, according to Macedonian sources, Belgrade is the second biggest supplier of military aid after Ukraine. It is noteworthy that while the military structures of Albanians in Kosova, FYROM, and Southern Serbia have kept their promises and have demilitarized beyond the extent required by the international community, while the U.S. is contemplating a reduction of the U.S. forces in the region and has suggested the same for the military structures of the Republic of Albania, all of Albanian's neighbors are continuously beefing up their military arsenal, dangerously shifting the military balances in the area.

Most importantly, in a clear provocation to the Kosovar Albanians and to the authority of the United Nations, last year Belgrade and Skopje signed an agreement that attempts to change Kosova's borders and gives away 2500 hectares (close to 6000 acres) of Kosova's land to FYROM. This move has been widely rejected by the Kosovar Albanian political leaders as well as the population at large. This agreement should not be endorsed or supported by the United States Congress and Administration as it creates the dangerous precedent of giving Belgrade the authority to give away Kosova's territory in complete disregard of the United Nations mandate over Kosova as well as against the will of Kosova's citizens.

These actions do not contribute to peace and stability. On the contrary, they are designed to stir up tensions, provoke the Albanian population, and then present them as the source of instability in the region and thus justify FRY's actions and inactions and thereby divert attention from problems within the FRY and originating in Belgrade.

CONCLUSION

The failure of Serbia and FRY to fully cooperate with ICTY, the refusal to release the Albanian prisoners, its continued maintenance and support of illegal parallel structures inside Kosova, the unwillingness of Belgrade to openly face and denounce the calamity its predecessors have caused, the continued tolerance and active support for hate speech and similar mentality, the highly destabilizing and provocative actions in relation to its neighbors, all confirm that Belgrade continues to be a source of future tension and instability in the region and as such, it should not be rewarded by the United States Congress and the international community.

Upon the fall of the Milosevic regime, Yugoslavia was readmitted to the United Nations and the Organization for Security and Cooperation in Europe. While in our opinion, such reinstatement was done hastily and without full guarantees of cooperation and compliance, Belgrade's further reintegration and the financial aid it receives from the United States and the rest of the world should be conditional upon at least the following:

In relation with cooperation with ICTY the FRY should: (1) Transfer all indictees to The Hague, including those on active political or military duty as well as the retired officials. (2) Provide ICTY access to all relevant archives and documents. (3) Clearly and visibly change its policy of public denigration and dismissive attitude towards the ICTY and its legitimacy. (4) Provide information and assistance in tracing Milosevic's and other criminals'funds be them in Serbia or in illegal bank accounts in Greece or elsewhere. (5) Provide information on the discovery of other known mass graves located in Serbia.

In relation with Kosova the FRY should: (1) Release all the remaining Kosovar Albanian prisoners. (2) Stop financing, training, and operating parallel security forces and counterintelligence personnel as well as parallel civilian administrative structures. (3) Support (and not hinder) the Kosovar Government and UNMIK efforts to assert their authority in the north of Kosova. (4) Stop all efforts to depict Albanians as ''terrorists'' but rather publicly admit their wrongdoing as an important good will effort towards reconciliation. (5) Retum to their families the bodies of the Albanians found in mass graves.

In relation with its neighbors the FRY must demonstrate its commitment to regional peace and stability by: (1) Not hindering international community's efforts to sustain peace in FYROM. (2) Discontinuing to funnel and sell weapons to FYROM in a clear disregard of international community's will and policy (3) by bringing to an end its efforts to stir up tensions in the region by forging dubious alliances and signing and attempting to enforce provocative agreements.

As the U.S. Administration and Congress assist the FRY in the quest for normalization, it must face—and act on—the reality that the FRY still causes significant regional instability and is not in compliance with the conditions established under the impeding March 31, 2002 deadline. No matter what actions the Yugoslav or Serbian government takes out of pragmatism in these remaining few weeks, we urge our government to insist on a clear and clean break of the current Yugoslav and Serb government from the policies and practices of its predecessor. It should do so by refusing to certify Serbia's eligibility for further U.S. assistance, by not extending the Most Favorite Nation status to FRY, and by insisting that all the above-listed conditions are fulfilled before FRY's efforts for further integration in the international community are endorsed.

We as Albanian-Americans are looking forward to the time when Serbia will become a constructive player that contributes to the

peaceful and harmonious development of Southeastern Europe. However, until that time comes, our Congress and the international community must avoid the temptation to bend the rules for Belgrade and must hold FRY to the same high standards that have been rightly required of other countries in the area.

On behalf of the National Albanian American Council,

RICHARD LUKAJ,
Chairman, Board of Trustees.

HONORING THE CONTRIBUTIONS OF MR. LES CAMPBELL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. OLVER. Mr. Speaker, I rise today to recognize the public service contributions of Mr. Les Campbell of Belchertown, MA. Mr. Campbell's work as a nature and wildlife photographer is well known in Massachusetts' First District and throughout New England. In addition to founding several photography organizations and serving as an active or honorary member of countless others, Mr. Campbell is a tireless resource for the young photographers with whom he enjoys sharing his knowledge. Mr. Campbell, now retired, was a lifelong government employee at the Quabbin Reservoir. He has been a champion for keeping that magnificent body of water untouched by development.

On March 29, 2002 The Valley Portfolio, a community photographic resource center in Springfield, MA will present to Mr. Campbell a lifetime achievement award at a reception. On this day, members of our community will gather to celebrate his contributions and accomplishments. Mr. Campbell's awards and citations could fill a gallery. He may be the only photographer ever to receive four awards from the Photographic Society of America: (1) the Buxton Award (1958) as the world's leading exhibitor of nature prints that year, (2) the Stuyvescent Peabody Award (1972) as ''the PSA member who has contributed the most to pictorial photography,'' (3) the Victor H. Scales award (1973) for ''diligent and meritorious service to photography and the Society and especially for his untiring efforts to teach and interest young people in photography and the arts,'' and (4) the Appreciation Award (1981), the Society's highest award and the only one selected by its officers.

Mr. Campbell's organizational skills are legendary among those who have served alongside him in the various clubs and organizations he founded to which he belonged. In 1967 he originated Focus: Outdoors, an annual three-day environmental conference that drew as many as 1,000 participants. Mr. Campbell was named an honorary member of the New England Camera Club Council in 1968, that organization's highest award.

As president of the New England Camera Club Council he took a sleepy organization with only 13 member clubs and increased that number to 83, increased the council's treasury from less than $25 to more than $7,000, and created a weekend conference at the University of Massachusetts that grew from 300 to 2,000 participants in five years.

Most recently, Mr. Campbell began the Pioneer Valley Photographic Artists, a group of talented photographers committed to elevating photography's role as a fine art.

Mr. Campbell's skills also extend to the mechanical side of photography. He invented the Vis-0-Tray slide storage and editing system in the 1960s to facilitate organizing slides for presentations. To photograph water skiers, he created a special platform on the towboat that has since been copied by other photographers.

Mr. Speaker, I take this opportunity to thank Mr. Les Campbell for his creative and positive influence on the art of photography in our community.

GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the success of the Gilman International Scholarship Program established to benefit low income college students receiving benefits in its first year of operation. Our Scholarship Program sponsored by the United States Department of State, Bureau of Educational and Cultural Affairs and administered by Institute of International Education, encourages American students to study abroad by providing specified grants. This is an opportunity to gain knowledge and experience first hand that they may not have otherwise due to the costs.

In the 2001–2002 academic year 302 awards were made to students from among 2,771 applicants from 44 states plus Puerto Rico. The awards were split with 68 percent going to semester long programs, 24 percent to academic year programs, and 8 percent to quarter and other programs. These numbers by themselves are impressive, however, when they are combined with the number of states and institutions represented it gets even better. These students represent 172 different colleges, universities, and community colleges. I am proud that this Scholarship Program has reached such a broad cross-section of eligible students. Moreover, it is gratifying that 32 percent of that cross-section represents minority students.

Our Scholarship Program is placing students in countries other than the more traditional Western Europe states. I am happy to note that only 41 percent of our students have studied in Western Europe. Asia and Oceania drew 28 percent of our participants and the Western Hemisphere drew 17 percent. The remaining 14 percent chose either Africa, Eastern Europe, the Middle East, or had a program that allowed them to travel to multiple regions. It is gratifying that with the world opening to them these participants chose to take advantage of it and study in every region available to them. The idea of an open world also carries over to the fields of study represented. There are 41 different fields represented between the 4 different programs offered.

The I.I.E and State Department have admirably implemented this program, and the reward is with the number of students seeking to participate. With such interest, I hope our scholarship will continue to grow to provide more students with this excellent opportunity.

BENJAMIN A. GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM STATISTICAL OVERVIEW: ACADEMIC YEAR 2002

Total applications received: 2771.
Total awards: 302.
Home States represented: 39 plus DC and PR.
Institutions represented: 170.
Destination countries: 41.
$5000 awards given 261
$3000 awards given 41

LENGTH OF STUDY ABROAD

Semester: 69%.
Academic/full year: 25%.

ETHNICITY (AS REPORTED BY APPLICANT)

Asian or Pacific Islander: 12%.
Black/Non-Hispanic: 11%.
Hispanic: 8%.
White: 55%.
Other: 5%.
No answer given: 9%.

WORLD REGION DISTRIBUTION (USING COUNTRY OF DESTINATION)

Africa: 8%.
Asia and Oceania: 29%.
Middle East: 1%.
Europe(including Russia & NIS): 42%.
Western Hemisphere: 20%.

GENDER

Female: 72%.
Male: 28%.

LEVEL OF STUDY

Freshman: 1%.
Sophmore: 10%.
Junior: 53%.
Senior: 36%.

REPRESENTATIVE CAPPS REMARKS TO THE AMERICAN MEDICAL ASSOCIATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. DINGELL. Mr. Speaker, I want to pay tribute to the skill, tenacity, and leadership of our colleague and my friend, Rep. LOIS CAPPS. I have served with many fine people over the course of my career in the House of Representatives and she is among the best. She fights every day for the people of her district, and for causes that affect virtually every member of our society. She does this with great skill and even greater courage. I have come to admire her strength, compassion, commitment, and drive. It is with great respect and affection that I request that a copy of her recent remarks to the American Medical Association be included in the Record. I recommend that all of my colleagues read them with great care.

STATEMENT OF REP. LOIS CAPPS, AMERICAN MEDICAL ASSOCIATION CONFERENCE, MARCH 10, 2002

OPENING

Thank you very much for inviting me here to speak today. It is an honor to spend some time with my colleagues in health care.

I have been asked to speak to you about the Democratic Party's agenda on health care.

But I am not sure there should be a separate ''Democratic'' or ''Republican'' agenda on health.

Though politics often suffuses the debate about health care, we should not come at this issue from a political perspective.

I have only recently in my life become an elected official. And I do not consider myself as simply a politician.

Instead, I think of myself in the terms that defined the forty years of my career before I came to Washington.

I am a nurse. I am a health care provider. It is my calling. And I think of myself in my new job as just a different kind of health care provider. I may have traded in my nursing uniform and medical equipment for legislation and committee action. But my goal is still the same. I am obliged to care for the health of my patients, whether they are the students in the Santa Barbara school system, the patients in Yale New Haven Hospital, or the seniors on Medicare across America. And I am proud to bring the benefits of this lifetime of nursing experience to the halls of Congress. And I think my experience has taught me well. As medical professionals we have learned that we need to carefully examine symptoms, check vitals, run tests, and thoughtfully consider our options. Then we select the best course of action we can think of.

We don't look at the label on a medication to see if it has a D or an R on it. We don't look to see if Tom Daschle or George Bush recommended a particular treatment. We call on all of our medical training and professional experience. We often consult other doctors and nurses, because we have learned that health care is better when provided by a team. And this is how the Congress needs to approach the challenges facing today's health care system.

Most of my colleagues, on both sides of the aisle, are genuinely interested in reaching across party lines to come up with good solutions. But a few are more interested in opposing the other party's members than in solving our problems. They are unwilling to engage in a debate on the issues, but would rather stymie their opponents ideas, be they Republican or Democrat, for political gain.

I am a nurse. Sen. Kyl is a lawyer. My colleague, the Ranking Member of the Health Subcommittee, Sherrod Brown is a teacher. Rep. Ganske is a doctor and Rep. Norwood is a dentist. Some of us are Democrats and some of us are Republicans. It is going to take all of our varied experience, expertise, and perspectives to develop real solutions to the challenges we face today.

OVERVIEW

And we face real challenges. A few minutes ago I suggested that Congress should treat health care problems the way a doctor treats a patient. So let's do that now.

Let's check our nation's health care vital signs and look at some of its symptoms. There are 125,000 vacant nursing positions across the country. Physician fees under Medicare have grown 13% less than the costs of practice since 1992. Approximately 56 million Americans are not protected by any state or federal patient protections. 40 million Americans are on Medicare. 78 million baby boomers will start to join them in the next decade. Annual spending on prescription drugs by seniors has grown 116%, from $18.5 billion in 1992 to $42.9 billion in 2000. And 43 million Americans are without health insurance of any kind.

These are not strong and stable vital signs. They point to several problems we must address in order to get our patient, the health of our nation, out of critical care.

NURSING

First of all we have to make sure that the health care infrastructure is there to care for all Americans. This leads us to the nursing shortage. I admit I have a bias when I talk about this issue. I think nurses are terribly important to our health care system.

I know first hand the challenges facing the nursing profession and the consequences if we fail to meet them. And today the nursing community is facing a dire situation. With an aging nursing workforce approaching retirement, and a dwindling supply of new nurses, we are facing an incredible shortfall of well trained, experienced nurses. To make matters worse this will peak just as the baby boom generation begins to retire and require a greater amount of care.

I have written legislation, the Nurse Reinvestment Act, to deal with both the immediate and the long-term problems we face. This legislation included proposals: To improve access to nursing education, to entice young people into nursing, to create partnerships between health care providers and educational institutions, and to support working nurses as they seek more training.

This past December, the House passed a slimmed down version of my bill, and the Senate passed legislation more like what I originally envisioned. We are now trying to work out the differences.

I deeply appreciate the support of the AMA for my legislation. We are close to finishing it and we would not be here without your support.

PHYSICIAN FEES

And just as we need to make sure patients have nurses, we also need to make sure they can see their doctors. As you are all aware, the reimbursement rates for physicians' services under Medicare saw a disastrous cut of 5.4% this year. This cut has already had a terrible impact on health care in my district and, I am sure, across the country. If these cuts are not corrected quickly they will be devastating to medical professionals and our ability to provide quality health care. I know you have been deeply frustrated by these cuts, as have I. And you have begun changing your practices to accommodate new economic reality.

A doctor's office is usually a small business. But as you well know, unlike most small businesses your decisions have life and death consequences.

Some doctors in my district have left private practice altogether. Others are threatening to. Many who stayed in private practice said that they could no longer afford to accept new Medicare patients. And others simply left Medicare all together.

This has meant that many seniors across the country are scrambling to find new doctors so they can continue to get the care they need and deserve. Along with a couple of my colleagues I introduced legislation to freeze physician fees at the 2001 level until Congress could find a long-term fix. And when Chairman Bilirakis, Ranking Member Brown, Chairman Tauzin, and Ranking Member Dingell introduced their own legislation to keep the cut minimal. I was pleased to join them in their efforts and was able to get 146 of my colleagues to ask the Speaker for a vote on this issue.

But, in spite of the bipartisan agreement on this issue, the bill has not been brought to the House floor. I know you will keep the pressure on the House leadership to bring this issue to a vote. I will too. We need to solve this problem now.

PBOR

But making sure there are enough doctors and nurses will only take us so far. We must also make sure that patients can get access to the benefits they need. We must pass a Patient's Bill of Rights.

Again I want to take my hat off to you and your organization for your steadfast commitment to this. The AMA and its members have been critical to our progress so far toward real patient protections. We live in an era of astounding new medical developments but also rising health care costs. The insurance companies and managed care plans are understandably looking for ways to control those costs. This can have a positive effect on health care by making it more affordable.

Years ago in California I saw this lead to more coverage of preventive care. But the pendulum has swung too far towards cost control. Now there is too much pressure to cut corners and to skimp on care. Abuses of patients' rights to quality health care are too common. There needs to be a counter-force on the side of quality care—on the side of the patients. And that counter-force is the Patient's Bill of Rights.

We have to make sure that medical decisions are made by medical professionals and their patients, and not by accountants. This is why I have supported this legislation. I am very proud to be standing by the AMA on this issue. And I remain confident that we can get this bill through this year.

MEDICARE RX BENEFIT

Unfortunately, I am not so optimistic about passing a Medicare prescription drug benefit for seniors. In the last twenty years we have seen a revolution because of prescription drugs. They are virtually miracle treatments. But they have also become brutally expensive and are a much larger percentage of health care costs than we ever expected. The high cost of these medications has been a problem for many people. But it has particularly hit our seniors. They routinely take several medications for various everyday health concerns. But their fixed incomes cannot pay for them. And Medicare offers little help. You and I would not even consider taking on health insurance that does not cover prescription drugs. But seniors are left looking to Medicare + Choice to pay for their prescription drugs. Medicare HMOs were promoted as an avenue of hope, but have increasingly cut back on benefits, raised premiums and copayments, and often just packed up and left areas deemed as ''unprofitable'' leaving seniors with no where to turn.

We hear again and again about seniors choosing between food on the table and life saving medication. We really can and should do better than that for older Americans. They expect it and they deserve it. I believe we must establish a benefit that is universal, voluntary, affordable, and accessible to all. Unfortunately, the Administration has continued to focus on expanding the failed Medicare HMO program and helping the poorest seniors. I think about the countless seniors on the Central Coast of California who have shared their personal stories with me about crushingly high drug prices, I know in my heart that prescription drug coverage is not a political issue. It is simply the right thing to do.

UNINSURED

Another critical issue is the 43 million Americans with no insurance coverage whatsoever. For them, health care, with or without prescription drug coverage, is nothing but a fantasy.

These are people like you and me, who are being forced to gamble with their health and with their livelihoods. They have to bet that they will stay healthy and not require health care. Each day, they wonder if today is the day that their luck will run out. Is today the day that they or a loved one will contract a terrible disease? Will today be the day that they or their family are stricken by something that will fill their life with pain and bankrupt them? They should not have to face these fears without the security that insurance can provide.

In my time as a school nurse in Santa Barbara, I saw too many families without insurance. I saw the defeated look of shame on their faces as they struggled to figure out how to get their children and themselves

necessary health care. This is something we can fix if we put our hearts and minds to it. Some people believe that the best way to address this problem is through tax credits. I have to say that I am skeptical. I am concerned that tax credits might not cover the costs of insurance and may inadvertently draw people out of employer-based insurance, driving up premiums for those left behind.

Others have called for Medical Savings Accounts, but these may end up pulling healthy people out of insurance plans and leaving the ill in, again raising the costs to those most in need of help. I think we might be better off pursuing an expansion of existing health care programs or helping small businesses get access to the low rates that large businesses get. But any of these solutions will cost a great deal of money. And so it is essential that we find the best, most cost-effective method. That is why it is absolutely necessary to keep up dialogue and debate, without shutting out ideas,

You and I may disagree on the best way to help the uninsured. But we will help them faster if we are willing to hear from each other and work towards a consensus. We cannot afford the arrogance of the idea that there is no way but our own.

BUSH BUDGET

We will see this clearly as we set the budget for next year. The President has laid out some laudable priorities in his health care budget. He calls for more funding for the NIH and efforts to prepare communities for bioterrorism. But at the same time the budget cuts funding for community health coordination, chronic disease programs, and efforts to train doctors and other health professionals. I think these cuts are counterproductive. So I will work with the President and my colleagues on this budget, hopefully without the partisan bickering that has filled past debates.

CLOSING

Our patient, the health of America, is faced with too many diseases and conditions to simply lie on its hospital bed as we engage in petty squabbles about who came up with what idea. We will only be able to solve our problems if we are willing to work together, respect and embrace our opponents, and clamber for a common ground to meet on.

I thank you for listening to me, and I look forward to working with you to accomplish these goals.

PAYING TRIBUTE TO THE GENESEE VALLEY ROTARY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate the Genesee Valley Rotary Club on their 25th anniversary. It is my wish to commend Jack Hamady, Ray Kelley and Jerry Wittemore for their efforts in founding the club in May, 1977.

The Genesee Valley Rotary Club has lead the community in service for the past 25 years. They participate and operate several community service projects, such as the Salvation Army Christmas Bell Ringing, the WFUM–TV28 telethon, and the Big Brothers/Big Sisters Bowling Challenge.

Mr. Speaker, I ask my colleagues to join me in congratulating the Genesee Valley Rotary Club. May its leadership and all of those involved know of my high regard for this exemplary organization and its excellence in community service.

TRIBUTE TO FRANKLIN H. BERRY, JR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a good friend as he is honored by the Toms River-Ocean County Chamber of Commerce for his extraordinary contributions to the community.

In many fields of service, through business endeavors and volunteerism, Franklin Berry has served the residents of Ocean County faithfully for many years.

Having served in the New Jersey General Assembly as well as Ocean County government, he led the citizens not only of the county, but also of New Jersey with dedication and commitment.

His participation in the Toms River Student Loan Fund as well as the Southern Regional Scholarship Fund has enabled many young people to seek higher education when they might otherwise have been unable to do so.

Franklin Berry serves with many local organizations such as the National Conference of Christians and Jews, Jersey Shore Council Boy Scouts of America and the Toms River Area Family YMCA. His time and efforts have brought about opportunities for understanding and improvement to the community and the families who reside there.

A community mainstay for many years, Franklin Berry's willingness to lend a hand to any worthy group or organization in need of his services is the basis for his selection for the prestigious award for which he is being honored by the Chamber.

I congratulate him and wish him many more years of service to others.

ON THE REALIGNMENT AND CLOSURE OF AMERICA'S MILITARY READINESS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. FORBES. Mr. Speaker, I am very distraught today over the inclusion of a Base Realignment and Closure provision in last year's National Defense Authorization Act. I do not buy into so-called BRAC 'success' stories. I will be the first to stand up and congratulate sound accounting of our taxpayers' money, however, BRAC does not represent sound accounting. The truth of the matter is that reducing military construction for Fiscal Year 2003 will not solve the Army's financial problems. Furthermore, according to the Government Accounting Office, BRAC cost and savings estimates are imprecise. According to the Congressional Research Service, in the early years of the past four rounds of BRAC, base closure costs greatly exceeded savings. On more than a few occasions, facilities that were closed under BRAC were needed again, and in some cases, reopened. In 2005, the bases spared by the next round of BRAC will still need the same improvements, but in the meantime, the decision to freeze construction at bases that might be BRACed will only hurt our people living there—hurt our soldiers and their families. We need to protect our soldiers' families. And just as we need to protect them from terrorists, we also need to protect them from the elements—from Mother Nature who reminds them just how leaky their roofs are. We need to protect them from being uprooted in the name of savings that will not materialize for a decade and may, in all actuality, never materialize.

A few weeks ago First Lieutenant Tallas Tomeny was killed in the line of duty. I extend my condolences to his family. While we mourn the loss of all of our soldiers, this loss is so much sadder because Lieutenant Tomeny was not killed in Afghanistan, or the Balkans, or Egypt, or Korea, or any of the other numerous places our soldiers are stationed around the world. He was killed in North Carolina during an exercise held off base, and he was shot by a Sheriff s deputy who mistook him for a criminal. While we sit here and continue to talk about closing Vieques and continue to talk about closing bases, a soldier has lost his life because his training was being held in a civilian community instead of on a military training area. We need to reconsider the decision to close facilities where our forces can train safely.

125TH BIRTHDAY OF THE ADVANCE OF BUCKS COUNTY NEWSPAPER

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GREENWOOD. Mr. Speaker, I rise today to recognize the 125th birthday of The ADVANCE of Bucks County newspaper. Founded in Hulmeville, Pennsylvania in 1877, the ADVANCE has provided hometown news to its readers in a weekly paper continuously for the past 125 years.

The ADVANCE has been a part of my family's required reading for as long as I can remember. My father's career as a township supervisor and the local district justice were covered, and when my younger brother was riding a pony and it ran away with him, his picture made the paper!

I still depend on the ADVANCE for hometown news, to learn about local community issues and upcoming events.

I would like to offer my heartiest congratulations to Editor Nancy Pickering and the rest of the staff at the ADVANCE, past and present.

TRADE WITH UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SCHAFFER. Mr. Speaker, last week, I posted letters to the President of Ukraine, Mr. Leonid Kuchma, and the Prime Minister of Ukraine, Anatoliy Kinakh regarding a pending incident in Ukraine involving an American-

based company. Cargill International is the owner of the cargo aboard a Liberian shipping vessel, the MV Monarch, which has been seized and the contents impounded by the Ukrainian government. Thirty-five thousand metric tons of sugar carried on the ship was to be delivered in Ukraine. However, the seizure of the product has raised serious questions among our colleagues regarding the risks associated with Ukrainian trade and the desirability of Ukraine as a stable, reliable trading partner.

As you know Mr. Speaker, I remain a firm advocate of enhanced trade relationships between Ukraine and the United States, and believe this House should aggressively pursue prudent policies which draw the two democracies together, and for a variety of strategic and humanitarian reasons. While the pending episode is rightfully regarded by some here as a serious impediment to the maturation of trade relations, I am hopeful it will be resolved soon. I am mindful indeed of the significance of the dispute which is why I have taken to the floor today to alert our colleagues to the actions I have taken so far in this matter.

In addition to speaking personally to Ukraine's ambassador about the need to resolve the issue of Cargill's sugar shipment, I have been in regular contact with our embassy in Kyiv, our ambassador there, multiple U.S. business representatives, and many of my contacts in the Ukrainian government and in Ukraine's parliament, the Verkhovna Rada. The nature of my conversations follow the text of the letters I conveyed to Ukraine's president, and prime minister which I hereby submit for the RECORD.

MARCH 14, 2002.

His Excellency LEONID KUCHMA,
President of Ukraine,
Ukraine.

DEAR MR. KUCHMA: Your immediate attention, intervention, and response to Ukraine's confiscation of property belonging to an American-based corporation, Cargill International SA, CISA, is hereby requested. I strenuously urge you to help me resolve this extremely volatile situation which is clearly capable of damaging the relationship between our nations. As you know, I have devoted six years of my service in the U.S. Congress toward improving the Ukrainian/US relations, and I am fearful much of our recent progress will be lost to the current episode involving the seizure of cargo, legally the property of CISA, by Ukraine's Black Sea Regional Customs authority.

The ship, MV Monarch, carrying 35,000 metric tons of raw cane sugar was seized in January 2002. The stated grounds for seizure, namely the alleged inability to substantiate the existence of an American company involved in the transaction, have been resolved. However, neither the ship, nor its cargo, have been released. In fact, the latest information indicates the ship has been moved to berth at a port in Illychivesk, where off-loading has commenced, and the security of the product is in jeopardy.

The international implications of this issue are quite serious. American product being unjustly detained, confiscated and off-loaded will certainly damage Ukraine's desirability as an international market and trade partner. The sugar cargo in question is clearly the property of CISA and is being off-loaded without the owner's consent. Your intervention and leadership in resolving this situation would do much to restore and maintain Ukraine's commitment to freemarkets and reliable international relations. Thank you in advance for your urgent attention to this serious matter.

As always, I am at your disposal to engage any meaningful effort advancing our nations' friendship and cooperation.

Very truly yours,

BOB SCHAFFER,
Member of Congress,
Co-Chairman Congressional Ukrainian Caucus.

TUNISIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to inform my colleagues that Wednesday, March 20, 2002, marks the 46th anniversary of Tunisia's independence. I invite my colleagues to join in extending our congratulations to the leaders and people of this important ally. The Republic of Tunisia has been and continues to be a model of economic growth, while keeping Islamic fundamentalism at bay.

However, the relationship between the United States and Tunisia is much older than Tunisia's 46th Anniversary of its independence may suggest. The United States first signed a treaty of peace and friendship with Tunisia in 1797. During World War II, Tunisia's nationalist leaders suspended their struggle against France in order to support the Allied cause, and, in 1956, the United States was the first world power to recognize Tunisia's independence.

Today Tunisia and the United States enjoy friendly bilateral relations. The Tunisian government has contributed military contingents to U.N. peacekeeping missions in Cambodia, Somalia, the Western Sahara, and Rwanda. Cooperation between the Tunisian and U.S. military has been growing, with an increasing number of joint exercises.

At the same time, after years of hard work, Tunisia has produced one of the highest standards of living in the region. U.S. bilateral economic assistance programs have ended principally because of Tunisia's resounding success in social and economic development. Tunisia's prudent fiscal and debt management policies also have given Tunisia access to international capital markets. Thus, Tunisia is one of the few countries to graduate successfully from development assistance and join the developed world.

Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, supporting Western interests during the Cold War, or serving as an island of peace and security in a sea of troubles, the United States has always been able to count on Tunisia for its support regarding the important issues of the day.

Accordingly, I invite my colleagues to join in congratulating all Tunisians as they celebrate the 46th anniversary of their nation's independence.

CELEBRATING THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the Girl Scouts of the United States of America, which is celebrating its 90th anniversary this month. On March 12, 1912, Juliette Gordon Low organized the first group of eighteen Girl Scouts in Savannah, Georgia. She believed that all girls should be given the opportunity to develop physically, mentally, and spiritually. Today, there are 2.7 million girls in Girl Scouts of the USA, and over 900,000 adult members.

The Girl Scout mission is to help all girls grow strong. To that end, Girl Scouting empowers girls to develop to their full individual potential; relate positively to others; develop values that provide the foundation for sound decision-making; and contribute to the improvement of society through their abilities, leadership skills, and cooperation with others. Girl Scouts of the USA continues today to expand its programs to address contemporary issues affecting girls, while maintaining its core values. The organization's foundation is still based on the Girl Scout Promise and Law, just as it was in 1912.

Girl Scouting helps our country's young women discover the fun, friendship, and power of girls together. Through an array of enriching experiences, Girl Scouts acquire self-confidence and expertise, take on responsibility, and are encouraged to think creatively and act with integrity—qualities essential in good citizens and great leaders. At the same time, they learn a great deal about science and technology, money management and finance, health and fitness, the arts, global awareness, and much more. I personally have shared in the wonderful experience of Girl Scouting, when a number of the young women volunteered in my office last summer.

Juliette Gordon Low envisioned Girl Scouting as a profound force in the lives of all girls. In 2001, Girl Scouts of the USA launched a major initiative to continue to fulfill the foundational principle that every girl deserves the opportunity to learn the leadership and life skills that will help her achieve her goals. Through ''Girl Scouting: For Every Girl, Everywhere,'' Girl Scout volunteers and staff are working to ensure that Girl Scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic or geographic boundaries. The initiative aims to encourage broader membership from minorities, especially among Latina and Asian American girls. It also seeks to increase participation of teenage girls and girls with disabilities. One of the primary missions of Girl Scouts of the USA is to make the positive experience of its programs available to girls everywhere. In addition to schools and backyards, Girl Scout troops now meet in homeless shelters, migrant farm communities, juvenile detention centers, Native American reservations, and even online via the Internet.

With ''Girl Scouting: For Every Girl, Everywhere,'' Girl Scouts of the USA hopes to truly reflect the face of America and to ensure that every girl who wants to join Girl Scouts has the opportunity to do so. This goal is in keeping with its long and proud history of diversity

and inclusiveness. For 90 years, Girl Scouts has had a proven track record of empowering girls to become leaders, helping adults be positive role models and mentors for children, and helping to build solid communities. I salute Girl Scouts on this tremendous milestone, and am confident that Girl Scouts is sure to continue this tradition for the next 90 years and beyond.

RECOGNIZING THE GIRL SCOUTS' 90TH ANNIVERSARY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. QUINN. Mr. Speaker, It gives me great pleasure to rise today to recognize the Girl Scouts as the pre-eminent all girls organization in the world. Founded on March 12, 1912 in Savannah, Georgia, the Girl Scouts organization celebrates Its 90th Anniversary of service to the girls and women of America.

The Girl Scouts serves the unique interests of girls by providing girls with programs designed especially for them in an all-girls setting.

The Girls Scout Council of Buffalo & Erie County, Inc., joins Councils throughout the United States, and Girl Scouts everywhere, in celebration of the 90th Anniversary of Girl Scouting in the USA, and its 85th year of service to the girls of Western New York.

The year 2002, marks nine decades of Girl Scouts providing girls with age-appropriate programs that help to impart good moral values, life skills, a respect for themselves and others, a foundation necessary for girls to become contributing adult members of their communities.

Girl Scout Troops in Buffalo & Erie County, Inc., and Girl Scouts across America, take their role as patriotic Americans more seriously than ever. Two of their public service endeavors include airlifting donations of Girl Scout Cookies and letters of encouragement to the women and men of the U.S. armed services stationed in Afghanistan and donating dollars to the children of Afghanistan.

The Girls Scouts of Buffalo & Erie County serve their immediate community through Gifts of Caring and Bronze, Silver and Gold Award service projects, that not only provides individuals with the necessities of life, but also helps to uplift the spirits of the homeless and less fortunate members of society.

I hope that all of my colleagues will join me in honoring the Girl Scouts.

INTRODUCTION OF THE LONG-TERM CARE SUPPORT AND INCENTIVE ACT

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about an important issue facing our community: the affordability of long-term care. People today are living longer and healthier lives than ever before. When the Declaration of Independence was signed, the average life expectancy was 23. In the United States today, life expectancy at birth is 80 years.

While this increased life expectancy is allowing us to live fuller lives, it is also presenting us with serious financial challenges. Half of all older Americans who live alone will ''spend'' themselves into poverty after only 13 weeks in a nursing home.

My own family had to make difficult emotional and financial decisions when my father needed care. My dad was a pediatrician, and always lived a full life. When he needed care, my sisters and I struggled to find the perfect place for him to live.

We wanted to make sure he was happy and received high quality medical care. We searched for months to find the right place for our dad and we learned very quickly how expensive long-term care is. Fortunately, we had the financial resources to take care of him, but many families do not.

My experience with my dad renewed my commitment to improve our long-term care system. I took on this mission in Congress and I am pleased today to introduce the Long Term Care Support and Incentive Act. This much needed legislation will make a real difference for San Diegans carrying for older family members.

First, the bill will give a $4,000 tax credit for seniors with long-term care needs and their caregivers. We know how many sacrifices families make to take care of their loved ones. They miss work, or in some cases are forced to give up their jobs. They pay for expensive medical supplies and equipment, and bare the burden of enormous medical bills. This tax credit will help ease their financial burden.

The second section of my legislation will establish a tax deduction for long-term care insurance premiums. As the long-term care needs in our community increase, we must face the reality that many seniors do not have family or friends to take care of them full time.

This is particularly important to women. Women live longer than men. Often times, women are the primary caregivers for their husbands. After their husbands pass away, there is often no one around to take care of them.

Long-term care insurance can help fill this gap, but premiums can be expensive. My legislation will make long-term care insurance more affordable by allowing individuals over 65 to deduct 75 percent of the cost of their premiums and individuals under 65 to deduct 50 percent of the cost of their premiums.

In addition, I have included several important consumer protections in the bill to ensure that people are purchasing responsible insurance plans that will adequately meet their long-term care needs.

The bill requires plans to include:

Mandatory inflation protection;

A lifetime deductible requirement that ensures policy holders must only pay their deductible one time in their lifetime;

Mandatory interchangeability so that individuals can determine where their benefits are spent;

A care coordination program that ensures seniors receive assistance in planning and securing the services they need.

By encouraging people to plan ahead for the future and purchase long-term care insurance, we can ensure that seniors live dignified and independent lives. I urge all of my colleagues in Congress to work with me to pass it quickly into law.

A TRIBUTE TO THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ETHERIDGE. Mr. Speaker, today I rise to pay tribute to the Girl Scouts of the United States of America. Earlier this month, the Girl Scouts celebrated their 90th Anniversary, and it is appropriate for us to take time to honor their contributions to our nation.

The Girl Scouts were founded by Juliette Gordon Low on March 12, 1912 in Savannah, Georgia and were chartered by Congress on March 16, 1950. Today, the Girl Scouts boast 3.7 million members, 2.7 million of whom are daisies, brownies, junior scouts, cadets, and senior scouts. And they are supported by almost one million adult volunteers. The Girl Scouts is a truly worldwide organization partnering with the World Association of Girl Guides and Girl Scouts to create a family of ten million girls and adults in 140 countries.

As the former State Superintendent of North Carolina's public schools, I understand how important the Girl Scouts are to the development of our young women. The Girl Scouts are working to encourage young women to pursue careers in science and technology through a number of innovative science and math education initiatives. These initiatives provide girls with mentors, role models, and the technological resources to prepare them to succeed in the 21st Century.

Through Girl Scouts girls become strong women and good citizens. They participate in a number of activities that are designed to foster friendship, and build character. They learn leadership skills, teamwork, and core values that will guide them throughout their lives. These values are outlined in the Girl Scout Law:

> I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout.

More than 50 million women in the U.S. have been Girl Scouts. Today these women are America's doctors, lawyers, teachers, and mothers. The lessons they learned in their childhood from their field trips and projects are still being applied today. Our nation is stronger today because of the Girl Scouts. I am proud to join my colleagues in saluting the Girl Scouts and look forward to what the next 90 years will bring.

HONORING TADELE WORKU FOR SERVICE TO OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor Tadele Worku, recipient of

the 2001 Yoshiyama Award for Exemplary Service to the Community, presented to him by The Hitachi Foundation at an awards ceremony on Monday, March 18, 2002 in Washington, DC. The Foundation named ten high school seniors nationwide as recipients of this prestigious award—ten young people who exemplify the best in creativity, accomplishment, and service to their communities.

Tadele is a 2001 graduate of Hoover High School in my home town of San Diego, California. He is receiving this award to recognize his contribution to the Ethiopian community in San Diego. Upon his arrival as a refugee from Ethiopia four years ago, he became aware that Ethiopian children in his neighborhood did not know how to read and write their native language. Tadele set to work to develop a tutoring program for these children. While their parents attended church, he worked with their children, teaching the Ethiopian alphabet and language and exposing them to the Ethiopian literature, tradition, and culture.

In addition, Tadele provided tutoring in math and science to the children who needed assistance. He also worked with young adults in the computer center of the local library and volunteered in a San Diego homeless shelter. By becoming so involved in service to others, Tadele has truly become a part of his new community, a bond which has helped him overcome a difficult exile from Africa where his mother and grandfather were killed and his father incarcerated for their political beliefs.

The Yoshiyama Award, which Tadele has received, was established in 1988 with a gift from Hirokichi Yoshiyama, former president and chairman of Hitachi, Ltd., the company that established The Hitachi Foundation in 1985. The goal of this non-profit, philanthropic Foundation is to promote social responsibility through effective participation in global society. The Hitachi Foundation is proud to highlight the achievements of the young people of our country, the leaders of their generation.

I am pleased to take this opportunity to congratulate Tadele Worku on this prestigious award and to thank him for his compassionate commitment to his community.

A TRIBUTE TO ROBERT BLACKEY, OUTSTANDING HISTORY PROFESSOR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of Robert Blackey, a professor of history at California State University at San Bernardino, located at the western edge of the 40th District of California. Professor Blackey is the 2001 honoree of the Eugene Asher Distinguished Teaching Award, the highest award given by both the American Historical Association and the Society for History Education in recognition of outstanding teaching and advocacy for history teaching.

Long an advocate of good teaching, Professor Blackey's instructional techniques and knowledge of his subject matter have, over the course of his thirty plus years of teaching, made history come alive for his students. Blackey understands the adage ''History is to society what memory is to the individual'' and that humanizing the study of the past makes it relevant to the young minds of the present.

In making the award, the historical association quoted a former student's nomination, saying not only is Professor Blackey ''a dynamic speaker and discussion leader, but he enriches his lectures with slides, photographs, art, music, and observations from his travels around the world. He brings the people of history to life through visual and verbal illustrations that humanize them; he also helps students to think historically and to appreciate the larger themes that he weaves throughout his classes.'' Through his work as editor of the teaching column in Perspectives, vice president of the AHA Teaching Division, chief reader for Advanced Placement European History, perennial workshop leader, and frequent guest speaker in secondary school classrooms, Professor Blackey has made an outstanding contribution to history teaching, the association said.

Blackey's efforts at serving others don't stop at the university's edge. He has served as Chair of the school's history department as well as social science coordinator. Additionally, his work includes having served as vice president of the American Historical Association and is an elected member of The College Board's National Academic Council. Blackey also works with Project Upbeat, an innovative program that inspires middle school students to attend and succeed in college.

Mr. Speaker, I applaud Professor Blackey's dedication to his profession and his continuing efforts to help students appreciate and understand history. I ask you and my colleagues to join his fellow professors, his friends, and his family in congratulating him for his record of success.

CLASS ACTION FAIRNESS ACT OF 2002

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Mr. BLUMENAUER. Mr. Chairman, I rise today in opposition to H.R. 2341, the Class Action Fairness Act of 2001. This legislation would make it more difficult for injured consumers to seek relief from corporate abuses. This is not the type of legislation that we in Congress should be supporting in the wake of the Enron debacle.

I would also like to state my position on some of the amendments being offered on H.R. 2341. Several of the amendments are directly attributable to many of the alleged disgraceful, if not illegal, acts performed by a few major corporations in the past couple of years. These acts include records being sealed, even though public health and safety were at stake, and document shredding. Despite the outrage that some corporate behavior has created for me and the American public, some proposed amendments were not well-defined to deal with this illegal conduct. My ''nay'' votes on certain amendments reflect this concern, however I condemn the corporate behavior that prompted these proposals.

HOUSE CONCURRENT RESOLUTION TO PREVENT ANY INCREASE IN VETERANS' HEALTH CARE DEDUCTIBLE

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. STRICKLAND. Mr. Speaker, in response to the President's fiscal year 2003 budget, I am introducing this Sense of Congress to oppose the Administration's recommendation to impose a $1,500 deductible on the health care for ''Priority Group 7'' veterans. Just recently the VA increased the veteran prescription drug co-payment by 250%. The President's budget proposal calls on Congress to legislate a $1,500 deductible for their health care. This deductible is unacceptable and an unnecessary hardship to place upon veterans. It is my hope that by introducing this Resolution, this Congress will speak as one body and make it clear that we will not break America's promises to our veterans.

TUNISIA 46TH ANNIVERSARY OF INDEPENDENCE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KIRK. Mr. Speaker, today, I would like to recognize a great ally of the United States, Tunisia, as she celebrates 46 years of independence. In 1797, the United States signed a Treaty of Peace and Friendship with the North African country of Tunisia. Over 150 years later, Tunisia peacefully gained independence from France. Today, we congratulate Tunisia for 46 years as an independent nation.

The Republic of Tunisia has remained a steadfast friend to the United States, joining Allied forces during World War II and continuing support throughout the Cold War. Now, in the wake of September 11, Tunisia has once again emerged as a true ally, supporting our current efforts in the war against terror. Based on her geopolitical location, Tunisia's cooperation in the campaign to root out terrorists is absolutely critical.

Today, Tunisia enjoys a burgeoning economy, as the nation's per capita income continues to grow substantially. One of Tunisia's most valuable assets has been its continued willingness to support a Middle East peace process. Despite being surrounded by nations

engulfed in political turmoil, Tunisia continues to take an active role in combating international unrest.

I congratulate Tunisia on 46 years of independence and look forward to the United States' continuing strong relations with Tunisia for years to come. Please join me in celebrating the 46th Anniversary of Tunisia's independence.

INTRODUCTION OF THE HOUSING AFFORDABILITY FOR AMERICA ACT OF 2002

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Housing Affordability for America Act of 2002 which will increase the availability of affordable housing and expand homeownership and rental opportunities across the country.

This country is facing a growing affordable housing problem for low and moderate-income families and for those with special needs. Last year, the Housing Subcommittee held a series of hearings to explore housing affordability and availability. In those hearings, we heard from community activist, housing experts, local and federal government officials and representatives from the home building, real estate and mortgage industries on the obstacles to home ownership and affordable rental housing across the country.

If we are to expand home ownership and affordable rental opportunities, then we must encourage new production of affordable single and multifamily housing. We must break down the barriers that prevent certain segments of the population from realizing the American dream of homeownership. One way to do that is to provide opportunities that allow families to acquire and build wealth toward the goal of homeownership. That means there must be affordable, available rental housing as a family's first step. This bill includes provisions targeted at not only expanding home ownership opportunities but also providing affordable rental opportunities.

The Housing Affordability for America Act makes mid-course corrections of housing programs that are underused, duplicative or have been hindered by muddled objectives. This legislation provides increased flexibility for local governments and programs so that they can better meet the needs of their individual communities.

First, the bill includes a housing production and preservation program within HOME targeted toward very low and extremely low income families. In addition, we provide flexibility and increased leverage opportunities for local governments and local decision-makers so they can better meet the needs of their individual communities.

The FHA program was originally designed to encourage lenders to make credit more readily available and at lower rates for various purposes that might otherwise go unmet. In this bill, we strengthen the FRA program and provide additional tools to encourage homeownership opportunities and to increase the supply of affordable rental housing for all Americans.

Needless regulation adds to the cost of housing. By reducing the cost of regulation, we can lower the cost of homeownership. That is why this bill would require a housing impact analysis of any new rule of a Federal agency that has an economic impact of $100,000,000 or more. H.R. 3191, the ''Home Ownership Opportunities for Public Safety Officers and Teachers'' has also been incorporated into this legislation.

Finally, we reauthorize HOPE VI, HOPWA, the Homeless Housing Programs, and the Native American Housing Act.

Housing is the number-one consumer product in America. While the homeownership rate in this country is an impressive 68%, there are still some that are unable to share in that dream. We have an opportunity with this bill to make an impact on affordable housing by addressing the issue of growing housing need. This legislation is the first step—a precursor to the forthcoming reports from the Millennium and Senior Housing Commissions which will help to outline further steps that will be necessary in the future.

It is time that we restored confidence and accountability to our nation's housing programs and policies. This legislation will go a long way toward reaching that goal.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S2017–S2093

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2028–2034, and S. Res. 227. **Page S2076**

Measures Reported:

H.R. 2739, To amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland.

S. Res. 205, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

S. Res. 213, condemning human rights violations in Chechnya and urging a political solution to the conflict, and with an amended preamble. **Page S2075**

Measures Passed:

Taiwan Observer Status: Senate passed H.R. 2739, to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, clearing the measure for the President. **Page S2093**

Campaign Finance Reform: Senate began consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform. **Page S2018**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, March 20, 2002, with a vote on the motion to close further debate on the bill to occur at approximately 1 p.m. Further, that if cloture is invoked, there be an additional 3 hours of debate, equally divided, followed by a vote on passage of the bill; and if cloture is not invoked, this agreement is vitiated. **Page S2064**

A further unanimous-consent agreement was reached providing for consideration of a Senate Resolution, the text of which is at the desk, and that the resolution be agreed to. **Page S2064**

Energy Policy Act: Senate resumed consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto: **Pages S2018–69**

Adopted:

Reid (for Bingaman) Amendment No. 3039 (to Amendment No. 2917), making a technical correction. **Pages S2018, S2069**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Pages S2018–69**

Feinstein Modified Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets. **Pages S2018–38**

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. **Page S2018**

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available. **Page S2018**

Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Pages S2018, S2038**

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Pages S2018–38**

Lott Amendment No. 3033 (to Amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees. **Pages S2027–28, S2034**

Lincoln Modified Amendment No. 3023 (to Amendment No. 2917), to expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels. **Pages S2038–43, S2064**

Kyl Amendment No. 3038 (to Amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity. **Pages S2043–55, S2056–69**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Periodic Report on the National Emergency with respect to National Union for the Total Independence of Angola (UNITA) for the period September 26, 2001

through March 25, 2002; to the Committee on Banking, Housing, and Urban Affairs. (PM–77)

Page S2073

Transmitting, pursuant to law, the 2002 Trade Policy Agenda and the 2001 Annual Report on the Trade Agreements Program; to the Committee on Finance. (PM–78) Page S2073

Authority for Committees: All committees were authorized to file legislative and executive reports during the adjournment/recess of the Senate on Wednesday, April 3, 2002, from 11 a.m. to 1 p.m.

Page S2093

Measures Held at Desk: Page S2073

Executive Communications: Pages S2073–75

Executive Reports of Committees: Pages S2075–76

Additional Cosponsors: Pages S2076–77

Statements on Introduced Bills/Resolutions: Pages S2077–90

Additional Statements: Pages S2070–73

Amendments Submitted: Pages S2090–92

Notices of Hearings/Meetings: Page S2092

Authority for Committees to Meet: Pages S2092–93

Adjournment: Senate met at 10 a.m., and adjourned at 7:27 p.m., until 10 a.m., on Wednesday, March 20, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2093).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—NOAA/FTC

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities from Vice Adm. Conrad C. Lautenbacher, Jr., Under Secretary of Commerce for Oceans and Atmosphere/Administrator, National Oceanic and Atmospheric Administration; and Timothy J. Muris, Chairman, Federal Trade Commission.

APPROPRIATIONS—INTERNATIONAL AFFAIRS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2003 for the international affairs programs of the Department of the Treasury, after receiving testimony from Paul H. O'Neill, Secretary of the Treasury.

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 2003 for Navy and Air Force military construction programs, after receiving testimony in behalf of funds for their respective activities from H.T. Johnson, Assistant Secretary of the Navy for Installation and Environment; Rear Adm. David D. Pruett, Civil Engineer Corps, USN, Director, Civil Engineering Readiness Division, Chief of Naval Operations; Rear Adm. Noel G. Preston, USNR, Deputy Director of Naval Reserve; Brig. Gen. (Select) Ronald S. Coleman, USMC, Deputy Assistant Commandant of the Marine Corps for Installation and Logistics Facilities; Nelson F. Gibbs, Assistant Secretary of the Air Force for Installation, Environment and Logistics; Maj. Gen. Earnest O. Robbins II, USAF, The Air Force Civil Engineer, Deputy Chief of Staff, Installations and Logistics; Brig. Gen. David A. Brubaker, USANG, Deputy Director, Air National Guard; and Brig. Gen. Robert E. Duignan, USAFR, Deputy to the Chief of the Air Force Reserve.

U.S. INTERESTS

Committee on Armed Services: Committee concluded open and closed hearings to examine the worldwide threat to United States interests, after receiving testimony from George J. Tenet, Director of Central Intelligence; and Vice Adm. Thomas R. Wilson, USN, Director, Defense Intelligence Agency.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Seapower concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on maximizing fleet presence capability and ship procurement and research and development, after receiving testimony from Rear Adm. Miles B. Wachendorf, USN, Director, Strategy and Policy Division, Office of the Chief of Naval Operations; John J. Young, Jr., Assistant Secretary of the Navy for Research, Development and Acquisition; and Vice Adm. Michael G. Mullen, USN, Deputy Chief of Naval Operations for Resources, Requirements and Assessments.

ACCOUNTING AND INVESTOR PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee resumed oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, focusing on oversight and regulation of the accounting profession, corporate governance, and stock analyst conflicts of interests, receiving testimony from Charles A. Bowsher, former Comptroller General of the United States, General Accounting Office, Aulana L. Peters, and Alan B. Levenson, former Director, Division of Corporation Finance, Securities and Exchange Commission, all of the Public Oversight Board, Stamford, Connecticut; L. William Seidman, Washington, D.C., former Chairman, Federal Deposit Insurance Corporation; and John C. Whitehead, former Deputy Secretary of State, and Michael Mayo, Prudential Securities, Inc., both of New York, New York.

Hearings continue tomorrow.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Vice Admiral Thomas Collins to be Commandant of the United States Coast Guard, Department of Transportation, after the nominee, who was introduced by Senator Stevens, testified and answered questions in his own behalf.

COAST GUARD BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, and Fisheries concluded oversight hearings to examine the President's proposed budget request for fiscal year 2003 of the United States Coast Guard, after receiving testimony from Adm. James M. Loy, Commandant, United States Coast Guard; Kenneth M. Mead, Inspector General, Department of Transportation; and JayEtta Z. Hecker, Director, Physical Infrastructure Issues, General Accounting Office.

SURFACE TRANSPORTATION PROGRAM

Committee on Environment and Public Works: Committee resumed hearings to examine ideas for transportation demand, access, mobility, congestion, and program flexibility, in preparation for reauthorization of Transportation Equity Act for the Twenty First Century (TEA 21), after receiving testimony from Tim Lomax, Texas A&M University Texas Transportation Institute, College Station; Ron Sims, Offices of the King County Executive, Seattle, Washington; Anthony Downs, Brookings Institution, Washington, D.C.; C. Kenneth Orski, Urban Mobility Corporation, Potomac, Maryland; Frederick P. Salvucci, Massachusetts Institute of Technology, Cambridge; and Alan E. Pisarski, Falls Church, Virginia.

Hearings recessed subject to call.

CHILD CARE

Committee on Finance: Subcommittee on Social Security and Family Policy held joint hearings with the Committee on Health, Education, Labor, and Pensions Subcommittee on Children and Families to examine affordable child care and improving links between the welfare work requirements and child care for low income, working families, receiving testimony from Wade F. Horn, Assistant Secretary of Health and Human Services for Children and Families; Ann S. Williamson, Louisiana Department of Social Services, Baton Rouge; Mark H. Greenberg, Center for Law and Social Policy, Washington, D.C.; and Vicky Flamand, Fort Walton Beach, Florida.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 213, condemning human rights violations in Chechnya and urging a political solution to the conflict, with amendments;

H.R. 2739, to amend Public Law 107–10 to require a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland;

S. Res. 205, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections; and

The nominations of Emmy B. Simmons, of the District of Columbia, to be Assistant Administrator for Economic Growth, Agriculture, and Trade of the United States Agency for International Development, Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development, Robert Patrick John Finn, of New York, to be Ambassador to Afghanistan, Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia, James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria, Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg, Lawrence E. Butler, of Maine, to be Ambassador to The Former Yugoslav Republic of Macedonia, and two Foreign Service Officer promotions lists.

CHEMICAL AND BIOLOGICAL WEAPONS

Committee on Foreign Relations: Committee concluded hearings to examine the scope of the threat facing the United States from potential military or terrorist attack with chemical and biological weapons, and actions necessary to address and reduce this threat, after receiving testimony from Carl W. Ford, Assistant Secretary of State for Intelligence and Research; Alan P. Zelicoff, Senior Scientist, Sandia National Laboratories Center for National Security and Arms Control; Michael Moodie, Chemical and Biological Arms Control Institute, Washington, D.C., former Assistant Director, U.S. Arms Control and Disarmament Agency; and Amy Sands, Monterey Institute of International Studies Center for Nonproliferation Studies, Monterey, California, former Assistant Director, Intelligence, Verification, and Information Management Bureau, U.S. Arms Control and Disarmament Agency.

FEDERAL WORKFORCE REFORM

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services continued hearings to examine proposed legislation to give federal agencies new management tools to handle recruitment and retention of skilled federal employees, in order to avoid a human capital crisis which may be brought by large-scale retirements expected in the near future, including S. 1603, to provide for reform relating to Federal employment, and S. 1612, to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, receiving testimony from Paul C. Light, Brookings Institution, on behalf of the National Commission on the Public

Service, and Max Stier, Partnership for Public Service, both of Washington, D.C.; Carolyn Ban, University of Pittsburgh Graduate School of Public and International Affairs, Pittsburgh, Pennsylvania, on behalf of the National Association of Schools of Public Affairs and Administration; and Steven J. Kelman, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Terrence L. O'Brian, of Wyoming, to be United States Circuit Judge for the Tenth Circuit, Lance M. Africk, to be United States District Judge for the Eastern District of Louisiana, Paul G. Cassell, to be United States District Judge for the District of Utah, and Legrome D. Davis, to be United States District Judge for the Eastern District of Pennsylvania, after the nominees testified and answered questions in their own behalf. Mr. O'Brian was introduced by Senators Thomas and Enzi, Mr. Africk was introduced by Senator Breaux and Representative Tauzin, Mr. Cassell was introduced by Senators Hatch and Bennett, and Mr. Davis was introduced by Senators Specter and Santorum.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 3991–4008; and 5 resolutions, H. Con. Res. 356–359, and H. Res. 371, were introduced. **Pages H1002–03**

Reports Filed: Reports were filed today as follows:

H. Res. 372, providing for consideration of H. Con. Res. 353, establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007 (H. Rept. 107–380); and

H. Res. 373, providing for consideration of H.R. 3924, to authorize telecommuting for Federal contractors (H. Rept. 107–381). **Page H1002**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H939**

Prayer: The prayer was offered by Rabbi Joseph F. Mendelsohn, Heska Amuna Synagogue of Knoxville, Tennessee. **Page H943**

Recess: The House recessed at 1:07 p.m. and reconvened at 2 p.m. **Page H943**

Journal: Agreed to the Speaker's approval of the Journal of Monday, March 18 by a yea-and-nay vote of 363 yeas to 44 nays, with 1 voting "present," Roll No. 65. **Pages H943, H972**

Private Calendar: On the call of the Private Calendar, passed over H.R. 392, for the relief of Nancy B. Wilson without prejudice. **Page H944**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Gila River Indian Community Lease Act: H.R. 3985, to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community; **Pages H945–46**

Elephant Butte Reservoir and Caballo Reservoir, New Mexico—Lease Lot Conveyance Act: H.R. 706, amended, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; **Pages H946–48**

National Park of American Samoa Boundary Adjustment: H.R. 1712, amended, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park. Agreed to amend the title so as to read: "A bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes."; **Pages H948–49, H953–54**

Commending the Phoenix Project and its Restoration of the Pentagon: H. Res. 368, commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001 (agreed to by a yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 66); **Pages H949–52, H973**

Utah Public Lands Artifact Preservation Act: H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; **Pages H952–53**

Extension of Export-Import Bank Authority until April 30, 2002: S. 2019, to extend the authority of the Export-Import Bank until April 30, 2002—clearing the measure for the President; **Pages H954–58**

Bureau of Engraving and Printing Security Printing Amendments: H.R. 2509, amended, to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States, or any political subdivision thereof, on a reimbursable basis (agreed to by a yea-and-nay vote of 403 yeas to 11 nays, Roll No. 67). Agreed to amend the title so as to read: ''To authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.''; **Pages H958–60, H973–74**

Extension of Unemployment Assistance Related to September 11 Terrorist Attacks: H.R. 3986, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001; and **Pages H960–65**

James R. Browning United States Courthouse, San Francisco, California: H.R. 2804, to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse'' (agreed to by a yea-and-nay vote of 403 yeas to 1 nay, Roll No. 68). **Pages H965–67, H974**

Suspension Proceedings Postponed—Democratic Parliamentary Elections in Ukraine: The House completed debate on the motion to suspend the rules and agree to H. Res. 339, amended, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections. Further proceedings were postponed until Wednesday, March 20. **Pages H967–71**

Presidential Messages: Read the following messages from the President:

National Emergency re Angola: Message wherein he transmitted a six month periodic report on the National Emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993—referred to the Committee on International Relations and ordered printed (H. Doc. 107–190); and **Pages H971–72**

Trade Policy Agenda and Trade Agreements Program: Message wherein he transmitted the 2002 Trade Policy agenda and 2001 Annual Report on the Trade Agreements Program—referred to the Committee on Ways and Means and ordered printed (H. Doc. 107–191). **Page H972**

Recess: The House recessed at 5:03 p.m. and reconvened at 6:30 p.m. **Page H972**

Recess: The House recessed at 10:41 p.m. and reconvened at 12:45 a.m. on Wednesday, March 20, 2002. **Page H1000**

Amendments: Amendment ordered printed pursuant to the rule appear on pages H1003–04.

Quorum Calls Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H972, H973, H973–74, and H974. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 12:46 a.m. on Wednesday, March 20, 2002.

Committee Meetings

LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on National Institutes of Health Panel: Fundamental Research: Biomedical Science in the Future. Testimony was heard from the following officials of NIH, Department of Health and Human Services: Marvin Cassman, M.D., Director, National Institute of General Medical Sciences; James F. Battey, Jr., M.D., Director, National Institute on Deafness and Other Communication Disorders; Richard Nakamura, M.D., Acting Director, National Institute of Mental Health; Glen Hanson, M.D., Acting Director, National Institute on Drug Abuse; Judith L. Vaitukaitis, M.D., Director, National Center for Research Resources; and Ellie Ehrenfeld, M.D., Director, Center for Scientific Review.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on Department of Housing and Urban Development. Testimony was heard from Mel R. Martinez, Secretary of Housing and Urban Development.

U.S. DEFENSE INDUSTRIAL BASE

Committee on Armed Services: Subcommittee on Military Procurement held a hearing on the U.S. defense industrial base. Testimony was heard from Suzanne D. Patrick, Deputy Under Secretary (Industrial Policy), Department of Defense; and public witnesses.

NATURAL GAS PIPELINE SAFETY ACT AND HAZARDOUS LIQUID PIPELINE SAFETY ACT REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on the reauthorization of the Natural Gas Pipeline Safety Act

and the Hazardous Liquid Pipeline Safety Act. Testimony was heard from Ellen G. Engleman, Administrator, Research and Special Programs Administration, Department of Transportation; Robert J. Chipkevich, Director, Office of Railroad, Pipeline, Pipeline and Hazardous Materials Investigations, National Transportation Safety Board; Peter Guerrero, Director, Physical Infrastructure, GAO; and public witnesses.

OVERSIGHT—INS NOTIFICATION OF APPROVAL—TERRORIST HIJACKERS

Committee on the Judiciary, Subcommittee on Immigration and Claims held an oversight hearing on "The INS March 2002 Notification of Approval of Change of Status for Pilot Training for Terrorist Hijackers Mohammed Atta and Marwan Al-Shehhi." Testimony was heard from the following officials of the INS, Department of Justice: James Ziglar, Commissioner; and Michael Cutler, Special Agent; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following: H.R. 2982, to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as "Area I" or "Area II" to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial; H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park; and a measure to designate and provide for the management of the Shoshone National Recreation Trail. Testimony was heard from Representatives Turner and Jenkins; P. Daniel Smith, Special Assistant to the Director, National Park Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURE

Committee on Resources: Subcommittee on Water and Power held a hearing on H.R. 3881, to authorize the Secretary of the Interior to engage in studies relating to enlarging Pueblo Dam and Reservoir and Sugar Loaf Dam and Turquoise Lake, Fryingpan-Arkansas Project, Colorado. Testimony was heard from Representatives Hefley and Moran of Kansas; John W. Keys III, Commissioner, Bureau of Reclamation, Department of the Interior; the following officials of the State of Kansas: Carla Stovall, Attorney General; and David Pope, Chief Engineer, Division of Water Resources, Department of Agriculture; Jim Null, Councilman, City of Colorado Springs, State of Colorado; and public witnesses.

FREEDOM TO TELECOMMUTE ACT

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 3924, Freedom to Telecommute Act of 2002, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

CONCURRENT RESOLUTION ON THE BUDGET

Committee on Rules: Granted, by voice vote, a closed rule on H. Con. Res. 353, establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007, providing three hours of general debate, with two hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. The rule waives all points of order against consideration of the concurrent resolution. The rule provides that the amendment in the nature of a substitute printed in the report of the Committee on Rules shall be considered as adopted in the House and in the Committee of the Whole. The rule permits the chairman of the Budget Committee to offer amendments in the House to achieve mathematical consistency. Finally, the rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption. Testimony was heard from Chairman Nussle and Representatives Spratt, McDermott, Davis of Florida, Clayton, Moran of Virginia, Moore, Holt, Matheson, Skelton, Stenholm, Tanner, Taylor of Mississippi, Brown of Ohio, Millender-McDonald, Hinojosa, Kilpatrick, Tauscher, Tierney, and Hill.

RURAL AMERICA—ACCESS TO HEALTH CARE

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing on Access to Health Care in Rural America. Testimony was heard from public witnesses.

JOINT MILITARY INTELLIGENCE PROGRAMS/TACTICAL INTELLIGENCE

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Joint Military Intelligence Programs/Tactical Intelligence and Related Activities. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 20, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the Environmental Protection Agency, 9:30 a.m., SD–138.

Subcommittee on Defense, to hold closed hearings to examine an overview of intelligence programs, 10 a.m., S–407 Capitol.

Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget, 1:30 p.m., SD–192.

Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2003 for public health, nutrition and regulatory agencies, 2 p.m., SD–138.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on recruiting and retention in the military services, 9:30 a.m., SR–232A.

Subcommittee on Strategic, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on national security space programs and strategic programs, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, 10 a.m., SD–538.

Committee on the Budget: business meeting to mark up a proposed concurrent resolution setting forth the fiscal year 2003 budget for the Federal Government, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine H.R. 1542, to deregulate the Internet and high speed data services, 9:30 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control, 10 a.m., SD–406.

Committee on Governmental Affairs: to hold hearings to examine issues with respect to the collapse of the Enron Corporation, focusing on credit rating agencies, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to mark up S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic settings, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings to examine pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine identity theft and information protection, 10 a.m., SD–226.

Committee on 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, 2 p.m., 345 Cannon Building.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Rural Development, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on DEA, 10 a.m., and on U.S. Trade Representative, 2 p.m., H–309 Capitol.

Subcommittee on Defense, on Fiscal Year 2003 Air Force Budget Overview, 9:30 a.m., H–140 Capitol.

Subcommittee on Interior, on Smithsonian, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Center for Medicare and Medicaid Services and the Administration for Children and Families, 10:15 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Unexploded Ordnance, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation, on Federal Transit Administration, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Bureau of Public Debt, 2 p.m., 2359 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Corporation for National and Community Services, 9:30 a.m., and on Council on Environmental Quality, 11:30 a.m., H–143 Capitol.

Committee on Armed Services, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

Subcommittee on Military Installations and Facilities, hearing on the fiscal year 2003 National Defense Authorization budget request, 2 p.m., 2212 Rayburn.

Subcommittee on Military Procurement, hearing on the fiscal year 2003 National Defense Authorization budget request, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to mark up the following bills: H.R. 3762, Pension Security Act of 2002; H.R. 3784, Museum and Libraries Services Act of 2002; H.R. 3839, Keeping Children and Families Safe Act of 2002; and H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Medicare Modernization: Examining the Federal Employees Health Benefit Program as a Model for Seniors," 10 a.m., 2322 Rayburn.

Committee on Financial Services, to continue hearings on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on "Financial Management at NASA: What Went Wrong?" 10 a.m., 2154 Rayburn.

Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on ''The Department of Defense: What is Being Done to Resolve Longstanding Financial Management Problems?'' 1 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: the Afghanistan Freedom Support Act; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; and H. Con. Res. 290, expressing the sense of the Congress that women throughout the world should join together for a week of workshops, forums, and other events to speak up for world peace, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 476, Child Custody Protection Act; and H.R. 3925, Digital Tech Corps Act of 2002, 10:30 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 3892, Judicial Improvements Act of 2002, immediately following full Committee markup, 2141 Rayburn.

Committee on Resources, to mark up the following measures: 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 Capitol of the United States; H.R. 1448, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2114, National Monument Fairness Act of 2001; H.R. 2628, Muscle Shoals National Heritage Area Study Act of 2001; H.R. 2643, Fort Clatsop National Memorial Expansion Act of 2001; H.R. 2880, Five Nations Citizens Land Reform Act; H.R. 2937, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; H.R. 2963, Deep Creek Wilderness Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the Golden Chain Highway, as a National Heritage Corridor; H.R. 3480, Upper Mississippi River Basin Protection Act of 2001; H.R. 3606, Wallowa Lake Dam Rehabilitation and Water Management Act of 2001; H.R. 3848, to provide for funds for the construction of recreational and visitor facilities in Washington County, Utah; H.R. 3853, to make technical corrections to laws passed by the 106th Congress related to parks and public lands; H.R. 3909, Gunn McKay Nature Preserve Act; H.R. 3955, to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; H.R. 3958, to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; and S. 506, Huna Totem Corporation Land Exchange Act, 10 a.m., and to hold a hearing on the following bills: H.R. 2829, Sound Science for Endangered Species Act Planning Act of 2001; and H.R. 3705, Sound Science Saves Species Act of 2002, 2 p.m., 1324 Longworth.

Committee on Science, to mark up the following bills: H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development centers; H.R. 3389, National Sea Grant College Program Act Amendments of 2002; and H.R. 3939, Energy Pipeline Research, Development, and Demonstration Act; followed by a hearing on The 2001 Presidential Awardees for Excellence in Mathematics and Science Teaching: Views from the Blackboard, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Making the Office of Advocacy Independent, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following measures: H.R. 3983, Maritime Transportation Antiterrorism Act of 2002; H.R. 3930, Water Quality Financing Act of 2002; H. Con. Res. 347, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; H. Con. Res. 348, authorizing the use of the Capitol Grounds for the National Book Festival; H. Con. Res. 356, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 354, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon as the ''Wayne Lyman Morse United States Courthouse;'' and H.R. 2911, to designate the Federal building located at 5100 Paint Branch Parkway in College Park, Maryland, as the ''Harvey W. Wiley Federal Building.'' 11 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, to mark up H.R. 3983, Maritime Transportation and Antiterrorism Act of 2002, 10 a.m., 2253 Rayburn.

Subcommittee on Highways and Transit, hearing on Ensuring the Integrity of the Highway Trust Fund, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 3991, Taxpayer Protection and IRS Accountability Act of 2002, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on National Foreign Intelligence Program Overview of Fiscal Year 2003, 2:30 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on 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, 2 p.m., 345 Cannon Building.

Next Meeting of the SENATE

10 a.m., Wednesday, March 20

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2356, Campaign Finance Reform, with a vote on the motion to close further debate on the bill to occur at approximately 1 p.m.

Also, Senate expects to resume consideration of S. 517, Energy Policy Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 20

House Chamber

Program for Wednesday: Consideration of H.R. 3924, Freedom to Telecommute Act (open rule, one hour of general debate) and

Consideration of H. Con. Res. 353, Budget Resolution for FY 2002 (closed rule, three hours of general debate).

Extensions of Remarks, as inserted in this issue

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