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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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# House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 9, 2002, at 2 p.m.

# Senate

THURSDAY, MARCH 21, 2002

The Senate met at 9:45 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. The prayer today will be offered by our guest Chaplain, Dr. Calvin McKinney, Pastor of the Calvary Baptist Church in Garfield, NJ.

## PRAYER

The guest Chaplain offered the following prayer:

Gracious Father, beneficent Lord of all mankind, Thou who hast blessed our Nation with blessings beyond measure, with gratitude we pause in this hallowed place simply to say thank You. Thank You for Your presence with us always. Thank You for the joy Your presence brings. Thank You even for the challenge and the responsibility which is ours by virtue of said blessed presence. Your presence with us demands a witness and an example of a demonstration of righteousness, love, peace, and justice; so our prayer is that You will also bless us to be true to Your cause in all the world.

Dear Father, bless the women and men of this august body, which represents a people so blessed by Thee, to always seek Thy way and Thy will as is made clear by Thy word. Bless them in their deliberations to purpose always that such seeks Thy face. For, in so doing, ''Thy will, will be done in the earth as it is in the heavens.''

Lord, grant now our Senators the wisdom, courage, and tenacity to follow after Thee as they conduct the people's business. Bless them always with humility and a servant spirit. Bless them as they work with our President and the House of Representatives, for whom we seek Thy blessings as well, in the name of Thy beloved Son. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 21, 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.

## MEASURE PLACED ON THE CALENDAR—H.R. 2804

Mr. REID. Mr. President, I understand that H.R. 2804 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, I ask that H.R. 2804 be read for a second time and I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

A 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 ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

## SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of the Energy Reform Act. The Kyl amendment is pending. There will be 4 minutes of closing debate prior to the vote in relation to this amendment.

The majority leader asked me to notify all Members that we are attempting to work out an arrangement on the Lott amendment which has also been offered on this legislation.

We also have been working with the minority to come up with a finite list of amendments. I spoke with Senator MURKOWSKI last evening. He believes

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



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we can come up with a finite list of amendments, as does Senator BINGAMAN. If we do that, then we are going to continue to work on this bill and do everything we can to complete it the week we get back. If we don't get a finite list of amendments today, I believe the majority leader will not go to the energy bill when we get back after the recess.

## RESERVATION OF LEADER TIME

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

## NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The bill clerk read as follows:

A 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.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals 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.

Lott amendment No. 3033 (to amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

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.

Kyl amendment No. 3038 (to amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity.

### AMENDMENT NO. 3038

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes of debate to be equally divided in the usual form on the Kyl amendment No. 3038.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will go ahead and use the 2 minutes in opposition to the Kyl amendment, and then the sponsor, Senator KYL, will use the final 2 minutes.

The main reason to oppose this amendment is that it totally eliminates, if adopted, any kind of provision in this bill that would move us toward more use of renewable fuels in the future.

We need to diversify our supply of energy in this country. We need to be less dependent on some certain specific sources and more dependent on new technology. That is possible. It is happening. It is not happening as quickly as it should.

Ninety-five percent of today's new power generation that is under construction is gas fired. That is fine as long as the price of gas stays low. But if the price of gas goes back up to what it was 18 months ago, then we are going to see a serious repercussion in the utility bills of all consumers.

This underlying amendment, which the Kyl amendment would eliminate, tries to, in a very modest way, move us toward more use of renewables. It provides that we have 1 percent in the year 2005. Various utilities around this country would be required to produce 1 percent of the electricity they generate from renewable sources. That is not an excessive demand. It goes up in very small amounts each year thereafter.

I believe strongly that the renewable portfolio standard we have in the bill is a good provision. The suggestions Senator KYL and others have made that this is going to drastically increase everyone's electricity bills is not borne out by the analyses that have been made. The Energy Information Administration has analyzed this. At the request of Senator MURKOWSKI, they have concluded that this does not raise energy prices.

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

Mr. KYL. Mr. President, let me give you the 10 reasons we should support the Kyl amendment.

No. 1, the Bingaman amendment is the command-economy amendment, a 10-percent mandate, and the Kyl amendment is for State choice.

No. 2, the Bingaman amendment is very costly, at $88 billion over 15 years and then $12 billion each year after that—paid for by the electricity consumers.

If you would like to know how much your electricity consumers are going to be paying under the Bingaman amendment, I have all the information right here. You had better consult this before you vote against the Kyl amendment.

No. 3, the Bingaman amendment is discriminatory. The Bingaman amendment provides that some areas subsidize people in other parts of country.

No. 4, hydro is not included. Yet, of all the renewables, hydro is about 7 percent of the electricity production. The other renewables are only about 2 percent.

No. 5, it will benefit just a few companies. According to the Energy Information Administration, wind is the only economical way to produce this power, and it is concentrated in just a few areas.

Do you know who these few special interests are? You should find out before you vote against the Kyl amendment.

No. 6, renewables are not reliable. If the Sun doesn't shine, if the wind does not blow, and if water doesn't flow, you don't get energy. But you do out of coal, gas, and nuclear.

No. 7, we are already subsidizing the renewable fuels to the tune of $1 billion a year.

There is a big difference between encouraging, which we are doing, and compelling.

No. 8, the administration supports the Kyl amendment and opposes the Bingaman amendment.

No. 9, biomass from Federal land does not count.

No. 10, there is no principal reason to discriminate against public and private power; yet private power is included in the Bingaman amendment and public power is excluded.

I will throw in a bonus reason.

The No. 11 reason to vote for the Kyl amendment and against Bingaman is this is the opposite of deregulation, which was supposed to be the whole point of the electricity section of the pending legislation. The 10-percent mandate is regulation and not deregulation.

I urge you to support the Kyl amendment.

### RENEWABLE PORTFOLIO STANDARD APPLICATION

Mr. LEVIN. Mr. President, I commend the Chairman for his fairness and diligence in setting a goal for energy suppliers to meet a renewable portfolio standard that ensures power supply from a diverse mix of fuels and technologies. I thank the Chairman and his staff for working with my staff to answer questions concerning how the renewable portfolio standard would work. We understand the definition for qualifying facilities covers existing hydro facilities including pumped storage. This is important to the State of Michigan and we appreciate the clarification.

Ms. STABENOW. Mr. President, I echo the statements of the senior Senator from Michigan, and thank the Chairman for his work on developing a strong renewable portfolio standard. My question is whether renewable power could be measured by plant generating capacity or throughout to the customer.

Mr. BINGAMAN. That is correct. Pumped hydro is included as an existing renewable. With regard to how renewable power is measured, we intend the Secretary of Energy or the Federal Energy Regulatory Commission would set a normalized level for all hydro facilities, taking into consideration capacity and generation at normal or historical average water flows. For other renewable technologies, the volume is calculated based on actual generation. There has been some misunderstanding about the Texas plan, on which my amendment if modeled. The Texas statute set an overall increase in capacity,

but in the implementation the requirement was converted to a generation measure. A generation metric is critical to ensure efficient operation of these facilities.

Mr. LEVIN. I thank my friend from New Mexico, the Chairman of the Energy Committee.

Ms. STABENOW. I thank my friend from New Mexico.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. KYL. Mr. President, I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COALITION FOR AFFORDABLE AND RELIABLE ENERGY,
*March 19, 2002.*

Senator JON KYL,
*Hart Senate Office Building,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR KYL: The Coalition for Affordable and Reliable Energy (CARE) endorses your amendment to the Renewable Portfolio Standard (RPS) provisions of the Energy Policy Act (S. 517). While CARE strongly supports the increased use of all domestic energy resources, including renewable forms of energy, we are opposed to prescribed national mandates and timetables for the use of specific energy resources.

CARE is concerned that mandating the use of particular sources of energy will substantially increase the cost of electricity and may be difficult to achieve. Your RPS amendment will, instead, permit states to appropriately consider their individual electricity needs and their ability to meet those needs in affordable and reliable ways. Under your amendment, states will also be free to significantly enhance the use of renewables to generate electricity without the burden of Federal mandates and timetables.

Senator Kyl, on behalf of CARE's broad and diverse membership, I commend you for offering this amendment to the Renewable Portfolio Standard provisions of S. 517 and urge its adoption.

Sincerely,

PAUL OAKLEY,
*Executive Director.*

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ELECTRIC CONSUMERS' ALLIANCE,
*Indianapolis, IN, March 14, 2002.*

Hon. JON KYL,
*U.S. Senate,*
*Hart Bldg., Washington, DC.*

DEAR SENATOR KYL: As the Senate debates energy legislation, Electric Consumers' Alliance commends your attention to these critical policy issues.

As your consideration moves to the finer points of legislation, we strongly urge you to take a thoughtful approach to the issue of Renewable Portfolio Standards—the amount of electric power that must come from certain renewable sources.

While our group favors a progressive approach to setting goals for the production of green power, we strongly oppose provisions that would set a hard percentage goal that must be attained in any given year. We commend the amendment proposed by Sen. Kyl as a balanced approach to this issue.

From our perspective as the spokesgroup for tens of millions of residential small business ratepayers, artificial targets are unwise for two reasons. First, they hardwire in goals that may prove to be unreasonable (or too lenient) in future years. This may have the effect of indirectly raising consumer prices or sending distorted signals to the market. In other words, good intentions could (and likely will at some point) go astray.

Second, a set percentage goal deprives states of the ability to address these issues and craft a resolution on the basis of local conditions. For instance, economically efficient renewable energy may be much more achievable in rural and sunbelt states that have the potential to develop solar and wind energy.

In conclusion, as you consider the issue of renewable portfolio standards, we urge your support of the flexible approach found in the Kyl amendment.

Sincerely,

ROBERT K. JOHNSON,
*Executive Director.*

Mr. KYL. Mr. President, have the yeas and nays been ordered on this amendment?

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

I further announce that the Senator from Virginia (Mr. WARNER) is absent on official business.

I further announce that if present and voting the Senator from Virginia (Mr. WARNER) would vote ''yea.''

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—40

| | | |
|---|---|---|
| Allard | Enzi | Miller |
| Allen | Frist | Murkowski |
| Bennett | Gramm | Nickles |
| Bond | Hagel | Roberts |
| Bunning | Hatch | Santorum |
| Burns | Helms | Sessions |
| Byrd | Hutchinson | Smith (NH) |
| Campbell | Hutchison | Stevens |
| Cleland | Inhofe | Thomas |
| Cochran | Kyl | Thompson |
| Craig | Lott | Thurmond |
| Crapo | Lugar | Voinovich |
| DeWine | McCain | |
| Domenici | McConnell | |

NAYS—58

| | | |
|---|---|---|
| Akaka | Durbin | Lieberman |
| Baucus | Edwards | Lincoln |
| Bayh | Ensign | Mikulski |
| Biden | Feingold | Murray |
| Bingaman | Feinstein | Nelson (FL) |
| Boxer | Fitzgerald | Nelson (NE) |
| Breaux | Graham | Reed |
| Brownback | Grassley | Reid |
| Cantwell | Gregg | Rockefeller |
| Carnahan | Harkin | Sarbanes |
| Carper | Hollings | Schumer |
| Chafee | Inouye | Smith (OR) |
| Clinton | Jeffords | Snowe |
| Collins | Johnson | Specter |
| Conrad | Kennedy | Stabenow |
| Corzine | Kerry | Torricelli |
| Daschle | Kohl | Wellstone |
| Dayton | Landrieu | Wyden |
| Dodd | Leahy | |
| Dorgan | Levin | |

NOT VOTING—2

| | |
|---|---|
| Shelby | Warner |

The amendment (No. 3038) was rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that at 12 noon today, Senator LOTT's amendment No. 3033 be considered a first-degree amendment, and that it be laid aside for the amendment which is at the desk.

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

Mr. REID. I further ask unanimous consent that there be 3 hours for debate on both amendments, beginning at noon today, equally divided between the chairman and ranking member of the Judiciary Committee, or their designees; that at the conclusion of that time, the Senate vote on Senator LEAHY's amendment, and following disposition of that amendment, the Senate vote on Senator LOTT's amendment, with no intervening action or debate in order prior to the disposition of these two amendments.

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

Mr. REID. Madam President, the time from now until noon will be used as follows: Senator ROBERTS has a statement that will take less than 10 minutes; is that right?

Mr. ROBERTS. I imagine, I tell my distinguished colleague, about 12 or 15 minutes.

Mr. REID. Senator MILLER wishes to speak for 10 minutes. We also have a speech that Senator BYRD indicated several days ago he wanted to give which will take more time, approximately 22 minutes.

I say to my friend, the distinguished President pro tempore, who is in the Chamber now, I know the Senator has been involved in other matters this morning. Is it possible for the Senator to speak at a subsequent time or does the Senator wish to speak now?

Mr. BYRD. Madam President, my problem is as follows: The chairman of the Budget Committee, Mr. CONRAD, has told the members of the Budget Committee that we have a long way to go, with many amendments to vote on and to discuss. He intends to finish work on the budget today. That means I have a very limited opportunity to speak. I have two speeches, as a matter of fact, one very short, quite short, and the other one perhaps 25 minutes.

Mr. REID. I am wondering, if I can interrupt and I apologize, will the other Senators allow Senator BYRD to speak—there is no permission needed, I assume.

Mr. ROBERTS. If the distinguished Senator will yield, I have spoken with Senator BYRD, and I will always yield to his request, but I thought we had an understanding that I could precede him for 10 minutes. It will not take too long.

I thought we had an understanding. I know with this new schedule perhaps that is not the case. I leave that up to his judgment.

Mr. BYRD. The distinguished Senator did speak with me at the close of the vote, and I told the Senator I would be very happy and willing for him to precede me. I thought while I went down on the next floor to my office to get my speech that the distinguished Senator would be proceeding and hopefully finished by the time I got back to the Chamber.

Mr. REID. I say to my friend from West Virginia, what the Senator said is valid. We closed the vote after 33 minutes which, of course, if we closed the vote earlier when we should have, this would have been completed.

Mr. BYRD. I did tell the Senator he could speak, he could go ahead of me.

Mr. REID. Can Senator MILLER wait until Senator BYRD finishes his remarks?

Mr. MILLER. Madam President, certainly I will wait.

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

Mr. REID. Madam President, I ask unanimous consent that the Senator from Kansas be recognized for 12 minutes, Senator BYRD be recognized thereafter, and the Senator from Georgia be recognized after Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank Senator BYRD, the institutional protector and flame of the Senate, for allowing me to precede him.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2040 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I begin my remarks today by quoting from George Bernard Shaw's ''Man and Superman,'' ''If history repeats itself, and the unexpected always happens, how incapable Man must be of learning from experience!''

I have been concerned about the issue of energy security for many years now. It was in 1992 that the Congress last passed major energy legislation. Now, for the first time in a decade, events have converged to make possible substantive progress on a national energy policy. But the question remains as to whether or not real progress will be made.

The energy crisis of the 1970s should have been a wake-up call. I argued then and throughout the 1980s and 1990s that it was time to get moving to address our long-term energy problems. Each episode of short supply and higher prices spurred renewed talk about our Nation's lack of an energy policy. But, each time, supplies stabilized, prices dropped, and nothing materialized from all that talk. Will we again let that opportunity slip away?

We have heard much in the previous weeks about electricity, oil and gas supplies, energy efficiency, energy tax incentives, and fuel economy standards. This is typically how we talk about energy. Yet, energy is about much more than that. Energy is about how we live our lives—today and into the future. It is about how we travel to work, how we brew our morning coffee, how the lights come on in this Chamber and permit us to read. It is about the coal-fired electricity that lights this whole Capitol, but it is also about what we can accomplish on the Senate Floor because we have this gift of light. God, in creating the world, said: Let there be light. Too often, though, we take for granted the benefits these lights bring.

Now when we consider energy security, we must think about fuel diversity. We need a diversity of energy resources to make our nation work. Actually, it is much like the Members of the Senate. It takes a variety of Senators, with all of their views and contributions coming from all the sections of the country, from the north, south, east, west, to make this body work. I, myself, am from coal country, C-O-A-L. One may laugh at that suggestion, but it is true. I am coal, C-O-A-L. I have been around the Congress for 50 years, which is a very long time when man's lifetime is considered. I was pulled from the hard scrabble mountains of West Virginia to serve this country. In the end, I hope that if I am pressed enough, testing my spirit and worth, the good Lord might realize that this ole piece of coal and carbon might actually be a diamond in the rough. Each Member of this body represents his or her own constituents' particular interests and energy needs. We come at this from different viewpoints, but, working together, we can mold a strong, comprehensive energy package that will provide long-term energy security.

The events of the last year demonstrate that true national security, economic growth, job protection, and environmental improvements over the long term depend upon a balanced energy plan. The United States must have a comprehensive energy policy that promotes energy conservation and efficiency and the greater use of domestic energy resources, while it ensures the development and deployment of advanced energy technologies and also improves our energy infrastructure. That is a pretty tall order. But all of those components are necessary if we are to reduce our Nation's dependence on foreign energy resources.

As energy debates have ebbed and flowed over the years, so have the public's and media's concerns. These cycles in energy markets—these momentary feasts and sporadic famines—have occurred and will continue to occur in the future. Too often, though, these crises have provoked controversial, knee-jerk solutions that do little to solve what is fundamentally a long-term problem.

For example, in response to the spike in gasoline prices not so many months ago, then-Energy Secretary Bill Richardson jetted off hat-in-hand to the Middle East pleading with Arab nations to increase crude oil production, which would supposedly lower gas prices at home. I also recall several ''snake-oil, miracle cures'' being debated on the Senate Floor, such as a federal gas tax ''holiday'' intended to temporarily reduce prices at the pump—a measure that a sensible majority in the Senate voted against.

Such short-term energy crises are brought on by many different catalysts, but they are all based on the same fundamental problem. What we see in the fluctuation of energy prices is a textbook study of how supply and demand can affect the energy markets. Unfortunately, our typical response to an energy crisis is to find a quick-fix solution—one that is designed to cut off the immediate spike, but does nothing to affect the underlying problems.

A number of challenges lie ahead. Our dependence on foreign oil increases every day. Because our domestic production peaked in the early 1970s and our consumption has not diminished since the early 1980s, we grow ever more dependent. This gap is due, in large part, to our dependence on oil for our rapidly expanding transportation sector.

On a positive note, the U.S. is less dependent on foreign oil than many other industrialized nations. However, it is also true that we are reliant on foreign producers for more than 50 percent of our oil supply today compared to less than 40 percent in the mid-1970s. Fortunately, we rely on a more diverse choice of foreign nations, and we are less dependent on Middle Eastern nations, for that growing share of our petroleum imports than twenty-five years ago.

A central question that we have to ask is what primary goal we are striving to achieve through this legislation. How do we balance our growing demand for new energy resources while increasing our need to do so in cleaner, more efficient ways? Will increased domestic oil production reduce our dependence on foreign oil? And, if that is the case, when and how should that occur? Looking to the future, I hope that our mounting dependence on foreign oil would serve as a wake-up call for other energy resources. Unless we can find a way to increase our natural gas supplies over the long term, we will also be increasingly dependent on foreign producers for our growing natural gas demands.

Further, we must understand that there are actually two major energy systems functioning in the U.S. with comparatively little influence on each other. Our transportation system is run almost entirely on oil-based resources. The second system provides power to warm our homes, light our businesses, light our Senate Chamber, run our computers, and cook our

meals. It is supplied largely by domestic industries and resources that are in the midst of an historic and difficult transition. The limited overlap between these two energy systems can be simply illustrated. The electric power industry gets 2 percent of its energy from oil—the rest comes from coal, nuclear, natural gas, hydroelectric, as well as other renewable sources. Conversely, 97 percent of the energy use in our transportation sector comes from what? Oil. We must intelligently address the needs of these two energy systems simultaneously in order to provide a comprehensive solution to our energy needs.

Furthermore, if we are to craft a workable energy policy, we must recognize the degree to which it will rely on state and local decisions. Many energy experts agree that the country will need more power plants, more refineries, new refineries, and additional pipelines, but local citizens' groups often do not want these potentially unsightly, but crucial, facilities in their communities. Therefore, a national energy policy must enable government at all levels to work with citizens' groups and private sector interests to better coordinate a cohesive roadmap for the production, transportation, and use of energy. By working to fill energy gaps and avoiding jurisdictional conflicts, while improving a diversity of energy resources, authorities at all levels can promote regulatory certainty, stabilize long-term investments, and promote environmental protection all at the same time.

Over the years, our awareness has grown about the complexity of constructing a balanced energy policy that will not undermine other competing and equally legitimate policy goals. How do we reduce gasoline consumption, when raising its price to achieve a meaningful reduction in demand could be seen as economically disruptive and politically suicidal? How do we encourage the use of alternative fuels and technologies that heighten our energy efficiency, when OPEC nations can simply adjust oil prices to keep conventional sources cheaper than their alternative substitutes? How can we boost domestic energy supplies while protecting the environment?

Furthermore, with the severe budget restrictions we now face, we must examine questions about how the government can afford to meet our nation's future energy commitments. The projected return to deficit budgeting, the recession, and the demands for increased homeland security and for supporting our military abroad, have placed enormous long-term pressures on the entire budget and appropriations process this year, and for as far as the eye can see. Will a long-term energy strategy also be a victim of budgetary constraints? That is a serious question.

I hope not, because the Energy Information Administration estimates that, by 2020, the total U.S. energy consumption is forecast to increase by 32 percent—including petroleum by 33 percent, natural gas by 62 percent, electricity by 45 percent, renewable fuels by 26 percent, and coal by 22 percent. Because our energy needs are expected to grow so quickly, we need to develop and use a diverse mix of energy resources, especially coal, in more economically and environmentally sound ways.

There are those who would like to push coal aside like stove wood and horse power as novelties from a bygone era. But we cannot ignore coal as part of the solution. Over the past several years, I have been diligently assembling a comprehensive legislative package that will promote the near- and long-term viability of coal both at home and abroad. The Senate energy bill provides the opportunity to achieve that goal. Provisions contained in the Senate energy bill extend the authorization for the research and development program for fossil fuels from $485 million in Fiscal Year 2003 to $558 million in FY 2006. Additionally, the bill contains a $2 billion, 10-year clean coal technology demonstration program.

It is undeniable that our quality of life and economic well-being are tied to energy, and, in particular, electricity. Coal is inextricably tied to our nation's electricity supply. Today, coal-fired power plants represent more than 50 percent of electric generation in the United States, and 90 percent of coal produced is used in electricity generation. Coal has become even more important in recent years as a basic necessity for high-technology industries that need this domestic resource for computers and cutting-edge equipment that require a reliable, cost-effective supply of electricity. Coal is America's most abundant, most accessible natural energy resource, but, again, we must find ways to use it in a cleaner, more efficient manner.

The importance of clean coal technologies and the development of future advanced coal combustion and emission control technologies can assure the attainment of these goals. The overall emissions from U.S. coal-fired facilities have been reduced significantly since 1970, even while the quantity of electricity produced from coal has almost tripled. At the same time, the cost of electricity from coal is less than one half the cost of electricity generated from other fossil fuels.

To ensure that coal-fired power plants will help us to meet our energy and environmental goals, the Clean Coal Technology Program and other Department of Energy—DOE—fossil energy research and development programs must develop most efficient, cleaner coal-use technologies. This, in turn, will contribute greatly to the U.S. economy and to reduction in pollution and greenhouse gas emissions.

The DOE fossil energy research and development programs have created a cleaner environment, promoted the creation of new jobs, and improved the competitive position of U.S. companies. The DOE coal-based research program is estimated to provide over $100 billion—$100 billion—in benefits to the U.S. economy through 2020. In addition, the Clean Coal Technology Program has been one of the most successful government/industry research and development partnerships ever implemented. By law, the Federal share of this very successful program cannot exceed 50 percent. But, over the past 15 years, $1.9 billion in Federal spending has been matched by more than $3.7 billion from the private sector; a 2:1 ratio that far exceeds the 1:1 ratio set by law.

The successes of a range of U.S. clean energy technologies are valuable within our own borders. But, by opening new markets and exporting these technologies, we can reap their benefits many times over. This is a tremendous opportunity that cannot be ignored because the clean energy policies and technologies adopted today will have a profound influence on the global economic and energy system for decades to come. The United States should market our clean energy technologies, especially clean coal technologies, to developing nations, like China, India, South Africa, and Mexico, to help them meet their economic and energy needs. Just over a year ago, I initiated the Clean Energy Technology Exports Program, an effort to open and expand international energy markets and increase U.S. clean energy technology exports to countries around the world. This commonsense approach can simultaneously improve economic security and provide job opportunities at home, while assisting other countries with much-needed energy technologies and infrastructure. Furthermore, such technologies can enable these countries to build their economies in more environmentally friendly ways, thus helping to advance the global effort to address climate change.

Climate change and energy policy are two sides of the same coin. Because the vast majority of manmade greenhouse gas emissions are associated with energy use, it is here, in an energy bill, that we need to deal with the long-term challenges associated with global climate change. We need a climate change strategy and we need a climate change strategy badly. We need a climate change strategy that will not just pick at this complex problem by putting in place strategies that will apply in the next 5 or 10 years. We need a comprehensive climate change strategy also that looks 20, 50, and 100 years into the future.

Look at the kind of winter we have had. Look at the kind of winter we have had here in Washington: One snow, 3 inches. Look at the drought that has come upon this area of the country during the winter season. What can we expect for the spring and

summer season? What is going to happen to our crops, our livestock, our economy? This is serious.

I have lived a long time—84 years. Something is going on out there. I don't need a scientist to tell me that. With the differences in the winters, the differences in the summers, in the temperatures, in the water level, there is something happening, and we had better be aware of it. We had better do something about it.

I sincerely hope that we will be able to work together in a bipartisan way and not put off addressing these challenging questions on another generation, but we must begin that effort now.

In June 2001, I introduced with Senator STEVENS bipartisan climate change legislation. Our bill received unanimous support in the Government Affairs Committee last year. Our proposal is based on scientifically, technically, and economically sound principles and would put into place a comprehensive, national climate change strategy, including a renewed national commitment to develop the next generation of innovative energy technologies. Senator STEVENS and I believe this is right policy framework, and I hope that my colleagues will not allow this commonsense approach to be undermined or stricken from this bill.

Senator STEVENS and I are aware that there may be an effort to strike this from the bill. But Senator STEVENS and I will stand as one man, as one individual, against any such effort.

I am glad to say that the Byrd/Stevens legislation is included in this energy package, as I have already indicated, for it will provide for the long-term viability of coal as an energy resource.

We must seize this opportunity to learn from past experiences. President Carter spoke to the nation in 1977 about the energy crisis of that era. He said that:

> Our decisions about energy will test the character of the American people and the ability of the President and the Congress to govern this nation. This difficult effort will be the 'moral equivalent of war,' except that we will be uniting our efforts to build and not to destroy.

Those are the words of former President Carter. At that time, energy was a household concern. Lines, long lines at gas stations were a common scene. Everybody remembers that—anybody who was living at that time. We were building a national resolve to craft a comprehensive national energy policy. But the gas lines went away, and so did the sense of urgency about energy.

During my tenure in the United States Senate, I have witnessed the ebb and flow in energy concerns as energy prices rise and fall. I fear that, as a nation, while our energy supplies are plentiful and prices are low, we may have sunk back into somnolence—somnolence—asleep at the wheel. If the United States is going to remain a global economic power, we have to tackle these energy issues. If there was ever a time to come together and craft an intelligent, responsible, bipartisan, long-term energy policy, it is now.

Mr. President, I thank the distinguished Senator from Georgia for his courtesy and his kindness to me and for allowing me to precede him so I could make this speech and then go back to the Budget Committee where we are having votes and where I should be attending right away. I thank him, and I join with him. I know what he is going to say and what he is going to speak about. I shall have something to say about that matter later. I thank him.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent that upon the completion of the remarks of Senator MILLER and Senator COLLINS I be allowed to speak. I will be offering a consensus amendment at that time which has been agreed to by both sides.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Under the previous order, the Senator from Georgia is recognized.

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

Mr. MILLER. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3041 TO AMENDMENT NO. 2917

(Purpose: To provide additional flexibility to covered fleets and persons under title V of the Energy Policy Act of 1992)

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Oregon [Mr. WYDEN], for himself, Mr. Murkowski, Mr. BENNETT, and Mr. SMITH of Oregon, proposes an amendment numbered 3041 to amendment No. 2917.

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

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

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

Mr. WYDEN. Mr. President, the Energy Policy Act that the Senate has been debating contains a number of strategies to reduce America's dependence on foreign oil and to improve the environment, but it does omit a key technology that can help this country achieve these critically important goals.

That technology is the hybrid electric vehicle. The Senate has heard a lot about hybrids over the last few weeks, and, last week saw a poster of a red SUV—a hybrid vehicle that Ford is developing. Hybrids are coming of age. Anyone who has questions about their benefits can ask our colleague, Senator BENNETT from Utah, who does in fact, drive a hybrid vehicle.

These vehicles can achieve fuel efficiencies that are more than twice the current CAFE standard. Their greenhouse gas emissions are only one-third to one-half of those from conventional vehicles; and for other pollutants, such as nitrogen oxides, they can meet the country's highest emission standards, those set by the State of California.

The overall energy efficiency of hybrid vehicles is more than double of any available alternative fuel vehicle. But the result of this country's current energy policy is that vehicles rated at even 70 miles per gallon are disqualified as counting toward energy efficiency fleet requirements just because they do not use alternative fuels. But, clearly, they more than fulfill the spirit of a modern energy policy that moves this country towards the critical goal of energy independence.

When it comes to alternative fuel, the Energy Policy Act of 1992 is all windup and no pitch. It requires fleet administrators to buy alternative fuel vehicles, but it does not require them to use alternative fuels. In many States, even the best-intentioned fleet administrators have real trouble finding enough alternative fuel. That certainly has been true in my home State of Oregon.

Out of 178,000 fuel stations across the country, only 200 now provide alternative fuel. That is less than one-tenth of 1 percent of our filling stations. The result is, many alternative fuel vehicles are being operated with gasoline, which completely undermines this country's goal of reducing the use of petroleum.

The energy bill before us, wisely, will close that loophole by requiring alternative fuel vehicles to actually use alternative fuels. If passed, by September of next year, 2003, only 50 percent of the fuel that fleets use in their alternative fuel vehicles could be gasoline.

Though the Nation's alternative fuel infrastructure is expanding, the question still remains: What about those States that still lack enough stations where fuel can be purchased? Are they supposed to just let those vehicles sit unused in their parking lots?

The amendment I offer today, with Senator MURKOWSKI, Senator BENNETT, and my colleague from Oregon, Senator SMITH, will provide fleet administrators with the flexibility to choose between alternative fuel vehicles and hybrid vehicles. Like the Energy Tax Incentives Act reported by the Finance Committee, it contains a sliding scale that allows partial credit for hybrid vehicles based on how good their fuel economy is and how much power they have.

For instance, if a hybrid car or light truck averages 2½ times the fuel economy of a similar vehicle in its weight class, it could earn credit worth up to 50 percent of the purchase of an alternative fuel vehicle. Then, based on how much power it has available, it could earn additional credit. So significant credit would only be given to the best performers.

To illustrate what this means, for a hybrid vehicle to get one-half the credit of a 3,500-pound alternative fuel vehicle that averages 21 miles per gallon in the city, that hybrid would have to average over 53 miles per gallon. It is clear what a huge reduction in petroleum use this proposal could mean.

The amendment is supported by a broad range of interests, including the National Association of Fleet Administrators, the National Association of State Energy Officers, Toyota Motor of North America, and the National Rural Electric Cooperatives Association.

I thank my colleagues, particularly Senator MURKOWSKI, Senator BENNETT, and Senator SMITH of Oregon, for all of their efforts in working with me to fashion this bipartisan legislation.

I also thank Chairman BINGAMAN, who has been very helpful with respect to this issue. He is a strong advocate of hybrids.

Mr. President, I ask unanimous consent that the amendment be set aside and that the Senate return to it later in the day.

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

Who seeks time?

The Senator from Oregon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for a few minutes.

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

Mr. MURKOWSKI. Mr. President, I gather there is some concern expressed by the majority leader about the pace at which we are proceeding on the energy bill. This often happens in the process of a complex piece of legislation, particularly a piece of legislation that has not gone through the committee process as a consequence of the decision of the majority leader. This has taken a while. We are not through by any means. We still have some contentious issues to address, such as global warming, ANWR, the tax proposal, which is going to take some time.

I want to see this bill passed. It is my intention to keep working with Senator BINGAMAN toward the passage of a comprehensive energy bill. It was with the intention that, by amendment, we would try to craft a bill that would be worthy of the Senate's deliberations. There is no question that, obviously, we were expected to deliver a bill. The reality that the House has done its job and passed H.R. 4 puts the responsibility on the Senate.

The President has outlined energy as one of his priorities, encouraging that we pass comprehensive energy legislation. So the obligation clearly is ours. This afternoon, I gather we are going to go back on judges for an undetermined timeframe. At the conclusion of that, I hope we can again go back to some of the outstanding amendments we have before us on the energy bill.

I also point out to those who suggest we are holding up this bill that we spent a good deal of time off the bill on campaign finance. I am not being critical of that. It is just a reality that the majority leader chose to take us off to complete that particular issue, which has been around for so long.

I want to make the record clear. We have an ethanol amendment, the Feinstein amendment is resolved, and there may be some more amendments coming yet this afternoon. We are working with Senator BINGAMAN and the majority whip, Senator REID, to try to conclude a list of amendments. Our list is about 2½ pages long, I would guess, with around 60 amendments listed. Realistically, there are probably not more than 10 that we are going to have to deal with on that list. I know Senator BINGAMAN and the Democrats are working toward an effort to identify their amendments as well.

I hope that as soon as we get off the judges, we can go back and proceed to move amendments yet today and on into the evening. I have no idea what the schedule is tomorrow, but perhaps the majority whip can enlighten me. I wanted to make it clear from our point of view as to what to anticipate and what we have ahead of us.

Mr. REID. If the Senator from Alaska will yield, I will respond.

Mr. MURKOWSKI. I am happy to yield.

Mr. REID. The matter with the judges will be resolved by 3 o'clock this afternoon. We will take that up in 10 minutes. After that, we will go into whatever amendments the distinguished Republican leader of this bill wants to move. We hope his number of about 10 serious amendments is more accurate than 60. We know that when there is a finite list, a lot of people file relevants and they are not really serious about offering them. Having spoken to the majority leader and Senator BINGAMAN today, we really want to get a finite list of amendments we can put our fingers on, in the hopes of completing this legislation.

If there are 10 amendments dealing with serious subjects, that is doable. If we get 25, 30 amendments, there are some who would recommend to the leader to file cloture and maybe go to something else. I hope that is not necessary. We have spent a lot of time on this bill. It is worthy of time.

There is nothing we can do that is more serious than working on the energy policy of this country. We know the Senator has the ANWR amendment, which has created so much interest, and we hope to get to that soon.

In short, we want to finish this bill as badly as the Senator from Alaska. We hope by this afternoon we can have some light at the end of the tunnel to do that.

Mr. MURKOWSKI. Will the majority whip yield? Is there any indication what we might anticipate tomorrow? Is it too early to make that decision?

Mr. REID. If we have reason to be here, the leader has not said we will have no votes. There could be votes. It is the day before the recess. If we have things we can do and it will lead to our completing this bill when we get back, I am sure the leader will want to work tomorrow.

Mr. MURKOWSKI. I do not want to misunderstand my good friend. Did he indicate there has been a decision there will be no votes tomorrow?

Mr. REID. The leader has said just the opposite; there will be votes. We want to have votes on substantive matters. We do not want to, on the day before the recess, have make-do votes. We are going to have something that is meaningful. With the subject matter that was briefly outlined by the Senator from Alaska, those are very serious matters, and I hope we can be working on some of them tonight and tomorrow.

Mr. MURKOWSKI. I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the previous order be delayed and that I be permitted to speak for up to 15 minutes as in morning business.

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

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2042 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENTS NOS. 3033 AND 3040

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. There are 3 hours of debate to be evenly divided on two amendments dealing with judicial nominations.

Mr. LEAHY. Madam President, earlier this week when the Senate was considering confirming the 42nd judge since the shift in majority last summer, I came to tell the Senate of the progress we have made filling judicial vacancies in the past 9 months. The pace of consideration and confirmation of judicial nominees in the last 9 months exceeds what we used to see in the preceding 6½ years. During that 6½ years under Republican control, vacancies grew from 63 to 105 and were rising to 111. I lay this out so people understand what is happening.

Since July, we have made bipartisan progress. This chart shows the trend lines. During the Republican majority, the vacancies were going up to 111; in the short time the Democrats have been in the majority, those vacancies have been cut down.

The Democrats have controlled the majority in the Senate Judiciary Committee for 9 months. What did we do during that 9 months? We have confirmed more judges—42, all nominated by President Bush. In those 9 months, we confirmed more judges than the Republicans did for President Clinton in the 12 months of the year 2000. We confirmed more judges in those 9 months than the Republicans did during the 12 months of 1999. In those 9 months, we confirmed more judges for President Bush than the Republicans did for President Clinton during the 12 months of 1997. During those 9 months, we confirmed more judges for President Bush than the Republicans did for the 12 months of 1996.

We can compare our 9 months, and we have not finished a full year of being in the majority. In 9 months, we confirmed more judges for President Bush than the Republicans were willing to confirm for President Clinton in 12 months in the years 2000, 1999, 1997, and 1996.

Under Democratic leadership, the Senate has filled longstanding vacancies on the courts of appeal. We exceeded the rate of attrition. In less than 9 months, the Senate has confirmed seven judges to the courts of appeals. We have held hearings on three others. We have drastically shortened the average time, by approximately a third, for confirmation of circuit court nominees compared to the Senate under Republican control between 1995 and 2001. And we are committed to holding more hearings on those where we received blue slips and have consensus nominees. Comparing what the Republicans did during 1999 and 2000, they refused to even hold hearings or vote on more than half of President Clinton's court of appeals nominees.

I mention this because I have always said let's get these people up, have a hearing, and let the committee vote. In the last 6 years, dozens upon dozens of President Clinton's nominees were never even given a vote in the committee. I have tried to reverse that.

Between 1995 and when the Democrats took over the majority, vacancies on the courts of appeal rose to a total of almost 250 percent higher than before. When we finally took over, we were faced with 32 vacancies on the courts of appeal. In spite of this, the Democratic majority has kept up with the rate of attrition by confirming seven judges to the circuit courts in only 9 months and holding more hearings on three more. Particularly, we have been working to improve conditions in the Fifth, Tenth, and Eighth sitting.

During the last 9 months, the Judiciary Committee has restored steady progress to the judicial confirmation process. The Senate Judiciary Committee is doing what it has not done for the 6 years before. We are holding regular hearings on judicial nominees. We are giving nominees a vote in committee, in contrast to the practice of anonymous holds and other tactics employed by some during the period of Republican control. In less than 9 months, the Senate Judiciary Committee has held 15 hearings involving judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. Already, 48 judicial nominees have participated in those hearings.

In contrast, one-sixth of President Clinton's judicial nominees, more than 50, never got a committee hearing nor a committee vote from the Republican majority. This is one of the reasons why there were so many vacancies when President Bush took office.

No hearings were held before June 29, 2001, by the Senate Judiciary Committee, even though they were in control. No judges were confirmed by the Senate from among the nominees received by the Senate on January 3, 2001, or further nominees received from President Bush in May.

This is the background for the sense-of-the-Senate amendment that will be offered by Majority Leader DASCHLE which would confirm that the committee should continue to hold confirmation hearings for judicial nominees as expeditiously as possible. That is true for all judicial nominees, including those first received on May 9 of 2001.

The language offered by Senator DASCHLE also recognizes that with barely 4 weeks in session before May 9, 2002, calling for confirmation hearings on eight controversial courts of appeals nominees is a call that is unheard of. It was certainly never approached during the past 6 years. I would suspect that my friends on the Republican side are most afraid of one thing: They hope the Democratic majority would never do to them and a Republican President what they did as a Republican majority to a Democratic President.

I can assure them as long as I am chairman we will not do to them what they did to us. I am not going to do that. It hurts the independence of the judiciary, and I am not going to do that.

I remember a whole session, in 1996, in which the Republican majority did not confirm a single judge to the courts of appeals; another in which the committee reported only three courts of appeals nominees all year. But we are not going to go back to those days. We are going to do a lot better. But you cannot call for hearings on eight courts of appeals nominees in 4 weeks. That would be asking the current committee to do in 1 month what the committee under Republican leadership did not do for months, in fact sometimes for years.

It is disingenuous to compare the last 9 months with the Senate majority and President of different parties to years when the majority party and the President were the same. A fairer comparison might be with the first 9 months of the 104th Congress, where the parties of the President and the Senate majority were different. That comparison shows we made more progress, held more hearings, confirmed more judges, including courts of appeals judges, than when the party roles were reversed in 1995.

In 1995, we had a Democratic President and a Republican majority. Take their 9 months. They had nine hearings in 9 months with a Democratic majority and Republican President. We actually had 15. I will correct this—15, because we had one Tuesday. In their 9 months, they had 36 confirmations; we have had 42. So we have made more progress, held more hearings, confirmed more judges than when the party roles were reversed in 1995. Actually, 1995 was when the Republicans had one of its most productive years on judges.

In a comparison made between the beginning of the second session of the 104th Congress when the President was a Democrat and the Senate majority was Republican, with the beginning of this, when roles were reversed, that fair comparison shows that we have already confirmed 14 judges this session, including 1 to the court of appeals, while the Republican Senate ended up confirming only 17 judges all year—none to the courts of appeals.

When we finish this first year in the majority, I can assure the Senate our record will be better than the years we saw with the Republicans, by any kind of standard at all. Look at the first 3 months of the session. We have been confirming—we confirmed 14 judges.

In March 1995, in their first 3 months, when they were in charge with a Democratic President and Republican majority, they confirmed 9; by March of 1996 when they were in charge, they confirmed zero; by March of 1997 when they were in charge they confirmed 2; by March of 1998 they hit their zenith, they confirmed 12. They made up for it the next year, March of 1999, they confirmed zero. By March of 2000, they confirmed 7; by March of 2001 they confirmed zero. By March of this year, we confirmed 14.

Madam President, I see the distinguished ranking member of the Judiciary Committee on the floor, so I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. For the information of the Senate, the clerk will report by number the amendments currently under consideration.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3033.

The Senator from Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 3040.

The amendment is as follows:

AMENDMENT NO. 3040

At the appropriate place, add the following:

**SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.**

That it is the sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee should along with its other legislative and oversight responsibilities, continue to hold regular hearings on judicial nominees and should, in accordance with the precedents and practices of the Committee, schedule hearings on the nominees submitted by the President on May 9, 2001, and resubmitted on September 5, 2001, expeditiously.

Mr. HATCH. Madam President, here we go again: statistics judo being used on the floor of the Senate courtesy of the Judiciary Committee.

I am going to always address these statistics with the facts. The bottom line is the facts speak for themselves. We have an unprecedented and shocking 31 vacancies on the Federal circuit courts of appeals in this country. That is not progress.

Last Thursday, Senator LOTT introduced a resolution calling for the Judiciary Committee to hold hearings on each of the circuit court judges nominated by President Bush on May 9 of last year.

We are coming up on the 1-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received well-qualified or qualified ratings from the American Bar Association, which some of my Democratic colleagues have described as the gold standard in evaluating judicial nominees.

Why is it so problematic that none of these 8 nominees have received a hearing or vote? It is no secret that there is a vacancy crisis in the Federal circuit courts, and that we are making no progress in addressing it.

Let's take a look at some numbers. A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office.

When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress—it represents stagnation.

In contrast, at the end of 1995, which was Republicans' first year of control of the Judiciary Committee during the Clinton administration, there were only 13 circuit vacancies.

In fact, during President Clinton's first term, circuit court vacancies never exceeded 20 at the end of any year—including 1996, a Presidential election year, when the pace of confirmations has traditionally slowed.

Moreover, there were only two circuit nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit nominees were left hanging in committee at the end of last year.

In light of the vacancy crisis, we cannot afford to let only 10 Senators defeat a circuit nominee. This is a question of process, not of seeking favorable treatment.

For all these reasons, it is imperative to support Senator LOTT's resolution to get hearings and votes for our longest pending circuit nominees. Given the vacancy crisis in our circuit courts, I can't imagine anyone voting against it. I must respond to some of the comments that my colleagues across the aisle have made about the pace of judicial confirmations. These comments have included a gross distortion of my record as chairman of the Judiciary Committee during six years of the Clinton administration. Although we have all heard enough of the numbers, I will not hesitate to defend my record when it is unjustly attacked, as it has been over the past week and I think here today.

I believe that the source of many, if not all, of these attacks stems from the defensive posture that many of Democratic colleagues have taken since 10 members of the Judiciary Committee refused to send the nomination of Judge Charles Pickering to the floor for a vote by the full Senate. Some of these colleagues have defended what they call the Senate's fair treatment of judicial nominees in general and Judge Pickering in specific. But the fact of the matter is that the Senate never got the opportunity to vote on Judge Pickering's nomination. The reality is that the 10 Democratic members of the Judiciary Committee determined for the rest of the Senate the fate of Judge Pickering's nomination.

We all know that had it been brought to the Senate he would have gone through with flying colors.

This is despite the fact—or perhaps because of the fact—that had Judge Pickering's nomination been considered by the full Senate, he very likely would have been confirmed, and I think with flying colors.

The committee's treatment of Judge Pickering is problematic for several reasons.

First, during the 6 years that Republicans controlled the Senate during the Clinton administration, not once was one of his judicial nominations killed by a committee vote. The sole Clinton nominee who was defeated nevertheless received a floor vote by the full Senate. Judge Pickering was denied that opportunity. Some of my Democratic colleagues have said that their treatment of Judge Pickering was not payback. In one sense, they are right. If they were interested in treating President Bush's nominees as well as the Republicans treated President Clinton's nominees, the they would have sent Judge Pickering's nomination to the floor for a vote by the full Senate.

Second, the actions of the Democratic members of the committee were clearly orchestrated by liberal special interest groups that have been doing it for years whenever there is a Republican President. It is no coincidence that these groups asked the committee to demand Judge Pickering's unpublished opinions, then—surprise!—the committee announces that it will compel Judge Pickering to produce all of his unpublished opinions.

For judges to go back and go through all their unpublished opinions, if they have been on the bench for very long, is extraordinary.

I do not recall another nominee who has been subjected to a production demand of such scope—except, of course, for Judge D. Brooks Smith, another Bush nominee whom the groups have targeted.

Let me read the text of the letter to Judge Smith. It simply say,

Copies of your unpublished opinions, not previously produced to the committee, have been requested by Members. Please contact our nominations clerk . . . to arrange transmission of the materials. Thank you for your assistance in this matter.

That is it. There is no explanation for why the committee is demanding these unpublished opinions, and there was no consultation with the Republicans about taking the drastic step of demanding these opinions. This letter, incidentally, was sent to Judge Smith after his confirmation hearing, just as with Judge Pickering. There is nothing fair about subjecting nominees to fishing expeditions simply because the liberal special interest groups do not like them. The committee's treatment of Judge Pickering's nomination was not an example of the committee doing its job, as one of my colleagues described it last week. Instead, it is an example of special interest groups pulling strings. I am deeply concerned about what this means for the fairness with which future judicial nominees will be treated—especially any Supreme Court justice that President Bush may have the opportunity to nominate.

Some of my Democratic colleagues have tried to minimize the effect of their party-line committee vote to defeat Judge Pickering's nomination by declaring that, last year, they held the first confirmation hearing on a fifth circuit judge since 1994. While this is technically true, there is an important fact they leave out: From 1994 to 1997 during the Clinton administration—get this—no fifth circuit nominees were

pending for the committee to act on. President Clinton did not nominate another fifth circuit judge until 1997, and that nominee did not have home State support due to lack of consultation from the White House.

And that was the problem. He was not renominated after the end of the 105th Congress. The next fifth circuit judge was not nominated until 1999.

So to say from 1999 they haven't had any work on that fifth circuit just shows the type of sophistry that is used. This one fifth circuit judge who was nominated in 1999, too, lacked home State support due to lack of consultation from the White House.

Finally a third Fifth Circuit nominee was nominated in 1999. So, in reality, only one of President Clinton's Fifth Circuit nominees after 1999 could have possibly moved, and I should say that nominee was not nominated until the seventh year of the Clinton presidency.

Now, let's compare this record to the present Bush administration. The Democrats have already killed one of President Bush's Fifth Circuit nominees, Judge Pickering, who enjoys the strong support of both of his home State senators. If they are being guided by precedent, then my Democratic colleagues have no excuses for refusing to move every other Fifth Circuit Bush nominee who has home State support. One such nominee, Justice Priscilla Owen of Texas, has been pending in committee for over 300 days now without so much as a hearing which brings me to another point.

My Democratic colleagues have argued at length about how fairly they are treating President Bush's judicial nominees, especially his circuit nominees. In fact, last week one of my colleagues said on the floor, ''We are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up or down vote.'' This colleague must have forgotten about the eight circuit judges whom President Bush nominated on May 9 of last year and who have been languishing in committee without so much as a hearing for over 300 days. With one exception, the paperwork on all of these nominees has been complete for months. Each of these nominees has received a rating of well-qualified—the highest rating the ABA can give—or qualified from the ABA, which my Democratic colleagues have referred to as the gold standard in evaluating judicial nominees.

The rest of President Bush's circuit nominees have fared just as poorly.

As this chart shows, only 9 percent of his circuit nominees awaiting a committee vote have had a hearing thus far. Nine percent are languishing in the committee—for over 300 days. This means that 91 percent of his circuit nominees, including 8 of his first 11 circuit judges nominated on May 9, have been languishing in committee for no reason, but that the liberal interest groups don't want them to move. These are outside groups.

The failure of the committee to act on these circuit nominees is particularly disturbing in light of the vacancy crisis in the circuit courts.

As this chart illustrates, the number of vacancies in the circuit courts is dramatically higher than it has been during the first 2 years of the most recent Presidential administrations. At the end of the first 2 years of the Herbert Walker Bush administration, there were only 7 circuit court vacancies. At the end of the first 2 years of the first term of the Clinton administration, there were only 15 circuit vacancies. At the end of the first 2 years of the second term of the Clinton administration, there were only 14 vacancies.

Incidentally, I chaired the Judiciary Committee during this time, and there were fewer vacancies than there were when Democrats controlled the Senate during the first 2 years of the first time of the Clinton administration when the Democrats controlled the committee.

Now, let's look at the present administration. There are currently 31 vacancies in the circuit court of appeals. Is is a disaster. This is the same exact number of vacancies in the circuit courts that existed when the Democrats took control of the Senate on June 5 of last year.

This does not represent progress. This does not represent fairness. This does not show a good job being done by the Judiciary Committee. It represents stagnation. It is for this reason that I find it more than a little hard to swallow my colleagues' arguments that their pace of judicial confirmations is keeping up with the vacancy rate. The numbers simply tell another story.

We are making absolutely no progress in addressing the vacancy crisis in the Federal judiciary. Even if you look beyond the circuit courts to the full judiciary—and we will just put these numbers up here as shown on the chart—these numbers are not much better.

The end-of-session vacancies during the first 2 years of Republican control of the Senate during the Clinton administration never exceeded the vacancies we now face. At the end of 1995—my first year of chairing the committee—there were 50 vacancies in the Federal judiciary. Only 13 of these vacancies were in the circuit courts—only 13.

At the end of 1996—my second year of chairing the committee—there were 63 vacancies in the Federal judiciary.

I might mention, when Senator BIDEN led the Democrats and chaired the committee—and I thought he did a great job—when he chaired the committee, in the same period, at the end of 1992, there were 97 vacancies. But there were only 63 vacancies at the end of my second year. Only 18 of those were in the circuit courts. Now, that was too many, I admit, but it is certainly not 31 as we have today.

But at the end of last session, there were 94 vacancies in the Federal judiciary. Now, admittedly, the Democrats did not have a full year to take care of it, but, still, 94 vacancies is a high vacancy total at the end of the session.

Now we have 95 vacancies after almost a year, which is a dramatic increase from the 67 vacancies that existed at the end of the 106th Congress. As we have seen, 31 of these vacancies are in the circuit courts.

What does this mean? It means the Senate's pace under Democratic control in confirming President Bush's judicial nominees is simply not keeping up with the increasing vacancy rate, not even in accordance with the precedence and practices of the committee.

I have heard a lot of comments about how they are going to treat Republicans like we treated them, that they are going to treat Republicans just as fairly as we treated them. My gosh, the record shows we are not being treated fairly at all. You might be able to find some things to criticize in any Judiciary Committee chairman's tenure because of the difficulties in working with the other 99 people, but the fact is, this isn't fair.

For anyone who doubts that the vacancy crisis represents a problem, let me point out that the Sixth Circuit Court is presently functioning at 50-percent capacity—50 percent. That is a disaster. Eight of that court's 16 seats are vacant. President Bush nominated seven well-qualified individuals to fill the vacancies on that court.

Two of these nominees, Deborah Cook—a wonderful woman lawyer—and Jeffrey Sutton—one of the finest appellate lawyers in the country—have been pending since May 9 of last year. They were among the first 11 judges that President Bush nominated. Yet they have languished in committee without so much as a hearing, while the Sixth Circuit functions at 50-percent capacity.

Although the Michigan Senators have blocked hearings for the three Bush nominees from Michigan by refusing to return blue slips, the paperwork on the remaining four nominees is complete. Again, nothing stands between them and a confirmation hearing except my Democratic colleagues.

Let me also say that I find it highly unusual that blue slips withheld in one State should be used to denigrate or to hold up judges from another State. I do not think Senators should be given that kind of authority, but that is what is being done here.

Another appellate court that is in trouble is in the DC Circuit, the Circuit Court of Appeals for the District of Columbia, which is missing one-third of its judges. It has only 8 of its 12 seats filled. That is one of the most important courts in our country. It hears cases that other circuits do not hear. It hears an awful lot of administrative law cases. It is a busy court. Yet we only have 8 of the 12 seats filled.

President Bush nominated two exceedingly well-qualified individuals to fill seats on the DC Circuit on May 9 of last year, better than 300 days ago.

Miguel Estrada, a Hispanic, who has a remarkable record, and has argued 15 cases in front of the Supreme Court of the United States, could not even speak English when he came to this country, and is one of the most articulate, impressive, intelligent advocates in our country today—not even given a hearing. Well-qualified by the American Bar Association.

John Roberts: I talked to one of the Supreme Court Justices just a short while ago. He said he is one of the two top appellate lawyers in this country today. He is not particularly an ideologue. This man is a great lawyer. He has Democrat and Republican support. So does Miguel Estrada, by the way.

They are among the most well-respected appellate lawyers in the country. And I should say that Miguel Estrada would be the first Hispanic to ever serve on the Circuit Court of Appeals for the District of Columbia, to sit on this important court.

My friends on the other side talk a lot about diversity, but apparently it is diversity only if the candidates agree with the extreme liberal views of the special interest groups in this town. And they are in this town. They really do not represent the people at large—narrow interest groups. This troubles me. The Judiciary Committee has not granted them a hearing, much less a vote.

If the DC Circuit and the Sixth Circuit are any indication, it appears the committee is doing what it can to avoid filling seats on the courts that need judges the most.

Part of the problem is a reluctance by the committee to move more than one circuit judge per hearing. In fact, I do not believe the Democrats have moved more than one circuit judge per hearing during the entire time they have had control of the Senate.

When I was chairman, I had 10 hearings with more than one circuit nominee on the agenda. In fact, I had hearings with more than one circuit nominee on the agenda in every session in which I was chairman except for the Presidential election years. That is the precedent and the practice of the committee.

Let's stop making excuses. Let's confirm these judges. If we are going to get serious about filling circuit vacancies, then I encourage my Democratic colleagues to move more than one circuit judge per hearing.

One of the more ludicrous charges I have heard is that the Republicans did not confirm any judges while they held the majority in the Senate last year. Let me set the record straight on this. President Bush announced his first 11 judicial nominations on May 9. I scheduled a confirmation hearing on 3 of those judicial nominees—all circuit court nominees—for May 23.

However, some Democratic members of the committee claimed to need more time to assess the nominees. Out of an abundance of caution, a recognition of their feelings, and in the interest of fairness, I agreed to cancel the hearing despite widespread speculation that the Republicans' loss of the majority in the Senate was imminent. As we all know, control of the Senate shifted to the Democrats shortly thereafter on June 5.

So while the Republicans were ready to hold a hearing on 3 circuit judges within 2 weeks of their nomination in May, it took the Democrats until the end of August to hold confirmation hearings on 3 circuit judges. By the way, 2 of them were Democrats, so it is not hard to understand why they would want to get them through. And I wanted to get them through, too. And I want to get them through before, at least one of them, now Judge Gregory.

I have to admit, when these special interest groups on our side came to me, some of the far right groups, I told them: Get lost. And I made some real enemies in the process. But, by gosh, I wanted to do my job as Judiciary Committee chairman.

I know it is a difficult job. And I know my colleague has a very difficult time with colleagues, with outside groups, with all kinds of problems. I had the same problems. But sooner or later, we have to do something about these problems. I have also heard my Democratic colleagues complain that I was unfair because almost 60 Clinton nominees never received a hearing or vote. I have two responses to this charge.

Let me just go to this chart.

First, as the following chart shows, the Democrat who controlled the Senate during the first Bush administration left 59 judicial nominees total, circuit and district nominees, without a hearing or vote at the end of 4 years—59. And they are complaining? In contrast, only 53 Clinton nominees were not confirmed over my 6 years as chairman. But that was in 4 years that they left 59. Now, mine was 53. Yet my Democratic colleagues claim that I was unfair to the Clinton nominees despite the fact they left more Bush 1 nominees unconfirmed in an actual shorter period of time.

Second, many of the Clinton nominees who were not confirmed had good reasons for not moving. As I have mentioned, not including withdrawn nominees, there were only 53 Article III judicial nominees who were nominated by President Clinton during my 6 years as chairman who did not get confirmed. Of those, nine were nominated too late in a Congress for the committee to feasibly act on them or were lacking paperwork. That leaves 44. Seventeen of those lacked home State support, which was often the result of a lack of consultation with home State senators. There was no way to confirm those, no matter how much I would have liked to, without completely ignoring the Senatorial courtesy that we afford to home State Senators in the nominations process, as has always been the case. That leaves 27. of the original 53. One nominee was defeated on the Senate floor, which leaves only 26 remaining nominees. Of those 26, some may have had other reasons for not moving that I simply cannot comment on. So in all 6 years that I chaired the committee while President Clinton was in office, we are really only talking about 26 nominees who were left.

Now I heard one of my Democratic colleagues on the floor last week comparing their pace to mine in increments of months—9 months to 12 months, 9 months to 9 months, 3 months to 3 months, and so on. I must admit that I had a tough time following his argument in light of the astronomical vacancy rate that we now face in the Federal judiciary. but in terms of fairness, let me set forth what I consider to be the bottom line. President Clinton enjoyed an 85 percent confirmation rate on the individuals he nominated. A total of 377 Clinton nominees sit on the Federal bench today. That was with my help in every case.

This number is only 5 short of the all-time confirmation champion, President Reagan, who had 382 judges confirmed by the Senate. I believe President Clinton would actually have had more, had it not been for Democratic holds in the Senate that I knew about at the end of that last session. Keep in mind, President Clinton had 6 years of a Republican Senate, the opposition party, yet had virtually the same number of people confirmed as the all-time champion, President Reagan, who had 6 years of his own party in control of the Judiciary Committee in the Senate. It is astounding to hear some of these arguments against what we did.

Go over it again. President Clinton, with a 6-year opposition party, and me as chairman, had 377 judges confirmed in his 8 years, during 6 of which Republicans controlled the Senate. President Reagan, the all-time champion, got 5 more, 382, and he had 6 years of a favorable party Senate.

I don't think there is much room to be complaining about what happened during the Clinton years.

When President Bush's judicial confirmations start approaching these numbers, then I may be ready to agree that the Democrats are treating President Bush's nominees fairly.

Let me add something more. If you look at this chart, it is pretty important because it shows that the total vacancies at the end of the 102nd Congress were 95. But if you go to the pending nominees not confirmed at the end of Bush 1, there were 11 circuit court nominees and 48 district court nominees, for a total of 59 circuit and district court nominees.

If we go to the end of President Clinton, it really tells the story.

In President Clinton's first 4 years, we had a total of 202 judges confirmed. When the Democrats controlled the committee in 1993, there were 112 vacancies at the end of the session. Mine was 54—53, actually. At the end of 1994, when they controlled the committee, there were 63 vacancies. I remember

President Clinton saying that was a full judiciary. Senator BIDEN was the chairman, and I agreed. Somewhere around 60 judges is basically a full judiciary. There may be problems in certain areas, but basically that is a full judiciary.

In 1995, the first year after we took over, there were 50 total vacancies left and only 13 circuit court nominees left. Keep in mind, when the Democrats controlled, on circuit court nominees, there were 20 at the end of 1993 and in 1994 there were 15. That is what you have to do at the end of session—not just choose any 3 months you want to in any year. Let's talk in terms of fairness here and statistics.

Let's go down it again. President Clinton in 1993 nominated five to the circuit court. President Bush has nominated 31—actually more than that. He had 3 nominees confirmed, but there were 20 circuit court nominees at the end of that session. In 1994, he nominated 17, submitted 17; there were 16 who were confirmed. There were 15 left over at the end of 1994. The Democrats controlled the committee. In 1995, he nominated 16; there were 11 confirmed of the 16. That is a far better record than we are hearing about the complaints from the Democrats on what happened under my leadership. There were only 13 left, a 7.3-percent vacancy rate.

In 1996, I was chairman again. We only had four nominations. That is why none was confirmed. It was an election year. Eighteen were left over. If you stop and think about it, that is still 13 fewer than the vacancy rate right now, or the vacancy rate that existed last May 9, 31 vacancies.

In the district courts, if you want to go through it, in 1993 there were 42 nominations submitted; 24 were confirmed. That is when the Democrats controlled the committee. There were 92 vacancies at the end of the session.

In 1994, there were 77 nominations in the district court; 84 were confirmed. And there were only 48 left at the end of that session. In 1995, when I took over, there were 68 nominations; 45 were confirmed. And there were 37 vacancies. In 1996, there were 17 nominations submitted; 17 were confirmed. In that year, 45 at the end of that session.

But if we go to circuit and district courts combined, in 1993, when the Democrats controlled the Senate, there were 47 total nominations submitted. There were 27 that were confirmed when the Democrats controlled the committee and their own President was there. And there were 112 vacancies at the end of that session. In 1994, there were 94 total nominations submitted; there were 100 nominations confirmed. And there were only 63, which is still 10 higher than it was at the end of my tenure, at the end of the session when President Clinton left office.

In 1995, there were 84 nominations submitted; 56 were confirmed. And there were 50 left over at that time. Then in 1996, there were 21 total nominations submitted; 17 confirmed. There were 63 left over.

As you can see, if we compare the statistics, the Democrats were not mistreated. They were treated fairly. Admittedly, it is a tough job being chairman of the Judiciary Committee. These are hot issues. There are always some people in the Senate, whether liberals or conservatives, who don't like certain judges. Let's face it. It is not easy to handle some of those problems. But I have to admit, the Democrats have been treated very fairly. I would like to see us treated just as fairly as they were. With 95 vacancies existing today, it is apparent that the job is not getting done.

I reserve the remainder of my time and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally to both sides.

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

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

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

Mr. SPECTER. Mr. President, I have sought recognition to support the amendment offered by the Senator from Mississippi, Mr. LOTT, our distinguished Republican leader, that the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

It is my view that this resolution is preeminently reasonable. Senator DASCHLE, the majority leader, has submitted a resolution in the nature of a first-degree amendment saying that the hearings should be conducted expeditiously.

It is my hope there will be a truce on the confirmation battles that have been raging for a very long time—during most of the 22-year tenure I have had in the Senate, all of which has been on the Judiciary Committee. We have seen that when there is a Democrat in the White House—for example, President Clinton—and Republicans controlled the Senate in 1995 through the balance of President Clinton's term—that the same controversy arose. I have said publicly, and I repeat today, that I believe my party was wrong in delaying the nominations of Judge Paez for the Ninth Circuit and Judge Berzon for the Ninth Circuit and Judge Gregory for the Fourth Circuit and the battle along party lines that arose over the nomination of Bill Lann Lee to be Assistant Attorney General for the Civil Rights Division.

Just as I thought Republicans were wrong in the confirmation process during much of President Clinton's tenure, I think the Democrats are wrong on what is happening now with the slowness of the confirmation process.

It may be that, in the final year of a Presidential term, some motivation would exist to delay the process so that if a President of the other party is elected, there might be a different attitude on the nominations.

Certainly those considerations do not apply in a first year or in a second year. The individuals who were nominated by the President on May 9 were very well qualified, I think extraordinarily well qualified, being the first batch submitted by the President.

It would be my hope that we could establish a protocol. I have prepared a resolution which would go beyond what Senator LOTT has called for and would call for a timetable established by the chairman of the committee, in collaboration with the ranking member, to set a sequence for when a nominee for the district court, circuit court, or Supreme Court would have a hearing. Let that be established and let it be followed regardless of who controls the White House and regardless of who controls the Senate.

Then a timetable ought to be established for a markup for action by the committee in executive session, and a timetable should be established for reporting the nomination out to the floor.

There ought to be latitude and flexibility for that timetable to be changed for cause where there is a need for a second hearing or where an additional investigation has to be undertaken. But there ought to be a set schedule which would apply regardless of a Democrat making appointments to a Judiciary Committee controlled by Republicans or a President who is a Republican submitting nominations to the committee controlled by the Democrats. It seems to me that just makes fundamental good sense.

If we established that protocol, it would stay in effect and we would end the political division which is not good for the reputation of the Senate, it is not good for the reputations of the Senators, and most importantly, it is not good for the country.

The resolution I have prepared would further provide that where a vote occurs for a district court judge or court of appeals judge along party lines, that nomination be submitted for action by the full Senate. The rationale behind that, simply stated, is if it is partisan politics, then let the full Senate decide it.

We just went through a bloody battle, and I think a very unfortunate battle, on Judge Pickering. I believe the

real issue of Judge Pickering was notice to President Bush about the judicial philosophy of a nominee for the Supreme Court of the United States, if and when a vacancy occurs.

I do not intend to reargue the Pickering matter, and I know the distinguished Senator who is presiding, the Senator from North Carolina, has a different view of the matter, but Judge Pickering is a very different man in 2002 than he was in the early 1970s when he was a State senator from Mississippi, when segregation was the norm. Judge Pickering had a lot of support from people in his hometown of Laurel, MS, who are African Americans, who came in and urged his confirmation.

Judge Pickering is behind us. We ought to learn a lesson from Judge Pickering.

There are six precedents which Senator HATCH has put into the RECORD where nominees turned down for district court or circuit court were considered by the full Senate. That was the practice when Judge Bork was turned down by the Judiciary Committee on a 9-to-5 vote. He was then considered by the full Senate and ultimately defeated 58 to 42, but he was considered by the full Senate.

Justice Thomas had a tie vote in the Senate. We have not had any nominee in my tenure—perhaps no nominee in the history of the Court—more controversial than Justice Thomas. But when the motion was made to submit Justice Thomas for consideration by the full Senate, it was approved 13 to 1.

My resolution further calls for Supreme Court nominees to be considered by the full Senate regardless of the committee vote, and I believe there has been an acknowledgment on all sides—more than a consensus, a unanimous view—perhaps just a consensus, but the general view that a Supreme Court nominee ought to be submitted to the full Senate.

My resolution will also provide that the matter will be taken up by the full Senate on a schedule to be established by the majority leader, in consultation with the minority leader.

We ought to get on with the business of confirmations. Senator LOTT's proposal of a 1-year period I think is preeminently reasonable. One might call it a statute of limitations in reverse. We lawyers believe in statutes of limitations.

Beyond Senator LOTT's amendment, I believe there ought to be a protocol which would establish timetables and a procedure for ending this political gridlock, taking partisanship out of the judicial selection process so that the courts can take care of the business of the country. There are many courts in a state of emergency with too few judges to handle the important litigation of America. I know that is something in which the Presiding Officer has a deep and abiding interest, having spent so much of his life in the trial courts, and I spent a fair part of mine in the trial courts as well. In a sense, the Senate is something of a trial court as well. I hope we get the right verdict here.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to my friend from New York, my remarks are very brief and if he would not mind my going ahead, this is the only opportunity I will have to make these remarks prior to the vote.

Mr. SCHUMER. Mr. President, I never mind deferring to the Senator from Kentucky, especially when he is brief.

Mr. MCCONNELL. That is a very good habit, and I hope the Senator from New York will continue it.

Mr. President, I commend the former chairman of our committee, Senator HATCH, and Senator SPECTER for their observations about the dilemma in which we find ourselves. Senator SPECTER and Senator HATCH both received a good deal of criticism from a number of Members on this side of the aisle for moving too many Democratic judges during the period when President Clinton was in the White House and the Republicans were in the majority in the Senate. We should listen to them when they engage in this debate.

Senator SPECTER, in particular, was very sympathetic to moving Democratic nominees out of committee and has offered today to discuss a resolution he is going to submit that I think provides a solid bipartisan way to begin to resolve this dilemma in which we find ourselves.

I say to Senator LEAHY, the chairman of the committee, he has been totally fair with us in Kentucky in dealing with our district judges. We had three vacancies in the Eastern District, all of which have been filled. So we certainly have no complaint on that score.

I do want to say something about the Sixth Circuit. The Sixth Circuit is made up of Michigan, Ohio, Kentucky, and Tennessee. It is currently 50 percent vacant. It basically cannot function. It is not because President Bush has failed to act. He has nominated seven individuals for those eight positions, and they have been nominated for quite some time: John Rogers from my State was nominated 93 days ago; Henry Saad, Susan Neilsen, and David McKeague were nominated 134 days ago; Julia Gibbons was nominated 164 days ago; and Jeffrey Sutton and Deborah Cook were nominated an incredible 317 days ago with no hearings on any of these nominees.

Finally, in terms of the Senate as an institution, we cannot function this way. This is simply not acceptable. I think the voters have a right to expect us to do our work. If we are going to come anywhere close to treating President Bush as President Clinton and President Reagan were treated, we are going to have to start having hearings and votes on nominees for these circuit court vacancies.

I know this is a difficult matter. I know it has become increasingly politically charged in the years I have been in the Senate and that both sides have contributed to it. If we are not going to stop that now, then when? This is a good time to sit down in a bipartisan fashion and figure out how we can do what is in the best interest of the country because whether people on the other side like it or not, President Bush is there. He is going to be there for another 3 years for sure. We need to deal with these vacancies at the circuit court level.

I am in strong support of the Lott resolution to ensure the fair treatment of President Bush's judicial nominees.

As the resolution lays out, the situation with judicial vacancies has gotten remarkably worse since President Clinton left office. There were 67 vacancies when President Clinton left office. This vacancy situation has now jumped to 95 vacancies. Thus the percentage of vacancies has climbed from 7.9 percent to 11 percent.

It is a sorry state indeed, when Federal judges are retiring at a faster rate than we can replace them. This vacancy situation is particularly acute on the circuit courts, where, as the resolution notes, 31 of the 96 vacancies exist. This is an astounding 17.3 percent vacancy rates for the courts of appeals—almost one seat out of every five being empty.

As the ranking member of the Judiciary Committee said, my own circuit—the sixth—covering Michigan, Ohio, Kentucky, and Tennessee, is the worse off of all the circuits. Fully one-half of the appellate judgeships on the sixth circuit are vacant. Think of that. Every other seat on the Federal circuit that hears appeals from my constituents is empty. That is alarming.

Now, my friend the chairman—and he is my friend—knows how warmly I feel about him for his handling of the district court vacancies in my home State.

But I must confess, I am at a loss, and am becoming increasingly exasperated, at the inability or outright refusal—at this point, I don't know which—to confirm some judges to my home circuit.

Let me be clear. This is not the President's fault. He has nominated individuals to fill seven of the eight seats on the sixth circuit. Yet none—I repeat none—has even gotten so much as a hearing, even though all of the paperwork of these nominees is complete.

As I said, these individuals have been before the Senate for quite some time:

John Rogers was nominated 93 days ago;

Henry Saad, Susan Neilson, and David McKeague were nominated 134 days ago;

Julia Gibbons was nominated 164 days ago; and

Jeffrey Sutton and Deborah Cook were nominated an incredible 317 days ago.

Back home in Kentucky, if you don't do your job for 10 months, you are probably out looking for work. I think the American people ought to remember that come election time, when they are thinking about who should run the Senate.

On behalf of my constituents, I urge the chairman to take at least some action—some action—and try to get at least a few of these judges confirmed before the end of the year.

To do that, we are going to have to pick up the pace considerably. We hear about how poorly President Clinton was treated—even though he got close to 400 judges and finished in second place all time, only 5 behind President Reagan.

But to equal the number of judges President Clinton got confirmed in his first term, we're going to have to confirm 87 or so judges before the end of the 107th Congress. And to reach that parity, we're going to have to have hearings, markups, and votes on over four judges per week.

We can't just have a nomination hearing for a single circuit court nominee every other week. We can't have a confirmation hearing one week—with maybe one circuit court nominee at best—and a markup the next week. We need to get on a regular pace of having hearings, markups, and floor votes every week for a reasonable number of judges, including circuit judges.

In sum, because the vacancy situation is deteriorating by the day, I am compelled to urge the adoption of the Lott resolution.

I thank the Senator from New York for his indulgence in allowing me to go ahead of him.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to say a few words about judicial nominations and the pending amendment. Our friends on the other side of the aisle made a lot of hay about our record of judicial nominations, but the facts do not support the allegations.

First, under Chairman LEAHY's leadership in the 9 months since the Senate's reorganization, and despite the disruptions caused by the attacks of September 11 and the anthrax in our offices, we have sent 42 nominees to be voted on. Yet our friends continue to argue we are not holding enough hearings. Forty-two nominees is a huge number.

I remember the hearing we had the day we were evacuated from the Hart Building and all of the office buildings. We had a hearing—that happened to be the first one with Judge Pickering —in a cramped, little room in the Capitol. Senator LEAHY came back once during recess to hold a hearing, I am told. This is clearly not the action of a group trying to hold up judges.

In 1999 and 2000, by contrast, the Republican-controlled committee held only seven hearings all year, and those were entire years, not the few months we have had.

Second, our friends claim we are confirming too few judges. We have put 42 on the bench. That is more than were confirmed in the entire first year of the Clinton administration when the Democrats controlled the Judiciary Committee.

They argue we are stalling. But when one looks at comparable years, Chairman LEAHY'S Judiciary Committee is well ahead of pace. So the claims of stalling ring hollow when one looks at the facts.

Third, when we point to raw numbers, our colleagues change the argument and point to the percentage of seats that remain vacant. Well, a problem cannot be created and then the complaint made that someone else is not solving it fast enough. That is the height of unfairness. That is the height of sophistry.

Our Republican friends controlled the Judiciary Committee during the last 6 years of the Clinton administration, and during that time vacancies on the bench increased some 60 percent. All of a sudden we are concerned about vacancies. What happened in 1998 and 1999 and 2000? We were not concerned with vacancies then—only now.

We are not going to play games and say what is good for the goose is good for the gander. We are not suggesting two wrongs make a right by holding up judges the way it was done previously. Instead, we are going to decrease that, and we have gotten off to a good start.

Addressing the point my good friend from Kentucky made about the Sixth Circuit, yes, there are many vacancies there, and that is because nominees who were put in by President Clinton, Helene White in particular, were held up for very long periods of time.

Now, what is fair if you want to fill the vacancies? What is fair is not for the President to just pick names and say, endorse these, but what is fair is for the President to sit down with all the Senators from the Sixth Circuit, not only the Senators from one party, and come to an agreement about who should be nominated. Maybe Helene White should be nominated now, and then one of the President's selections. Maybe it should be people on whom both sides can agree.

So if there is real concern about filling the Sixth Circuit, I say to my colleague from Kentucky—I wish he were still present—then consult all the Senators of that circuit and we can get judges done like that.

To say, after the other side held up judges whom President Clinton nominated, now we should just, without even aforethought, approve all the judges President Bush nominates, when he does not consult with anyone from this party—and I say that as somebody who greatly respects the President and gets along with him—does not make any sense at all. Do not make the argument about vacancies that you have created unless you are prepared to make this a partnership to fill those vacancies.

That leads to my fourth point. Because so many Clinton nominees never got hearings and never got voted on by the Republican-controlled Senate, the courts now more than ever hang in the balance. Some of the nominees have records that suggest extreme viewpoints. It is our obligation to examine the records closely before we act. The Senate is the last stop before a lifetime appointment on the Federal bench, and so we cannot blindly confirm judges who are a threat of rolling back rights and protections through the courts not over the last 25 years but over the last 70. Some of these judges want to go back to pre-New Deal: Reproductive freedoms, civil rights, the right to privacy, the right to organize, environmental protection, worker and consumer safety.

In my State of New York, the administration has so far worked with us in good faith to select nominees who meet three requirements for judges, at least the three I have told them I care about: Excellence, moderation, and diversity. Nominees who meet these criteria will win my swift support. For those nominees who raise a red flag, whose record suggests a commitment to an extreme ideological agenda, we have to look at them closely.

These days, the Supreme Court is taking fewer than 100 cases a year. That means these appellate court nominees particularly will have, for most Americans, the last word on cases that are the most important matters in their lives. We need to be sure the people to whom we give this power for life are fair minded, moderate—I never like judges too far left or too far right; they both become activists and try to change the law way beyond what the legislature wants—and they have to be worthy of the privilege.

We have worked together with our Republican colleagues on several matters since September 11, and by and large we have done well to keep things bipartisan. Campaign finance reform yesterday was a huge hurdle for us to clear. On election reform, I am optimistic we are very close to a bipartisan solution. The energy bill has a lot of amendments to work through.

Again, in this body, whether you have 51 or 49, much cannot be accomplished unless we work in a bipartisan manner. On judicial nominees, why can we not do the same thing? Both sides ought to be working together to correct imbalances in the court and keep the judiciary within the mainstream. We need nominees who are fair and open minded, not candidates who stick to an ideological agenda. The Constitution mandates this. It is not just the Senate consent; it is the Senate gives advice and consent. As far as the advice part of that phrase goes, there has been very little advice sought of this body. That is the reason we have such a deadlock.

I prefer judges who do not stick to an ideological agenda. I prefer our judges share views with mainstream America.

However, I have no problem in voting in favor of some very conservative nominees when there is some balance on the court; there is Scalia on one side, maybe, and a Black or a Douglas on the other side. That would make a great Supreme Court. The issues would be debated.

That is what President Clinton did, by and large. He nominated moderates. We forget that. If you look at an unobjective scale and look at middle America, the nominees of President Bush are much further to the right than President Clinton nominees to the left. Most of the people he nominated were prosecutors, law firm members. It was not a phalanx of legal aide lawyers and people who would tend to be more liberal. Even the moderates toward the end of Clinton's terms did not get a hearing on the Fifth Circuit.

Mr. KENNEDY. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. KENNEDY. I thank the good Senator for his presentation today, reviewing the historical background of the record of the committee, as the Senator from Vermont, our chairman, Mr. LEAHY has done—and he has been assaulted and attacked. Senator SCHUMER has also reviewed the unfairness of the treatment of individuals as a result of the Republican activities.

I agree with the Senator from New York. We ought to understand what the Constitution asks of us; that is, have shared power with the Executive. We know this President has the primary responsibility, but it is a shared power. We ought to exercise it in a responsible way. I hope that will be the way in the future.

If there is any benefit that will come from this debate and discussion, perhaps it is that we will have a better understanding, as will the American people, and we will move ahead in trying to get well-qualified people who deserve to be there.

I have a number of echoes that still ring in my mind about how people were treated. Numbers do not always define how people were treated. I was in the Senate when Ronnie White, who had been reported out of our committee, and on a Tuesday afternoon was going to be voted on at 2:15, the Republican caucused on Ronnie White, and without any information to any of the members of the Judiciary Committee, came here, after distorting and misrepresenting his position, and voted unanimously—every single Republican—against him, without any notification, serious distorting, and misrepresentation of his outstanding record as a judge.

Talk about fairness. This was after Senator BOND from Missouri had introduced him to the Judiciary Committee recommending the Judiciary Committee support him, and the Judiciary Committee did support him. But not behind closed doors, with distortion and misrepresentation, in an attempt to humiliate him. Fairness goes there, too, does it not?

Also, I remember the case of Bill Lann Lee very clearly. There are many Horatio Alger stories about the struggle of parents who have sacrificed in order to give the opportunity for education to their children. But they have a hard time mentioning the extraordinary sacrifice of the parents of Bill Lann Lee.

I remember the hearings on Bill Lann Lee. He had been an outstanding civil rights leader. Individuals on the opposite side of his cases came in and testified about his fairness and how he committed to the Judiciary Committee that he was prepared to uphold the law. But not according to the Judiciary Committee and to the majority of the Judiciary Committee. They refused to let him go ahead and get confirmed and let the President of the United States have his own person, his own man in this case, to be the head of the Civil Rights Division.

It is not just numbers; it is how people are treated. I would hope we could get about the business in trying to find a way to work together. I was surprised—I don't know whether the Senator was surprised—to read in the newspaper, and I don't know if it is accurate, about how a principal Presidential adviser indicated they were prepared to take up what they consider a challenge by the Judiciary Committee and continue to nominate individuals who were going to be representative of a particular philosophy.

If we are trying to talk about fairness, trying to talk about balance, trying to talk about quality in the Federal judiciary, I don't know if the Senator finds it perplexing we have representatives of the party talking about fairness, and at the same time principal advisers of the President of the United States are evidently giving reassurances to, in this case the Washington Post, saying to individuals: Not to worry; the administration will continue to support very conservative nominees.

I ask unanimous consent to have this article from the Washington Post printed in the RECORD.

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

[From the Washington Post, Mar. 20, 2002]

ROVE TO GROUP: BUSH TO PRESS FOR CONSERVATIVE JUDICIARY

(By Alan Cooperman and Amy Goldstein)

As the Senate Judiciary Committee was voting Thursday evening to reject U.S. District Judge Charles W. Pickering for an appellate court position, presidential adviser Karl Rove was telling an influential Christian political action group that President Bush would continue to nominate conservatives as federal judges.

''We're not going to have a pleasant day today [in the Senate],'' Rove told the Family Research Council at the Willard Hotel, according to a tape recording given to The Washington Post by an attendee. ''. . . This is not about a good man, Charles Pickering. This is about the future. This is about the U.S. Supreme Court. And this is about sending George W. Bush a message that 'You send us somebody that is a strong conservative, you're not going to get him.'

''Guess what?'' Rove added. ''They sent the wrong message to the wrong guy.''

In addition to sounding a defiant note on judicial nominations, Rove's speech set out a broad agenda for cooperation between the administration and the Christian right.

''There'll be some times you in this room and we over at the White House will find ourselves in agreement, and there'll be the occasion when we don't. But we will share a heck of a lot more in common than we don't. And we'll win if we work together far more often than the other side wants us to,'' Rove told the group of about 250 Christian political activists from around the country.

During the speech and subsequent question-and-answer session, Rove promised that the white House would push welfare reforms that encourage families and marriage.

He also said the administration would try to find ways to support crisis pregnancy centers that counsel women against abortion. And he predicted a battle in the Senate over administration-backed proposals to ban human cloning. ''The other side is winning the P.R. war'' to permit laboratory cloning for medical research, he said.

Rove referred to the Senate's action on Pickering's nomination as a ''judicial lynching'' and said the blocking of such nominees ''needs to be the issue in every race around the country for the United States Senate.''

Senator Patrick J. Leahy (D–Vt.), chairman of the Judiciary Committee, has denied that the panel is out to block Bush's judicial selections, noting that it approved 42 nominees to federal courts before it rejected Pickering.

Leahy also said the panel had conducted more hearings and votes on federal judgeships since Democrats assumed a majority in the Senate last year than the GOP-led Senate did during the entire Clinton administration.

Mr. KENNEDY. I am interested in any reaction of the Senator.

Mr. SCHUMER. I thank the Senator from Massachusetts for, as always, being right on target. The Senator makes two very good points that I share.

No. 1, it seems we are supposed to remember history. The other side would like us to forget about everything that happened in 1998, 1999, and 2000 and say: Forget all that; just go forward.

Unfortunately, we are left with the burden of going forward based on what happened in the past, based on the fact the bench was empty because there were certain people who did not meet certain criteria; based on the fact, as the Senator from Massachusetts mentions, there was not a process in certain instances—no fault of our good friend from Utah.

The case of Ronnie White was one of the more appalling cases I have witnessed in my 22 years in the Congress, in the House and the Senate. It seems there is a whole new standard. What is so ironic, the second point the Senator from Massachusetts made, we could easily come to agreement if we work in a bipartisan way. Let's not fool anybody. We have not been consulted. We have not been asked for advice. We have not been talked to about where judges should be. It is, instead: Here is the group and you must rubberstamp them. That is not what the Founding Fathers intended.

Most Americans would agree the President and our colleagues from the other side would nominate judges to the right of the mainstream, and we might like judges somewhat to the left of the mainstream. Doesn't it make sense if we consulted we would come together in the middle? It seems to be the view of the other side, all of a sudden—not a consistent view, not a view held for the last decade or two, but all of a sudden—unless you find a judge who has engaged in some kind of egregious conduct, you must approve them. I object to that and I thank the Senator from Massachusetts for bringing this up.

It is perfectly fair to ask people about their judicial philosophy. This is the third position of our government. It is as important as any of the others. We do not just rubberstamp people. The only time in our history when there has not been this kind of debate is when both sides were intent on nominating moderate judges, such as in the Eisenhower administration. But otherwise, in the late 1960s, early 1970s, there were judges way to the left and people on the other side said bring it to the middle. That was fair. We are saying the same thing now.

I just ask my good friend from Massachusetts who has so much experience, doesn't it seem logical that if we were consulted, we would not get everything we wanted; if there was advice as well as consent, that we would come up with moderate, mainstream judges—to the middle, that we would move them quickly, that the process would be truly bipartisan, instead of the hard right talking to the far hard right and deciding that is a compromise?

Mr. KENNEDY. The Senator is absolutely correct. We have seen examples where we have worked together. I can think of the area in which I have been most involved, working with the administration on education reform. We have seen other actions out here—the bioterrorism effort, and just recently working together in our committee—the Senator is a Member—on the whole reform of the immigration system. We have a strong bipartisan effort. We have lines of communication. We do not get everything we need, but that is the way it works.

I daresay our judiciary ought to be the No. 1 area where we are working together because of the key aspect, the protection of the basic and fundamental liberties that are enshrined in the Constitution, ultimately rests with the judiciary. That ought to be the prime example of working together. History has given us those examples.

What we find distressing is, now, the report of Mr. Rove to a group:

Bush to press for conservative judiciary.

It isn't we are going to be pressing for the best qualified members of the judiciary. It isn't going to be the ones who can serve the public best. This is the kind of view that is evident within the administration.

I regret that. I think the Senator has outlined, really, the way we should proceed. I want to give him the assurance—I know the Senator from New York feels this way, and we see the Presiding Officer, the Senator from North Carolina, a member of the Judiciary Committee—we all want to try to get in the courts well-qualified individuals who have a fundamental and core commitment to constitutional rights and liberties.

I thank the Senator and appreciate his comments.

Mr. SCHUMER. I thank the Senator from Massachusetts.

We really hope, on our side, we can work together. We do want to be bipartisan. I think every time the President has reached out his hand, we have tried to move in the direction that brings us to the middle.

Somehow on judicial nominations it is different. I don't know why it is different. Maybe my good friend from Utah would recognize why it is different. I don't know. But he must know that on the Judiciary it is.

I, for one, have no litmus test at all. As I mentioned, I am willing to see balance on the Court. That means some judges to the right and some judges to the left and many in the middle; it is not all over to one side.

President Bush told us he picked judges in the mold of Scalia and Thomas. If you look at the nine members of the Supreme Court, those are the two furthest to the right. One or two Scalias or Thomases, that is one thing. A bench of nine of them, that is not what Americans wanted in the election of 2000. The electorate was moderate and voted towards the middle. A bench filled with conservative judges is not what is in the mainstream of this country. It is unacceptable.

I worry that the administration is willing to take casualties in this fight. They will send up waves of Scalias and Thomases. If one of them gets shot down, there will be another one. It is a small price to pay. They still win and stack the courts. I, for one, don't believe that is the way we should proceed.

Our country is divided ideologically. The mainstream is right in the middle, as it almost always is. There are periods when it is further to the right or left—it is not right now. The Presidential election showed that.

We had two presidential nominees, neither of whom was at the far end of their party—both probably in the middle of their parties—and the election was as close as could be. The American people were not saying give us people on the bench way over to the right—in the 10 percent most conservative; they were saying move to the middle.

Again, there has been no consultation with us, no desire to meet us part of the way—as there is on education, and has to be on budget. Rather, the Administration sends us wave after wave of people way over to the right.

It is not going to create harmony. It is not going to create comity. It is not going to create a full bench. And it is not going to create a fair bench. It is going to give many of us no choice than to vote ''no'' more often than we would like.

I was at the Supreme Court last week addressing the Judicial Conference of the United States. I spoke to Justice Rehnquist. He was sitting next to me and to other Judges there. I stated my message, and I think it must be repeated.

Our courts are in danger of slipping out of balance. We are seeing conservative judicial activism erode Congress' power to enact laws that protect the environment and women's rights and workers' rights, just to name a few. Like at almost no other time in our past, we are seeing a finger on the scale that is subtly but surely altering this balance of power between Congress and the courts. It is not good for our Government, it is not good for the country, and it should stop.

Moderate nominees, who are among the best lawyers to the bar—the best nominees the bar has to offer—are being confirmed rapidly. The committee has voted in favor of 42 of them in just 8 months. I can tell you for me, as chairman of the Subcommittee on Courts, it is a heck of a lot easier to rapidly confirm nominees when almost everyone agrees that a nominee is legally excellent and ideologically moderate. When issues of diversity are properly accounted for, we move forward hand in hand together.

The debate in the Chamber doesn't do anything to solve the problem we all agree is facing our courts. I agree we have to do better. But doing better doesn't mean an administration that nominates without consultation and thinks that our job should be just to rubberstamp them, pass them through, or give them some kind of ethical check and nothing else. That is not how it is. That is not how it was. That is not how it is going to be.

That leads to my final and fifth point. I think the rhetoric here sometimes gets out of hand. Each side has views that are firmly held. That is why compromise in coming to the middle is important. But anytime that we on this side vote against a nominee the President has put forward, we are accused of playing politics, or even that we are not voting for what we believe is right, but because some evil, malicious groups out there are exerting too much pressure. Groups that support the nominees, the Christian Coalition, for instance, they are great. They are exercising their constitutional right. But a group like the NAACP, that is against a nominee, is exerting too much pressure.

Come on, that is not where this debate ought to be.

How about this idea that we are holding up nominees because we have asked for unpublished opinions? For Judge Pickering, the vast majority of his

opinions, huge numbers, were unpublished.

Let's take it the other way. Let's say we would not have asked for his opinions. Let's say we had not spent weeks reviewing them, as we should do with a lifetime appointment to the court of appeals. Everyone in this Chamber knows what would have happened. We would have been accused of voting against the nominee without even reviewing his record.

To suggest there is something wrong with doing a thorough review of a nominee's record is to suggest that either we just rubberstamp confirmations or simply make up our minds on the basis of politics and party and not the record.

The irony is, of course, that some of my friends who are leveling these complaints are the same folks who requested that Clinton nominees not just go over their records, their judicial and legal records, but how they voted as private citizens in statewide referenda. These are my same colleagues who criticize us for saying ideology is relevant. I do not get that.

They want us not to review all the opinions of a nominee, but when the nominees were nominated before, they wanted even to know their private voting records.

Last summer, getting to my conclusion here, I called for us to be more open and honest about how we handle judges. I said we should take judicial philosophy and ideology out from under the rug. I said we should stop playing ''gotcha'' politics and start saying what we are really thinking, so if one side is opposed to a judge but they don't want to say they are opposed to his record, they don't go look and see what he did 30 years ago and look for some minor, certainly forgivable transgression.

If ideology didn't matter, how come most of the votes on most of the controversial judges, where supposedly it was something somebody did 30 years ago—sometimes it is all the Republicans who think that transgression was terrible and that judge should be voted down, and the Democrats think, oh, no, it is fine. Then the opposite occurs, and then the Democrats say: Oh, that transgression is horrible.

If the votes were evenly scattered throughout our philosophical views and in our party, then fine. But they aren't. We know what is going on here. We ought to do it out in the open.

I am proud to say that judicial philosophy and ideology will influence my vote. It is not a litmus test, but it certainly is part of nominating and considering a judge.

To do that, we have to investigate records and hold hearings where tough questions but fair questions are asked and where nominees have the chance to tell their side of the story.

I chaired the first hearing on Judge Pickering. I was there for the second hearing. Every Senator had a chance to ask every question he or she wanted. Judge Pickering was given every opportunity to answer those questions. The process was fair, and the process worked.

I understand there is a lot of tension around here about that vote. I understand that some feelings were hurt. That doesn't make me happy. I would like to be able to vote for every single judicial nominee who comes before us. But we have an awesome responsibility here. We do the Nation's work.

I couldn't be more proud to be a Member of this august body. I look at my friends, such as the senior Senator from West Virginia, Mr. BYRD, and the senior Senator from Utah, Mr. HATCH, and the majority leader and minority leader. And I see the best the Nation has to offer—fine Senators, all of them. I see Senators who want to bring honor to this institution. As we go forward with these confirmation hearings, we need to do better ourselves to respect the traditions of this body.

It is my profound hope that we will continue to hold hearings, that we will continue to be careful, that we will continue to fully review nominees' records, that we will continue being honest about why we are voting the way we are voting, and also that we can dampen the rhetoric and respect the way each of us approaches these votes.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have been listening to my colleague. It has been very interesting to me. Of course, they brought up Ronnie White. Ronnie White was voted out of the committee. His nomination was at least brought to the floor where he had a vote. Both of his home-State Senators voted against him. Under those circumstances, it is pretty hard to say that other Senators were acting improperly in supporting the home-State Senators. I can tell you right now that when two Senators from any State fail to return a blue slip for a district court nominee, that is basically the end of that district court nominee. If they were split, that nominee might come to the floor. I do not know if that is the position the current Judiciary Committee is taking. But at least White had a vote.

Judge Pickering didn't even get that. I think the reason was that Judge Pickering would have been confirmed on the floor because he is a fine man. Everybody knows it.

To bring up Bill Lann Lee, who was not a lifetime appointment, seems to me goes a little bit far here. I like him. He is a good man. I would have supported him for any other position. But he was a recess appointment. I predicted that one reason we couldn't support him was that he said he was against race-based quotas. Yet his whole experience in California had been built upon bringing actions against municipalities and other bodies on behalf of the organization he represented. The municipality either had to spend millions of dollars in defending itself, even though they probably would have won in the end, or they would have to settle the case. And guess what? Race-based quotas would be imposed upon them.

So some of the defendants just settled the case to get rid of the extra expenses they did not want to go through. That is the way it is done.

I predicted he would use the Civil Rights Division to do exactly that. I think, of course, there was more than a better case that he would do exactly what he did. That doesn't negate the fact that he is a terrific human being and somebody for whom I personally care. But we are talking about a volume of law.

Again, I come back to all the screaming and shouting about how badly Clinton judges were treated. Reagan, the all-time champion with 382 confirmed judges, had 6 years of a Republican Senate. Clinton had 5 fewer, 377 judges, and with 6 years of a Republican Senate, the opposition party.

Where is the argument? I have to say this: We never had 112 vacancies at the end of a session. We never had 95 vacancies at the end of the session, which is where we are today—95 vacancies.

Let me go a little bit further. I truly do love the Senator from New York. We all laughed in committee because he said he loved me and I said I loved him. He is a fine man, and he is a very good advocate. I respect him. His argument is that we should go right to the middle and we should just appoint moderates.

I have to tell you that if that had been the rule when President Clinton was President, we wouldn't have many Clinton judges on the bench today. They weren't exactly moderates. Some were. Some in the Bush administration—in fact, probably a majority will be moderate nominees.

To say that you can't have a liberal on the bench, or you can't have a conservative on the bench, or someone in the mainstream just because one side or the other doesn't want him or her, I think is wrong. Admittedly, we have right-wing groups come in here and start demanding that I stop all these judges. I told them to get lost. I would like to see the Democrat side tell those liberal, left-wing groups to get lost—not that they cannot speak out in this country; of course, they can. But when they start character assassinations as they did with Judge Pickering, I think they ought to be told to get lost. Whenever conservative groups did it, I told them to get lost.

The Senator from New York said the White House has not consulted with Democrats about judicial nominees. But I can count on the fingers of one hand the number of circuit court nominees of President Bush who do not have blue slips supporting their nominee. This goes for numerous States with Democrat and Republican Senators alike. Of course, Judge Pickering had

the support of his home-State Senators. There were no blue slips withheld in that case. Both Senators wanted Judge Pickering. I think a majority of the Senate wanted Judge Pickering.

I am not sure what kind of White House consultation my colleagues have in mind. Surely they are not talking about veto power over all of President Bush's nominees regardless of whether they are from their own State. This would fly in the face of the committee blue slip process and precedents we have always had. But that seems to be what they are asking for.

If the White House doesn't come up and consult with Senators who are not from the State that the nominees are coming from—are they are using that as an excuse? The White House does have an obligation to consult. I have told them they have to consult, and I expect them to. I know Judge Gonzales and his team consult with Senators who have people from their States.

Are we going to go as far as Abner Mikva went? The former distinguished judge on the Circuit Court of Appeals for the District of Columbia recently wrote an article stating that he thought President Bush should not nominate anyone to the Supreme Court because he really doesn't have a mandate; he is not really the President of the United States. That is like saying the Defense Department shouldn't really operate; that we should leave it to up to the Senate Committee on Armed Services to solve these problems. That is how ridiculous these arguments get.

The fact of the matter is that liberal Presidents generally appoint more liberal judges; conservative Presidents generally appoint more conservative judges.

I don't think you can categorize George Bush's judicial nominees as purely conservative. They have been in the middle of the mainstream. That doesn't mean because some are conservative that they are outside of the mainstream. The mainstream includes from the left to the right—reasonable people who want to do what is right, who literally are willing to abide by the law, and who deserve these positions.

The Republicans didn't take the position that we just have moderates in the Federal judiciary when President Clinton was President. Frankly, if we had taken that position, we would have been excoriated like you couldn't believe here in the Chamber, or, in fact, anywhere.

The fact of the matter is that all we are asking is fairness. We have 95 vacancies. Last May 9, we had 31 Federal Circuit Court of Appeals vacancies.

Today, we have 31 Federal circuit courts of appeals vacancies—a year later. And we have 8 of the original 11 nominees still sitting in committee without a hearing, some of the finest nominees I have ever seen, none of whom would be categorized as far right, in my opinion, all of whom are in the mainstream, and all of whom have been approved by the ABA either with a ''qualified'' or a ''well qualified'' rating, and some of the most important nominees in history.

I am also compelled to respond to a severe mischaracterization that some of my Democratic colleagues have perpetrated about judges. They have repeated that they noticed their first confirmation hearing within minutes of reaching a reorganization resolution in July. While technically true, this declaration leaves out an important fact:

The Democrats took charge of the Senate on June 5 of last year, but failed to hold any confirmation hearings during the entire month of June.

There is simply no basis for asserting that the lack of an organizational resolution prevented the Judiciary Committee from holding confirmation hearings in June, which is precisely what my colleagues have implied.

The lack of an organizational resolution did not stop other Senate committees from holding confirmation hearings in June. In fact, by my count, 9 different Senate committees under Democratic control held 16 confirmation hearings for 44 nominees during the month of June. One of these committees—Veterans' Affairs—even held a markup on a pending nomination.

But in the same period of time, the Judiciary Committee did not hold a single confirmation hearing for any judicial and executive branch nominees pending before us—despite the fact that some of those nominees had been waiting nearly 2 months.

What's more, the lack of an organizational resolution did not prevent the Judiciary Committee from holding five hearings in 3 weeks on a variety of other issues besides pending nominations. Between June 6 and June 27, the committee held hearings on the Federal Bureau of Investigation, charitable choice, and death penalty cases. There were also subcommittee hearings on capital punishment and on injecting political ideology into the committee's process of reviewing judicial nominations.

Although several members were not technically on the committee until the Senate reorganization was completed, there was no reason why Senators who were slated to become official members of the committee upon reorganization could not have been permitted to participate in any nomination hearings. This was successfully accomplished in the case of the confirmation hearing of Attorney General Ashcroft, which was held when the Senate was similarly situated in January.

Instead, we lost the chance to move nominees in June, not because of nominations over reorganization, but because of the failure of the Democratic leadership to schedule hearings.

So, I would hope we can get to confirming judges, rather than offering excuses for why they are not—and having 31 vacancies on the circuits.

Mr. President, I would like to take just a few minutes to address some of the comments that my democratic colleagues have made about Judge Pickering's nomination.

It is no secret that two very different pictures of Judge Pickering emerged from his confirmation battle. One picture was that of a man who took courageous stands against racism at times when doing so was not merely unpopular, but also when it put him and his family at great personal risk. This man endured political and professional sacrifice to stand up for what he believed was right. And, in his more than a decade on the federal bench, this man demonstrated an ability and willingness to follow the law even when he personally disagrees with it. This is the picture of Charles Pickering that I know and the picture I am convinced is accurate.

The other picture of Charles Pickering that emerged was far less flattering. But I am just as convinced that this picture was groundless. It was the product of engineering by extreme left Washington special interest groups who are out of touch with the main stream and have a political axe to grind. Make no mistake about it—these groups have their own political agenda, which is to paint President Bush's nominees as extremists and block them from the federal bench. These are the same groups who came out against General Ashcroft, Justice Rehnquist and even Justice David Souter, when he was nominated to the Supreme Court. They were all then, as they are now singing the parade of horribles.

The groups are committed to changing the ground rules for the confirmation process. There is a new war over circuit nominees, and they demand that the Democrats do whatever possible to stop or slow the confirmation of these fine nominees. For them, the means justify the ends at whatever the cost—including the gross distortion of a man's record and character.

The overwhelming bipartisan support we received for Judge Pickering's nomination from his home state of Mississippi speaks volumes about him. It is very telling that those who know Judge Pickering best, including prominent members of the African-American community in Mississippi, came out in droves to urge his confirmation. In contrast, those who most vociferously opposed his confirmation do not know him, but rather spent the past 7 months combing through his record for reasons to oppose him. They developed chain letters, mass faxes, and Washington position papers. Why? In the words of the leader of one liberal interest group, ''We think he (Judge Pickering) is an ideologue.''

It doesn't matter to these groups that Judge Pickering had the qualifications, the capacity, the integrity, and the temperament to serve on the federal circuit court bench. He is a judge that would have followed the law and left the politics to the people on the circuit court, just as he has on the district court. But I know that is not

what the groups want. They want activists on the bench that support their political views regardless of the law. That is wrong. What matters to them is that Judge Pickering did not meet their litmus test of supporting the right causes, regardless of his demonstrated commitment to following the law.

Although I am deeply troubled by the smear campaign that was waged against Judge Pickering, I am convinced that the accurate picture of Judge Pickering was the one of a man who was committed to upholding the law and who would have been a sterling addition to the Fifth Circuit. I regret that the inaccurate and unfair portrait painted by people whose purpose is to obscure the truth rather than to reveal it persuaded my Democratic colleagues to oppose his nomination.

Of course, the defeat of Judge Pickering's nomination is significant for other reasons as well. He represents the first judicial nominee defeated in committee in over a decade—in fact, since the Democrats last controlled the committee.

When the Republicans were in charge of the Judiciary Committee during 6 years of the Clinton administration, we did not defeat a single nominee in committee. In fact, the only Clinton nominee who was defeated—and who, incidentally, lacked the support of his home state senators—was nevertheless granted a floor vote.

I find it ironic that a number of my Democratic colleagues actively lobbied to get floor votes for Clinton nominees, yet they now have denied a floor vote for Judge Pickering, who has the support of both of his home state Senators and who would very likely be confirmed if his nomination received a floor vote.

And let me talk about Judge Pickering's record. We have talked about ideology. The key here is that a nominee's personal or political opinion on social issues is irrelevant when it comes to the confirmation process. The real question is whether the nominee can follow the law.

Last Thursday, we demonstrated that Judge Pickering has shown in his nearly 12 years on the federal district court bench his ability and willingness to follow the law.

He has handled an estimated 4,000 to 4,500 cases, but he has been reversed only 26 times. This is a reversal rate of less than 1 percent. His reversal rate is better than the average for district court judges both nationwide and in the Fifth Circuit. This is a record to be proud of—not a reason to vote against him.

Some of my Democratic colleagues have complained that Judge Pickering was reversed on well-settled principles of law in 15 cases where he was reversed by the Fifth Circuit in unpublished opinions. This argument is nonsense. Circuit courts reserve publication for the most significant opinions. Reversal by unpublished opinion means that the district judge made a run-of-the-mill mistake. In other words, nobody's perfect—not even federal judges. They do get reversed on occasion. The bottom line is that there is simply nothing remarkable about Judge Pickering's 26 reversals.

I suspect that many of my colleagues' misperceptions about Judge Pickering's record as a district judge stem from the gross distortion of that record by the liberal special interest groups. For example, one often-cited area of concern is Judge Pickering's record on Voting Rights Act cases. But the bottom line here is that Judge Pickering has decided a total of four such cases. The only one that was appealed involved issues pertaining solely to attorney's fees. None of the other three cases—Fairley, Bryant, and Morgan—was appealed, a step that one can reasonably expect a party to take if it is dissatisfied with the court's ruling. Moreover, the plaintiffs in the Fairley case—including Ken Fairley, former head of the Forrest County NAACP—have written a letter to the committee in support of Judge Pickering's nomination.

Another case my colleagues have complained about is the Swan case. But there, Judge Pickering was rightly concerned that Swan's co-defendants—one of whom had a history of racial animus and had fired a gun into the victims' home—got off with a relative slap on the wrist while Swan faced seven years' incarceration. As one legal ethics expert noted, ''Judge Pickering was clearly concerned that no rational basis had been demonstrated for the widely disparate sentencing recommendations in Swan. Without such a basis, justice does not appear to be unbiased and non-prejudiced.''

Judge Pickering's qualifications are also reflected in his ABA rating, which some Members of the Committee have referred to as the gold standard in evaluating judicial nominees. The ABA, of course, rated Judge Pickering well qualified for the Fifth Circuit.

I also find it ironic that many of the complaints that Judge Pickering's opponents have lodged against him pertain to events that occurred before he became a federal district court judge—a position for which he was unanimously confirmed by both this committee and the full Senate.

In any event, I fear that the smear campaign we saw waged against Judge Pickering was only a warm-up battle for the ideological war the liberal interest groups are prepared to wage against any Supreme Court nominee that President Bush has the opportunity to appoint.

I stood up to conservative special interest groups who tried to influence the committee while I was chairman, and I will continue to stand up to liberal special interest groups who seek to defeat President Bush's judicial nominees now. I urge my Democratic colleagues to join me in this effort.

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

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

Mr. KYL. Mr. President, I thank the distinguished ranking member of the Judiciary Committee for yielding some time to me. I think the points he makes are well taken.

I would like to get back to the basic resolution that is before us. It is a very simple resolution that says that we should at least have hearings in the Judiciary Committee on the nominees for the circuit courts that have been pending the longest, since May 9 of last year, that we should at least have a hearing on those nominees before the 1-year anniversary of their nomination.

That is eminently reasonable. I suspect that all 100 of us will vote for that sense-of-the-Senate resolution.

That is going to, then, require us to do some things to ensure that those hearings, in fact, can be held. I can think of no reason why anyone would oppose the scheduling of hearings on these eight distinguished nominees a year after their nomination.

But I think the comments, primarily of the Senator from New York, have really put into perspective what this debate is all about. He has made three basic points, all of which are departures from past precedent. The reason this is important is because it provides the reasons why many Members on the other side of the aisle have supported the chairman of the Judiciary Committee in not holding hearings, in not voting on nominees, and in not allowing the full Senate, as a result, to vote on nominees to the circuit courts of appeals.

One cannot argue about the qualifications of these nominees.

So there have been three reasons posited by the Senator from New York as to why it is fair not to hold hearings and not to have votes on these nominees of the President for the circuit courts.

The first reason is, as Senator HATCH pointed out, totally unprecedented. It is the notion that somehow or other the President has to consult with all of the Senators from the circuit before nominating someone to that circuit court of appeals.

It has been traditional for the President to consult with the Senators from the State from which the nominee comes but not all of the other States. There are 13 States in the Ninth Circuit Court of Appeals where Arizona is. I was never consulted by President Clinton on any of the nominees from California or Oregon or Washington or Nevada. And I would not have felt the right to be consulted.

The only one I asked to be consulted on was the nominee from Arizona. President Clinton did consult with me on that individual, and we reached an agreement on a nominee he nominated. I supported that person, a Democrat, appointed by President Clinton, whom I think is one of the finest members of the Ninth Circuit Court of Appeals. But I would have been shocked if he called

me and said: JON, what do you think about this candidate from Washington State? That has never been the case.

So for one of the Senators from New York to stand here and say that we are not going to move forward on these nominees until the President begins consulting with all of the Senators from the circuit is wrong. It is an abuse of power. It is not the way it has been done in the past, and it should not provide an excuse for us to withhold action on these nominees.

Second, the Senator from New York has suggested that this is really about politics, that the President's nominees are too ideologically conservative. The Senator from New York said President Clinton nominated all moderates. Well, that will be news to some of my conservative friends who did not view all of President Clinton's nominees as all that moderate. Some were; some were not. I supported some; I did not support others.

I guess I will not read the names here, but I look at the Ninth Circuit nominees and all of the ones who were confirmed since I have been in the Senate—1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11, 12, 13—13 circuit court judges confirmed. Some of those were liberals. And I supported some of those liberals, others I did not. That is all right. President Clinton got elected President; I did not.

Well, President Bush got elected President. And I don't think the definition of ''mainstream'' by the Senator from New York is a better definition than the definition of the President of the United States, George Bush, in terms of the qualifications of judges to represent this country.

I know my view of the political spectrum and that of the Senator from New York are very different. What he would call moderate I would probably call something else, and vice versa. So we are on a slippery slope if Senators begin to define the terms of a President's nominees with respect to their politics on an ideological spectrum and maintain that they have the right to withhold action on those nominees if they do not fall within what a particular Senator characterizes as ''mainstream.''

The Senator from New York said many of President Bush's nominees ''suggest extreme ideological agendas.'' All right, here is my challenge to that Senator or any other Senator:

What is it about John G. Roberts of Maryland, who was nominated on May 9, 2001, by President Bush, to the DC Circuit Court of Appeals, that suggests an extreme ideological agenda?

What is it about Miguel A. Estrada of Virginia, who was nominated on May 9, 2001, by President Bush, to serve on the DC Circuit Court of Appeals, that suggests an extreme ideological agenda?

What is it about Michael W. McConnell of Utah, who was nominated to the Tenth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

What is it about Jeffrey S. Sutton of Ohio, who was nominated to the Sixth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

What is it about Deborah Cook of Ohio, nominated to the Sixth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

Or what is it about Priscilla Richman Owen of Texas, nominated to the Fifth Circuit on May 9, 2001, or Dennis Shedd of South Carolina or Terrence Boyle of North Carolina—both nominated to the Fourth Circuit Court of Appeals on May 9, 2001—that suggests an extreme ideological agenda such that they are so disqualified that we should not even hold a hearing on their nominations?

There is an element of comity that this body owes to the President of the United States when he nominates people to the circuit courts of appeals to represent the people of this country. Comity at least requires that we have a hearing on these nominees within a decent period of time. Certainly, no one can argue that letting them sit for over a year is not plenty long enough to analyze everything there is to analyze about them, and then to begin the process for their confirmation.

So I suggest that when the Senator from New York or my other colleagues on the other side say that a nominee has to pass an ideological test in their eyes or they are not even going to give them a hearing, it is time for the people of this country, and it is time for the news media of this country to rise up and say: That is wrong, and you cannot fulfill your responsibilities of providing advice and consent under the Constitution to the President if you are not willing to even consider the nominees of the President by holding a hearing a year after they have been nominated.

I think when those on the other side say this isn't about retribution, and then immediately begin citing all of the statistics about how they believe some of President Clinton's nominees were treated unfairly, it is about retribution. In effect, they have made it about retribution and politics. You have to either be a moderate in their eyes or they have to finally feel good about getting even to such an extent that somehow or other the scales are balanced now, they have gotten their pound of flesh, they have withheld action on a sufficient number of nominees that now they are willing to move forward.

I can't ascribe that motive to any of my colleagues on the other side of the aisle. It would be so outrageous to contemplate. But that appears to at least have crept into the rhetoric of some when their primary point about not holding hearings on President Bush's nominees is that they think some of Clinton's nominees were treated unfairly.

Just how many circuit court nominees of President Clinton were treated unfairly in this manner? How many do we have to withhold from President Bush before the scales are balanced? And in any event, are any of them willing to stand up and say that is a justification for not even holding a hearing on President Bush's nominees? If so, I would like for them to come forward and do that.

Let me conclude by making this point as clearly as I can: We will have before us this afternoon a resolution that simply says we should hold a hearing in the Judiciary Committee on the eight circuit court nominees of President Bush by May 9, 2002, before the 1-year anniversary of their nomination. In other words, wait a year and then at least have a hearing on these eight nominees. Is that too much to ask? I hope my colleagues will recognize that some of them have gone too far in attacking the President's nominees on ideological grounds and attacking his nominees on the basis that President Clinton was treated unfairly and, as a result, there is a justification for treating President Bush's nominees unfairly as well.

I hope that is not the basis for inaction, and I hope the circuit court nominees will be treated just as fairly as the district court nominees have been treated and that we can get a hearing on them and then eventually bring them to the floor for a vote.

The American people deserve no less. President Bush deserves no less. And frankly, justice in the United States requires that much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Arizona for his comments. I echo those remarks, particularly in regard to the litmus test our colleague from New York was talking about. That is not the way we have confirmed judges in the last 20 years I have been here. I hope we are not going to come up with ideological litmus tests. If that is the case, we are changing the entire confirmation process.

I hope my colleagues will step back and think: We may have a change in leadership in the Senate. Are we going to change the policies of confirmation of judges as dramatically as proposed by the Senator from New York? I hope not. It would be a serious mistake.

We need to change and improve the way we handle judicial nominations, particularly circuit court nominations. I compliment Senator LEAHY, who has moved through several district court nominations. President Bush has nominated 62 for the district court. We have confirmed 35. That is 56 percent of President Bush's district court nominations. We have been moving through on those fairly quickly. I extend my compliments. We have made good progress.

The real problem has been on circuit court nominations. For whatever reason, the Senate has not worked there. The Judiciary Committee has not worked. We have confirmed 7 out of 29.

Unfortunately, Judge Pickering was defeated last week. So we have now dealt with 8 out of 29. Twenty-four percent of President Bush's circuit court nominees have been confirmed. That means three-fourths have not been confirmed. In fact, most of those individuals have not even had a hearing.

Eight individuals who were nominated in May of last year have not even had a hearing. They are outstanding individuals, as you may see while I talk about some of their qualifications. My point is, we should treat judges fairly, whether Democrats are in control of the Senate or Republicans are in control and whether a Democrat or Republican is in the White House.

I looked back at the last three Presidents. On circuit court nominees, Ronald Reagan had 95 percent of his circuit court nominees confirmed in his first 2 years, 19 out of 20. President Bush had 22 out of 23 confirmed; again, 95 percent. President Clinton, 19 out of 22 circuit court nominees were confirmed in his first 2 years. But yet President Bush to date only has 7 out of 29. A majority of the remaining, 20 in fact, have not even had a hearing. That is not right. Many of those individuals were nominated almost a year ago. There is no good reason they have not had a hearing.

We need to move forward. Some of these individuals are as well-qualified as anybody you will find anywhere in the country. To think they were nominated in May of last year and haven't even scheduled a hearing makes you wonder what is going on. It is not like we haven't tried. I know every Republican Senator has written a letter to Senator DASCHLE and Senator LEAHY saying: We want hearings on some of these individuals. But we haven't been successful. I think we need to treat these nominees fairly, regardless of who is in power, Democrats or Republicans, regardless of who is in the White House. I am embarrassed for the Senate when we have something such as this, only 7 out of 29, and 20 of 29 haven't even had a hearing. That is not right.

You have individuals such as John Roberts who is nominated for the circuit court of appeals for the District of Columbia. He graduated from Harvard College, summa cum laude, in 1976; received his law degree magna cum laude in 1979 from Harvard Law School. He is managing editor of the Harvard Law Review. He has presented arguments before the U.S. Supreme Court 35 times. An individual in the private sector has argued before the Supreme Court 35 times. He is nominated to be on the district court for the DC Circuit Court of Appeals. I think he is entitled to a hearing. He is a well-qualified attorney. We have Democrats and Republicans alike testifying he would be an outstanding circuit court judge.

Miguel Estrada, also nominated to be on the DC Circuit Court of Appeals. He is a partner in the DC law office of Gibson, Dunn. He has argued 15 cases before the U.S. Supreme Court. It just so happens he has a very interesting personal history. He emigrated from Honduras. He got his JD degree magna cum laude from Harvard Law School, and he is also editor of the Harvard Law Review. He has a bachelor's degree magna cum laude, Phi Beta Kappa from Columbia College in New York.

These two individuals, two of the most accomplished nominees anywhere in the country, have yet to have a hearing. Yet they were nominated in May.

The chairman of the Judiciary Committee has told me on a couple of occasions we will have a hearing for Miguel Estrada. We are still waiting. I think we have waited long enough.

I could go through each of these individuals. Terrence Boyle, I remember him when he worked in the Senate. He presently is chief judge of the U.S. District Court for the Eastern District of North Carolina. He has achieved an outstanding record in that. I had hoped we would have a hearing for Judge Boyle.

Michael McConnell, nominated for the U.S. District Court of Appeals for the Tenth Circuit, he happens to be a presidential professor at the University of Utah College of Law and is supported by my friend and colleague, former chairman of the Judiciary Committee. This fact alone says he ought to have a hearing.

What happened to the tradition in the Senate where we respect individual Senators, members of the committee and members of leadership? I am still aghast at what happened last week. I cannot imagine what we did last week. Never before in my tenure in the Senate would we defeat a Republican leader's nominee. We wouldn't defeat a Democratic leader's nominee. It is just not done. We wouldn't defeat the nominee of the ranking member of the Judiciary Committee or even hold them up because of tradition, the fact that we want to work together.

I haven't seen the respect in this institution, and that disappoints me. We have to have respect for individual Members. We haven't shown that respect, certainly when it comes to circuit court nominees.

I could go on. There are eight outstanding individuals. President Bush is to be complimented on nominating several superb individuals. These people are well accomplished leaders in the legal profession. They deserve a hearing.

One is Priscilla Owen, nominated for the Fifth Circuit. She has worked in Texas. She got her B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. I could go on and on.

Mr. President, these individuals, men and women, minorities, are entitled to have a hearing. There are two resolutions that we have—The Republican resolution says they shall have a hearing by May—in other words, within a year of being nominated. The Democrat resolution says they will be handled expeditiously. I urge my colleagues to support both of them, and I hope they will be handled expeditiously and I hope all will have hearings by May.

Let's treat these outstanding individuals like the Presidential nominees they are, with the respect of the office of the President in making these nominations. These individuals I have alluded to are to the circuit court. Some people have acted like this is district court in my State and the tradition of the Senate is I have a veto over anybody in the circuit court. That is not the tradition of the Senate. It is that individual Senators have a great deal of influence and advice and consent for nominations in their own State for district court, but not circuit court. Circuit court applies to many States.

I am embarrassed for the Senate for the fact that we have 8 vacancies on the Sixth Circuit Court of Appeals—8 out of 16. Half of the court is vacant because 1 or 2 Senators are not happy about something that happened maybe years ago, so we are going to penalize all the States that are involved in the Sixth Circuit. That is wrong. We are holding up 7 nominees right now, who have yet to have a hearing, who have been nominated by President Bush to fill vacancies in the Sixth Circuit Court of Appeals.

That is wrong. It is wrong for the President and wrong for the system of justice. So it needs to be remedied. I urge my colleagues, before people start—the press has been asking me what kind of retribution there is going to be. I don't want that ''that is the way you treated our judge, so we are going to treat your judge that way.'' I don't want to play that game. I want to treat nominees with respect and do it whether we are in the majority in the Senate or in the minority, or whether the President is in my party or not. I want to treat these nominees with respect and give them the courtesy of a hearing, without undue delay, and maintain the tradition of the Senate, where each President has been getting 90-some percent of their nominees.

Granted, I understand the statistics game. Well, in President Clinton's last year, he didn't get very many. The tradition of the Senate is that nominees are not usually considered in great numbers in the last year of their term. Then if they are reelected, they get more. But for President Clinton, we confirmed 377 of his judges, second only to Ronald Reagan, for whom we confirmed 382 judges. So both of them got a lot of judges confirmed. Those are lifetime appointments. That is pretty good. President Clinton got 129 in his first 2 years and almost 250 in his last several years.

Now, both had a lot of judges confirmed. If you look at Bill Clinton, he got 90 percent of his judges in the first 2 years, including 2 Supreme Court nominees. President Bush 1 got 93 percent of his confirmed in his first 2

years, and Ronald Reagan got 98 percent of his judges confirmed in the first 2 years.

The tradition of the Senate is that we do confirm circuit and district judges pretty rapidly in a President's first 2 or 3 years—maybe not quite so fast in the fourth year. Fair enough. This President hasn't been treated fairly, in my opinion, when it comes to circuit court nominees. I urge colleagues, instead of playing retribution and looking back at President Clinton's last year, let's do this right and treat everybody with respect—individual Senators as well as the nominees. I think if we do so, the Senate will be elevated. I think the treatment of some of these judges, including Judge Pickering, the Senate was not elevated; I think it was demeaning to the Senate. And the way we have treated these 20 circuit court nominees has been demeaning to the Senate. I hate to see that happen to a person who served in this institution and loves it.

One of the most important things we can do in the Senate is the confirmation of lifetime appointments to the Federal bench. We need to do it right and this year, at least on the circuit court nominees, we have not been doing it right.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time does the Senator need?

Mr. SESSIONS. About 2 minutes.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. There are 5½ minutes remaining.

Mr. HATCH. I have two others who need to speak also. Can the Senator do with 3 minutes?

Mr. SESSIONS. I certainly can.

Mr. HATCH. I yield 3 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, it is not as if I would not have a lot to say about this subject, having observed it closely for a number of years. Let me say one thing about the complaint—and this is very important—that President Clinton's nominees were not fairly treated: President Clinton had 377 judges confirmed. He had one judge voted down by the Senate—only one judge voted down. When he left office, there were 41 judges not yet confirmed who had been nominated. There were 41 left pending.

When former President Bush left office in 1991, he had 54 judges pending and not confirmed. There were 54 when he left office. When President Clinton left office, he had only 41, and only one of his nominees had been voted down by this Senate. The reason he was treated fairly is because the chairman of the Judiciary Committee at that time, ORRIN HATCH, treated his nominees fairly. He moved those nominees forward. I voted for 95-plus percent of them. There were many liberals in that group. Very few of the nominees were held up.

There is a tradition here—the blue slip policy—that if a home State Senator objects to a nominee, they can hold him up. That is respected. The Democrats now come in and say this is a bad policy and they want to fix it. No, they want to give even more power. They are proposing regulations that would give a historic increase in the power of one Senator to block nominees.

We have a situation in which we are now in a crisis. There are 100 vacancies in the Federal court. Seventeen of the Federal circuit court vacancies have been declared judicial emergencies by the Administrative Office of the Courts. Fifty percent of the seats on the Sixth Circuit, 8 out of 16, are vacant. Of the seven nominees, none have had a hearing.

In January of 1998, when there were 82 Federal vacancies, the now chairman of the committee, Senator LEAHY, stated:

Any week in which the Senate does not confirm three judges, the Senate is failing to address the vacancy crisis. There were 82; there are 100 now. Since January of 2000, President Bush has only had 7 of 29 circuit court nominations he submitted confirmed. One of those confirmed was in the first batch he sent up, and an excellent group they were. There was a nomination of President Clinton that had not been confirmed, an African American.

President Bush resubmitted his name in a historic effort to reach bipartisanship here in the Senate. He has been a fair President. He submitted judges of utmost quality. If we need to improve the process, we need to look no further than asking how Senator HATCH conducted the committee when he was chairman.

The PRESIDING OFFICER. The Senator's time is up.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, how much time remains with the majority on this amendment?

The PRESIDING OFFICER. Approximately 30 minutes.

Mr. REID. And how much time remains for the minority?

The PRESIDING OFFICER. Time has expired.

Mr. REID. Mr. President, I ask my friend from Utah, are there speakers on his side who wish to be heard?

Mr. HATCH. I know Senator HUTCHISON wishes to speak, and I also believe Senator BROWNBACK.

Mr. REID. Does the Senator know how much time they wish?

Mrs. HUTCHISON. Mr. President, if I may have up to 5 minutes or 3 minutes, if that is more helpful.

Mr. REID. On behalf of Senator LEAHY, I will be happy to extend the Senator from Texas 6 minutes.

Mr. HATCH. I am very grateful for the graciousness of the assistant majority leader. If we can have 5 minutes for the distinguished Senator from Kansas, I think those are the last two. I presume the leader may want to say a word or two.

Mr. REID. Mr. President, on behalf of Senator LEAHY, I extend 5 minutes to the Senator from Kansas, Mr. BROWNBACK.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Texas is recognized for 6 minutes.

Mrs. HUTCHISON. I thank the Chair. Mr. President, I thank Senator LEAHY and Senator REID for allowing me to speak. I did not know the time had expired. I very much want to make a statement on behalf of Priscilla Owen, the supreme court justice from Texas.

I rise in support of Senator LOTT's amendment calling on the Judiciary Committee to hold hearings on the U.S. circuit courts of appeals nominees who have been in the committee since May 9 of last year.

In fact, 7 of the President's 30 circuit court judges have been confirmed. We will have a judicial emergency across our Nation if the Senate continues to delay the confirmation of these fine men and women.

I was concerned when I saw the Wall Street Journal report last Friday that some Members of the Senate may target the nomination of Justice Priscilla Owen to the U.S. Court of Appeals for the Fifth Circuit. In fact, the Committee on the Judiciary in the Senate should take swift action on her nomination, particularly in light of the fact that Judge Owen was among the group of original 11 judicial nominees announced by President Bush on May 9 of last year.

Justice Owen's stellar academic achievements and professional experience are remarkable. She earned a cum laude bachelor of arts degree from Baylor University. She graduated cum laude from Baylor Law School in 1977. When she took the Texas bar exam, which is one of the hardest bar exams in the Nation, she came in first. She earned the very highest score on the Texas bar exam that year.

Prior to her election to the Texas Supreme Court in 1994, she was a partner in the Texas law firm of Andrews & Kurth, where she practiced commercial litigation for 17 years.

Justice Owen has delivered exemplary service on the Texas Supreme Court, as affirmed by receiving positive endorsements from every major newspaper in Texas during her successful reelection bid in 2000.

Justice Owen enjoys bipartisan support, and the American Bar Association's Standing Committee on the Federal Judiciary has unanimously voted Justice Owen well qualified.

Filling judicial vacancies is a critical duty of the Senate. I hope we will be

able to move forward. I have asked the Judiciary Committee to let us confirm three of the four U.S. attorneys for the State of Texas. The State of Texas has four judicial districts. One of our U.S. attorneys has been confirmed, but three U.S. attorneys remain unconfirmed. So we have appointed leaders in those offices where we really need to have permanent leaders, at least a permanent leader during this term, who will be able to lead the office and organize it and make sure we are hiring and staffing the offices in these important districts.

One of those has the largest caseload in the United States, the Southern District of Texas. We need to have the prosecutors on board. We need to make sure the U.S. attorney who is going to run the office is setting the priorities for those offices. We know that our border districts, both the Western and Southern Districts, are the busiest districts in America.

I ask that our U.S. attorneys in three of the four Texas districts be confirmed immediately. I had hoped we would do it before the recess because these three people are waiting and ready to go. All three of them are in Government now. They are not in private practice that has to be tied up. They are assistant U.S. attorneys and one is a magistrate. They could make the moves swiftly and begin to lead these offices.

I ask the Judiciary Committee, with all due respect, to please expedite these nominees for U.S. attorney, particularly with Justice Priscilla Owen, who is a personal friend of mine, who I know to be of the very highest caliber. Having been appointed May 9, 2001, and not yet having a hearing I think is a pretty difficult situation. She is so well regarded by everyone who has appeared before her in court or has practiced law with her.

I ask that we have a fair hearing on Justice Owen and that we be able to go forward with our three U.S. attorneys and Justice Priscilla Owen on an expedited basis.

I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I love reading Lewis Carroll. I remember Lewis Carroll and ''Alice in Wonderland.'' When I hear the descriptions of history today and listen to some of the discussion in the Senate, it brings me back to when I was a child. I extend my appreciation to my colleagues on the other side for livening our more serious times with a little bit of fiction.

They talk about how terrible it is we have some people—actually several of whom do not have blue slips—who have been here for several months and we have not had a hearing even though they know some of the blue slips are not in. We will be, as we go along, scheduling hearings, as compared to people who did have blue slips in when the Republicans were in charge. I think of Helene White. She waited 1,454 days. I do not recall a single Member of the Republican Party saying should she not at least have a hearing; even if we vote her down, should she not at least have a hearing. She did not even have a hearing or a vote in the committee; 1,454 days, not a word.

We have seen the crocodile tears today. Even though we are moving much faster than the Republicans ever did when there was a Democratic President, we see these crocodile tears for people who have been waiting a month or 2 months or even 3 months. No recognition of course that for some of that time the Republicans held the Senate majority and for some of that time they delayed the reorganization of the Senate and no recognition of the numbers of vacancies and problems they left for us to try to remedy. But 1,454 days?

I look at the other qualified nominees we had to wait for. There was another one, Fifth Circuit. H. Alston Johnson waited 602 days, no hearing. There was James Duffy, Ninth Circuit, 546 days, no hearing. And Kathleen McCree Lewis, extraordinarily competent attorney, daughter of one of the most respected solicitors general ever in this country, she waited 455 days and never received a hearing. There was Kent Markus of the Sixth Circuit who waited 309 days under the Republicans and never got a hearing. And Robert Cindrich of the Third Circuit who never received a hearing in over 300 days.

Then there were the nominations that were held up without a hearing such as Judge James Beaty who waited 1,033 days, no hearing. James Wynn, Fourth Circuit, 497 days, no hearing. Enrique Moreno, Fifth Circuit, waited 455 days, never got a hearing. Jorge Rangel, the Fifth Circuit, 454 days, never received a hearing.

Allen Snyder, the D.C. Circuit; now I will give them credit, he waited 449 days and finally did get a hearing. Of course, they never brought it to a vote in the committee, but he did receive a hearing. He and Bonnie Campbell, the former Iowa Attorney General had hearings but never were on the Committee agenda for a vote.

So as I say, I enjoy fiction as much as the next person. I heard a great deal of it, along with the crocodile tears. It did enliven an otherwise slow-moving day.

On the one hand I know there are a number of Republicans who do want judicial nominees to go forward. I have had a dozen or more Republican Senators come to me and explain the situation they had in their State or their circuit with a judge they needed at home. I think in virtually every one of those cases, certainly in most of them, within a very few weeks, we had the hearings on those judges. They are all Republicans. We held hearings on them. They cooperated in bringing them forward. We put them on the Committee agenda and we voted them out, put them on the Executive Calendar and the Senate confirmed them and every single Democrat voted for them—over 40 judges. They voted for them, and they got through.

I remember shortly after the shift in majority last summer when we had nominations pending. We came to the August recess. Normally what we do by unanimous consent is keep the nominations here. The Republican leader said and objected and by Senate rule then all had to go back to the White House. Although we tried to keep them here, he objected. I was put in a bind and had no nominees whatever pending, even though I still held 2 days of hearings in the August recess in anticipation of the names coming back.

I got criticized by the Republicans for holding hearings during the August recess. Members get criticized for not holding hearings immediately; Members get criticized for holding hearings. One Republican—one Republican—showed up for 1 day of the 2-day hearings on President Bush's nominees and we got the nominees through.

I am looking forward to see where we are by July 10 of this year. That will be 1 year to the day from the time I had a fully organized committee and could start hearings. We held a hearing on judicial nominees, including a court of appeals nominee the very next day on July 11.

Incidentally, instead of going—as my friends on the Republican side—month after month after month after month after month without even holding a hearing on President Clinton's nominees, within 10 minutes of the time the Senate adopted a resolution reorganizing, I noticed the first set of hearings. They were on the calendar within a few weeks thereafter, notwithstanding the fact that up until July there was not a single hearing on any judge.

Democrats were not in charge from the end of January until June and into July. It was July when we took over a committees and had assigned members. The Republicans while in charge did not hold a single hearing. Ten minutes after the Senate reorganized, we started the process to hold hearings.

I mentioned what happened in the past not to say this should be tit for tat, by any means. I don't believe in that. The Republicans for 6 years under President Clinton were delaying, stopping hearings and not even allowing nominees to have hearings and not allowing them to have votes in the committee. And I knew if they had a vote in Committee they could be voted down and that would have been the end of it. If they vote them up, they come to the floor. That has been the precedent and practice of the Committee. My concern

was that they would not even give the nominees hearings, scores of nominees.

Sadly, we did have one judge who they voted through the committee twice, and then on a party-line vote voted him down on the floor, including Senators who voted for him in the committee who then voted him down on the floor. That was done without warning, without notice and on the first party-line vote on the Senate floor to defeat a judicial nominee I can remember. Even with the other controversial nominations of the last several years, such as the nomination of Judge Bork to the Supreme Court, some Democrats voted for him and some Republicans against.

I do not believe in tit for tat and have not engaged in pay back. I have been here 27 years, several times in the majority and several times in the minority. I believe we should go forward. That is why I have been moving much faster on judges than the Republicans ever did for President Clinton.

I intend to continue to move faster. We set up a process. When we have a hearing, we have at least one court of appeals judge, something not consistently done during the time the Republicans were in charge. I intend to do that.

They can try to change what the record is. They can try to change the history.

I am stating what I intend to do. We are moving to hold more hearings than they did. We are moving faster on confirmations than the Republicans ever did for President Clinton. I am not going to put us back to the kind of thing they did to President Clinton. Ultimately, it damages the independence of the Judiciary.

However, I would like to see at least a modicum of cooperation from the White House. If they send up judges from a circuit or State where they have not sought any consensus from the Senators from that State, of course they will have difficulty. I have been here with six Presidents from both parties. Every one of those Presidents consulted with Senators from the State where the judges came from. That does not mean Senators can nominate the judges; the President nominates judges. But they sought consensus first. When they did this, they always went through.

I have already voted for some 40 conservative Republican nominees as judges from President Bush. I have voted for more than 120 of the President's executive branch nominees in the Judiciary Committee, ranging from U.S. attorneys to senior Justice Department officials. I assume the judicial nominations that we have considered were Republicans, and I assume conservative Republicans; I voted for all but one of them so far.

However, there has to be consensus. And people that are not ideologues; people who will enforce and apply the laws and not try to remake them, and people who will instill fairness in their courtrooms and those nominees I have always supported, not people who will legislate and make laws—that is our job. We may do it poorly, but that is our job.

This year we were talking about cooperation. Senator GRASSLEY is one of the most respected members of the Senate Judiciary Committee, former chairman of the Finance Committee. I served with him both on the Judiciary Committee and the Agriculture Committee for a quarter of a century. He asked if we could proceed with Judge Melloy of Iowa to the Eighth Circuit. In the past, Republicans had held up judges from Iowa. I thought Senator GRASSLEY made a good case. I told him I would proceed, as soon as we came back in session this year. And I did.

We have also held hearings this year on Judge Pickering and Judge Smith at the request of Senators LOTT and SPECTER. Senator ENZI asked for a hearing on Terrence O'Brien of Wyoming to the Tenth Circuit. We moved as quickly as we could and held his hearing this week. So the four Court of Appeals nominees on whom we have had hearings this year were each at the request of a Republican Senator.

Of the 48 judicial nominations on which we have had hearings —for those who think this is partisan—25 came from States with no Democrats in the Senate and 12 came from States with one Republican Senator. So 37 of the 48 nominees were basically from Republican States. We moved forward. That is the bipartisanship I want. By the way, the other 11 are not all from States with two Democratic Senators. Far from it. The remaining 11 include four nominees to federal courts in the District of Columbia and among them was the former Republican Chief Counsel of the Senate Judiciary Committee for Senator HATCH.

It is difficult and takes a certain amount of time to do this, but Senators often ask to move right away on a nomination, and I try to be accommodating. But when Senators then come on the floor and say we are not moving fast enough on somebody else well, we can only do so many.

Only 1 of over 160 nominees before the Judiciary Committee over the last nine months has been voted down. When people ask: Why aren't we moving faster and doing more? Part of the answer is that it took 4 days over several weeks to have hearings and a vote on that one controversial nominee. In those 4 days, let alone the hours and hours and days of preparation, we could have gotten a dozen judges through. I dare say that we will spend more time in the debate this afternoon than we have debating the 14 judges confirmed so far this year.

I inherited a vast number of judicial vacancies, including longstanding problems, especially political problems. I am doing my best to change that. I am doing my best to move forward.

I urged that we get rid of the secret holds and make blue slips public. And now we finally have. Republicans did not do that when they were in the majority. I have urged the Rules Committee to take the position, if the Democrats are in majority next year, to divide the budget 50/50. I have had Republicans chair portions of hearings this year and have reported bills introduced by Republican Senators. These things did not occur in the recent past.

If we stop the partisanship and the confrontational tactics of last year and this last week and if we show cooperation, if the White House got involved and did those things, we could speed this up. Consult and work with Senators—we will go forward faster.

The President, for whom I have great respect, has had an enormous amount on his plate since September 11. I understand. However, there are some, unfortunately, who advise him who come with the idea they can only have judges they have signed off on by particular special interest groups. Then there will be a confrontational battle. It should not be that way.

Check how it was done under the last six Presidents with whom I have served. Find out how it was done. It was done by trying to work together. If we do that, maybe things were work more smoothly. Instead, the President's key political adviser in the White House appeared before an ideological advocacy group last week and committed—actually, recommitted—the administration to selecting judicial nominees to reflect a hard right ideology, an ends-oriented judicial philosophy. That is unfortunate. Can you imagine if Bill Clinton had gone before a group and said: I am only going to select judicial nominees to reflect a hard left ideology, and an ends-oriented judicial philosophy? You thought some had to wait 1,000 days to even have a hearing or were denied a hearing—can you imagine what would have happened if the Clinton administration had done that? It is wrong when the Bush administration does that.

All that says is, if that person is confirmed and if you are a litigant before that judge, basically what the President's political adviser was saying is, unless you reflect a hard right ideology and an ends-oriented judicial philosophy, forget about coming before this judge because you are not going to have fair treatment.

People ask me if I have a litmus test. I sure do. My litmus test has been the same with the six Presidents with whom I served, and I voted against Democratic nominees when I believed they didn't follow this litmus test. That is, if somebody comes before that judge, whether they are conservative, liberal, rich, poor, white, black, Republican, Democrat, north, south, wherever they are from, plaintiff or defendant—they can look at that judge and say: Whatever happens in this case, I know I have had a fair judge. That is my one litmus test.

When the Presidential adviser actually goes before a political advocacy

group and says we are not going to do that, we have to have nominees who reflect a hard right ideology and an ends-oriented judicial philosophy, that is wrong. That is wrong.

Actually, what that tells me is that rather than succumb to a notion of advice and rubberstamp, we had better do what the Constitution says, advice and consent, and go through the process carefully.

I say, again, we are scheduling hearings on judicial nominations and have continued to schedule hearings in spite of the unfair criticism because I do want to get through as many good judges as possible and fill as many of the vacancies I inherited as fast as possible. I will consider a number of factors: Consensus of support for the nominee, the needs of the court for which he was nominated, and the interests of the home State Senators.

I have served with 270 Senators, I believe, since I have been here. I have found more and more how important it is to rely on the views of home State Senators, Republican and Democratic alike.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER (Mr. REED). The Senator from Vermont has approximately 8 minutes remaining.

Mr. LEAHY. I have tried, again, to include at hearings judges Senators have asked for in both parties, including the court of appeals nominees, including hearings this year. I attempted to comply with the requests of Senators GRASSLEY, LOTT, SPECTER, and ENZI. We did that.

One was voted down. I know the Republican leader, who has been my friend for years, was disappointed at the committee vote on the nomination of Judge Charles Pickering. He argued strongly for the judge, as he should. The Senator from Kentucky, Mr. MCCONNELL, argued strongly for him and gave an excellent argument for him before the committee, as did the Senator from Ohio, Mr. DEWINE.

I tried to afford Judge Pickering—who, incidentally, still has a lifetime tenure as a Federal judge—every courtesy. I extended the time. I had a second hearing. I extended the time for the vote. I was willing to do all that.

But I still have to decide how I vote. I remember for a Democratic President and a nominee he very much wanted, I voted against him for some of the same reasons, the exact same reasons, in fact, that I voted against Judge Pickering. He was voted down in the committee—just as Judge Pickering was, and that was the end of it.

I do not want to go back to the situation where almost a third of President Clinton's court of appeals nominees waited more than 300 days from nomination to confirmation, an average of 441 days for these individuals; nearly a quarter waited more than a year, 20 percent waited more than 500 days, 6 waited more than 700 days, 2 waited more than 1,000 days, and one waited more than 4 years—if they got hearings at all.

Judge Helene White of Michigan waited more than 4 years. She never got a hearing. In fact, 56 percent of President Clinton's circuit court nominees in the last Congress, nominated or renominated in 1999–2000, were not acted upon by the Judiciary Committee. I am trying to repair that damage.

That is why we are moving forward—we are moving forward as quickly as we can, and I will continue to do that.

No matter what is said on the other side, no matter how much things are taken out of context, no matter how much fiction we hear on the floor from that side, I will move them forward.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont controls approximately 4 minutes 50 seconds. The time of the Senator from Utah has expired.

Mr. LEAHY. I understand some of my time has already been given to the Republican side previously; is that correct?

The PRESIDING OFFICER. Five minutes has been offered to the Senator from Kansas, Mr. BROWNBACK.

Mr. LEAHY. I believe we also gave time to the Senator from Texas, did we not?

The PRESIDING OFFICER. She has already consumed that time.

Mr. LEAHY. I tried to help, just to be fair. Let me say this, in the remaining 3 minutes.

It doesn't have to be this way. We are moving far more rapidly than the Republicans did when they were in charge and President Clinton was President.

We have had a lot that has gone on in the past few months. I have not used the events and aftermath of September 11 as an excuse but have instead continued to hold hearings and votes on judicial nominees. Some of the Republican special interest groups pooh-pooh the fact that we even would refer to the events of September 11. They allow it as a justification for many things and an excuse for everybody else but not for the Judiciary Committee. Well, we have not made excuses. Instead, we build a good record.

We actually had to put together an antiterrorism bill during that time, which we did, one which the President certainly felt good about. He praised me and Senator HATCH for our work on that.

We had to do that. We had this building that we are in right now emptied because of an anthrax scare. Most of our staffs, Republican and Democratic, are in the Dirksen and Hart Buildings. That was vacated for a period of time because of anthrax. The Hart Building was vacated for a very considerable period of time.

I was one of those who received an anthrax letter designed to kill me, as was Senator DASCHLE. Me and my staff—it turns out there was enough anthrax to kill an awful lot more people than that. So this has not been a usual year.

But as I pointed out in the charts earlier, in the 9 months the Democrats have controlled this committee, we have done more than during any comparable period during the time when the Republicans controlled the committee.

I am assuming—and I pray—this country will not face something similar to September 11 again. I assume and I pray that our Capitol will not face something like that again.

I take a moment to applaud the brave men and women of our Capitol Police and the work of our Secretary of the Senate and Sergeant at Arms in protecting us up here.

I have talked with the White House about one simple procedure they could do without giving up any of their rights or any of their privileges. One simple procedure they could do, which would take 4 or 5 weeks off many judicial nominations. They could potentially be able to go to hearing 4, 5, or 6 weeks faster if the White House would simply speeding up the process of getting all the paperwork and the reviews done and getting them up here.

Those are things that can be done.

Mr. President, how much time remains?

The PRESIDING OFFICER. Forty seconds.

Mr. LEAHY. Mr. President, this has been a good debate. I might ask the Senate to pass a resolution that just said very simply the Democratic majority will be required to go at the same pace that the Republican majority did under President Clinton. But I have a feeling, if we did that, President Bush would be very upset because I have a feeling he does not want us to go back to the procedures used when his party controlled the Senate. We will not.

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

Mr. HATCH. Mr. President, I ask unanimous consent to take 4 minutes of the leader's time.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I am going to object. I will tell you why. We have given more than that amount of time. If somebody had told me they wanted to, I would have given time from my own time. We have already given the time.

Mr. HATCH. How about 2 minutes of leader's time? Would you be gracious enough for that?

Mr. LEAHY. If the leader wants to, of course, I will yield to him.

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me rephrase my question. As ranking member of the Judiciary Committee, I am

asking my colleague to consent to 2 minutes of the leader's time to be used by me. I don't think he would be totally displeased with what I have to say.

Mr. LEAHY. Would I then have 2 minutes available to me if I wish to use it?

Mr. HATCH. I agree to that.

Mr. LEAHY. I have no objection.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I personally thank the distinguished chairman the Judiciary Committee for doing the job he is doing on district court nominees. The problem here is not just reporting nominees—although we think more should be approved—it is 31 circuit court vacancies. A number of them are judicial emergencies, as defined by the Administrative Office of the Courts.

But I have listened to my colleague's comments about holding hearings when Senators have asked him to do so. I have been patient for many months, but I do believe I have to say this today. I am Ranking Member of the Judiciary Committee. It was just there 2 days ago when one of my judges was given a hearing, Professor Paul Cassell. His nomination had been pending since June of last year. I don't understand waiting this long. And the second judge nominated for a spot in my home state of Utah, Michael McConnell, has not had a hearing even though I have been promised one. I have requested at least 15 times for these two to get hearings, to be marked up in committee, and to be brought to the floor. Michael McConnell's nomination probably enjoys the widest and most vociferous support of legal scholars from all across the political spectrum—Democrats and Republicans of any currently pending nominee.

I would like to have the courtesy extended to me that I extended to the distinguished Chairman when he was the Ranking Member. I believe it is time for me to raise this issue because I have been very upset that this hasn't happened.

Last, but not least, keep in mind—everybody listening to this debate—that the Senate confirmed 377 Clinton judges, which is only 5 fewer than the all-time champion, Ronald Reagan, who got 382 judges confirmed. And both had 6 years of a Republican Senate—which was the opposite party for President Clinton and the allied party for President Reagan. Both got essentially the same number of judges. In fact, Clinton would have had more had it not been for Democratic holds and objections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said earlier, we will continue to move at a faster pace on the nominees for President Bush than the Republicans ever did with nominees of President Clinton. I will continue to move at a faster pace for them. I will continue to try to overcome the objections to hearings on Senator HATCH's nominees, and we will have a hearing.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3040 offered by Senator REID of Nevada.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

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

The PRESIDING OFFICER. The Senator from Vermont asked for the yeas and nays.

Mr. HATCH. I suggest the absence of a quorum, Mr. President, until the minority leader arrives.

The PRESIDING OFFICER. The Chair has to determine if there is a sufficient second for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I thank Senator HATCH for trying to put in the quorum so I would have an opportunity to make some very brief remarks. I hope everybody understands that was what was going on—to give me a chance to be here and just wrap up some of what needs to be pointed out again before we get to a vote.

We have a real problem in the Senate. I think it could be a growing problem. We are very concerned about the nominees who are being moved and those who are not being moved; and, more specifically, the fact that the first eight circuit court judges have not been moved, have not been voted on, and, in fact, have not even had a hearing. I believe that is accurate. The first eight, to go back to May 9, 2001, an outstanding group of nominees, men and women and minorities, have not had any opportunity to make their case, to be voted on in the Senate Judiciary Committee, and be voted on in this Chamber.

That is what our resolution says. That is all it says. This is not a quantum leap, saying you have to have a hearing, you have to vote, you have to bring it to the floor, and you have to get it done. But it does say that in the interest of administration of justice, the Judiciary Committee shall hold hearings at least on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

That seems like a very small step, to move toward some progress being made and helping to begin to cure some very frayed feelings about the way the Judiciary Committee acted with regard to Judge Pickering. But moving beyond that and moving into the broader sense, one judge will not this session make. But this pattern is a major problem.

Conversely, the other resolution just says that the Judiciary Committee should move forward expeditiously on these nominees. Goodness gracious, that is not saying very much, it doesn't appear to me. I hope they will be moving forward expeditiously.

But what does it mean? Does it mean they are going to get a hearing? Does it mean it is going to get some actual result? No.

That is basically the difference. One resolution says that these outstanding nominees—I will not list their names because I am sure they have been talked about individually and collectively—should at least have a hearing by May 9. The other resolution says it should be considered expeditiously.

The point is, though, to highlight this issue, this will not be the last resolution in this area, unless we begin to see some fair progress. There will be others. And they perhaps will be more pointed.

But it goes to the much bigger question of how we are going to go through the rest of this session, how these nominees are going to be treated, and, as a matter of fact, how we are going to act on legislation.

I urge my colleagues to vote on both sides of the aisle for the resolution that would lead to results and that is the one that calls for hearings by the specified date of May 9, 2002.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I can certainly appreciate the frustration expressed by some of our colleagues. We have been there. We know how frustrating it is to have judges who are not given the time and attention, and the fair consideration they deserve. Because we have experienced that all too often while we were in the minority.

What we have attempted to do is respond to that frustration by doing what we have said we were going to do from the very beginning, that we were going to treat judges fairly, we were going to try to do as much as we could to move them quickly. And we believe we have done that.

I do not recall a time when our Republican colleagues ever agreed to hold at least one hearing on a circuit court judge with every group of district court judges receiving hearings. But that is exactly what our chairman of the Judiciary Committee has committed to do.

I will look at the numbers, and we can compare statistics all day long, but all one has to do is look at the bottom line. We have exceeded their record in many ways. In 9 months, we have confirmed more judges than the Republicans confirmed in President Reagan's first year—12 months. We have confirmed more circuit court judges already this year than Republicans did in

1996 when they confirmed zero circuit court judges. But we can compare these back and forth. What I am simply prepared to do today—as you have heard Senator LEAHY and members of our committee say on so many occasions—is to say, we are going to deal with these judges fairly and expeditiously. I think our record shows that.

I thank Senator LEAHY for his leadership, for the commitment he has made, and for the diligence he has shown in getting us to this point.

Forty-two judges have been confirmed; 7 circuit court judges have already been confirmed. What Senator LEAHY and the Judiciary Committee are now saying is, we will improve upon that in the coming weeks and months. When you look at what we will have been able to do by the end of this session, I think everyone will be able to say, without equivocation: You have done a good job.

That is what we are committing to do. That is what our resolution says. That is why I believe, very strongly, that supporting the Democratic resolution is, again, supporting the clear intent of our caucus and of this Senate that these nominees are going to get fair treatment. We are determined to do that. And we will demonstrate that with each passing week.

I yield the floor.

VOTE ON AMENDMENT NO. 3040

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3040. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dodd | Levin |
| Allard | Domenici | Lieberman |
| Allen | Dorgan | Lincoln |
| Baucus | Durbin | Lott |
| Bayh | Edwards | Lugar |
| Bennett | Ensign | McCain |
| Biden | Feingold | McConnell |
| Bingaman | Feinstein | Mikulski |
| Bond | Fitzgerald | Miller |
| Boxer | Frist | Murkowski |
| Breaux | Graham | Murray |
| Brownback | Gramm | Nelson (FL) |
| Bunning | Grassley | Nickles |
| Burns | Gregg | Reed |
| Byrd | Hagel | Reid |
| Campbell | Harkin | Roberts |
| Cantwell | Hatch | Rockefeller |
| Carnahan | Helms | Santorum |
| Carper | Hollings | Sarbanes |
| Chafee | Hutchinson | Schumer |
| Cleland | Hutchison | Sessions |
| Clinton | Inhofe | Shelby |
| Cochran | Inouye | Smith (NH) |
| Collins | Jeffords | Smith (OR) |
| Conrad | Johnson | Snowe |
| Corzine | Kennedy | Specter |
| Craig | Kerry | Stabenow |
| Crapo | Kohl | Thomas |
| Daschle | Kyl | Thompson |
| Dayton | Landrieu | Thurmond |
| DeWine | Leahy | Torricelli |
| | | Voinovich |
| | | Warner |
| | | Wellstone |
| | | Wyden |

NAYS—1

Nelson (NE)

NOT VOTING—2

Enzi Stevens

The amendment (No. 3040) was agreed to.

VOTE ON AMENDMENT NO. 3033

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3033 offered by the Republican leader.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—47

| | | |
|---|---|---|
| Allard | Fitzgerald | Murkowski |
| Allen | Frist | Nickles |
| Bennett | Gramm | Roberts |
| Bond | Grassley | Santorum |
| Brownback | Gregg | Sessions |
| Bunning | Hagel | Shelby |
| Burns | Hatch | Smith (NH) |
| Campbell | Helms | Smith (OR) |
| Chafee | Hutchinson | Snowe |
| Cochran | Hutchison | Specter |
| Collins | Inhofe | Thomas |
| Craig | Kyl | Thompson |
| Crapo | Lott | Thurmond |
| DeWine | Lugar | Voinovich |
| Domenici | McCain | Warner |
| Ensign | McConnell | |

NAYS—51

| | | |
|---|---|---|
| Akaka | Dodd | Levin |
| Baucus | Dorgan | Lieberman |
| Bayh | Durbin | Lincoln |
| Biden | Edwards | Mikulski |
| Bingaman | Feingold | Miller |
| Boxer | Feinstein | Murray |
| Breaux | Graham | Nelson (FL) |
| Byrd | Harkin | Nelson (NE) |
| Cantwell | Hollings | Reed |
| Carnahan | Inouye | Reid |
| Carper | Jeffords | Rockefeller |
| Cleland | Johnson | Sarbanes |
| Clinton | Kennedy | Schumer |
| Conrad | Kerry | Stabenow |
| Corzine | Kohl | Torricelli |
| Daschle | Landrieu | Wellstone |
| Dayton | Leahy | Wyden |

NOT VOTING—2

Enzi Stevens

The amendment (No. 3033) was rejected.

Mr. DASCHLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, we are currently consulting about the remainder of the day. It is fair to say Senators should expect additional rollcall votes. We are hoping we might reach an agreement procedurally on how to make additional progress on the bill during the remaining hours of today. At this point we cannot say with any confidence what tomorrow holds. It depends, in part, on what the schedule will be for the remainder of the day. We are working to arrange for additional votes and consideration of additional amendments. We will propound that request as soon as it becomes available.

## PROVISION FOR CONDITIONAL RECESS OR ADJOURNMENT OF CONGRESS

Mr. DASCHLE. I have a request regarding the adjournment resolution. It has been approved by the Republican leader.

I ask unanimous consent the Senate now proceed to the adjournment resolution which is at the desk, H. Con. Res. 360.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

The House concurrent resolution (H. Con. Res. 360) providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 360) was agreed to, as follows:

H. CON. RES. 360

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Wednesday, March 20, 2002, or Thursday, March 21, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 9, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, March 21, 2002, Friday, March 22, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 8, 2002, or at such other time on that day as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

## TIMING OF THE TRADE BILL

Mr. BAUCUS. Mr. President, at the end of the last session of Congress the Finance Committee reported three critical pieces of international trade legislation to the Senate calendar: An expansion of the Trade Adjustment Assistance Act, an extension of fast track trade negotiating authority, and an expansion of the Andean Trade Benefits program.

Each of these bills is time-sensitive and I believe that the Senate should take action on them as soon as possible. The Trade Adjustment Assistance Act, or TAA, first established in 1962, is the program that addresses the needs of workers and firms that are adversely impacted by trade.

The Senate Finance Committee bill expands TAA coverage to new groups of workers, including farmers and secondary workers; provides training and healthcare benefits to recipients; and experiments with a new concept of wage insurance, which aims to move the unemployed back into the labor force as quickly as possible.

Unfortunately, TAA was allowed to expire at the end of the last Congress. We need to not only extend TAA, but complete the expansion as soon as it is practical.

Although States have cooperated with the efforts of the Department of Labor to keep the program in operation, this stopgap cannot continue indefinitely. Congress must ensure that this critical safety net for working Americans is in place.

The extension of fast-track trade negotiating authority—sometimes called trade promotion authority—is also pending on the Senate calendar.

This measure is controversial, but Senator GRASSLEY and I were able to arrive at a bipartisan bill to extend fast track. And the bill passed the Finance Committee 18–3 with the support of both the majority leader and the minority leader.

This extension may not be as urgent as the extension of TAA, but many important international trade negotiations both bilaterally and multilaterally are pending or underway. This bill allows Congress to direct these negotiations and allows the President to credibly negotiate with our trading partners. It is time for Congress to extend fast track.

The Senate Finance Committee also reported an extension of the Andean Trade Promotion Act or ATPA. This measure has been actively supported by many Senators, including Senator BOB GRAHAM and the distinguished majority leader.

The legislation aims to shore up support among U.S. allies in the critical Andean region and provide an alternative to the illegal drug trade to citizens in the region.

In addition, another critical international trade program, the Generalized System of Preferences, which provides important benefits to many developing countries, also expired at the end of the last Congress. This program should also be extended for some reasonable period of time, in my opinion, several years.

I have discussed with the majority leader and many of my colleagues combining all of these bills into a single vehicle, winning Senate passage for the legislation, and quickly moving to gain support for the legislation in the other body in the hopes that these measures might be signed into law as soon as possible.

The combined trade legislation has some detractors, but each component of the proposed trade legislation has bipartisan support. Each piece serves an important public policy purpose. And each piece is timely, if not overdue.

I know that the Senate calendar is crowded, but I would like to urge the majority leader and the minority leader to work with Senator GRASSLEY and myself to find time to take this legislation up shortly after the Senate returns from the coming recess.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business.

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

## THE ADMINISTRATION'S SPECTRUM PROPOSAL

Mr. MCCAIN. Mr. President, as ranking member of the Senate Committee on Commerce, Science and Transportation, I would like to discuss an issue I have discussed before, an issue that was addressed by the administration's proposal in the 2003 budget to delay the auction dates for spectrum being used by broadcasters.

In 1997, Congress ventured down a path that we hoped would lead to a revolution for the American consumer—digital television. Congress took action to support the transition to digital television, specifically high definition digital television, because of its potential to give Americans sharp movie-quality pictures and CD-quality sound, and took the extraordinary step of giving the broadcast industry a huge amount of spectrum for free—a $70 billion gift.

During consideration of the Balanced Budget Act of 1997, broadcasters touted DTV technology as a competitive necessity that would preserve free over-the-air television in the new digital millennium. They sought legislation intended to speed and facilitate a transition from analog to digital television broadcasting. Their requests for special treatment were fulfilled.

At the time, the Wall Street Journal described Congress' action as a ''planned multibillion dollar handout for wealthy TV-station owners.'' While other industries must purchase their spectrum in competitive auctions, in the case of digital TV, Congress decided to give away the spectrum. At the same time, Congress also decided that broadcasters could keep their old analog spectrum until 2006, or until 85 percent of TV homes in a market could receive digital signals.

During the debate on the Balanced Budget Act, I expressed my serious reservations with the spectrum provision. At the time I stated:

> . . . when it comes to the bill's provisions on the analog turnback date, I fear that we have inadvisedly undercut the value this spectrum might otherwise bring at auction by including a waiver standard in this bill that unnecessarily signals to bidders in 2002 that the spectrum they're bidding on may not become available on any definitive date.

I was not alone in my concern. In October 2000, the New York Times wrote:

> By giving the new spectrum away instead of auctioning it off to the highest bidders, Congress deprived the Treasury, and thus taxpayers, of tens of billions of dollars. The giveaway also kept the new spectrum out of the hands of bidders eager to sell digital services. The new spectrum went instead to incumbent broadcasters, who have dawdled.

Moreover, if the broadcasters begin to use their digital spectrum primarily to broadcast multiple channels of standard definition, perhaps on a subscription basis, I believe that they will never relinquish the spectrum. This scenario was never mentioned by the broadcasters while they were lobbying Congress for the free spectrum they eventually received.

In 1997, Congress mandated that future FCC spectrum licensing should be performed through auctions, ensuring that the spectrum is allocated to parties that value most highly the opportunity to provide wireless products and services, and that compensate the public for the use of its resources. Yet, at the same time, Congress gave away billions of dollars in public assets at the broadcasters' urging and on the promise that the public would get it back, and get superior, free over-the-air service in the bargain. As the President's budget acknowledges, however, this is not happening.

The administration is also proposing that beginning in 2007, the broadcasters would be assessed a $500 million annual lease fee for their use of the analog spectrum. If they return their analog spectrum by the 2006 deadline, they will be exempt from the fee. While this proposal has merits and may be justified, I believe that in all likelihood, the broadcasters will never pay. Be assured that a few years from now, the NAB will be marching up to Capitol Hill asking Congress for more time to complete the DTV transition.

We should not let this happen. I believe that Congress must address this issue legislatively to protect the American taxpayer and ensure that the DTV transition will become a reality. Congress devoted valuable public assets to

the DTV transition and ultimately has the responsibility for finding responsible solutions. The proposal before the FCC that enables broadcasters to further capitalize on the spectrum giveaway by allowing the broadcasters to negotiate to vacate the spectrum by 2006 for a price, is not, I note, a responsible solution.

In closing, I would like to read a quote from an article that appeared in Business Week last year.

Congress should also make broadcasters pay for their valuable real estate by attaching a price tag to the spectrum they now occupy. When they approached Congress hat-in-hand, broadcasters promised something they have yet to deliver. Now that this has become abundantly clear, they shouldn't get a free ride on taxpayers' backs. What they should do is fork over the going rate for whatever airspace they occupy. That's what cellphone companies are doing.

It has been almost 5 years since the spectrum giveaway and the transition to digital television has barely materialized. The American taxpayers first lost the auction value of the spectrum. Now, they have no real certainty of what they're likely to get in return, or when they are likely to get it. The situation is a mess, characterized by more finger pointing than progress. Regardless of who is to blame, this much is clear: By 2006, this country will not have the transmission facilities, the digital content, nor the reception equipment necessary to ensure that 85 percent of the population will be able to receive digital television.

In fact, recent statistics show that consumers have yet to embrace digital television. The Consumer Electronics Association reports that 1.4 million DTV sets were sold last year, of which 97,000 were integrated units containing digital tuners. However, we received testimony before the Senate Commerce Committee last year that over 33 million analog sets had been sold in 2000 alone. While DTV sales have been increasing each year, an overwhelming majority of Americans are still purchasing analog sets.

Given the uncertainty surrounding the return of the spectrum currently occupied by broadcasters, the administration has proposed shifting the auction for TV channels 60–69 from the elapsed 2000 deadline to 2004. Additionally, the proposal would shift the auction of TV channels 52–59 from 2002 to 2006. According to OMB projections, shifting the auctions to later dates would increase expected revenues by $6.7 billion. The administration has concluded that if legislative action is not taken to shift the auction dates, potential auction participants may hesitate to bid for this spectrum without certainty of when the broadcasters may actually vacate it.

At the same time, however, even if we act to change the dates, I also believe that years from now Congress is likely to again find itself attempting to shift the auction dates because the broadcasters will still occupy the spectrum. I hold this view because last year, the Commerce Committee held hearings on the transition to digital television. During that hearing I asked the National Association of Broadcasters, NAB, whether or not they believed they were going to reach 85 percent of the homes in America by 2006. The NAB's response, ''Originally, the expectations and the projections that [we] looked at, was for that transition to take as long as possibly 2015.''

I believe that there's not a snowball's chance in Gila Bend, AZ, that the broadcasters will vacate this spectrum by 2006, or that, despite my best efforts, that broadcasters will be penalized for squatting, as the President has proposed, if they occupy this spectrum after 2006. Some broadcasters have suggested that they may use their digital spectrum to multicast standard definition signals and provide other ''ancillary'' services, competing against companies and technologies that had to pay for the spectrum they use. I worry that if broadcasters provide ''ancillary'' services using the spectrum they received for free, they will have a distinct competitive advantage over wireless companies who pay the public for the use of its spectrum.

I yield the floor.

## NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI. Mr. President, the Senator from Idaho is prepared to offer a second-degree amendment clarifying Senator BINGAMAN's amendment No. 3016. I am in support of his amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague, the ranking member of the Energy Committee, Senator MURKOWSKI.

Mr. President, I ask unanimous consent to set the pending amendment aside for the purpose of consideration of this amendment.

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

AMENDMENT NO. 3049 TO AMENDMENT NO. 3016

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

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3049 to amendment No. 3016.

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

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

The amendment is as follows:

(Purpose: To clarify the definition of biomass)

On page 6, strike line 9 and all that follows through line 15 and insert the following:

''The term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

''(A) thinnings from trees that are less than 12 inches in diameter;

''(B) slash;

''(C) brush; and

''(D) mill residues.''.

Mr. CRAIG. Mr. President, I rise today to introduce an amendment that would modify the definition of biomass from national forests by clarifying that biomass may come from slash, brush, or mill residue from any size tree that may be harvested, as well as from thinning trees that are less than 12 inches in diameter.

The Bingaman amendment defines the term ''biomass'' on national forest lands as only that material generated from tree commercial thinning or slash or brush.

Our respective staffs have worked out language that is acceptable to the managers. I appreciate his staff's cooperation in addressing these concerns.

Both Senator MURKOWSKI and I have been concerned that mill residue, slash and brush from normal harvest activities did not qualify under the construct of Bingaman amendment No. 3016.

I have also expressed concern about smaller logs that are sold as commercial timber that could be utilized as biomass in some market conditions but would not qualify under Bingaman amendment No. 3016.

This amendment I am now offering addresses all of our concerns.

We have 39 million acres of national forest land at high risk of catastrophic fire. We have an additional 24 million acres that have suffered insect and disease attacks making them highly susceptible to fire as well.

There are over 49.5 million acres of trees in the 9- to 12-inch diameter class that need to be thinned to reduce the risk of catastrophic fires and to allow those trees to grow to full and productive maturity.

I am pleased that we have addressed the fundamental problems that cause so many of my constituents concern. I have several biomass co-gen operations in my State that are fed largely from hog fuel off the public lands—the national forest land.

I think this clarifies the issue. I thank the chairman for his cooperation.

Mr. BINGAMAN. Mr. President, this does clarify the intent on both sides. I think this additional definitional language is useful. We have no objection to the amendment.

Mr. MURKOWSKI. Mr. President, I thank Senator BINGAMAN for his cooperation.

I want to make sure that we all understand some of the terminology used, and the words ''hog fuel.'' I know what it is. It is the waste.

The significant aspects of recognizing the way this portion of the Bingaman amendment bill was originally stated is that it would have excluded waste from public land—namely, the national forests—unless it is specifically identified as slashings, second growth, and so forth.

It would very narrowly bring into question the residue associated with milling of timber and timber products from national forests as to whether or not that waste could be used in biomass.

For example, in my State of Alaska, it would exclude the development of any biomass as an alternative because we don't have, for all practical purposes, anything other than public land.

That is why it is so important that this change be made. I want to make sure that in the language the intention is, if you have a tree that comes off public land that has rot in it that would be basically determined not to be sufficient for milling—and, in the terminology, this would be a mill residue—indeed that would be included in the definition of what would be allowed.

Clearly, no one takes prime, quality timber and uses it for biomass. It has a higher value. So there is a check and balance in it.

Mr. CRAIG. If the Senator will yield, he makes an important point. In commercial logging operations that are qualified under the U.S. Forest Service—the legitimate timber sales—some of those logs, once cut, and beyond the 12-inch diameter size that get to the mill, that are deteriorating or have, as you call it, the rot of the center and cannot be milled, put on a mill head rig and moved, fall apart, I think that is residue by anyone's definition when it is determined, at least in the mill yard, that no commercial value can come from it. Clearly, I think that falls under that definition. But I appreciate the Senator mentioning it.

What we are doing, along with passing legislation, is establishing, by the record of the floor, what is the intent of Congress. And I think that is the intent of this legislation.

I thank the Senator for yielding.

Mr. MURKOWSKI. I certainly agree with that. I appreciate the colloquy. I think this is good utilization in the sense of biomass. But I would like to remind my colleagues that biomass just does not create energy. Somebody has to burn it. When you burn it, you generate emissions. And when you generate emissions, obviously, you have a tradeoff.

I am pleased the amendment will be accepted.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 3049) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## TRADE PROMOTION AUTHORITY

Mr. DASCHLE. Mr. President, as I understand it, we are working on an arrangement that will accommodate further progress on this part of the energy bill. I appreciate the cooperation of all those involved.

I want to take a moment to talk about a strong interest I have—and I know it is shared by the Presiding Officer and many other of our colleagues—in trade promotion authority, trade adjustment assistance, and the Andean Trade Preference Expansion Act. We will be dealing with all three of those issues in the next work period. I reemphasize the importance that I, as one Senator, put on getting that package passed during that time.

I think we all saw yesterday that the January trade deficit swelled to $28.5 billion. That is a 15 percent increase over December and sharply higher than the consensus forecast. That alone caused some analysts to lower their projections for first quarter growth by a full percentage point.

That set of numbers indicates pretty clearly how important trade is to the American economy, and it graphically demonstrates why we need to provide trade promotion authority.

Today, nearly one in every 10 U.S. jobs—an estimated 12 million jobs—is directly linked to the export of U.S. goods and services. These are good jobs that pay 13–18 percent more than the national average.

The benefits are even more pronounced in agriculture. Since passage of NAFTA in 1993, U.S. agricultural exports to Mexico have doubled.

Agricultural exports today account for one in every three U.S. acres planted; nearly 25 percent of gross cash sales in agriculture; and more than three-quarters of a million U.S. jobs.

The U.S. Trade Representative's office estimates that the average American family of four saves between $1,260 and $2,040 a year as a result of the two major trade agreements we entered into in the 1990s—NAFTA and the Uruguay Round.

And in my view, the benefits of trade today are even greater for the United States because no Nation in the world is better positioned to thrive in a global, information-based economy.

Expanding trade also offers national security and foreign policy benefits because trade opens more than new markets. When it is done correctly, it opens the way for democratic reforms. It also increases understanding and interdependence among nations, and raises the cost of conflict.

Senators BAUCUS and GRASSLEY deserve great credit for getting a bipartisan TPA proposal out of the Finance Committee with an overwhelming vote of support—18 to 3.

Their proposal not only gives the President that authority he needs to negotiate good trade agreements for the United States. It also addresses critical labor and environmental concerns. Under their proposal, labor and environmental concerns are central issues, not side issues.

The fundamental reality is that expanded trade raises living standards generally, but some people lose. That is inevitable.

Last year, we passed an important education reform bill. We agreed then that we would ''leave no child behind.'' Now we need to make sure we leave no worker behind. And that's why the package will include expanded trade adjustment assistance

This is not a partisan idea. It's an American idea.

It was also the one clear area of agreement among the recommendations of the bipartisan U.S. Trade Deficit Review Commission, which was established by Congress in 1998.

Among the key members of the commission were President Bush's trade representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, the former president of the United Steelworkers.

Nor is trade adjustment assistance a new idea. It has been part of American trade policy for 40 years.

The current program, however, covers too few people. And it does not address some of the most serious problems displaced workers have in finding productive new employment.

I commend Senators BAUCUS and BINGAMAN for their leadership in putting together a proposal that corrects both of those shortcomings.

I also thank Senator SNOWE, who has been working closely with us on this effort.

We already have 47 cosponsors.

There are some reasons why we need a new, expanded program of trade adjustment assistance. I want to cite a few.

Today, if your employer's plant moves to Mexico, you are eligible for a year of additional unemployment benefits, plus education and training. But if your plant moves to Brazil—or any other nation besides Mexico—you get none of these benefits.

The new proposal says that no matter where your company moves, you get help.

Today, workers whose company moves to another country are eligible for trade adjustment assistance. But let's say your employer provides parts to another company, and that company moves to another country. If you lose your job in that case, you are not eligible for assistance.

The new proposal makes sure these ''secondary workers'' get help, too.

For the first time, the new proposal also includes farmers.

As a general matter, expanded trade will provide billions and billions of dollars in economic growth for the United States.

Certainly, we can dedicate a small fraction of this gain to those Americans who are harmed. It is the right thing to do. Frankly, it will be impossible to build a broad consensus for expanded trade unless we do it right.

We should help American workers learn the new skills they need to earn a living. We should help them maintain health insurance while they're unemployed—and help protect against wage loss when they become re-employed.

I also want to reaffirm my strong support for the Andean Trade Preference Expansion Act.

Again, I wish we could have passed it quickly, this week, as I had originally hoped. But I am confident we can pass it in a relatively short period of time after we return.

Congress first passed the Andean Trade Preferences Act 10 years ago as a comprehensive effort to defeat narcotrafficking and reduce the flow of cocaine into the United States.

The program allows the President to provide reduced-duty or duty-free treatment for most imports from Bolivia, Columbia, Ecuador, and Peru.

The goal is simple: to provide farmers in a region that produces 100 percent of the cocaine consumed in the United States with viable economic alternatives to the production of coca.

The program works.

In the last decade, our Andean neighbors have made significant economic gains, and trade between the United States and the region has increased dramatically.

According to the International Trade Commission, between 1991 and 1999, two-way trade between the United States and Andean nations nearly doubled, and U.S. exports to the region grew by 65 percent.

The ITC also reports that ATPA has contributed significantly to the diversification of the region's exports.

In addition, the program has served as a catalyst for resolving regional conflicts, pushing the members of the Andean community—particularly Peru and Ecuador—to work toward resolution of long-standing disagreements that have undercut efforts at regional development.

ATPA is doing, in other words, precisely what it was intended to do. So there is every reason to extend it on its own merits.

But in addition, the bill we passed last year to expand U.S. trade with Caribbean countries has had the unintended effect of putting the Andean nations at a competitive disadvantage with other nations in the region.

The development and stability of the Andean region is as much in our interest as it is in theirs.

The package we will consider when we return will renew ATPA and, at the same time, level the playing field between Andean nations and their Caribbean neighbors.

I thank Senator GRAHAM of Florida for his leadership in putting together the proposal and again Chairman BAUCUS for putting the entire trade package together.

The word ''trade'' has its roots in an old Middle English word meaning ''path,'' which is connected to the word ''tread'' to move forward.

The trade package we will consider when we return will enable us to move forward in this new global economy in a way that strengthens our national security and the economic security of American businesses and families. We look forward to a good and vigorous debate when we return.

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

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

Mr. BINGAMAN. Mr. President, I wanted to speak very briefly in agreement with the majority leader about his comments on both trade promotion authority and trade adjustment assistance. I think the two clearly have to go together and quickly. There are a great many workers in this country who are getting inadequate benefits. Many are getting no benefits because we have not modernized our Trade Adjustment Assistance Program.

We have a good proposal to modernize that program which we passed out of the Finance Committee, and I think it is very important that we bring that up on the Senate floor after we return and pass that as quickly as possible. I know that is intended to pass in tandem with the trade promotion authority.

The administration is anxious to see that pass. I think if there are disagreements about the trade adjustment assistance proposals that we have reported out of the Finance Committee, we need to have early negotiations to resolve this.

I know the administration has expressed concerns. To my knowledge, we have not had any real counterproposals that could be seriously considered. So I hope that will get done in the next couple of weeks before we return, and I hope we will be in a position to pass a new, improved set of provisions regarding trade adjustment assistance. I think that is a real priority. I was pleased we were able to move ahead in the Finance Committee. I think it is very important to move ahead on the floor as well.

Mr. President, I thank the distinguished majority leader for his comments on the trade legislation package that we will be considering soon. Clearly, this legislation is extremely important to the economic welfare of the country and I look forward to helping him get it passed. In particular, I want to get trade adjustment assistance legislation to the floor so we can begin to help American workers and communities in a more effective way.

I have heard a lot of criticism lately about the trade adjustment assistance bill especially concerning its linkage to fast-track legislation but I have to agree with the majority leader that I see fast-track and trade adjustment assistance to be complementary. Fast-track will allow the creation of free-trade agreements that will provide broad collective benefits to Americans, but it will also result in negative impacts on American workers and communities.

From where I sit, we should not pass legislation that will negatively impact American workers without expanding and enhancing the Trade Adjustment Assistance Program. We need strong protections in place for American workers and their communities. We need a safety net that keeps these workers competitive and their communities strong. The Bush administration has stated as much many times, most recently in their trade policy agenda that came out this week.

My colleagues know that trade adjustment assistance has never been about ideologies or political parties. It has always had bi-partisan support. If my colleagues look at the number of people in their state that have used trade adjustment assistance over the years, or are using it now, they will admit the program is about helping people and communities get back on their feet. I am prepared to negotiate on the outstanding issues, and I am convinced that common ground can be found rather easily on the core components of the bill.

I thank the distinguished majority leader for his continued efforts to bring this legislation to the floor in a timely fashion, I want to thank Senator BAUCUS for his continued efforts to emphasize the importance of trade adjustment assistance, and I look forward to working with both of my colleagues in the future to ensure we pass this important legislation.

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

The assistant legislative clerk proceeded to call the roll.

## NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—continued

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

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

Ms. LANDRIEU. Mr. President, at this time, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may offer an amendment.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend from Louisiana that we are almost getting a unanimous consent agreement. When we get it, we may ask the Senator to withhold so we can enter into this agreement.

Ms. LANDRIEU. I will have no objection to that, as long as I have an opportunity to offer the amendment sometime this afternoon.

Mr. REID. The Senator can do it now.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

AMENDMENT NO. 3050 TO AMENDMENT NO. 2917

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of myself and Senator KYL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follow:

The Senator from Louisiana (Ms. LANDRIEU), for herself and Mr. KYL, proposes amendment numbered 3050.

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

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

The amendment is as follows:

(Purpose: To increase the transfer capability of electric energy transmission systems through participant-funded investment)

At the appropriate place, insert the following:

**SEC. __. PARTICIPANT-FUNDED INVESTMENT.**

Section 205 of the Federal Power Act is amended by inserting after subsection (h) the following:

''(i) TRANSMISSION EXPANSION COSTS.—

''(1) RATES FOR TRANSMISSION EXPANSION.—Upon the request of a Regional Transmission Organization, or any transmission entity operating within an RTO that is authorized by the Commission, the Commission shall authorize the recovery of costs on a participant-funding basis of transmission facilities that increase the transfer capability of the transmission system. The Commission shall not authorize the recovery of costs in rates on a rolled-in basis for such transmission facilities unless the Commission finds that, based upon substantial evidence—

''(A) the transmission investment is identified and incorporated in the regional transmission plan of a FERC approved regional transmission organization;

''(B) participant funding for the investment is not feasible because the beneficiaries of the investment cannot be identified; and

''(C) the transmission investment is necessary to maintain reliability of the transmission grid within the area covered by the regional transmission organization.

''(2) PARTICIPANT-FUNDING.—The term 'participant-funding' means an investment in the transmission system of a regional transmission organization or any Commission authorized entity operating with the RTO that—

''(A) increases the transfer capability of the transmission system; and

''(B) is paid for by an entity that, in return for payment, receives the tradable transmission rights created by the investment.

''(3) TRADABLE TRANSMISSION RIGHT.—The term 'tradable transmission right' means the right of the holder of such right to avoid payment of, or have rebated, transmission congestion charges on the transmission system of a regional transmission organization, or the right to use a specified capacity of such transmission system without payment of transmission congestion charges.

''(4) REGIONAL TRANSMISSION ORGANIZATION FACILITATION.—

''(A) IN GENERAL.—To encourage the regional transmission organization or any Commission-authorized transmission entity operating within the RTO to identify participant-funded investment, the Commission shall allow a regional transmission organization or any entity constructing a participant funded project within the RTO to—

''(i) receive a share of the value of the tradable transmission rights created by the participant-funded expansion; or

''(ii) receive a development fee.''.

Mrs. LANDRIEU. Mr. President, many years ago Arnold Glasow said that ''all some folks want is their fair share—and yours.''

Today, I rise to offer an amendment that provides for true fairness in electricity pricing and in doing so paves the way for much needed transmission expansion at a national level.

Over the past 10 years demand for electricity has increased 17 percent while transmission investment during the same period has continuously declined about 45 percent.

What is even more troubling is that current demand for electricity is projected to increase by 25 percent over the next 10 years with only a modest increase in transmission capacity of 4 percent. With projected demand exceeding projected additional capacity five times over, problems seem imminent.

It is no surprise to this Senator that in recent years electricity shortages due to transmission constraints have plagued the country from one coast to another and various points in between. Unless we deviate immediately from the past ways of doing business, our economy will be held hostage to transmission constraints with rolling blackouts becoming the norm rather than the exception.

Our existing electrical transmission system was designed to serve local customers from utility-owned generation on a State-by-State basis. However, in recent years more and more ''merchant generation'' operated by independent companies have begun to connect to the electrical grid in order to transmit electricity to local as well as out-of-region customers.

Though this increased generation added much needed competition, it began to strain the current transmission system. The pricing mechanism at the wholesale level still employs the old socialized rate method of continuously increasing the rates for local customers even though most of the beneficiaries are out-of-region customers. This antiquated pricing method has dampened the push to enhance transmission capacity in energy producing States as State regulators are reluctant to pass excessive transmission cost off to local customers who are not benefitting from the electricity. Meanwhile energy dependent regions of the country are denied cheap and reliable electricity.

Electricity price spikes in the Midwest during the summer of 1998 were caused in part by transmission constraints limiting the ability of the region to import electricity from other regions of the country. In the summer of 2000, transmission constraints limited the ability to sell low-cost power from the Midwest to the South during a period of peak demand, resulting in higher prices for customers. Recent blackouts in northern California were the result of transmission constraints in southern California due to California's Path 15 transmission route. The east coast has also suffered from transmission constraints and price spikes in recent years.

Surely, there must be a more equitable way to allocate cost while simultaneously enhancing our transmission capacity. It is not fair to expect customers in energy generating States to keep paying for transmission expansion when this increased transmission is primarily being developed for out-of-region use. In addition, the lack of transmission capacity under this archaic pricing method continues to deny customers in energy importing States the benefit of cheaper electricity from other regions of the country.

The best policy for efficient competitive wholesale power markets is ''participant-funded'' expansion. In this system, market participants ''fund'' expansions to the transmission network in return for the transmission rights created by the expansion investment. This approach gives proper economic incentive for new generator location and transmission expansion decisions.

In the new world, the numbers and volumes of interstate transactions are large and growing every day. In my home State of Louisiana, there are enough new merchant generation plants planned to almost double the amount of generation in the State today.

Those who favor socializing these costs may argue that ''rolled in pricing is ok because transmission is such a small part of a consumer's total bill.'' This was true in the past but not anymore. If we must build enough transmission to export just a portion of this new generation—10,000 megawatts—the estimated cost would be $2 billion to $4 billion. Louisiana's share of this cost would be $90 to $180 million per year, and impose a retail rate increase of 5 to 11 percent. All with no significant benefit to local customers.

The opponents of this amendment argue that transmission upgrades may be more expensive than the delivered power is worth. If it is too expensive to build facilities to move the power, then the plant is being built in the wrong place. No one should bear these costs, least of all local consumers.

The developers need to take these costs into account when they site their plants—just like they consider gas costs, water costs, and environmental

permits. The participant funding concept is not new—this concept has been successfully implemented in the natural gas industry through incremental pricing. As a result of incremental pricing in the natural gas industry, proposed annual additions in 2002 to natural gas pipeline capacity has increased by nearly 100 percent relative to 1999.

The opponents of this legislation want the risk and consequences of bad siting decisions to be socialized, so that all the ''little guys'' will pick up the tab. In contrast, participant funding gives proper price signals for new generator location, and it assures an economically efficient level of grid expansion.

I realize this amendment is generating quite a bit of discussion; however, electricity transmission policy is not a popularity contest, it is about making tough but fair decisions. The electricity debate reminds me of something that Mark Twain once said: ''Whenever you find yourself on the side of the majority, it is time to pause and reflect.''

I therefore ask my fellow colleagues to pause for a moment and reflect over the content of this amendment, what it has meant to the natural gas industry and what it will mean for our economic prosperity in the future. Let's work together in an equitable manner toward building efficient and reliable electrical highways by adopting this amendment.

Thank you, Mr. President, and I ask unanimous consent that my amendment be laid aside.

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

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized to offer a second-degree amendment to the Bingaman amendment relating to grandfathering; that there be 1 hour equally divided and controlled in the usual form, with no amendment in order thereto prior to a vote in relation to the amendment; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the amendment; that if the Murkowski amendment is defeated, it be in order for Senator COLLINS to offer an amendment relating to renewables with 20 minutes for debate prior to a vote in relation to that amendment, with the time equally divided and controlled in the usual form; that the Collins amendment be considered following consideration of the Kyl amendment, which is a second-degree amendment relating to ''opt out,'' on which there will be 20 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon disposition of the amendments covered under this agreement, the Senate proceed to vote on the Bingaman amendment, as amended, if amended, without any intervening action or debate.

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

Mr. REID. Mr. President, there is a possibility of four votes tonight. The two managers are aware of this. They are going to do the best they can. Everybody should be aware, these are complicated issues and pay attention to this debate.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3052 TO AMENDMENT NO. 3016

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3052 to amendment No. 3016.

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

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

The amendment is as follows:

(Purpose: To protect State portfolio requirements)

On page 6, on line 6, strike ''mix.'' and insert ''mix. The provisions of this section shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable energy portfolio program.''

Mr. MURKOWSKI. Mr. President, the amendment I have proposed would exempt the retail electric suppliers in any State that has a renewable energy portfolio requirement.

What we have behind us is a chart that I think fairly identifies the issue. This chart shows States where renewable portfolio standards would be preempted by a Federal mandate. In other words, by this current proposal in the underlying Bingaman amendment, all States would be mandated for a renewable contribution of about 10 percent, without exception.

What does this do? We have 14 States that already have initiated renewable mandates because they believed it was in the best interest of their State. We have seven other States—these are the orange States—that are in the process of considering renewable portfolio standards. What are those States? We have Massachusetts, New Jersey, Pennsylvania. We have Hawaii, Arizona, New Mexico, Nevada. Then, of course, we have Minnesota, Illinois, Wisconsin. We have the west coast.

The point is, 14 States have a program now. Again, they are Arizona, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, and Wisconsin. Then there are seven States shown on the chart which are considering a program: California, Maryland, Nebraska, New Hampshire, Oregon, Washington, Vermont.

What does this really mean? This means the renewable mandate, the Bingaman amendment, would preempt those 14 States and the other 7 States identified with a program which would basically disallow them from going forward. They would not have a choice; they would be mandated.

Most, if not all, of these States' programs, in my opinion, are inconsistent with the renewable mandate in the Bingaman amendment. These 14 existing State programs were created on one simple premise—and I would encourage Members who are watching and staffs to recognize this—that purpose was to match the State's needs and to take into account local circumstances.

Each State is different. Each State has an opportunity to consider programs that match their needs and match their levels of capability. Some States may be able to achieve more in the area of renewability. Is it their business to necessarily sell credits?

What we are trying to do is encourage across the board greater utilization of renewables. What is wrong with a voluntary system? Fourteen existing State programs were created to match their State needs and to take into account local circumstances.

As we know, some States are richer than others in wind energy sources. Some States are richer in geothermal. Other States have the potential of biomass. Some States have the potential of hydro. States have tailored their renewable programs, through their own initiative, to match their local resources with their local needs.

We are going to take that away because we are coming down, as the Bingaman amendment indicates, with a one-size-fits-all Federal program. In other words, it is not good enough for the States to address their responsibility and seek within the State's initiative how to reach a renewable mandate.

It applies the same to Maine as it does in Texas, and clearly the States are different. They are in different climate locales. They are in different parts of the country. I do not have to explain the differences. But this would mandate one size fits all.

The amendment exempts retail electric suppliers in any State that adopts or has adopted a renewable energy program. So it exempts retail electric suppliers in any State that has adopted a renewable energy program. This allows existing State programs to continue, and it allows States to adopt a program in the future. That is the purpose of our amendment.

Now, if a State fails to act, then it will be subject to the requirements of the Bingaman amendment. So you are forcing a mandate, in a sense, that if they do not take the initiative and act themselves, then they fall under the Bingaman amendment, which is a mandate.

This allows for the existing 14 States, it allows for the 7 that are in the process of considering it, and then it gives the others an option to initiate a renewable program, but if they do not, they fall under the mandate.

It seems to me if we value States rights, if we recognize one size does not fit all, there is certainly justification for consideration of the merits of a State initiating a program that it sees fit in relation to the conscious effort to try to encourage more renewables, but where a State moves forward, this amendment allows that State effort to continue. It seems to me this is a practical, realistic, sensible approach that gives the States an opportunity to address their responsibility towards encouraging renewables by their own initiative, which the 14 States clearly have done, and 7 others are in the process of initiating that action.

I encourage Members to reflect on the value of State rights and on the value of this particular effort not only working but the States initiating an action to address a need and fill it.

Before we get carried away in the debate, again I want to recognize something I think has been overlooked rather dramatically, and that is there is a cost associated with renewables. We went into that a little bit in the debate over the Kyl amendment. But if we take a hypothetical utility, let us say, that generates a billion kilowatt hours and there is the 10-percent mandate on renewable portfolio standards, that is 100 million kilowatt hours of renewable energy, times 3 cents per kilowatt, which is about the—well, the average price is generally considered roughly 3 cents—that is $3 million for renewable credits. Now that is a cost that is going to be passed on to the ratepayer—$3 million for requiring a 10-percent mandate.

Let's look at a typical utility. Let's look at Wisconsin Electric: Retail sales over the year 2000, about 3,173,000,000 kilowatt hours, times a 10-percent renewable portfolio standard; that is 317,331,000 kilowatt hours of renewables. That is what they are going to have to get into Wisconsin, times 3 cents per kilowatt hour; that is $9.5 million, the cost of renewable credits that is going to be passed on to the ratepayer in Wisconsin.

The current wholesale price, as I have indicated, is roughly 3 cents per kilowatt hour. So make no mistake about it, not only have we already mandated an increase to the utility consumers in this country by the 10-percent mandate that prevailed when the Kyl amendment failed but now we are mandating one size fits all. We are taking a relatively orderly program that the States initiated, where 14 States actually have renewable programs and 7 States are looking at those programs and saying, everybody is going to have a renewable program that meets the 10-percent standard set in the underlying bill. It does not allow the States that are not addressing it an alternative other than than a mandate of 10 percent.

As a consequence, I don't think this is the best way to legislate a portfolio renewable standard by the theory of one size fits all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise in strong opposition to the amendment the Senator from Alaska has offered. The amendment essentially guts the renewable portfolio standard contained in the amendment I proposed. The amendment I proposed has a provision called State savings clause that reads:

> This section does not preclude a State from requiring additional renewable energy generation in that State or from specifying technology mix.

Any State that wants to step up and do something more, or specify the technology mix appropriate for their State, is encouraged. It is not discouraged. It will control.

That is not what the amendment of the Senator is proposing.

Mr. MURKOWSKI. Could I ask a question?

Mr. BINGAMAN. I yield for a question.

Mr. MURKOWSKI. I am curious. In the statement of the Senator from New Mexico that a State could go beyond, is the Senator suggesting it would go beyond the 10-percent norm? They could do anything above it but have to meet the 10 percent?

Mr. BINGAMAN. In response to my colleague, that is exactly right. They can do anything in addition in the way of requiring renewable energy generation and they can specify any technology mix they want. There is nothing in the Federal law restricting a State in this regard.

If I may continue.

Mr. MURKOWSKI. I don't want to interrupt.

Mr. BINGAMAN. You are interrupting, but go right ahead.

Mr. MURKOWSKI. If a State were 5 percent, it would be mandated to go 10 percent. If another State were 12, it could set anything it wanted; is that correct?

Mr. BINGAMAN. The Senator is correct in that a renewable portfolio standard that is not as effective as the one we are proposing would not meet the Federal standard and would not be adequate. The Federal standard would still prevail.

I point out what the amendment of the Senator says:

> The provisions of this section—

That would be this renewable portfolio standard we had the vote on earlier with the Kyl amendment——

> shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable portfolio energy program.

He then cites a variety of States that are on the chart that have adopted these renewable energy portfolio programs. He has included New Mexico on the chart. We have no renewable energy portfolio program in our State. We adopted one and suspended it for 6 years, but it is on the chart as a State qualifying to be exempt from the Federal program. He has included Illinois. I have a description that says on June 22, 2001, Illinois Governor George Ryan signed legislation creating the Illinois Resource Development and Energy Security Act. The legislation states, as an explicit goal, at least 5 percent of the State's energy production and use derive from renewable forms of energy by 2015 and 15 percent from renewable sources of energy by 2020.

However, it does not include an implementation schedule. There is nothing in the Illinois-passed law that will actually get them to the stated goal. They have adopted a renewable portfolio program under the definition of his amendment, but it has no teeth.

The summary on the Nebraska program he cites says in April of 1998 the Lincoln Electric System created a wind power green pricing program called the Lincoln Electric System Renewable Energy Program. It is a green pricing program and does not require them to make available renewable power in any way. It says they should give an option when people pay their bill for so-called green pricing.

The point is, if we want to have a national program to deal with the national electric grid we have talked about for several weeks, and we want to move this country in the direction of using renewable energy to a greater extent than in the past, we have to go ahead and maintain this renewable portfolio standard we proposed in the bill.

To say any State that wants to can adopt something, set a goal or put in a program, suspend it for 6 years, as in New Mexico, and thereby satisfy that State from being out from under the requirements of the law, totally guts the effect of the law. This is essentially another vote like the vote we had with the Kyl amendment. The Kyl amendment said renewable power shall be made available to customers to the extent it is available.

This amendment says States will comply with the renewable portfolio standard in this bill, except to the extent they determine to do something else.

We cannot let them off the hook on that basis. Either we favor a renewable portfolio standard—and I believe a majority of the Senate does; that is what the Kyl vote was an indication of; the majority of the Senate believes we should require this modest commitment to renewable energy—either we do that or we do not.

To say any State that adopts anything that they call a renewable portfolio program is out from under any requirement clearly guts the effort we are making. I strongly oppose the amendment and hope we defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I appreciate the Senator from New Mexico pointing out the status in his particular State. I wonder if Illinois and New Mexico suspended their programs,

I wonder if they did so primarily because they thought suspension was not in the best interests of the consumers in their State. I don't know the reason. I certainly look forward to an explanation from my friend from New Mexico if, indeed, there is one relative to why the State of New Mexico saw fit to suspend it.

Mr. BINGAMAN. Mr. President, I am glad to respond.

Mr. MURKOWSKI. I am happy to yield.

Mr. BINGAMAN. In the case of New Mexico, the renewable portfolio was included in a much larger deregulation proposal the State adopted before the difficulties in California. Once the difficulties in California became evident with supplies of electricity there, our legislature got concerned and essentially put on hold and suspended any effect of the entire statute until the year 2006, when they said they would look at it again.

The renewable portfolio standard, which obviously is not in any way related to the issue of deregulation that they were struggling with in California, was a casualty of the concern. I am not disagreeing with the decision of our legislature to put off the deregulation, but I think they made an error in putting off the effort to move toward a renewable portfolio standard. Clearly, though, they are counted in what the Senator has in mind in his amendment as having a program in New Mexico, even though it is suspended until the year 2006.

Mr. MURKOWSKI. Mr. President, I am happy to respond. I will not speak with the expertise that obviously my friend has from his own State, but it is appropriate to recognize they have not initiated an action in the sense of most of the other 14 States. The Senator from New Mexico indicates Illinois and Nebraska. I cannot speak for Nebraska, obviously; the occupant of the chair can. Clearly, there are some States out of the 14 that have initiated the program on their own. That is great. That should be encouraged. Texas is certainly one.

There may be a misunderstanding between the Senator from New Mexico and myself as to what happens under the current legislation with our amendment if it prevails relative to the States that are blank on the chart.

The blank States are the ones in white. They have to comply with the 10 percent that is in the Bingaman bill. They have to mandate, if you will, that they come up with 10 percent. So they are not left out. This is not a gutting, by any means, of the crux of Senator BINGAMAN's point.

We are saying all the rest of those States, more than half the States in the Nation that have not initiated a renewable program, have to do it. They are going to be mandated under the 10-percent mandate. So do not be misled, as I think a reference was made, that somehow we are gutting this provision because we are not. Those States would be mandated in. But they would also be given an opportunity to come up, as the States in green and the States in red are, with what they believe is a reasonable, attainable renewable mandate.

Mr. BINGAMAN. Will my colleague yield?

Mr. MURKOWSKI. I want to make one more point before I respond to my friend from New Mexico.

A State with a 10-percent mandate, they say, on hydro, would now have to also meet an additional 10 percent—OK? An additional 10 percent, with something new: solar, wind—whatever, under the Federal mandate.

I think the States ought to take a look at this. The Federal Government is dictating a 10-percent fuel mix, regardless of your State program.

I am happy to yield for a question.

Mr. BINGAMAN. Mr. President, let me ask this of my friend: The way I read his amendment, it says any State—this provision does not apply to any retail electric supplier in any State that adopts or has adopted a renewable portfolio, energy portfolio program.

Am I correct that a State that is one of the white States on this map, that they do not have a program right now—if they decide to adopt a program which says instead of going to 10 percent, we will go to one-tenth of 1 percent by the year 2020—that certainly is a renewable portfolio program in every sense of the word—they would be out from any other requirements because they will have adopted a program, a renewable portfolio program under his amendment and, therefore, our effort to move them in any meaningful way to use renewable power would be thwarted? Would he agree with that?

Mr. MURKOWSKI. If I may respond, I think we have to make a general acknowledgment that States are responsible. Their utility commissions are responsible. Their ratepayers are responsible. They are going to respond as they see fit to the needs of their people as opposed to what the Senator from New Mexico is proposing as a mandate—everything is equal.

It is not equal. It is not equal in my State. It is not equal in Hawaii. We are not even connected to the continental United States. Yet there is a mandate here. Hawaii has to come across the same way as Alaska, the same way as Iowa.

I think to suggest that a State would be irresponsible is selling short the American citizen.

People are concerned about energy sources. They are concerned about pollution. I do not think any State is going to stand by for irresponsible actions, or a percentage that would suggest an unrealistic contribution to renewables.

Who are we to stand here and simply mandate that everybody has to be the same? What we have recognized is realistic. We said all those States in white—how many of them are left? Probably 35. They will be mandated under the bill of the Senator from New Mexico, 10 percent. They are uniform. We are giving them a chance to initiate an initiative based on their own recognition of what is responsible, what is attainable, what is available.

We have a terrible inconsistency. Some States have the convenience—and it is very convenient—of the renewable hydro. But under this proposal, a State with a 20 percent mandate based on hydro would now have to also meet an additional 10 percent with solar or wind, under the Federal mandate. The Federal Government is dictating a 10-percent fuel mix, regardless of the State program. This is ignoring the State program.

The Senator from New Mexico says it is OK if you go above a mandate with your State program—that's OK.

It is one size fits all, 10 percent, make no mistake about it.

This one says, if you are a white State, you can initiate a program that meets your needs and makes a contribution. I think that is responsible legislation. I do not think it is gutting the renewable package because if a State doesn't want to do it, it is going to be forced to do it. But the States that have initiated a program, let's honor that.

There is nothing magic about 10 percent. Where did they get 10 percent? Why isn't it 8 or 9? Why isn't it 11?

We said it is 10 percent, that is why it is 10 percent. Some States are saying it should be 6 percent. It should be 5 percent. Some States do better than 10 percent. Some States have hydro. Yet we are not recognizing hydro in this.

I suggest Members think a little bit about this. They are going to have to go home and face not only the ratepayers, they are going to have to face their utility commissioners and people are going to say: So one size fits all? You made a mandate in Washington. You are going to take away the initiative of our own program.

The suggestion that States would act irresponsibly I find unacceptable. If utility commissioners and those responsible for decisions act irresponsibly, they are voted out by the local process.

What does Maine have? Maine has 30 percent renewables. They have hydro. What about that which comes in from Canada? You can buy power from Canada. I assume we can buy credits from Canada as well. I think we have addressed some in the technical amendments, that we address the issue of buying credits outside the United States?

My friend from New Mexico has indicated we are going to, I think, agree to prohibit purchase of credits, say, from the Chinese, who are building the Three Gorges Dam, or the Canadians. These, in my opinion, are significant aspects that have been overlooked in this bill. The reason they were overlooked is we have not had an opportunity to go through the committee

process because, as you know, this bill came directly to the floor.

So do not be misled that somehow we are getting the renewable program. Everybody gets it, under my amendment—everybody. The existing States have to maintain it, whatever they believe is their level. The States in red that are generating an interest in it are going to have to, and the rest of them, if they do not do anything, are going to have to come under Senator BINGAMAN's mandate.

In my State we have a long winter. In some areas it is pretty hard to get running water, so hydro doesn't necessarily carry it. We dare not tread on ANWR around here because that is sacred.

Nevertheless, we have a situation that I hope Members and staff will recognize. This is not by any means gutting. This is a responsible effort to address, if you will, the initiatives of States to set their own level.

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

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from Alaska controls 6½ minutes, the Senator from New Mexico, 23 minutes.

Mr. BINGAMAN. Mr. President, let me speak for just a few minutes on this issue. I don't believe I will need a full 22 minutes. Let me put it in context.

The reason we believe it is important to include in this legislation a renewable portfolio standard is that we believe it is important that the Nation have a diverse group of sources—a diverse supply for its energy needs. We are headed in the future to a situation where that diversity is not present to the extent it should be.

I have shown this chart many times. We spent nearly a week on the Kyl amendment. This is essentially the same issue coming back in another form. Let me show the chart again.

You can see that in the year 2000 we are providing about 69 percent of our total energy needs from two sources; that is, from coal and natural gas. A lot of new generation is under construction around the country. We have a lot of new generation that is expected and planned for, and 95 percent of that new electric generation that is currently planned is planned to be gas fired. It is going to be using more natural gas. We have a problem with that in that today we are not producing as much natural gas as we are consuming. The disparity between what we are producing and what we are consuming is going to grow. It is continuing to grow.

We are saying let us hedge our bets as a nation. Let us try to encourage utilities to develop some renewable energy sources. We give them a wide variety that they can pursue. But do something in this regard. We are saying in the amendment I have at the desk, try to do 1 percent in the year 2005. That is what we have in the bill. Try to do 1.6 percent in the year 2006. We have very small increments after that.

The whole idea is that by the year 2020 we would try to do 10 percent of their total generation from one or more of these various sources.

We specifically provide in the legislation that it is up to the States to decide the right mix. It is up to the individual utility. The individual utility can decide what the right mix is. We are not trying in any way to dictate that.

There are some States that have stepped up and are doing something useful. Texas is the most successful. They have a very credible program. Then-Governor Bush—President Bush now—signed that into law. It has moved that State very significantly towards the use of renewable resources. I think they are being held up as a model by many experts for what we ought to see around the country.

We are not saying everyone has to do as much as Texas. We are saying let us do as much as we have in this amendment.

We have all sorts of flexibility about how they get from here to there. There are some States that produce more than the 10 percent from renewable resources. There are States that have adopted programs that will get them to a higher level than the 10 percent. More power to them. We do not do anything to discourage that. We want to discourage the opportunity for States to essentially give this lip service and not really do anything.

We want to encourage the opportunity for States to do as Illinois has done. Illinois has a great goal. They say: We want to be at 5 percent. We want to be at 15 percent. That is wonderful. But they do not have any teeth in their bill.

New Mexico has a good goal. I cannot recall exactly what the goal is. But we just suspended the goal until the year 2006 because of other considerations that had nothing to do with the renewable portfolio standard issue.

The majority of the Senate favors having a renewable portfolio standard. Let us do it. Let us keep this provision in the law.

The Senator's amendment would, in my strong opinion, gut the renewable portfolio standard. It says if you have adopted any other program that you can call a renewable energy portfolio program, it doesn't matter how much teeth there is in it, or standard. If you adopted anything, you are exempt. If you haven't adopted anything, then you need to adopt something in order to be exempt. We are not telling you what it has to be. We are just saying it has so be something. If you adopt anything, you are exempt.

That is a gutting of the provision, in my opinion. Clearly, that is not what I believe the majority of the Senate wants to do.

I strongly oppose the amendment by the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wish the occupant of the chair, the former Governor, could join us in this debate. He may have some opinion.

I remind my colleagues that ordinarily we do not practice dentistry here, and the reference to teeth in the bill may have an application. But I have to go back to my firm belief in the government being closest to the people as usually the government that is most responsive.

I fail to acknowledge that if we don't adopt this mandate, we are somehow being irresponsible. I think the way we have crafted this second degree is, again, not by any means an opportunity for the States to opt out. On the other hand, if they don't develop a program, they are going to be mandated in. Let there be no mistake about it. All those States on the chart in white are going to be mandated to meet the 10-percent renewable requirement.

Talk about teeth in the bill. I think those are teeth. They are saying if the States don't take the initiative to do it, you are going to have to do it.

The Senator from New Mexico says the majority wants a renewable mandate. Every State in the Union is going to be affected and, in effect, mandated because those in the white will have to come up with a program. Those in the red and green are already initiating programs.

I think the generalization of my friend from New Mexico is a little misleading. All States are going to be mandated in one form or another, either by the fact that they don't have a program or the fact that they do have one. If they want to drop this program, such as the State of New Mexico did, they are going to be mandated into a program—a 10-percent mandate.

I hope I am making myself clear. Some are going to be left out of this. Everybody is going to have to have a renewable program. The only difference is, under my proposal the States affected clearly would have some flexibility.

If it is up to the States to decide what the renewable mix should be—I say if it is up to those States—why not let them choose the level of their renewable?

Does the Senate believe it knows better than the States to do what is cost effective and appropriate given the States' renewable resources?

As I have said, the Midwest has wind. The East may have biomass. The Southwest may have solar and geothermal. Different levels are cost effective.

As we practice dentistry around here, and recognize that the allegation has been made that there is no teeth in this, there is teeth in my proposal. There is plenty of teeth in it. Nobody has opted out. What I think we have in this proposal is some false teeth.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, might I inquire, does the Senator have about 1 minute I could take?

The PRESIDING OFFICER. Two minutes are remaining.

Mr. KYL. I would like to take 1 minute.

Mr. MURKOWSKI. Go ahead and take 2.

Mr. KYL. I thank the Senator.

Mr. President, I support the amendment of the Senator from Alaska. Clearly, those States that have moved forward with the program for renewable resources to generate electricity have made a determination over a period of time about what they can best do in their particular States and what is in the best interest of their consumers.

It seems to me, since they have taken the trouble to do that, and they have done a lot of work on it, that it would be wrong for us—at least premature for us—to come in as the Federal Government and say: No. No. We know what is best for you. Even though we have not had any hearings, we have not had any markup in the committee, we are doing this all on the floor of the Senate, we instinctively know what is best for your State. That is really a supreme arrogance, even for the U.S. Senate.

So what the Senator from Alaska is saying is, look, for those States that have already chosen to do this, let them run their programs the way they want to, and even for those States that chose to do so in the future.

This really satisfies the argument that those on the other side have made that we need to do something—they use the words—''to encourage'' States to use renewables. A mandate is a lot more than an encouragement, but be that as it may, for those that have already chosen to do it, they have been encouraged. Let's recognize that and acknowledge their programs and accept them as they are. And, perhaps, for the rest of the States, our mandatory program will encourage them as well. They, then, should be allowed to move forward with the programs as they see fit.

So given the fact the Kyl amendment was defeated before—and I accept that—it seems to me this is a very good compromise, in effect, that recognizes what the other side wants: to make the States have some kind of a program, but it also provides them flexibility in recognition of the unique circumstances of their individual States.

I think it is a good compromise. I think the Senator from Alaska should be complimented for it. I certainly support his amendment and hope others will as well.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Seventeen minutes.

Mr. BINGAMAN. All of that is in opposition?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, I am informed that Senator JEFFORDS wants to speak in opposition. I also want to speak for another couple minutes, but I would like to do that after him. I would have to suggest the absence of a quorum at this time in order to preserve his right to speak.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. We have had a few requests for time from Senators who would like to catch airplanes.

Mr. BINGAMAN. I assume time runs against me during the quorum call.

The PRESIDING OFFICER. Time would run against the Senator.

Mr. MURKOWSKI. Thank you.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me be very brief. I will speak for a couple minutes and then yield back the remainder of our time. I am informed Senator JEFFORDS will not be arriving in time to speak prior to this vote.

Mr. President, I strongly urge Senators to oppose this Murkowski amendment. It does, in my strong opinion, gut the underlying provision which we have been debating now for the last several days.

The renewable portfolio standard that we have in the amendment I have sent to the desk requires certain things from utility companies over the next 18 years, between now and the year 2020. We all understand that.

What the Murkowski amendment says is that any utility located in any State that has something else in the way of a renewable portfolio program, no matter how weak it is, is exempt from the Federal requirement. It also says that if you are in a State that does not have anything, the State can adopt anything, no matter how weak. And then utilities in that State are also exempt. So it is very clear that his amendment does eliminate any meaningful mandate on utilities anywhere in the country.

I strongly urge Senators to oppose the Murkowski amendment. It would gut our renewable portfolio provision. For that reason, I think it should be defeated.

Mr. President, I know of nobody else on our side who wishes to speak in opposition. So I yield back the remainder of my time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3052. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Pennsylvania (Mr. SPECTOR), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

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

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—39

| | | |
|---|---|---|
| Akaka | Frist | McCain |
| Allard | Gramm | McConnell |
| Allen | Hagel | Miller |
| Bennett | Hatch | Murkowski |
| Bond | Helms | Nickles |
| Bunning | Hollings | Roberts |
| Burns | Hutchinson | Santorum |
| Campbell | Hutchison | Sessions |
| Cochran | Inhofe | Shelby |
| Craig | Inouye | Smith (NH) |
| Crapo | Kyl | Thomas |
| DeWine | Lott | Thompson |
| Domenici | Lugar | Warner |

NAYS—57

| | | |
|---|---|---|
| Baucus | Dodd | Levin |
| Bayh | Dorgan | Lieberman |
| Biden | Durbin | Lincoln |
| Bingaman | Edwards | Mikulski |
| Boxer | Ensign | Murray |
| Breaux | Feingold | Nelson (FL) |
| Brownback | Feinstein | Nelson (NE) |
| Byrd | Fitzgerald | Reed |
| Cantwell | Graham | Reid |
| Carnahan | Grassley | Rockefeller |
| Carper | Gregg | Sarbanes |
| Chafee | Harkin | Schumer |
| Cleland | Jeffords | Smith (OR) |
| Clinton | Johnson | Snowe |
| Collins | Kennedy | Stabenow |
| Conrad | Kerry | Torricelli |
| Corzine | Kohl | Voinovich |
| Daschle | Landrieu | Wellstone |
| Dayton | Leahy | Wyden |

NOT VOTING—4

| | |
|---|---|
| Enzi | Stevens |
| Specter | Thurmond |

The amendment (No. 3052) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I see several of the interested parties are here, and I do want to propound unanimous consent requests on a couple of issues.

I had hoped we would be able to reach agreement to move on the debt ceiling before the Senate went out of session. It appears that we are not going to be able to do that. I think we should.

Also, I had the impression we were going to try to do the Andean trade bill before we left. The President is on his way to Mexico, and he is going to Peru. The Andean countries feel very strongly about this issue and have said it is not only a trade issue, but has become a very serious political issue.

I would like for us to do these two things, and I will propound unanimous consent requests on both. Is there a preference as to which one I do first? I will propound the Andean request first.

UNANIMOUS CONSENT REQUESTS—H.R. 3009, S. 517 and H.R. 6

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 295, H.R. 3009, the Andean trade legislation; further, I ask unanimous consent that the committee amendment be agreed to, the bill be read a third time and passed, with the motion to reconsider laid upon the table; finally, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. The majority leader is recognized under a reservation?

Mr. HOLLINGS. I object.

Mr. LOTT. Mr. President, will the Senator from South Carolina withhold?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wish to point out that Senator LOTT and I have talked about this matter on a number of occasions. I share his strong desire to complete our work on Andean trade. We will do so.

I have also indicated a desire, and I know it is a desire held on both sides of the aisle, to finish the energy bill. It would be my hope we could move to many of these other pressing legislative priorities as soon as we finish energy.

We had agreed to take up and finish our energy responsibilities, and that is what we are doing. We have been on the bill now for 13 days, as my colleagues will note. There is one item that may keep us from reaching some agreement in the near future, and that is the ANWR amendment. We have been attempting to get some understanding about how we might resolve the issue relating to ANWR. So I ask unanimous consent that on Monday, April 8, at 2 p.m., the Senate resume consideration of S. 517; that Senator MURKOWSKI be immediately recognized to offer his amendment relating to ANWR; that the amendment be debated Monday and Tuesday; and that the Senate file cloture on his amendment Monday; that if cloture is not invoked on the amendment, then the amendment would be withdrawn and no further amendments relating to drilling in ANWR be in order.

If the Republican leader could agree to this, then I think we would be in a position to move very quickly, as soon as we finish our work on ANWR and on energy, on this and other matters.

Mr. LOTT. Reserving the right to object to that additional request, the request would not include the UC with regard to Andean trade; it would be strictly with regard to ANWR?

Mr. DASCHLE. This would allow us to complete our work on ANWR and on energy so we could move to not only Andean trade but TPA and border security as well.

Mr. LOTT. Let me assure Senator DASCHLE, under my reservation, I would like for us to get a vote on ANWR included in the energy bill and move to completion of the energy bill as soon as possible thereafter, too. Beyond that, I have urged the manager of this legislation, on our side of the aisle, to move to the ANWR issue as early as possible when we come back. I hope that would be, hopefully, even Tuesday, but of course we will have to dispose of a couple of pending issues because we do not want that to still be pending at the end of the week. We would like to finish the energy bill the week we come back because I know we need to go to the budget resolution and the trade bill.

My encouragement to the managers is we do ANWR earlier in the week so we can then do the tax provision which, I presume, would be last, and we would be prepared to go to the final passage of the bill.

At this time I object to that addition.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I objected to the request with regard to ANWR.

Now, did Senator GRAHAM want to speak on the Andean trade issue, or will he speak on it after the reservations?

Mr. HOLLINGS. After the objection.

Mr. LOTT. After the objection?

Mr. HOLLINGS. Right.

Mr. LOTT. That would be fine.

Mr. HOLLINGS. I object.

Mr. LOTT. The Senator from South Carolina objects?

Mr. HOLLINGS. I do.

Mr. LOTT. I want to make sure. There are others who might object as did the Senator from South Carolina so the record is complete.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I appreciate the minority leader's efforts to get unanimous consent to consider the Andean Trade Preference Act, which I consider to be a matter of not only urgency but also a matter of national moral responsibility for the United States.

For 10 years, we had a special relationship between this country and four countries in Latin America: Ecuador, Peru, Bolivia, and, primarily because of its size, Colombia. All of those countries now are in various forms of threat to their sovereignty, to their democracy, and to their economic well-being.

The United States, at this time of need, I believe, is morally obligated to reach out to our good neighbors in the hemisphere through the adoption of this legislation, which would essentially extend what we have done for 10 years, a very successful relationship on both sides, and modernize and bring it up to the same standards we have already provided to the countries of the Caribbean Basin.

Since we are not going to be dealing with this issue tonight, I hope we will make a commitment that early after we return on April 8 we will give attention to this matter so we can send the strongest possible signal to these beleaguered countries that we understand their need and that we want to be a partner in their resolution.

I urge our leadership to give priority attention to this issue at the earliest possible time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, right to the point on Andean trade, we have supported it and we have indicated, of course, to the administration we would go along with an extension. However, we have given at the office, as the saying goes. I have lost 50,900 textile jobs since NAFTA, and I am wondering about these people talking of morality, if they would be glad to accept my amendment to include Brazil and orange juice. Wouldn't that be immoral?

I have another moral for a motion on the Andean pact, and that is to get a little beef and wheat to Argentina; they are in desperate circumstances. Morally, under the good neighbor policy of Franklin D. Roosevelt, we Democrats ought to be morally committed to beef and wheat to Argentina.

We have all kinds of amendments we can present. My point is, this country has lost its manufacturing capacity. That goes right to the heart of the economy and the recovery from the recession. Under the Marshall plan, yes, we sent over our technology and expertise. It worked. Capitalism conquered communism. However, there comes a time to face reality and that is that there is no such thing as free trade. We have the enemy within—the Business Roundtable. Boy, I have gotten awards from them. But what has happened over the years is they have moved their production.

I would like to print in the RECORD about Jack Welch squeezing the lemon. He said on December 6, 2000, the year before last, squeeze the lemon. He said General Electric was not going to serve or contract with any supplier that didn't move to Mexico.

So we have an affirmative action plan to get the jobs. Then comes free trade, promotes jobs.

The gentleman Welch is squeezing something else. That is not a problem. I don't think we are going to handle that tonight.

Let's now get on with what we are morally committed to on the idea of trade. I am morally committed to the economic strength of this country.

Mr. HELMS. Mr. President, I do not relish questioning legislation that the President and the distinguished Republican leader are seeking to move through the Senate, but I feel obliged to make sure that the RECORD reflects that I am genuinely opposed to the request to move to the Andean trade bill because I am committed to standing up for the men and women from North Carolina who earn their living in the textile industry.

Time and again, these good citizens have been asked to sacrifice their livelihoods for the sake of textile trade liberalization. In 2001, the textile and apparel sector lost almost 141,000 domestic jobs. In North Carolina alone, more than 20,000 jobs were lost last year. The steady erosion of the manufacturing base in North Carolina is creating a genuine crisis, both for the men and women who are out of work, and the communities which depend on a healthy domestic textile industry.

The so-called Andean Trade Preferences Act proposes to unilaterally allow duty-free imports of apparel products from the Andean region. This legislation will exacerbate the problems facing our communities rather than assisting our industries and workers.

Mr. President, with all respect, I do not believe the Senate should proceed to the Andean trade bill, and I, therefore, feel obliged to oppose the leader's request.

Mr. LOTT. One other issue. I really am bothered by the fact we are going to be leaving town and have not extended the debt ceiling. The Treasury Department has indicated they may or likely will have to take action around April 1 to deal with the fact that the debt ceiling may have been reached, and that they would do a number of things, as other administrations have done, possibly even dip into the pension fund to carry us over.

Senator DASCHLE and I talked about the need to move this before we left, to move it clean and move it for a year, but we have not been able to get that cleared. I think the Senate would look much better, and it would have been a wise thing for us to do to move the debt ceiling extension.

I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 168, H.R. 6, and that all after the enacting clause be stricken; further I ask that the text of a Senate bill which is at the desk, which is in the debt limit extension, be inserted in lieu thereof; further I ask that the bill be read a third time and passed, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, with regard to the last request and the objection, I want to indicate that I, too, would have objected. Congress has had a long tradition of linking the budget process reform to increases in the statutory limit on Government debt. Obviously, no one knows this better than the Senator from Texas when in 1985 Congress enacted the Gramm-Rudman-Hollings law as an amendment to the debt limit bill, and in 1987, after the Supreme Court ruled the first Gramm-Rudman-Hollings law unconstitutional, then Congress added the reaffirmation of the Gramm-Rudman-Hollings law to the debt limit. Then in 1990, Congress enacted the Budget Enforcement Act in the same legislation with an increase in the debt limit.

There is a logical link between the debt limit issue and controlling of deficits. I think the Senate should only vote to raise the debt limit if it is linked with reforms to prevent the need for future debt limit increases, and I hope that when we return to this issue there is an opportunity for an amendment with a limited time agreement so we can perhaps address this important matter.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I hope everybody realizes this was an exercise without any real value because the House went out last night. Even if we had passed it tonight, there is no prospect for the House to take this legislation up until after they come back in 2 weeks. We have been waiting for the House to give us some indication as to the size of the debt limit increase they support and some understanding of what they will do. We have yet to hear what the House plans are with regard to the debt limit.

The last I heard is they were having some difficulty in reaching agreement, and because they have not reached an agreement, they do not have the votes to increase the debt under any conditions at this point. There is some indication now they are planning to offer the debt limit increase as an amendment to the supplemental, but the supplemental has yet to be presented to the Congress. So we do not have a supplemental. We do not have any indication from the House as to what their intentions are with regard to the size or the timeframe within which the debt will be considered and extended. So even if we did take up the debt limit tonight, as I wish we could do as well, unfortunately we are still going to have to wait until after the House acts on the legislation for us to be able to complete our work.

So I do hope when we come back we can work in a bipartisan manner and send clean legislation either to the House or wait for the House to send similar legislation to us.

I yield the floor.

## NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 3057 TO AMENDMENT NO. 3016

Mr. KYL. Mr. President, I have an amendment at the desk numbered 3057.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3057.

Mr. KYL. 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:

On page 9 after line 7 insert:

''(n) PROTECTION OF CONSUMERS.—Upon certification by the Governor of a State to the Secretary of Energy that the application of the Federal renewable portfolio standard would adversely affect consumers in such State, the requirements of this section shall not apply to retail electric sellers in such State. Such suspension shall continue until certification by the Governor of the State to the Secretary of Energy that consumers in such State would no longer be adversely affected by the application of the provisions of this section.''

Mr. KYL. I will take a couple of minutes to explain this amendment. It is very straightforward. Since we have been through the debate, we do not have to have a great deal more. We have tried twice, once myself and once Senator MURKOWSKI, to give the States more authority to deal with the problem of renewable energy. Both of our amendments have been rejected. We accept that.

This amendment is one last attempt to preserve some semblance of ability by the States to protect their electric consumers in the event the costs of this Federal mandate program should be too great and allows, therefore, the Governor to opt out or waive the provisions of the program in that one eventuality.

From the Energy Information Administration of the Department of Energy, we have an account of every single utility in the country in every single State, by State, showing exactly what this Federal mandate in the Bingaman provision is expected to cost retail consumers. It averages around a 4-, 5-, 6-percent per year increase, but it varies from region to region and utility to utility.

The point is, when customers begin to feel the pinch of the Federal mandate in the Bingaman amendment, they will ask you or your Governors is there anything they can do. My amendment says, yes, the Governor would have the ability in that event to waive the provisions of the Federal mandate, if he finds those provisions are adversely affecting the retail customers of the State.

These figures may not be accurate. If that is the case, fine. But if these figures are accurate, I suspect your constituents, your voters, your retail electric customers, are going to want some relief.

This is the last liferaft, folks. We have been defeated on everything else. This is at least a liferaft that provides some ability of the program to be waived so it would not adversely affect them. I ask my colleagues to consider not the utilities in your State; what we are saying is, if it should transpire that the Bingaman amendment adversely affects people, shouldn't we have some kind of escape valve, some ability for

the Governor to say: We are going to opt out until the situation transpires in a better way for the people of our State, for our electric customers. That is what this amendment does. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I would like to ask a question of the Senator from Arizona on the renewable energy matter. I was looking at the information he has provide and saw that under the Bingaman provision electricity bills in Virginia would increase by 5.5 percent on average—some, for example at Virginia Power, would go up by 4.8 percent.

Having served previously as Governor of Virginia, we would take a bunch of businesspeople up to New York City. We called it a report to top management. We talked about the attributes of coming to Virginia and locating businesses in our State. We talked about taxes, right-to-work laws, and regulations. But a key factor was the cost of electricity. Virginia's electricity costs are generally lower than those of the national average.

A Governor heads up economic development efforts. Do I understand your amendment correctly that a Governor who knows how to attract more jobs into a State, as that usually is a priority for a Governor, if he or she saw this was harmful for creating jobs in his or her State, could waive out of this Federal mandate if it was harming the competitiveness of the State and businesses?

Mr. KYL. Mr. President, the only way a Governor could waive the provisions with respect to his State would be if he found that the renewable portfolio standard would adversely affect consumers in his State. So he would have to find it is adversely affecting the retail electric consumers in his State for him to be able to waive the mandated provisions of the Bingaman proposal.

Mr. ALLEN. I thank the Senator.

In view of this, we ought to trust the people in the States. The Governors can determine whether this is adversely affecting their consumers and the ability of their citizens to get good jobs. The definition of consumers is not restricted just to individuals. They are also business enterprises. We ought to trust the people in the States who have the same concerns as everyone in this body to make this determination as to how it may affect their respective States.

I urge my colleagues to support the amendment of the Senator from Arizona.

Mr. KYL. I ask unanimous consent Senator HELMS be listed as a cosponsor.

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

Who yields time?

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes and there are 4 minutes on the side of the opponent.

Mr. BINGAMAN. I yield 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, one would hope we would not have to continue with the barrage of amendments that attempt to deprive the American public access for increased renewable resources. Make no mistake, the American public has made it very clear they support renewable energy. Poll after poll indicates the overwhelming majority of Americans support requiring utilities to produce electricity from renewable energy resources.

Americans want clean energy. They want technology that leaves the air clean, that does not contribute to lung cancer, that does not sicken their children. They want to diversify or domestically produce energy to buffer against price instability, and to lessen the vulnerability of our energy infrastructure through terrorist attack.

But we have yet another amendment that would weaken efforts to encourage production of renewable energy. This amendment allows a State to opt out of the energy program at any time the Governors certify it would adversely affect the consumers of the State. Clearly, this is no standard at all.

First, a certification that something ''may adversely affect'' consumers is pretty close to being as loose a statutory requirement as anyone can craft. The obvious effect is to allow States to opt out, leaving a piecemeal and unpredictable program.

As I said before, one of the overarching benefits of the Federal renewable energy standard is that it encourages regional generation and distribution of renewable energy. State provisions often limit credit to renewable energy generated within the States. A Federal standard encourages utilities to meet these renewable energy requirements by purchasing and selling renewable energy beyond State boundaries.

This recognizes a reality that our electricity generation is in fact regional in nature, with customers in California using energy provided from New Mexico, and a variety of New England States receiving their power from New York. Exempting States on a piecemeal basis serves to significantly weaken the regional application of a nationwide standard. A national standard must be uniformly applied to be effective.

When the American public says they want laws supporting renewable energy, they do not mean sham laws that, on their face, are going to do nothing.

We have already spoken at length about all the reasons we need it. We have mentioned the health benefits, et cetera, so I am not going to spend any more time doing that, other than to say this amendment should be defeated.

I yield the floor.

Mr. BINGAMAN. Let me speak briefly, and I will yield the remainder of my time, and I hope the Senator from Arizona will as well.

This will be the third time we have had essentially the same vote: The Kyl amendment earlier this morning, and then the vote we just had on the Murkowski amendment, and now this one. This amendment says that although we have a renewable portfolio standard, the majority of the Senate has agreed that makes sense, any Governor who doesn't agree with it can take his State out. He can sign a certification saying in his opinion——

The PRESIDING OFFICER. The Senate will be in order.

Mr. BINGAMAN. The point I was making is this amendment would essentially give Governors the option of taking their State out of this program by signing a certification to the effect that in their opinion this adversely affects folks in their State.

The reality is the majority of the Senate has expressed their view. The majority of the Senate has indicated they believe putting a reasonable renewable portfolio standard in the law makes sense and this proposal does that in a gradual, moderate way.

I think it would be a terrible mistake for us at this point to totally gut that provision, as the Kyl amendment would do. Anyone who voted against the Kyl amendment earlier today should oppose this amendment as well. Anyone who voted against the Murkowski amendment just now should vote against this amendment as well.

I am advised there may be others wishing to speak, so I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I have had several of my colleagues say don't worry, this is a green vote; it will be dropped in conference.

Let me tell you what we have done here. We have excluded the right of States to have a choice. We have mandated that one size fits all.

As this chart shows, under the previous vote we just completed, we were going to give recognition to the States that addressed the initiative of coming up with renewables. But what we were going to do was force the others that had not to perform under the 10-percent mandate.

The idea of the Senator from Arizona, to give the Governor some discretion, I think is responsible legislation. Why should we sit here and mandate that one size fits all? The States know what is best for them, and we should concur with that and recognize, indeed, that they have their own best interests at heart and they are responsible people. They are elected just as we are.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I was struck in listening to our dear colleague from Vermont tell us about how many people are for this renewable energy and what a strong base of support there is for it. I guess the logical question is: If everybody is for it, why are

we making them do it? If everybody is for it, why would any Governor opt his State out when he has to stand for reelection?

The problem is, not everybody is for it and the costs may be—in some States and under some circumstances—prohibitive. So I urge people, take into account that things in your State may align in such a way that you would want the option, under those circumstances, to opt out. On that basis, I urge people to please vote for the Kyl amendment.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, as I understand it, all time has expired on the Republican side. I think we are prepared to yield back the remainder of our time.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. DASCHLE. I will say, this will be the final vote for tonight. There will not be any votes tomorrow. But I do hope we can come back in 2 weeks, and we are all going to help finish this bill on time; right? The week we get back.

With that understanding, there will be no votes tomorrow, and the first vote will be on Tuesday, the second day of the week we come back.

I yield the floor.

Mr. GRAMM. Let no one say the final action before the recess is not bipartisan.

Mr. MURKOWSKI. We yield back the remainder of our time.

Mr. BINGAMAN. We yield our time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3057.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

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

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—37

| | | |
|---|---|---|
| Allard | Frist | Miller |
| Allen | Gramm | Murkowski |
| Bennett | Hagel | Nickles |
| Bond | Hatch | Roberts |
| Bunning | Helms | Santorum |
| Burns | Hollings | Sessions |
| Campbell | Hutchinson | Shelby |
| Cleland | Inhofe | Smith (NH) |
| Cochran | Kyl | Thomas |
| Craig | Lott | Thompson |
| Crapo | Lugar | Warner |
| DeWine | McCain | |
| Domenici | McConnell | |

NAYS—58

| | | |
|---|---|---|
| Akaka | Dorgan | Lieberman |
| Baucus | Durbin | Lincoln |
| Bayh | Edwards | Mikulski |
| Biden | Ensign | Murray |
| Bingaman | Feingold | Nelson (FL) |
| Boxer | Feinstein | Nelson (NE) |
| Breaux | Fitzgerald | Reed |
| Brownback | Graham | Reid |
| Byrd | Grassley | Rockefeller |
| Cantwell | Gregg | Sarbanes |
| Carnahan | Harkin | Schumer |
| Carper | Inouye | Smith (OR) |
| Chafee | Jeffords | Snowe |
| Clinton | Johnson | Specter |
| Collins | Kennedy | Stabenow |
| Conrad | Kerry | Torricelli |
| Corzine | Kohl | Wellstone |
| Daschle | Landrieu | Wyden |
| Dayton | Leahy | |
| Dodd | Levin | |

NOT VOTING—5

| | | |
|---|---|---|
| Enzi | Stevens | Voinovich |
| Hutchison | Thurmond | |

The amendment (No. 3057) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3058 TO AMENDMENT NO. 3016

Mr. BINGAMAN. Mr. President, under the unanimous consent, I believe the Senator from Maine now is in order to offer her amendment which is an agreed-to amendment.

The PRESIDING OFFICER. The Senator is correct. The Senator from Maine.

Ms. COLLINS. Mr. President, on behalf of myself and Senator SNOWE, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Ms. SNOWE, proposes an amendment numbered 3058 to amendment No. 3016.

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

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

The amendment is as follows:

(Purpose: To clarify the definition of ''repowering or cofiring increment'')

On page 8, line 15, delete the period and add '', or the additional generation above the average generation in the three years preceding the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.''

Ms. COLLINS. Mr. President, I rise to offer an amendment that recognizes the value of America's existing renewable energy resources. The Bingaman amendment does not give credit to existing renewable energy facilities. I believe a facility should receive credit at least for new renewable energy generation that is higher than the facility's average generation over the previous three years. My amendment would allow existing facilities to receive credit for increased generation of renewable energy.

I support increasing our use of renewable energy. I believe it is important that any comprehensive energy legislation significantly boost the use of electricity produced from clean resources such as biomass, wind, geothermal, and solar energy. I support a significant renewable portfolio standard, which requires electricity suppliers to sell electricity that has a minimum amount of renewable energy.

Promoting our renewable energy resources will help diversify our energy supplies, increase our energy security, and reduce pollution. It will move us one step closer to a cleaner energy future that reduces our reliance on fossil fuels.

States are leading the way in demonstrating the benefits of clean energy standards. Twelve States, including Arizona, Connecticut, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, and Wisconsin, have already adopted a renewable portfolio standard. A national RPS will complement and enhance the groundbreaking efforts by these states and will provide particular benefits to hard-pressed agricultural and rural areas. Perhaps most important, a national RPS would create a new and vibrant national market across all states, and help to maintain America's international leadership in these energy technologies of the future.

I commend the efforts to develop renewable energy in my home State of Maine. Maine has been a leader in developing renewable energy. In fact, Maine has enacted a state-wide renewable portfolio standard of 30 percent. No other State has adopted as high a standard as Maine.

Even though I am emphatically in favor of increasing renewable energy production, we must do so in a fair and equitable way. The proposal before us, offered by my friend from New Mexico, Senator BINGAMAN, unfairly discriminates against existing renewable energy resources. Unfortunately, the Senator from New Mexico has drafted legislation that does not properly give credit to existing renewable energy production.

Why should we discriminate against States which have been proactive and invested heavily in renewable energy? I know my home State of Maine, as well as California and a number of other States, have invested huge resources into developing our renewable energy resources. These States have developed new technologies and set an example for other States to follow. Let's not penalize those States which have worked to develop our renewable energy industry from the ground up.

Ideally, every existing renewable energy resource should receive full credit. I would like to see existing renewable energy resources receive 100% credit. Doing so would help bring our total renewable energy generation to a higher level at less cost. Under the Bingaman approach, existing renewable energy resources will find themselves in an unfair competitive environment with new renewable energy

sources. Existing renewable energy facilities will shut down, and new ones will be built next door. That is a poor use of resources. It will cost more money and raise electricity prices. Wouldn't it be better if States could form partnerships with each other to develop renewable energy resources in the most cost efficient manner possible? Surely we should allow States which don't have a lot of existing renewable resources to save money by buying inexpensive, existing credits from other States.

I am offering this amendment that would provide at least partial recognition of those hard working Americans who have built our existing renewable energy resources. I would like to see all existing renewable energy resources included in this standard. However, my amendment does not go that far in an attempt to accommodate Senator BINGAMAN.

My amendment merely says that increased output at existing renewable energy facilities should be counted. If an existing renewable energy facility were to increase its renewable energy output by 50%, then under my amendment that facility would receive credit for that 50% increase. Thus, consistent with the interest of Senator BINGAMAN's proposal, my amendment only gives credit to new renewable energy production.

Those who have developed America's existing renewable energy resources should have their efforts recognized. At a minimum, I hope my colleagues will at least join me in giving these hard working Americans who have led the way on renewables partial credit. I ask my colleagues to join me in supporting this amendment.

To reiterate, my amendment merely says that increased output at an existing renewable energy facility should be counted under this bill. If an existing renewable energy facility were to increase its renewable energy output by 50 percent, then under my amendment that facility would receive credit for that 50-percent increase. Thus, I believe it is consistent with the intent of Senator BINGAMAN's proposal in that it gives credit to expand renewable energy production.

I ask for consideration of the amendment, and I thank both Senator BINGAMAN and Senator MURKOWSKI for their assistance in this matter.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, the amendment is acceptable on this side.

Mr. MURKOWSKI. It is cleared on this side, Mr. President.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 3058. Without objection, the amendment is agreed to.

The amendment (No. 3058) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3016, AS AMENDED

Mr. BINGAMAN. Mr. President, I believe the next item under the unanimous consent agreement is a vote on the Bingaman amendment.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to amendment No. 3016, as amended. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 3016), as amended, was agreed to.

VITIATION OF ACTION—AMENDMENT NO. 2996

Mr. BINGAMAN. Mr. President, last week the Senate adopted an amendment by Senators MURKOWSKI and DASCHLE relating to rural and remote community grants. There were a number of inadvertent errors in the amendment as adopted. Accordingly, I ask unanimous consent that the adoption of amendment No. 2996 be vitiated.

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

AMENDMENTS NOS. 3059 THROUGH 3069 EN BLOC TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, you have at the desk 11 amendments. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. MURKOWSKI, proposes amendments en bloc numbered 3059 through 3069 to Amendment No. 2917.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments (Nos. 3059 through 3069) are as follows:

AMENDMENT NO. 3059

(Purpose: To authorize rural and remote community electrification grants)

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

AMENDMENT NO. 3060

(Purpose: To strike section 264)

On page 65, strike line 18 and all that follows through page 67, line 4.

AMENDMENT NO. 3061

(Purpose: To permit the Department of Energy to transfer uranium-bearing materials to uranium mills for recycling)

On page 121, line 24, strike ''and'' and all that follows through page 122, line 2 and insert:

''(5) to any person for national security purposes, as determined by the Secretary; and

''(6) to a uranium mill licensed by the Commission for the purpose of recycling uranium-bearing material.''.

AMENDMENT NO. 3062

(Purpose: To define the term 'traffic signal module')

On page 289, after line 4, insert the following:

''(41) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.''

AMENDMENT NO. 3063

(Purpose: To provide test procedures for traffic lights)

On page 289, after line 21, insert the following:

''(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.''

AMENDMENT NO. 3064

(Purpose: To establish an efficiency standard for traffic lights)

On page 301, after line 5, insert the following:

''(z) TRAFFIC SIGNAL MODULES.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems.''

AMENDMENT NO. 3065

(Purpose: To clarify those entities eligible to participate in the Renewable Energy Production Incentive program)

On page 60, line 20–23, strike ''an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986'' and inserting ''a nonprofit electrical cooperative''.

AMENDMENT NO. 3066

(Purpose: To insert provisions relating to electric energy)

On page 407, line 4, after ''including'', insert ''flexible alternating current transmission systems,''.

AMENDMENT NO. 3067

(Purpose: To include geothermal heat pump efficiency among the technologies to be reviewed under section 1701 of the bill)

On page 568, line 20, insert ''geothermal heat pump technology,'' before ''and energy recovery''.

AMENDMENT NO. 3068

(Purpose: To provide for the updating of insular area renewable energy and energy efficiency plans)

On page 574, following line 11, insert the following:

**SEC. 1704. UPDATING OF INSULAR AREA RENEWABLE ENERGY AND ENERGY EFFICIENCY PLANS.**

Section 604 of Public Law 96–597 (48 U.S.C. 1492) is amended—

(1) in subsection (a) at the end of paragraph (4) by striking ''resources'' and inserting ''resources'' and

''(5) the development of renewable energy and energy efficiency technologies since publication of the 1982 Territorial Energy Assessment prepared under subsection (c) reveals the need to reassess the state of energy production, consumption, efficiency, infrastructure, reliance on imported energy, and potential of the indigenous renewable energy resources and energy efficiency in regard to the insular areas.''; and

(2) by adding at the end of subsection (e) ''The Secretary of Energy, in consultation with the Secretary of the Interior and the chief executive officer of each insular area,

shall update the plans required under subsection (c) and draft long-term energy plans for each insular area that will reduce, to the extent feasible, the reliance of the insular area on energy imports by the year 2010, and maximize, to the extent feasible, use of renewable energy resources and energy efficiency opportunities. Not later than December 31, 2002, the Secretary of Energy shall submit the updated plans to Congress.''.

AMENDMENT NO. 3069

(Purpose: To provide for access to the Alaska natural gas transportation project and other purposes)

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

AMENDMENT NO. 3069

Mr. MURKOWSKI. Mr. President, amendment No. 3069 incorporates all of the changes Senator BINGAMAN and I have worked out with the State of Alaska, the Alaska Legislature, the pipeline companies, the North Slope oil and gas producers, and northern Alaska petroleum explorers.

One might imagine with the diversity of interests represented by this group of participants, there was not always unanimous agreement on each point.

But at the end of the day, I believe what is contained in this substitute amendment is a fair compromise between often divergent points of view.

I want to thank Senator BINGAMAN and his staff for all of the hard work they invested in working with me to craft this challenging amendment.

Although Alaska North Slope gas has been available for over 30 years, development and commercialization has not been possible due to lack of local market and lack of transportation to commercial markets.

The cost and risk associated with building a project of the magnitude we are speaking was just too daunting.

All of you are aware of last year's efforts on the part of Exxon/Mobil, Phillips, and British Petroleum to evaluate the commercial viability of transporting Alaska gas to markets in the lower 48.

At the completion of their economic evaluation they determined that the project was ''not'' economically viable at this time.

This negative economic determination set the stage for Congress's involvement in the Alaska gas debate.

A way needed to be found to reduce both the cost and the risk associated with the construction of this $20 billion project.

As you may know Senator DASCHLE and BINGAMAN introduced their energy bill last December—language was contained in that bill to assist in constructing the Alaska Gas Transportation Project.

While that language was a good start, it did not address all of the problems that needed to be resolved in order to achieve the goal of cost and risk reduction.

It also failed to address issues of significant concern to the people of Alaska.

For the past several months Senator BINGAMAN and I have been engaged in discussions with all the interested parties in an attempt to come up with language that would remove as many barriers as possible standing in the way of constructing this project.

The amendment that Senator BINGAMAN and I are offering today accomplishes this goal.

I believe both the interest of Alaska and the nation are well served by the language we have crafted.

It protects Alaska's interests by: prohibiting the ''Over-the-Top'' route thus keeping construction and operational jobs in Alaska ''and'' along with providing Alaskans with the opportunity to heat their homes and develop a gas based industry in our State; making it clear that Alaskans have full regulatory authority over gas coming off the mainline in our State; providing the opportunity for newly discovered Alaska gas to find its way to markets in the south; making special provisions for the transport of Alaska royalty gas to markets in Alaska; and setting up a $20 million dollar program to train Alaskans in the skills they will need to compete successfully for the high paying jobs created by the construction and operation of the Alaska Gas Transportation System.

The national interest is protected by significantly reducing the risk associated with construction of a system that will provide the nation with a secure, abundant, and domestically produced supply of gas that will last well into the middle of the century.

The national interest is served by: providing gasline builders with two separate and updated authorities to permit the project; providing expedited judicial review of legal challenges that might otherwise slow down the project; and creating a project coordinator to make sure that the scores of State and Federal agencies permitting the project are working together and not creating artificial bureaucratic barriers that will slow or halt the construction process.

I firmly believe that the language contained in this amendment will go a long way towards reducing both the cost and the risk associated with the construction of the Alaska Natural Gas Transportation System.

A system that will serve the special interests of Alaska and the Nation for decades to come.

Mr. BINGAMAN. Mr. President, these 11 amendments have been cleared on both sides. I urge their adoption en bloc.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 3059 through 3069), en bloc, were agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I also move to reconsider the vote on the adoption of amendment No. 3016.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3023

Mr. BINGAMAN. Mr. President, I have two other amendments that are at the desk at this moment. Amendment No. 3023, which is an amendment by Senator LINCOLN related to the biodiesel credit, is cleared, and I urge that we go ahead and proceed with it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3023.

The amendment (No. 3023) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3041

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment No. 3041 be voted on.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3041.

The amendment (No. 3041) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, that completes the items we intended to complete today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield to the Senator from Florida for how much time?

Mr. GRAHAM. Two minutes.

Mr. BYRD. For not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Florida.

AMENDMENT NO. 3070 TO AMENDMENT NO. 2917

Mr. GRAHAM. Mr. President, I wish to offer an amendment and ask that it be laid aside for consideration after we return.

This amendment will add to the list of items which are acceptable as renewable energy municipal solid waste. When we return, I will make a more extended statement. In a State such as mine, the options for dealing with solid waste are essentially two: One is to bury it in a landfill; two is to incinerate it. Of those two, clearly, the incineration is a more benign impact on our environment. Given the high water table we have, land disposal of the solid waste creates serious issues of water quality. In my opinion, we should allow, as we have allowed this afternoon through the amendment of Senator CRAIG, expanded use of biomass, and now Senator COLLINS extended use of hydropower, we should recognize the fact that both in terms of environment and energy, allowing solid waste to energy to be one of the allowable renewable energy sources is in the national interest.

I offer this amendment. I ask that it be set aside and look forward to a fuller discussion when we return.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 3070.

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

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

The amendment is as follows:

AMENDMENT NO. 3070

(Purpose: To clarify the provisions relating to the Renewable Portfolio Standard)

Strike Sec. 606(1)(3) and replace with the following:

''(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothemal energy biomass, municipal solid waste, landfill gas, a generation offset, or incremental hydropower.''

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does the Senator from Alaska wish to be yielded to?

Mr. MURKOWSKI. Let me thank my good friend, the senior Senator from West Virginia. I appreciate the opportunity to respond very briefly with a statement.

Mr. BYRD. How much time?

Mr. MURKOWSKI. About 40 seconds.

Mr. BYRD. Mr. President, I yield to the distinguished Senator for whatever time he may consume, up to 2 minutes, without losing my right to the floor.

Mr. MURKOWSKI. Mr. President, I thank the President pro tempore for his generosity.

Mr. President, I will file an amendment, but I shall not bring it up at this time. This amendment would require the cessation of importing oil from Iraq, which is currently at 1.2 million barrels a day, until such time as the President certifies that Iraq, one, allows U.S. inspectors access to suspected sites for the development of weapons of mass destruction; and, two, ceases to cheat the U.N. oil program by smuggling oil out through third countries.

It will be my intention to bring this amendment up upon our return from the recess.

I yield the floor.

AMENDMENT NO. 3042

Mr. ROCKEFLLER. Mr. President, I am proud to submit today, along with my colleague Senator CARNAHAN, amendment No. 3042 to provide tax incentives to promote the use of a new type of energy-efficient technology for beverage vending machines. The Natural Resources Defense Council estimates that, when fully implemented, this new technology could reduce national energy use by up to 6 billion kilowatt hours, kWh, per year. This translates to an annual electricity savings of $600 million, by encouraging the sale of new energy-efficient vending machines for bottled and canned beverages.

Our amendment provides a $75 tax credit for the purchase of each qualifying energy-efficient vending machine. This incentive is necessary because vending machines are purchased by bottlers and other beverage machine operators and placed at third party locations to benefit consumers, but the types of machines purchased are not decided by the organization that pays the electricity bill. Unlike most products, the benefit of a vending machine's reduced energy consumption is captured by the third party location not by the machine's purchaser. Therefore, there is currently no economic incentive for machine operators to purchase energy efficient vending machines, many of which have useful lives of ten to twenty years.

For instance, colleges all across the country have beverage vending machines for the students to use. A soft drink bottler purchases these machines from a manufacturer, and places them in student unions at universities, such as Wheeling Jesuit in Wheeling, WV. Wheeling Jesuit and other customers of the bottler have no control over what kind of machines are purchased. Because Wheeling Jesuit, and not the vending machine operator, pays the electric bill, the vending machine operator has no incentive to save Wheeling Jesuit money with more energy-efficient machines that would cut down on the college's electricity bills. This amendment would change all of that, because the vending machine operators would receive the tax credit for their purchases. The new energy efficient machines will save the typical site owner $200 a year and more than $2,000 over the life of the machine.

Technology is now available to reduce the energy consumption of refrigerated bottled and canned vending machines by as much as 50 percent. One of the manufacturers using this technology to make energy-efficient vending machines has operations in my home State of West Virginia, in the small town of Kearneysville. This energy-saving technology has been recognized by the Natural Resources Defense Council, and will be recognized next week at the Environmental Protection Agency's Energy Star Awards. This tax incentive will make it easier for bottlers do to the right thing, environmentally, while benefiting forward-looking manufacturers like the one producing these energy-efficient machines in the Eastern Panhandle of West Virginia.

Without this incentive, the likely result is that bottlers will take advantage of this improved technology much more slowly, and energy will continue to be needlessly wasted.

Each new energy-efficient machine would save more than 2,000 kWh per year over its less-efficient predecessor. With approximately 225,000 new vending machines purchased every year the energy savings potential is enormous. Once all machines are switched to the more energy efficient models, our Nation can save six billion kWh per year. That is enough energy to power approximately 600,000 U.S. households for an entire year.

Another feature of this tax credit is that it will provide a substantial energy savings to our nation without burdening the average American. Citizens will not even know the vending machines are energy-efficient. There will be no change to the temperature of the beverages or the outward appearance of the machines. The tax incentive will tend to keep the price of the beverage where it is today.

This amendment provides a boon to energy savings at little cost. This amendment will provide an energy savings of approximately three to one over the cost of the tax incentive. Not only does this amendment make good sense for energy efficiency; it makes good economic sense, too.

Every small step we take toward reducing our nation's total energy consumption contributes to a more prosperous economy and a brighter future for ourselves and our children. I urge my colleagues to support this amendment.

AMENDMENT NO. 3043

Mr. ROCKEFELLER. Mr. President, I am committed to helping craft national energy legislation that takes energy production and conservation, balanced with environmental concerns and economic issues, into consideration. Today, I am pleased to join my colleagues Senator ALLEN, Senator SPECTER, and Senator WARNER, in submitting amendment No. 3043 to the Senate energy bill to create an important tax incentive that I believe will encourage the recycling of coal combustion waste materials produced in the process of reducing sulfur emission in coal-fired electric utility boilers.

Currently in the United States, many coal-fired power plants are equipped with sulfur dioxide scrubbers, the purpose of which is to significantly reduce the amount of sulfur dioxide released into the air. In the process of cleaning the air, these scrubbers produce more than 20 million tons of coal combustion waste or sludge per year. Stabilization of the sludge increases the waste materials to over 40 million tons per year, and this amount is expected to more than double as the Clean Air Act Amendments of 1990 continue to phase in. At this time, less than 20 percent of this waste material is recycled. In fact, the balance of the sludge is disposed of in landfills at a cost to electric utilities of as much as $40 per ton, depending upon the locale. I am concerned that, as landfills become full, and new landfills become more difficult to site, the costs to utilities, and ultimately to electric consumers, will continue to escalate.

A tax credit is needed to encourage utilities that are controlling their sulfur dioxide emissions to recycle the waste material their scrubbers

produce. By helping to alleviate and perhaps eliminate the cost of disposing of the waste products generated by using important emission control systems, we can realize the multiple environmental benefits: Cleaner air and less combustion waste being landfilled.

There are basically two types of scrubbing, or emission control systems, currently in use. One produces a wet sludge and the other a dry sludge. Wet sludge is more difficult and costly to treat. Accordingly, the proposed credit is $6 for each ''wet ton'' and $4 for each ''dry ton'' recycled by a third party. The credit will have a 10-year limit and includes strict requirements to determine that the sludge has actually been ''recycled'' and that a value-added product, with genuine marketplace appeal, is created.

The tax credits will stimulate the development of new technologies to recycle the sludge and encourage existing technologies to enhance their recycling efforts. The 10-year life of this credit will provide sufficient time to aid the start-up of new companies and technologies and the further development of existing technologies; thereafter these recycling efforts should be self-supporting. The cost of these credits is less than $75 million over the next 10 years and could, in part, be offset by taxes generated by new businesses as well as the savings to the economy through reduced energy costs.

I remain committed to promoting the use of coal as a primary energy source for this nation, and I wholeheartedly embrace tax incentives for the installation of clean coal technologies. I believe this credit to encourage combustion waste recycling efforts is an important addition to our energy policy. It will support economic development and protect the environment. I strongly urge my colleagues to support this amendment.

AMENDMENT NO. 3044

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues, Senators BEN NELSON and CHUCK HAGEL, in submitting amendment No. 3044 addressing energy metering at consumers' homes and the availability of reliable energy usage data for consumers to use in making energy consumption decisions. The amendment we are submitting is very straightforward, and I urge my colleagues to support it.

Under the Energy Tax Incentives Act a tax credit and accelerated depreciation is established for the benefit of electric and gas suppliers that install energy meters that provide consumers with real-time information about the amount of energy they are consuming and the cost of that energy. This provision was passed by the Senate Finance Committee, and will become a part of the bill now under consideration.

The intent of these provisions is to promote energy conservation by allowing consumers to monitor, in real time, their energy use and its cost. By providing consumers with access to current energy use and cost information, consumers will be better able to change their usage patterns, thereby conserving energy and saving money in the process. The one problem my cosponsors and I see with this provision is that it is limited to only one or two specific metering technologies, and I strongly believe there are other very cost effective and beneficial metering technologies, collectively referred to as ''time of use'' technology that would similarly allow consumers to better conserve energy.

Our amendment would simply expand the availability of this tax provision to include those suppliers who provide consumers with time of use metering technology. One of these time of use technologies is manufactured by a company doing business in Scott Depot, WV. I have not brought this amendment to the floor of the United States Senate solely because it may benefit a business in my home State. I have brought this amendment to the floor because I believe it will enhance the effectiveness of the underlying bill by giving consumers and their utilities a number of options for conserving energy through the auditing of their energy use.

By using time of use technology, consumers could easily and conveniently determine how much energy they consumed during different times of the day and the specific costs associated with their use during each time period. Consumers would have access to time of use information for pre-selected time segments of each day. Each selected time period would have the exact price of the energy consumed.

For example, a consumer in New Manchester, WV, using this technology could determine how much energy was used between 6–7 p.m. each night. By knowing this information, this consumer would be able to change his or her energy-use habits during specific time periods, or as an overall policy. If helpful, consumers could also easily be provided with historic time of use information so they could compare their current use and costs with their past use to see the extent they have been conserving energy and saving money. I believe this type of metering technology would be particularly beneficial to many consumers in West Virginia.

This is a good amendment, and I think that it improves the energy efficiency provisions of the underlying bill, without favoring one technology over another.

AMENDMENT NO. 3045

Mr. ROCKEFELLER. Mr. President, amendment No. 3045 is very simple but it could make a life or death difference to miners who work in one of the most dangerous occupations in America.

This amendment would require the Secretary of Labor, in consultation with the Secretary of Energy, to review current staffing levels of mine inspectors, and considering current needs and expected retirements, to hire and train as many new mine inspectors as are needed to maintain proper safety in coal mines. The Secretary is to maintain the number of mine inspectors at a level no lower than current levels. When filing these positions, my amendment encourages the Secretary of Labor to give consideration to experienced miners or mine engineers.

Coal miners are dying in alarming numbers in accidents that might be prevented if more mine inspectors were on the job. Coal mine fatalities increased in 2001 for the third year in a row. Forty-two miners died in mine accidents in the United States. Forty-two miners lost their lives. This is the most since 1995.

Already in 2002, eight miners have died in American coal mines. Improved technology is increasing the productivity of our mines. We should also be seeing improvements in mine safety, not a rising death toll.

Two of the miners who have died this year were West Virginians. On January 2nd, a 44-year-old miner with 23 years of experience was fatally injured when unsupported roof rock measuring seven feet by five feet fell on him in the Justice #1 mine in Boone County, WV.

Just over a month later, on February 20th a 53-year-old miner at the Radar Run #2 mine in Greenbrier County was crushed by loose rock, some as large as 30 feet long, 30 feet wide, and 10 feet thick.

These deaths are tragedies for the families and friends of the miners who died. If these accidents could have been prevented, it is unforgivable. Our industry and Federal mine safety system are supposed to protect miners to the maximum extent possible. The sheer number of mine deaths tells me that we are not doing enough to ensure miners' safety.

I am proud that West Virginia produces much of the coal that powers the national economy. Over 50 percent of our electricity comes from coal. But in producing this fuel, year in and year out, too many West Virginia miners become casualties.

Twelve of the 42 miners lost in coal mines in the United States last year were West Virginians. Nine West Virginians, died in both 1999 and 2000. Since 1992, 114 of the 406 American miners who have died in mine accidents have been West Virginians. This is unacceptable. We must do a better job of preventing these accidents, with the goal of eliminating them altogether.

West Virginia miners are not the only ones dying in coal mines. Last September 23rd, two explosions in the Jim Walter #5 mine in Brookwood, AL, took the lives of 13 coal miners, in the single largest coal mine disaster in the United States since 1984. Twelve of these miners had rushed into the mine to save trapped co-workers. That kind of heroism is frequently found in the history of coal mining. We need to make it less necessary.

Anyone who has gone down into a mine knows that accidents happen. This amendment will cut down on preventable accidents.

Retirements will reduce the current number of mine inspectors by 25 percent in the next five years. Despite this trend, and the number of mine fatalities, the President's fiscal year 2003 budget request cuts the Mine Safety and Health Administration budget by $4 million.

The premise is not that more money will necessarily solve the problem. The premise is this: The energy bill properly sees coal as a vital part of the nation's energy mix. The amendment intends to make sure that the hard-working men and women who bring that coal out of the ground are not doing so at an unacceptable risk to their lives.

AMENDMENT NO. 3072

Mr. DURBIN. Mr. President, amendment No. 3072 to the energy bill to establish a Consumer Energy Commission. This amendment is simple, yet it has the potential to significantly benefit American families and businesses. It should garner widespread support.

Like many of my colleagues in the Senate, I am pleased that we have turned to debate on an energy bill to address our nation's energy challenges. This debate marks the first time Congress has comprehensively considered energy policy since 1992. As we consider the many facets of this important topic, we must remember what has happened with energy in our country during the past decade.

One word you will often hear to describe energy during the past decade, especially in the last few years, is ''crisis.'' The California electricity experience has been cast in terms of a crisis, and many have pointed to Enron as an indication of problems in our energy policy. While we may disagree with the extent of the energy crisis, as well as ways to address it, I think we can all agree that one energy challenge our nation faces is consumer price spikes.

Let us take the example of gasoline. We all know that prices have significantly fluctuated at the pump. The Administration's energy policy indeed cites ''dramatic increases in gasoline prices'' as one of the challenges we face. The Consumer Federation of America and Public Citizen have also called attention to energy price spikes, explaining that American consumers spent roughly $40 billion more on gasoline in 2000 than in 1999. In the spring of 2000, the cost of gasoline in Chicago shot up to $2.13 per gallon, well-above the unusually high national average of $1.67 per gallon at the time.

Yet gasoline is not the only energy product for which consumers have had to pay dramatically fluctuating costs in recent years. Residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and motor gasoline, have all had fluctuating prices over the past 15 years.

If we break down these numbers month-by-month, you can see incredible price spikes. In just a matter of one month, the national average price of gasoline jumped by 20 cents per gallon, residential heating oil rose by 10 cents per gallon, and residential natural gas leapt by 50 cents per thousand cubic feet.

In some areas of the country and sectors of the economy, price spikes were greater and had drastic impacts. Home heating and cooling bills crippled family budgets in the Midwest and Northeast. Farmers and industries dependent on natural gas for the production of fertilizer and other chemical products suffered economically.

To address the chronic national problem of significant energy price fluctuations, I am offering an amendment to the energy bill that would establish a Consumer Energy Commission. This 11-member Commission would bring together bi-partisanly appointed representatives from consumer groups, energy industries, and energy- and trade-related agencies, to study the causes of energy price spikes and make recommendations on how to avert them.

It is true that the Federal Trade Commission recently studied gasoline price spikes in the Midwest. Indeed, several studies have investigated potential abuses of market power in the energy industry. Other studies have looked at the long-range supply and demand projections for energy products. But previous studies have tended to focus on a small set of issues, and on the perspective of industry or government. I think the best approach is not to look at these issues narrowly, but rather to consider the big picture. Most importantly, we need to give consumers a voice.

When consumers go to pay their grocery bills, or their tuition bills, or even their residential electricity bills in most states, and when businesses go to pay for raw materials, prices are rather predictable. But when they go to pay for their heating and cooling, natural gas, or gasoline, families and businesses face the frustrating reality of wild price swings. We need to bring consumers to the table with representatives of the energy industry and government, in order to study price spikes. We need these groups to work collectively, and to consider a range of the possible causes of energy price spikes. We need them to look at both the supply and demand sides, including such potential causes as maintenance of inventory, delivery of supply, consumption behaviors, implementation of efficiency technologies, and export-import patterns.

After the Consumer Energy Commission has studied energy price spikes comprehensively, its charge will be to develop options for how to avert or mitigate price spikes. These recommendations can range from legislative and administrative actions to voluntary industry and consumer actions that can help protect consumers from the fluctuating costs of energy products.

This Commission will be well-balanced, not only to reflect all groups with a stake in energy price spikes, but also to reflect both political parties. No commission has ever before brought together such a diverse group to study such a complex problem in a holistic manner. No commission has ever promised to see things from the perception of consumers: families and businesses that routinely face energy price spikes. The Consumer Energy Commission is long overdue, and I urge my colleagues to support it.

AMENDMENT NO. 3074

Mr. DURBIN. Mr. President, amendment No. 3074 would establish a Conserve by Bike Pilot Program in the National Highway Traffic Safety Administration, as well as fund a research initiative on the potential energy savings of replacing car trips with bike trips. This program would fund 10 projects throughout the country, using education and marketing to convert car trips to bike trips. The research would document the energy conservation, air quality improvement, and public health benefits caused by increased bike trips. The goal is to conserve energy resources used in the transportation sector by turning some of our gas guzzling miles into bike rides.

There is no single solution for our Nation's energy challenges. Every possible approach must be considered in order to solve our energy problems. Something as simple as traveling by bike instead of car can play an important role in reducing our dependence on foreign oil. Energy conservation does not have to be difficult: it can be as economical, healthy, and environmentally friendly as a bike ride.

It would be unrealistic to expect Americans to make a substantial increase in the number of trips they make by bicycle. But even a tiny percentage of bike trips replacing our shorter cars trips could make a significant difference in oil and gas consumption.

Right now, less than one trip in one hundred, .88 percent, is by bicycle. If we can raise our level of cycling just a tiny bit: to one and a half trips per hundred, which is less than a bike trip every 2 weeks for the average person, we would save over 462 million gallons of gasoline in a year, worth over $721 million. That's one day a year we won't need to import any foreign oil.

In addition to conserving our energy, an increased number of bike trips can improve our air quality. Significant declines in vehicle emissions would follow from increased bike trips. A study in New York City showed that bicycling spares the city almost 6,000 tons of carbon monoxide each year. A reduced number of trips made by cars would increase this number and help to clean our nation's air.

The Federal Highway Administration estimates that 60 percent of all automobile trips are under five miles in length. And these short trips typically emit more pollutants because cars during these trips run on cold engines. Engines running cold produce five times

the carbon monoxide and twice the hydrocarbon emissions per mile as engines running hot. These cold engine trips could most easily be replaced by bike rides.

Americans would experience additional advantages from increased bike usage. The decreased number of cars on our nation's highways would help reduce traffic and parking congestion. Congestion costs have reached as high as $100 billion annually according to the Federal Highway Administration. A reduction in cars on the roads will decrease the high costs associated with congestion.

The ''Conserve by Bike'' amendment will also improve public health. The exercise from more frequent bike trips would help improve our physical well-being. Biking has proven to be effective in the prevention of heart disease, our nation's number one killer. And, biking has also shown to help individuals in the correction of health-impairing behaviors like smoking and alcohol abuse.

The ''Conserve by Bike'' amendment will help America take a simple but meaningful step in energy conservation. It will help fund 10 pilot projects that will use education and marketing to facilitate the conversion of car trips to bike trips, and document the energy savings from these trips. These projects will facilitate partnerships among those in the transportation, energy, environment, public health, education, and law enforcement sectors. There is a requirement for a local match in funding, so that these projects can continue after the federal resources are exhausted.

In addition, this amendment will fund a research initiative with the National Academy of Sciences. The study will examine such factors as weather, land use and traffic patterns, bicycle facility infrastructure, to identify what trips Americans could reasonably take by bike. It will also illustrate the benefits of converting bike trips to car trips, and explore ways that we can encourage Americans to pedal rather than gas guzzle.

It is imperative that Americans are fully informed of the entire range of benefits from biking in terms of energy conservation, air quality, and public health. We also need to provide the best resources in bike safety and convenience.

We have been spending a modest amount of federal, state and local funds on bicycle facilities since 1991. This amendment will leverage those investments and help people take advantage of the energy conservation choices they have in getting around their communities. I urge my colleagues to support this amendment.

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

Mr. BYRD. Mr. President, I see the distinguished Senator from Iowa in the Chamber. Does he wish to have the floor?

Mr. GRASSLEY. For about 6 minutes. Would that be possible?

Mr. BYRD. Mr. President, my patience is becoming greatly strained, but I will yield to the Senator.

I ask unanimous consent that I may yield to the Senator from Iowa for not to exceed 10 minutes, without my losing my right to the floor.

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

Mr. GRASSLEY. Mr. President, I thank the Senator from West Virginia for his gracious attitude.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

## ANDEAN TRADE PREFERENCES ACT

Mr. GRASSLEY. Earlier today, unanimous consent was requested on the part of Senator LOTT that the Andean pact come before the Senate. That request was not granted. So I rise to express my regret of that happening and to express my support for the fact that the Andean Trade Preferences Act legislation should be on the floor and should have been considered by now. I am concerned if the Senate doesn't act early on the Andean trade bill, that America's continued leadership in the international arena of trade will be severely impaired.

Specifically, I fear our failure to approve this legislation in a timely manner will undermine our ability to constructively engage with our Latin American neighbors at a time when many of them face enormous economic and political challenges.

Today, President Bush leaves on an important mission to Latin America. Just on Saturday, he will visit Peru, one of the Andean nations, where he will meet with four Andean leaders. President Bush's trip builds on a long tradition of promoting vigorous United States engagement with Latin America that started as far back as President Kennedy's Alliance for Progress in the 1960s.

As did President Kennedy, President Bush has a vision for Latin America. The President wants to tell our Andean neighbors—Peru, Colombia, Bolivia, and Ecuador—that the United States wants to be their hemispheric partner in peace. He wants to tell them that trade and prosperity go hand in hand.

President Bush wants to make the case that the benefits of trade are not just for rich countries like the United States; they are also for countries that aspire to become rich countries; for countries that want better, more secure lives for their citizens; for countries that want better health care, better education, and better futures for their children.

President Bush wants to encourage our Andean neighbors to use trade to promote economic development through a diversified export base as an alternative to the allure of the drug trade.

When President Kennedy unveiled his Alliance for Progress in 1961, he said if we were bold and determined enough, our efforts to reach out to Latin America could mark the beginning of a new era in the American experience. This is just as true today as it was way back in 1961.

Through the Andean pact, and complimentary trade initiatives such as the Free Trade Area of the Americas, we can achieve a new era of hemispheric economic cooperation that benefits everybody—not just these four countries, not just the United States, but it has a benefit way beyond that.

The Andean nations know trade, not aid, is the best way to overcome the fragmentation of Latin American economies, and to build the self-sustaining growth that nourishes democratic institutions.

But because the Andean trade bill still languishes in the Senate—along with another important bill, trade promotion authority, another vitally important trade bill as well—the President's trip will not be as effective as it could have been if the Senate had acted. Obviously, we should expect our President to be successful and want him to be successful.

For a long time, we had a tradition in this country that politics stops at the water's edge. Unfortunately, that is not as true now as it once was. A lot of trade and foreign policy issues get entangled with our domestic partisan politics. I very much regret this development because it is very harmful to the U.S. leadership in any subject but particularly in the area of trade. It is harmful to the enhanced prospects for prosperity and peace that we are trying to promote around the world, and commercialization is a very useful tool in promoting world trade.

Mr. President, the other day, the lead editorial of the Washington Post addressed the issue of the Senate majority leader's failure to bring up the Andean trade pact. I would like to read a portion of that editorial, which appeared March 19 in the Washington Post:

The Senate's failure to help the four Andean states—Colombia, Peru, Ecuador and Bolivia—is particularly egregious. A package of trade concessions has passed through committee and commands an overwhelming majority of the full chamber. . . . Only a handful of Senators opposes the package. But the Senate leadership has failed to bring it to the floor, making it likely that Mr. Bush will arrive in Peru empty-handed . . . at a time when American leadership in Latin America is being questioned, the least the Senate could do is to pass a trade measure that almost nobody opposes.

As is clear from my point of view, the time to act was months ago. But it is never too late to do the right thing. We had that opportunity today and it failed. So I urge my colleagues to, just as soon as we get back from the Easter recess, put not only the Andean pact but other trade issues very high on the agenda and get them passed and help us to help these Andean nations, which

are so poor and need our help. Trade is one way to get them the necessary help and develop a good economy.

The PRESIDING OFFICER. The Senator from West Virginia.

## SPRINGTIME JOYS

Mr. BYRD. Mr. President, after a mild and dry winter full of false starts, of periods of almost summery weather followed by cold and blustery winds, spring is truly here—here in all of its glory. In that subtle change, the gradual brightening of days and warming of the earth, most of us can sense our mood shifting. Our hearts are gladdened, our spirits are raised, our optimism is buoyed up by more than the improving economic forecasts. As we cast off the last days of winter and welcome in the spring, we shed our weary spirits along with our heavy coats. Spring is here. Here it is. How sweet it is—spring. Our hearts echo the deep joy of Samuel Pepys' song, the poet Robert Browning's ode to spring:

The year's at the spring
And the day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn;
God's in his Heaven—
All's right with the world!

The pansies that bloomed all winter on sheltered porches in bright defiance of the calendar are in their glory, joined by crocuses and nodding daffodils bursting through the cold earth. Lilac bushes are budding, promising sweet scents to come, and the gray and gnarled branches of old pear and apple trees are bursting forth in showy, snowy blossoms. Gregarious robins have returned, massed on warming lawns listening intently for industrious earthworms engaged in their subterranean tilling. Bluebirds flit and swoop among the still bare branches and the goldfinches, busy at the backyard feeders, are brightening their coloring in preparation for springtime courtship.

Color is washing over the land. Redbud trees add rosy tints to gray woodlands while cheerful daffodils and forsythia bushes sparkle amid drab lawns and gardens. If winter brings to mind the talents of artists in charcoal sketches or the great etchers with their mastery of pattern and shading in the bold geometry of bare branches carved against a snowy ground, spring calls for watercolorists and sketchers in pastels with bright translucent colors that capture the fragile clearness of the springtime sunshine. Summer and fall may belong to the oil painters with their deep saturated colors and massing of light and shade, but it takes a swift hand and brush to pin down the quicksilver moods of springtime.

Under foot, the cold ground yields to springtime loam begging for the gardener's spade. Dry stalks blush with the green glow of new growth that springtime's new calves tentatively nibble. The cattle are happy for the fresh grass after a long autumn and winter eating hay. I know that farmers in West Virginia are hoping for good spring rains to replenish the water supplies and encourage a good growth of hay after last year's dry spells. Pastures have been cropped close and hay supplies are dwindling since the autumn drought sent pasture grass into an early dormancy. We need rain—soft rain.

Rain in the springtime is a lovely thing, gentle and welcome, unlike rain in other seasons. In summer, thunderstorms are violent, dramatic events, noisy and flooding, leaving streets steaming. In autumn, the rain can become monotonous, day after dreary day of steady sodden downpour filling the gutters with matted, decaying leaves. And in winter, cold, stinging sleet makes travel on dark roads and slick sidewalks treacherous. But in the spring, the rain is misty and companionable as my little dog Billy and I conduct our inspection tours of flower beds, the turf soft beneath our feet. Flower petals gain an added brightness from their raindrop ornaments. Spiderwebs become tiny crystal chandeliers draped with tiny drops in a soft and misty rain. And after the rain, there are rainbows shimmering like dreams overhead.

I asked the robin, as he sprang,
What made his breast so round and red;
Twas looking at the sun, he said.
I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, ''looking to the sky'';
I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
And they answered, ''looking to the sky'';
I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, ''looking up at Him.''

In springtime, at Eastertide, as we celebrate the great awakening of life reborn, one only has to look outside to appreciate the Creator's handiwork. The earth is His page, the seasons His poetry writ fresh for us each morning.

Welcome, yellow buttercups!
Welcome, daisies white!
Ye are in my spirit
Visioned, a delight!
Coming ere the spring-time,
Of sunny hours to tell,
Speaking to our hearts of Him
Who doeth all things well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

## MORNING BUSINESS

Mr. REID. Mr. President, I ask the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 5 minutes each.

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

## LITTLE BIG MAN

Mr. DASCHLE. Mr. President, 46 years ago the South Dakota Democratic Party was hardly more than George McGovern, George Cunningham, and a beat up old station wagon. I was eight. Little did I know I would one day owe a career to those two men and that car.

One of those men is now world-famous, his name a synonym for political courage and common decency. The other, George Cunningham, is unknown to most.

But George Cunningham is known to me.

I know him as the man who flew quietly to South Dakota to rescue a political newborn from a life-threatening recount in 1978. I know him for his wise counsel during a testing challenge from Congressman Clint Roberts, and through the other muddles of my political adolescence. I know George as the man from whom my own George Cunningham, Pete Stavrianos, says he learned both his trade and his passion for that trade. And I know George Cunningham as the diabolical practical joker whose powers to disarm and confuse with his wit remain to this day the most powerful antidote to self-importance I have ever witnessed.

''GVC,'' as he was known to those familiar with his smoking IBM Selectric, is a man who has never taken himself too seriously, but has always fiercely insisted his lifetime profession be taken seriously.

I will never forget hearing about George Cunningham telling a reporter who asked about his polls during his campaign against Larry Pressler that his numbers were, ''in the toilet.'' The stunned newsman had expected a deer in the headlights lie from a scared politician facing defeat. What he got was an honest admission from a strong man who was still teaching, even through his hurt, how to laugh honestly in the face of adversity, and in so doing, respect what one was about.

What George Vinton Cunningham was about, and what he is still about, is service to the public.

From his first campaign with George McGovern while still a law student at USD, through his service to Governor Herseth in 1959, his 20 years beside George McGovern in Washington, his return to his hometown of Watertown, SD, as a candidate for U.S. Senate, and his tenure as lawyer and party activist, George Cunningham has taught us all what it means to serve.

Cunningham is a short, non-descript man who, while chief of staff to a candidate for President of the United States, used to send friends unflattering pictures of himself in safari garb holding a rifle in one hand and his

trademark pipe in the other. I always thought it was to remind folks you didn't have to be Redford handsome or Kennedy strong to go after big game.

What you do have to be, though, is committed to the idea that we are put here for something more than just serving ourselves.

I like to think I am committed to that idea. I hope when I am through I will be judged to have been half as committed to it as one of the biggest little men I have been privileged to know, George Cunningham.

## PARLIAMENTARY ELECTIONS IN UKRAINE

Mr. CAMPBELL. Mr. President, yesterday the Senate, with bipartisan support, agreed to 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 parliamentary elections. I appreciate Chairman BIDEN and Senator HELMS' support in committee and the leadership for ensuring timely consideration of this important resolution.

In adopting S. Res. 205, the United States Senate expresses interest in, and concerns for, a genuinely free and fair parliamentary election process which enables all of the various election blocs and political parties to compete on a level playing field. While expressing support for the efforts of the Ukrainian people to promote democracy, rule of law, and human rights, the resolution urges the Ukrainian government to enforce impartially the new election law and to meet its OSCE commitments on democratic elections. I want to underscore commitments undertaken by the 55 OSCE participating States, including Ukraine, to build, consolidate, and strengthen democracy as the only form of government for each of our nations.

The Commission on Security and Cooperation in Europe, the Helsinki Commission, which I chair has monitored closely the situation in Ukraine and has a long record of support for the aspirations of the Ukrainian people for human rights and democratic freedoms. A recent Commission briefing on the parliamentary elections brought together experts to assess the conduct of the campaign. High level visits to Ukraine have underscored the importance the United States attaches to these elections in the run up to presidential elections scheduled for 2004.

As of today, with less than two weeks left before the elections, it remains an open question as to whether the elections will be a step forward for Ukraine. Despite considerable international attention, there are credible reports of various abuses and violations of the election law, including candidates refused access to media, the unlawful use of public funds and facilities, and government pressure on certain political parties, candidates and media outlets, and a pro-government bias in the public media.

Ukraine's success as an independent, democratic, economically successful state is vital to stability and security and Europe, and Ukraine has, over the last decade, enjoyed a strong relationship with the United States. This positive relationship, however, has been increasingly tested in the last few years because of pervasive levels of corruption in Ukraine and the still-unresolved case of murdered investigative journalist Georgiy Gongadze and other issues which call into question the Ukrainian authorities' commitment to the rule of law and respect of human rights.

Ukraine enjoys goodwill in the United States Senate and remains one of our largest recipients of U.S. assistance in the world. These elections are an important indication of the Ukrainian authorities' commitment to consolidate democracy and to demonstrate a serious intent regarding integration into the Euro-Atlantic community.

## NEXT STEPS IN THE FIGHT AGAINST HIV/AIDS

Mr. BIDEN. Mr. President, by now I hope that all of my colleagues are aware of the extent of the HIV/AIDS epidemic. The spread of the disease is of grave humanitarian and security concern to the United States.

Last year alone, 3 million people died as a result of the disease. I have yet to see a study or data which suggests that the number will not increase in 2002.

In January of 2000 the National Intelligence Council released a National Intelligence Estimate entitled ''The Global Infectious Disease Threat and its Implications for the United States.'' The report stated that ''the severe social and economic impact of infectious diseases, particularly HIV/AIDS, and the infiltration of these diseases into the ruling political and military elites and middle classes of developing countries are likely to intensify the struggle for political power to control scarce state resources. This will hamper the development of a civil society and other underpinnings of democracy and will increase pressure on democratic transitions in regions such as the FSU [former Soviet Union] and Sub-Saharan Africa where the infectious disease burden will add to economic misery and political polarization.''

On February 13 of this year I chaired a hearing on the future of America's bilateral and multilateral response to the epidemic. What I learned was both encouraging and discouraging. First, the bad news. The disease continues to spread. Last year, five million people were infected with HIV/AIDS, bringing the total number of people with the disease to 40 million. There are more AIDS orphans than ever before, over 10.4 million, and that number is expected to more than double in the next 8 years as more and more adults fall ill and die.

In some parts of the world, women are becoming infected at rates comparable to men. This change in the infection pattern is tragic not only because the increase is a reflection of women and girls' inability to say no, in many instances, to unwanted sexual advances, but also because the more women who are infected, the greater the number of babies there are who are liable to contract HIV during birth or from drinking their infected mother's breast milk.

The good news is that the international community is beginning not only to recognize the need for more action, it is beginning to take more action. We are beginning to go beyond rhetoric towards concrete steps. We have established Global Funds for HIV/AIDS, Tuberculosis and Malaria. The U.S. Government has increased the amount of spending on bilateral programs. The problem is that we have not yet gone far enough. Despite our efforts to date, the problem continues to grow.

There are no easy solutions. I will not stand here and say that I have a magic formula for stopping the spread of HIV/AIDS. We must recognize, however, that while the problem is not going away any time soon, there are some steps we can take immediately and in the long-term that will help mitigate the effects of the disease and eventually stop it in its tracks.

A serious commitment is required. A lot of times when we talk about commitment in this chamber we are talking about 6 to 18 months. I am talking about a commitment of years. Not 2 years. Not 3 years. Start thinking in terms of a decade or more. According to the UN, studies of middle and low-income countries where interventions have slowed the spread of the disease, we need to spend $7 to $10 billion annually on treatment, care and support in the developing world for the next 10 years if we are to change current trends.

The UN estimates that if we are going to bring HIV infection rates down, by the year 2005 the international community is going to have to scale up spending to $9.2 billion. That money does not include funds for improving the health and education infrastructure in developing countries. It only covers prevention care and support programs. 2001 expenditures, according to this same report were only $1.8 billion.

We have a long way to go. And we will have to readjust our mind-sets such that we are prepared to stay the course financially for a long time to come, or nothing we do is going to have a lasting impact.

So what is to be done if we are willing to adopt such an approach?

The ultimate solution to this problem is the development of a vaccine. Scientists are working on one, but Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases at the National Institutes of Health was quoted in the Los Angeles Times on March 16 as saying

that this could take at least ten more years. In the meantime, we have got to undertake action to bring the infection rate down as far as possible, and to care for those who have contracted the disease.

Part of the problem we are having in stopping the spread of HIV/AIDS is the basic barrier of underdevelopment. One of the things that has facilitated the spread of the disease in developing nations has been lack of infrastructure, mainly in the communication, education and health sectors. People in remote villages in a poor country do not have the luxury of picking up a local paper or watching the local news on their televisions. There is no easy way to spread the word about the HIV/AIDS. If there are schools, they are irregularly attended, which blocks another avenue of informing people about the disease.

Health in poor countries are deplorable. Helping countries improve basic health services will go a long way towards addressing HIV/AIDS. This includes training medical personnel, building and or repairing clinics and providing medical supplies and equipment. The benefits of improved health infrastructure are enormous. HIV/AIDS is not the only disease affecting poor countries. By improving health infrastructure, we improve the level of access to basic health care for other diseases such as tuberculosis and malaria. And devoting more resources to improving the health sector has the advantage of laying down the groundwork for AIDS treatment activities.

Addressing educational needs and health infrastructure are two long-term investments that the United States, in conjunction with our international partners need to make. This disease is going to be around for a long time. Especially if we fail to act.

What should we do in the short term to address the global epidemic? There are several things that we can do immediately to enhance our response.

First, we should strengthen coordination of U.S. agencies so that we are dealing with the problem in the most efficient way. The President has taken some steps to address it, naming Secretary of State Colin Powell and Tommy Thompson, Secretary of Health and Human Services, as co-chairs of a Cabinet-level task force on the global HIV/AIDS threat. I do not believe, however that this really solves the problem.

Developing an integrated U.S. response to the global AIDS epidemic will require more time and energy than two Cabinet-level Secretaries can devote to it. We need someone working full time on integrating the great work that different U.S. agencies are doing. He or she must have the authority to develop a U.S. policy response that is informed by all U.S. government agencies spending money on HIV/AIDS. This person should be accountable for the implementation of the strategy, and required to report on the implementation of the consolidated U.S. strategy on a yearly basis.

The coordinator must have the authority to bring the point people on HIV/AIDS programs in all the different agencies to one table and have them figure out what tasks their respective agencies should be undertaking based on areas of comparative advantage and expertise. Finally, the coordinator needs the authority to eliminate overlaps where possible, identify gaps and decisively settle turf disputes among agencies about areas of responsibility.

The second step to enhancing the U.S. response is beginning the process of providing deeper levels of debt relief to poor nations. It may take a while for countries to realize these savings, but we have got to begin negotiations for an enhanced Heavily Indebted Poor Countries Initiative right away. We must make sure that countries where there is a severe HIV/AIDS emergency and which are at or beyond a decision point in the HIPC process are paying no more than 5 percent their fiscal revenue in debt servicing. Countries where there is no health emergency should be paying no more than 10 percent of fiscal revenue in debt servicing.

Why enhance debt relief? Because all the early indicators are that debt relief works. According to the World Bank, Burkina Faso, Uganda, and Malawi are all using debt relief saving to fight HIV/AIDS. Now is not the time to be come complacent, but to make a bold move forward, to capitalize on this success by taking debt relief one step farther.

Part and parcel with enhanced debt relief should be the provision of technical assistance to countries, to ensure that an adequate amount of debt relief savings are devoted to programs to combat HIV/AIDS.

We must expand the provision of crucial interventions such as voluntary testing and counseling if we are to enhance the U.S. response to HIV/AIDS. Voluntary testing and counseling is a cornerstone of intervention. One particular study conducted in three African countries showed that given the opportunity for such testing, 60 percent of adults would take advantage. It also showed that only 15 percent of those same people had access to this service. Think about it. Fifteen percent of those who wanted to know if they had HIV/AIDS were able to get an answer.

The importance of voluntary testing and counseling cannot be overstated. Once people find out whether or not they are infected with HIV, they are able to make decisions about behavior change that can save their lives and the lives of their partners, spouses and children. It is crucial that we provide the funds to training more counselors, and deliver more rapid test kits to areas of need so that those who want testing and counseling can obtain it.

In addition to the above activities, I encourage the administration to expand its efforts to help developing nations craft and implement national blood transfusion policies including policies to prevent HIV infection through blood transfusions. Such programs are especially needed in Africa. Some people might contend that this should be a relatively low priority as the HIV infection rate from blood transfusion is only 5 percent. I would argue that we have to do everything we can to address the spread of the disease, and that this is an intervention that is straightforward, and that has benefits that extend beyond combating HIV/AIDS.

At the Foreign Relations Committee hearing on HIV/AIDS on February 13, USAID Administrator Natsios indicated that to the best of his knowledge less than fifty percent of African countries have developed a national blood transfusion policy and less than one third of African countries have a system in place to limit HIV transmission through blood transfusions. Here in America we have virtually eliminated the threat of contacting HIV/AIDS through blood transfusion by adopting screening and evaluation policies.

We have the expertise to see that health care workers in Africa and elsewhere are properly trained in appropriate clinical use of blood transfusions and in proper transfusions techniques. We can teach best practices for testing. We can show countries how to recruit and retain non-remunerated blood donors from uninfected portions of the population so that a safe, tested bloods supply is available. Last year in Africa, 3.4 million people were infected with HIV. If there had been national systems to monitor, manage and test the blood guppy for HIV, perhaps as many as 170,000 of those people might be HIV free today.

Another way to strengthen U.S. response is to expand programs that specifically focus on women and girls. Due to biological vulnerability, and economic and social pressures, women and girls in Africa are far more likely to contract HIV than boys and men the same age. According to UNAIDS, girls age 15 to 19 are almost eight times more likely to be infected with HIV/AIDS than their male counterparts. Women aged 20 to 24 were 3 times more likely to be HIV-positive chant their male peers.

There is no easy way to counteract this phenomenon, but there are a number of steps which can be taken. In the long term, social and cultural norms must be changed to increase the economic and social independence of women. It is easier for a woman to reject unwanted sexual advances if she is able to provide materially for herself and her children. Men must be educated as to the dangers of unprotected extramarital sex. In addition, we must emphasize education programs. It is imperative that young people know how to prevent the spread of HIV/AIDS. There are solutions which we must work on with renewed vigor.

Right now, today, we must channel more resources towards research into

female controlled and initiated methods of prevention such as the female condom and microbicides.

A usable microbicide must be developed so that women, with or without the consent of a partner, can protect themselves from HIV/AIDS. We are at least five years away from the availability of a first generation product. Not only must we see that one is developed, we must make sure that it is usable and made available in developing countries, that women are informed about its availability, and that they are instructed in its use.

We should put more money into increasing the availability of the female condom, and continuing to refine the product. The female condom is not a miracle solution. Critics contend that women cannot use them without the knowledge of their partners, therefore it is redundant to make them available when the male condom is so readily available. What I would say is that if we are willing to make the choice available to men to use protection, we should be willing to give women a choice about protecting themselves as well.

Right now part of the reason that female condoms are not available is price. A bulk purchase would serve to lower the cost to the consumer. Another problem is information. We must teach people about the female condom's existence, and show people how to use it.

The female condom is the only female initiated method of prevention available right now to women living in societies where their ability to make choices about when and with whom they are physically intimate are in some cases limited, and in other cases non-existent. Since the beginning of the epidemic, 10 million women have died of HIV/AIDS, over a million of them in the past year. Women are becoming increasingly affected. We must use every means we have to reverse these trends.

I would also submit that it is important that the United States give generously to the Global Fund for AIDS, Tuberculosis and Malaria. The U.S. must consistently show leadership in our donations. In May of last year, the President pledged $200 million in seed money for the fund. Other nations followed suit. None of them pledged more than the United States. The UK, Japan, and Italy all pledged $200 million. This is a perfect example of the fact that where the U.S. leads, others will follow. There are now almost $2 billion in pledges for the fund; $800 million is expected to be available this year. The call for proposals went out in January, and the first grants are expected to be made in April.

While I in no way fault the President for his initial pledge, I can't help but wonder how much money would have been donated to the Global Fund this past year if America's contribution had been $500 million instead of $200 million.

The Global Fund is a welcome addition to the fight against HIV/AIDS, but it must be just that—an addition. Contributions must not take the place of bilateral programs.

Finally, I submit that the job of defeating HIV/AIDS is too big for the United States to handle alone. We need the help of the international community. I cannot state this in strong enough terms. We must encourage other donors to do their share to help halt the epidemic. The U.S. Government provides nearly 50 percent of HIV/AIDS assistance funds. This is 4 times as much as the next donor. It is imperative that other donors be full partners in this fight both in their bilateral programs and their pledges to the Global Fund. We cannot win this war without their help.

The steps I have outlined above are just that. None of what I have talked about is a prescription for a solution to the AIDS epidemic. Most of it is not new. I simply stand here before you today to point out that despite our best efforts the virus is marching on. However the situation is not hopeless by any means. The United States has been an innovator, devising effective programs to mitigate and reverse the global spread of AIDS. We cannot stop.

I hope that Congress and the Administration can work together to reinvigorate and enhance current efforts to stem the tide of HIV/AIDS infection and care for and support those with the disease. Failure to do so will mean the death of an entire generation of people. That is much too steep a price to pay.

## 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 2, 1998, in Corvallis, OR. A gay high school student was beaten by three youths who used anti-gay epithets. Robert P. Huffaker and Michael B. Nash, both 16, and Cyle A. Schroeder, 15, were charged with third-degree assault and first-degree intimidation in connection with the incident.

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.

## VIOLENCE IN THE MIDDLE EAST

Mrs. FEINSTEIN. Mr. President, I rise today to express my concern and dismay at the news of yet another suicide bombing in Jerusalem. My thoughts and prayers go out to the victims and their families.

Israel, a democratic state and a staunch friend and ally of the United States, has a simple desire that all sovereign nations share: that it may live in peace within secure and stable borders, free from the terror and senseless acts of violence.

I condemn this terrorism and those who carry it out. How many more innocent lives must be lost before Chairman Arafat takes decisive and concerted action to reign in the terrorists and put an end to their brutal campaign? He made a commitment at Oslo to settle the differences between Palestinians and Israelis peacefully and he must live up to that pledge.

I am pleased that President Bush has sent General Zinni back to the Middle East to broker a cease-fire and get both sides to adhere to the Tenet Plan. To put it mildly, he has a long road ahead of him and there is a lot of work to be done.

Three articles discuss the situation in the Middle East: one by Washington Times columnist Mona Charon, another by Libby Werthan from the Nashville Jewish paper, the Observer, and finally an article by Naomi Regan called "Living in Parallel Universe."

Each article in its own way describes some of the pain, anguish, and despair that Israelis feel over the continuing acts of violence and the collapse of the peace process. I urge my colleagues to read these articles and take their message to heart. Israel wants peace. Israel needs peace. Israel deserves peace.

I hope the day will come when I will not have to come to the Senate floor to condemn yet another bombing. Enough is enough. I urge General Zinni and the administration to do all that they can to help bring about an end the violence and the resumption of peace talks.

I ask unanimous consent to print in the RECORD the articles I cited.

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

[From the Augusta Chronicle, March 9, 2002]

FLAWED SAUDI PEACE PLAN EXPOSED

(By Mona Charen)

Imagine for a moment that all reporting about the U.S. war on terrorism was presented without reference to Sept. 11. American attacks from the air using B–52s and F–16s against fighters armed with small weapons would seem quite disproportionate. Our stated intention to kill as many members of al Qaida as possible might be condemned, by our own Department of State, as "excessive" and "contributing to the cycle of violence."

But U.S. actions are never presented that way, because everyone acknowledges that we have the perfect right to defend ourselves against those who have done us grave harm. Nor are we asked to sit by and wait for our enemies to do us even more catastrophic damage if they get the chance. But when it comes to the Israeli/Palestinian conflict, the context is removed. Bleeding Israel is daily exhorted to stop contributing the cycle of violence. Her teen-agers are blown to bits at discotheques. Her babies are approached outside a synagogue by a suicide bomber who

waits until he is next to the strollers before blowing himself apart. Her adolescent boys who wander off in the desert and get lost are torn to pieces. And all of this is applauded and celebrated by Yasser Arafat and most of the Arab governments in the region.

Some Arabs (those among the minority who acknowledge that Arabs are responsible) condemned the bombing of the World Trade Center. But not a single Islamic scholar or cleric has condemned the systemic policy of blowing up Israeli civilians. Israelis are demoralized and terrified. Restaurants and shops are nearly empty. And, alone among nations apparently, Israel is not permitted to engage in simple self-defense.

Nearly every dispatch from the Middle East lacks basic context. Here are some of the facts to keep in mind when reading these flawed reports.

The PLO was not formed in order to secure a Palestinian state on the West Bank and Gaza. It was created in 1964, when both territories were under Arab sovereignty. Jordan and Egypt did not create a state for the Palestinians because they preferred to keep the refugees angry and homeless.

It is not ''Palestinian land.'' There has never been an independent Palestinian state on the land between the Mediterranean and the Jordan River. The area—which always contained Arabs and Jews—was under Ottoman control for several hundred years until World War I, then British control under the League of Nations Mandate and finally under United Nations control.

The United Nations approved a partition plan in 1947 that would have created two states, on Jewish and one Arab. The Jews accepted this arrangement. The Arabs refused. Five Arab armies invaded the new state of Israel. In the ensuing war, thousands of refugees fled. Jews fled Arab nations for Israel, and Arabs fled Israel for Jordan, Egypt and Lebanon. The Jewish refugees became full citizens of Israel. the Palestinian refugees became pawns. Israel came into possession of the West Bank and Gaza only because she was attacked again by five Arab armies in 1967.

If the Palestinians are fighting for a state on the West Bank and Gaza, why do their maps show Palestine as filling the entire territory that is now Israel? Why do they marinate their people in Hitlerian anti-Semitism and anti-Anercianism? Further, why—when Ehud Barak offered just such a state, or 95 percent of it—did Arafat walk away and start this latest round of violence? Palestinian spokesman say it wasn't everything they wanted. But if they truly want a separate state on so-called ''occupied territory,'' why did Barak's offer not form the basis for further talks?

The Palestinians are said to be chafing under the ''occupation.'' But in obedience to the Oslo process, Israel has given administrative authority over 98 percent of the Palestinians in the disputed territories to Arafat. Israel has further permitted the Palestinian Authority to arm 40,000 ''police.''

If the Saudi ''peace plan'' were serious—and not an attempt to divert attention from the Saudi role in Sept. 11 and its sponsorship of Islamic extremism worldwide—why didn't Saudi Arabia offer it before?

Why is it impossible for the Palestinian Authority to give Israel what Sharon has demanded—just three days of respite from terror attacks?

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LIVING IN A PARALLEL UNIVERSE

(By Naomi Ragen)

As an Israeli, I don't always feel I'm living in the same universe as the rest of the world. We seem to be in parallel universes.

In my universe, Yasir Arafat has violated the Geneva Convention on Human Rights—which calls the murder of noncombatants a crime against humanity—in 11,326 terrorist attacks over the last 18 months that has left hundreds of Israelis dead and thousands injured. In my universe, that makes him a war criminal.

But in the parallel universe, it makes him a great freedom fighter who deserves visits from diplomats, sympathy, and the offer to head his own state where he can conceivably continue his activities with a formal cache of even more deadly weapons. In the parallel universe, the people who think this way consider themselves liberals and humanists.

In my universe, Saudi Arabia, is a totalitarian state which cuts off the limbs of thieves and stones women suspected of adultery, and drowns young daughters in swimming pools to preserve family honor. In my universe, it is a place where women are nonpersons who cannot work, or drive, or go out unaccompanied by men. In my universe, its exhibited medieval antisemitism: In Saudi Arabias government daily, Al-Riyadh, columnist Dr. Umayma Ahmad Al-Jalahma of King Faysal University in Al-Dammam, wrote on 13/3/02 that the special ingredient in Jewish Purim holiday cake is human blood from non-Jewish youth.

In the parallel universe, this same Saudi Arabia has suggested that Israel withdraw to its 67 borders for more empty promises of peace and this is considered a serious peace initiative which is soberly discussed by reporters, politicians, talk show hosts, and editorial writers.

In my universe, following ten years of talking peace, signing agreements in which the Palestinians agreed to renounce the use of terror in exchange for Israel turning over 95% of the West Bank and all of Gaza to Yasir Arafats Palestinian Authority, giving the Authority millions of dollars and thousands of guns to control the terrorists, Israelis were rewarded by having their children blown up in pizza parlors, discos, bar mitzvahs, and cafes; being shot in their cars, having rockets destroy their homes and watching Palestinians, who were our peace partners, celebrate these deaths in their streets. In my universe, after wringing its hands, and risking our lives, and making useless appeals to Arafat to reign in his terrorists, our government finally sent in soldiers to gather up the weapons. These terrorists, who are ready to make ''brave'' forays into Israel in order to shoot nine month-old babies and grandmothers, engaged in a short gun battle until forced to surrender when confronted by armed combatants.

In the parallel universe, Israelis are condemned for ''humiliating'' Palestinians, and calls go out for international observers to protect Palestinians.

In my universe, the United States, which has always seen itself as Israel's greatest ally, and which has itself suffered thousands of casualties from terrorist attacks by Muslim extremists, calls on Yasir Arafat to stop the terror on Israelis, and is ignored.

In the parallel universe, Israel's greatest ally reacts by calling for the establishment of a Palestinian State, in which Mr. Arafat, like any other head of State, can establish his own army, airforce, and police force and import unlimited amounts of arms. Where he can continue his present educational system, encouraging toddlers to view themselves as future Shahids, where present educational system, encouraging toddlers to view themselves as future Shahids; where his television and radio broadcasts can continue to show blood libels, and revel in nonstop incitement. Where instead of terrorist attacks, he can prepare himself to launch all-out war.

I invite all those who are convinced they know what Israel should do, to visit my universe before giving advice.

[From the Observer (the Nashville Jewish paper)]

(By Libby Werthan)

Last night as I lay in my comfortable bed in my lovely home planning a pleasant night's sleep I could hear the guns in Gilo. And I couldn't sleep; not because I was fearful for my safety but because I couldn't help but think of all those people living in Gilo (two neighborhoods away from us) and how terrified they must be—especially the children. Thank G-d only three people were injured but fifty-two apartments were damaged by terrorist machine gun fire.

I would like to try to convey to you what life is like here right now. I have told you long before that I thought the Peace Process was just that a process that it wouldn't lead to peace. And unfortunately, it has turned out that way. At best, it was a holding period, a badly needed respite. In the years following Oslo, we had a kind of freedom—a green light, if you will; we could travel almost anywhere, enjoy the country in relative safety.

After Arafat rejected the best deal he would ever get and the Peace process came to a halt we found ourselves under constant attack—suicide bombers (whom one expert said was a misnomer, that they should be called Islamakazes), mortar attacks knifings, murders and drive-by shootings. Every morning, we open our newspapers and tally up how many people were killed (about 350 to date) and how many more people were permanently damaged—losing limbs, being burned so badly that they will never leave home, seeing loved ones murdered—they are their families will never be the same. I am talking about thousands of people in the last 16 months, mostly children and young people under the age of thirty.

What happened in America on 9/11 was horrifying. Over 3000 people lost their lives in the World Trade Center. America has a population of 278 million. Israel has a population of 6 million. If you were to compare deaths per capita, Israel has experienced almost 5 World Trade Centers in the last year and a half. And that's only the deaths not the thousands permanently injured. The majority have been civilians going about their lives—mostly women and children. It's pretty devastating when you think about it. You can imagine what this has done to the psyche of our country.

But what I find even more incredible is the response of Israel to this assault. The Israeli Army, has the power and ability to go in and take over the whole Palestinian entity in a matter of days. But they haven't done it. Instead they have targeted the ringleaders, the bomb makers and their installations (and been criticized for it). They have isolated Arafat, the Father of Terrorism, (and been criticized for it). They have bombed the installations of the Palestinian Authority but not without first telling them that they are going to do it. So when they do bomb buildings, they are empty. They make every attempt to avoid injuring any civilians. When the army entered the two refugee camps (which by the way are so vicious and independent that the Palestinian police won't enter them), they gave the civilians three hours to leave the camp to get out of harm's way. In view of the horrors perpetrated against us ours is the most measured of responses. And yet the media doesn't report it that way—they can't if they want to continue to have access to the Palestinians. So they talk about Israel's heavy-handedness, they talk about occupation, when 98% of the territories are under Palestinian control, they highlight the Palestinian deaths and over look many of ours. The media, when being even-handed, will interview both a Palestinian and an Israeli. But the Israelis they

pick are either to the far Left or the far Right and are clearly not representative of main stream Israel. Last week they ran a story about a Palestinian women coming into Israel to give birth and being wounded in the shoulder when her car ran a roadblock. The don't follow it up with the fact that she was taken quickly taken to hospital where she gave birth to a healthy baby and recovered from her wound. Nor do they tell you that the very next day a pregnant Israeli woman was ambushed on the highway and shot in the abdomen as a gift to the Palestinian woman. We go after those who are killing us. We do not respond by targeting civilians.

I said earlier that for ten years we had a green light. We no longer have that green light. It has been replaced by a flashing yellow light. We still live our normal lives—go to work—go to the mall—go to the movies—make gourmet dinners—have weddings and bar mizvahs—work out—plant gardens—go to lectures, concerts, and plays—all the normal things one does. Except that flashing yellow light makes us more aware of where we are and who's around us. When we hear more than one siren, as we did last night, we run and turn on the news—another suicide bomber blew himself up in a crowded religious neighborhood. When we hear an explosion, it could be something on a construction site or a car backfire, but we think bomb. You might expect us to go around with long faces and sometimes we do, but mostly not. Nevertheless we are always hurting inside. We know so many are grieving. We see the pictures of the beautiful young people who have been killed and our hearts are breaking. The hardest part for me and, I think, others is that there is no end in sight. How long can this go on? What will happen next?

The talk is always, let's achieve calm let's get back to the negotiating table. But with whom are we going to negotiate? Arafat? Arafat, the inventor of terrorism; the consummate liar! A man who prays for the peace of the brave on the New York Times Op Ed page and at the very same time shouts Jihad, a million martyrs on to Jerusalem to his own people in Arabic. A man who has not only abused the opportunity offered him for peace but has brutally abused his own people by manipulation and lies. he is every bit as vicious as Ben Laden. Would America negotiate with Ben Laden? With whom then are we going to negotiate? And if we do find someone how meaningful will a signed piece of paper be? There are three generations of Palestinians here who have learned to hate Jews from birth; who's greatest mitzvah is to kill a Jew. How can that change with a piece of paper?

We are at a terrible impasse her. How do we protect ourselves and at the same time create a Palestinian entity that is self-sufficient and independent of us. This is it. This is what every Israeli wants.

And what about you? Where do you fit into this Jewish world of ours? I have told you about Israel, but what about Argentina where over half of the Jews there are not living under the poverty line, or France where Jews are experiencing a huge upsurge of anti-Semitism.

And what about America? I don't know that much about America; but what I do know disturbs me. I hear very little raised in the way of protests against the biased media and little rallying in support of Israel coming from the Jewish communities in America. What I do know is that the Arab propaganda is so strong and effective in the US that on the college campuses your children and grandchildren have never been more distanced from Israel and are in fact ashamed of her. American Jewish visitors are so few here that we can practically thank each one personally for coming. Our hotels and restaurants are closing. Our tour guides and bus companies are out of work.

Where are you when we need you? Are you writing to the Congress to thank them for their support? Are you writing to the President? What about letters to the editor? Are you countering Palestinian propaganda on the college campuses? Are you writing to CNN and NPR when their reporting is clearly biased? Are you letting people here know that you care? Have you contributed to a victim relief fund? What's happening, folks?

When I was in America last month, I saw a lot of hand wringing and got a lot of sympathetic comments. Mostly, people wanted to know why I didn't come back and live there.

And what did I answer? I told them that we have had the most fabulous twelve years of our lives here. Grant you the last months have been painful. But when I think about why I am here, what is boils down to is that living her is the most important statement that I can make with my life.

Since I began this letter, the situation has become increasing worse. While we apprehend and thwart countless attackers, we cannot catch them all. Some slip through. On Thursday, I sent Moshe down to the grocery (here the grocery is so close you can walk) to pick up a few things I had forgotten. When he arrived, the whole areas had been blocked off, all traffic stopped. And police everywhere. Just minutes before, a suicide bomber had entered a very popular outdoor cafe but had been noticed by a customer who alerted a waiter and together they pushed him out of the cafe and at the same time ripped out the wires of the bomb—and saved the lives of scores of people. These were just ordinary people, but they performed an extraordinary task. On Friday the cafe was again packed. Saturday night a bomber entering another packed cafe in the center of town was not detected in time—13 were killed and over 50 wounded.

In about an hour, Moshe and I and many of our neighbors are going to take a walk in the Jerusalem Peace Forest—a part of the Promenade that looks out over Jerusalem. Perhaps you have been there. It is a popular tourist spot. Some weeks ago in this place, a young Israeli college student, a girl, was attacked by a gang of Arab teenagers and stabbed to death. Our walk is symbolic. It's our way of saying you can't take our favorite places away from us. We won't give in to your terror.

I could tell you many, many stories but I think you get the picture. This is a war that is difficult to win; if you defeat your enemy, you wind up with a captive hostile population and territories that you must occupy; if you make an accommodation with the enemy, it won't assure you of safety or that attitudes will change. It will only put you in an even less secure situation.

If you believe in prayer, please pray for us. Both the Israeli and the Palestinian populations are victimized. We are going through a living Hell.

## NEXT STEPS IN U.S. POLICY TOWARD IRAN

Mr. HAGEL. Mr. President, I will ask unanimous consent to have printed in the RECORD a very thoughtful speech by my colleague, Mr. BIDEN, on U.S. policy toward Iran, which he delivered before the American-Iranian Council on March 13, 2002.

Mr. BIDEN offers a realistic assessment of the challenges of dealing with a divided government in Iran, where an unelected, ''hardcore clique'' holds the key levers of power and thwarts the democratic will of the vast majority of Iranians.

More significantly, he lists five specific steps that the United States can take to increase Iran's international linkages and reach out to those in Iran who take risks to bring about change and reform. Mr. BIDEN'S speech has touched off a spirited debate in Iran about how to respond to his initiative.

Like my colleague from Delaware, I do not believe that our many differences with the Islamic Republic of Iran should close off opportunities to influence Iranian behavior and work together constructively when we may share common interests, such as in Afghanistan; assisting with and re-locating refugees displaced by the Afghan war; controlling the international narcotics trade; and, perhaps, regarding the future of Iraq.

Our policies must also assist those in Iran advocating reform and change in the Iranian government. Supporting Iranian admittance to the World Trade Organization, for example, would strengthen the hands of reformers in the Iranian parliament and elsewhere who seek to undertake the structural economic reforms that, over time, could lead to more open political and economic systems for the Iranian people.

I strongly support Mr. BIDEN'S recommendations, including his invitation to meet with members of the Iranian parliament. I encourage my colleagues in the Senate to read Mr. BIDEN'S speech when considering next steps in U.S. policy toward Iran.

Mr. President, I ask unanimous consent that Senator BIDEN'S speech be printed in the RECORD.

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

REMARKS BY JOSEPH R. BIDEN, JR.—''PROSPECTS FOR PROGRESS: AMERICA AND IRAN AFTER 9–11''

It is an honor to be invited to speak before such a distinguished gathering.

The number of accomplished individuals in the audience today is a testament to the extraordinary achievements of the thriving Iranian-American community. You have enriched the United States with your many talents, and your cultural traditions have strengthened the diversity of our country.

You also have a critical role to play in serving as a bridge between Iran and the United States.

Today, I would like to share with you my views on United States policy toward Iran and the kind of relationship I believe Iran and the United States should have. To save you the suspense, the short answer is—a much better relationship than we currently enjoy.

I say this for one simple reason—I believe that an improved relationship with Iran is in the naked self-interest of the United States of America.

Iran sits in the geo-political heart of a region that has long been important to our security concerns.

On its Eastern frontier sits a newly-liberated Afghanistan where the military mission is far from over. Farther East is a nuclear-armed Pakistan that just a short while ago

stood on the precipice of a potentially devastating conflict with its arch-rival India.

To the West is a recalcitrant Iraq, with a dangerous leader who Iranians grew to know all too well during the long and bloody Iran-Iraq war. To the North are the undemocratic, potentially energy-rich states of Central Asia and the conflict-ridden Caucasus.

To the South are several American allies that sit atop the largest known oil reserves on the face of the earth.

So it is not an understatement to say that the direction Iran takes in the coming years will have a significant impact upon American strategic interests in this region.

Clearly, we cannot speak of Iran's direction without addressing its internal political dynamics. Since President Khatami's election in 1997, Iran has been embroiled in a gradually escalating power struggle that the outside world has watched with considerable interest.

While elections haven't been perfect, the Iranian people have made clear in four separate ballots over four years that they are demanding fundamental change.

The result of these elections has been the creation of a divided government. An elected branch consisting of the parliament and the Presidency that, by definition, is more in touch with the will of the people.

Juxtaposed to that is an appointed branch which holds many of the key levers of power including the judiciary, security organizations, and other bodies populated by those whose vision largely revolves around the perpetuation of their own authority.

It is this hardcore clique which refuses to give way to the will of the people. Over the past few years they have thwarted the goals of Iranian reformers. They've arrested journalists. They've imprisoned close allies of the President, and often resorted to violence.

They've harassed and persecuted minorities in Iran—Jews and the Baha'i.

They direct policies that pose a threat to our interests. Not the least of which is that Iran continues to support terrorism and the escalation of violence in the Middle East.

Its recent involvement with the Karine-A arms smuggling incident is a reminder of the policies that Iran must abandon if there is to be a true rapprochement. And many questions remain unanswered about the role played by some Iranians in the Khobar Towers attack that left 19 US servicemen dead.

But shortly after September 11, ordinary Iranians held a spontaneous candlelight vigil in Tehran in solidarity with the victims. Yet some of Iran's leaders don't appear to understand how drastically the world has changed after September 11.

Their continuing support for groups such as Islamic Jihad puts them on the wrong side of the new fault-line separating civilization and those who seek chaos. As you all know, Iran is continuing an aggressive drive to develop weapons of mass destruction and long-range missile systems. In these efforts, it receives considerable foreign assistance, especially from Russia.

While support for terrorism appears to be directed by those in the hard-line branch of the government, the support for Iran's missile and nuclear weapons programs is more broad-based.

The reason is a combination of three main factors: first, fears over Iraq and to a far lesser degree, Pakistan. Second, the belief that nuclear weapons will enhance Iran's stature. Finally, we cannot dismiss the fact that some elements within the government see a potential blackmail value in the acquisition of weapons of mass destruction and long-range missile capability.

Whatever the motivation, the United States must place the highest priority on preventing Iran from gaining such dangerous and destabilizing capabilities. There are a number of options for doing so.

We cannot simply dismiss Iran's security concerns. They've been the victims of chemical weapons attacks by Iraq. But the neighborhood has the potential to change for the better.

Already, the Taliban menace no longer threatens Iran. Next door, Pakistan's President is reigning in religious extremism.

And I believe that the U.S. will ultimately have to facilitate a regime-change in Iraq.

These three developments alone would dramatically alter Iran's security environment for the better.

We must also be willing to hold discussions with Iran to develop creative solutions as we did in North Korea. And we must step up our efforts to end support by Russian entities for Iranian nuclear and missile efforts. In my view, this hasn't received enough attention over the past year.

Clearly, although we must combat the spread of weapons of mass destruction to any country, the threat from Iran is not simply a function of capability, but of intention as well.

If Iran evolves in a more democratic direction and the U.S.-Iranian relationship improves, then the threat it poses certainly will be reduced.

This, then, raises the question of the ongoing power struggle underway in Iran.

The United States is not in a position to have a major impact on this struggle. Nor should we intervene in any direct way.

We should be mindful of the painful history between our two countries, which includes reported CIA support for a coup in 1953. And it still resonates with many Iranians, and it should counsel us to be extra-cautious.

Nonetheless, we should be clear about where we stand. We are squarely with the Iranian people in their desire for a democratic government and a democratic society.

Iran has a disproportionately young population. Half of its people were born after the Revolution.

These young people and many of their parents and grandparents have grown wary of Iran's isolation.

They want Iran to take its rightful place in the international community and to embrace a rapidly-changing world. They want the same kinds of social, political, and economic freedoms that others enjoy. And they deserve to have these aspirations fulfilled. As I said, we should have a better relationship with Iran. Unfortunately, that is not for us to decide. And it is unlikely to come about absent a change in the attitude or composition of the present Iranian regime.

While the Bush Administration continues the policy of its predecessors by seeking dialogue with Iran, some in Tehran have a different view.

Part of the government clearly wants to talk to us and has talked to us over Afghanistan for example. But hard-liners regard us as a useful bogeyman to continue to stir up the passions of their most zealous and ardent stalwarts.

So the question is what can we do from the outside to help the Iranian people realize their aspirations.

In my judgment, we must direct our policies in a way that they do not rest on the principle of reciprocity.

In other words, we should assume that the continuing power struggle will prevent Iran from responding to any particular American gestures. And take steps that are carefully calibrated with the aim of assisting those who seek change within Iran.

How do we do it? First, we must recognize that the most entrenched elements in Iran seek to perpetuate Iran's isolation through confrontation with the outside world.

Those who seek change want to increase Iran's international linkages.

Let me outline five specific steps the United States can take.

First, the Bush Administration should issue a general license to permit American non-governmental organizations to financially support a broad range of civil society, cultural, human rights, and democracy-building activities in Iran. Such funding is currently banned by Executive Order.

It is unfortunate that it is our own government, not hard-line clerics in Tehran, that have prevented practitioners of democracy in America from aiding their struggling counterparts in Iran.

Second, we should continue to work with Iran on matters of mutual interest as we did on Afghanistan.

It is true that some hard-line elements in Iran are clearly interested in stirring up trouble in Afghanistan, but the story that many don't know is that Iran and the United States coordinated their efforts on Afghanistan closely over the past several months.

The dialogue on Afghanistan should serve as a model and should be extended to other areas of mutual interest, like the future of Iraq another topic for discussion and cooperation.

Third, the United States should acquiesce to Iran's bid to begin accession talks to the World Trade Organization. The process of accession would take several years, but Iran would have to make structural changes that would increase transparency and undermine the key power bases of the hard-liners.

Fourth, we should be willing to indirectly assist Iran on refugee and narcotics matters. Iran has a huge population of Afghan and Iraqi refugees. American non-governmental organizations that assist refugees are willing to help and should be supported in their efforts by our government.

Likewise, Iran has paid a heavy price in blood and treasure in battling narcotics traffickers on its eastern frontier. Iran has asked the international community for help and it makes sense to assist them through the United Nations.

Fifth, we should continue to encourage citizen exchanges. A track-two circuit has developed in recent years and it is important to keep it going. Organizations such as the American Iranian Council, the Open Society Institute, and the Nixon Center have played a critical role, and I applaud them.

I also applaud the President for his view that there should be a direct dialogue with Iran. In that regard, let me also extend an invitation in my capacity as Chairman of the Foreign Relations Committee. I am prepared to receive members of the Iranian Majlis whenever its members would like to visit. If Iranian parliamentarians believe that's too sensitive, I'm prepared to meet them elsewhere.

Without speaking for any of my colleagues, I am confident that many of them would join in such an historic meeting. Indeed, some—including my friend Senator Arlen Specter—did participate in an earlier brief encounter at the Metropolitan Museum of Art organized by the American Iranian Council.

We should be under no illusions that these steps will by themselves have a decisive impact. The direction that Iran takes the form of government it chooses are ultimately matters for the Iranian people to settle.

As we all know, Nowruz marks the start of Spring. Let us hope that in this season of renewal that Iranians and Americans can find a way to build on shared interests and work constructively to overcome their differences peacefully.

I pledge to do my part and I know that all of you will lend your energies to this critical effort.

Thank you.

## COMMEMORATING 90TH ANNIVERSARY OF GIRL SCOUTS OF THE USA

Mr. INOUYE. Mr. President, I wish to express my sincere congratulations to the Girl Scouts of the USA as it celebrates its 90th anniversary. Founded on March 12, 1912, in Savannah, GA, the organization has grown to 3.7 million girls and women in the United States and a total of 8.5 million people in 140 countries.

The longevity and strength of Girl Scouts is a testament to the commitment of its members and volunteers to uphold the highest standards of leadership, social conscience, and civic duty. I thank the thousands of adult volunteers who devote their time and resources to this worthy cause.

I also wish to extend my commendation to Ms. Gladys A. Brandt, a Hawaii resident who is being honored as one of the first-ever National Women of Distinction by the Girl Scouts of the USA. This award was created in conjunction with the Girl Scouts' 90th anniversary celebration, and it pays tribute to women who have demonstrated outstanding service to girl scouting. Hawaii is truly proud of Ms. Brandt and grateful for her diligence in educating and serving young people.

Once again, I express my best wishes to Girl Scouts of the USA for continued success, and I encourage the members of this organization to always live up to the Girl Scout Promise and Girl Scout Law in every facet of their lives.

Mr. SHELBY. Mr. President, I rise today to pay tribute to the Girl Scouts of the USA, this month celebrating 90 years of building character and enhancing the life skills of our Nation's young women. The contributions and achievements of this outstanding organization have endured for nine decades, helping girls to grow up courageous and strong. I would like to praise the work of the Girl Scouts, and in particular recognize the Girl Scouts of Alabama, who number almost 45,000 girls and women.

Established on March 12, 1912, the Girl Scouts are based on the noble belief that all young women should be given the opportunity to develop physically, mentally and spiritually. Their founder, Juliette Gordon Low, convened that first meeting with just 18 girls from Savannah, GA. Today her vision continues with a national membership of 3.8 million, making the Girl Scouts the largest organization for girls in the world. Over the years the Girl Scouts have remained true to their founding principles, and still abide by the Girl Scout Promise and Law, just as they did in 1912. These principles emphasize honor, accountability, courage, respect, God and country and are valuable lessons for our young women to incorporate into their lives.

Girl Scouting has had a tremendous impact on the evolving role that women have played in our country over the past ninety years. The leadership qualities, self confidence and creative thinking that the Girl Scouts teach are all qualities essential in good citizens and great leaders. Indeed, two-thirds of female doctors, lawyers, educators, community leaders and even women members of Congress were once Girl Scouts. It is a true testament to the Girl Scouts that many of these women believe that Girl Scouting has had a positive impact on their lives.

The Alabama Girl Scouts are celebrating their 90th anniversary by helping to promote literacy with their ''Books for Alabama Kids'' project. The seven Girl Scout councils in Alabama have been collecting children's books over the past 6 months to be donated to schools in the counties in which they were collected. Tomorrow the books will be presented on the Capitol steps in Montgomery. I would like to commend the Alabama Girl Scouts for their community service and dedication to promoting literacy in the state.

I would like to acknowledge the nine decades of excellence of the Girl Scouts. We have seen tremendous changes in our country over the years, and they should be proud to have adapted and flourished. It demonstrates that building character and preparing for the future are qualities that never go out of style.

Mr. NELSON of Florida. Mr. President, it is with great pleasure that I rise today to recognize the Girl Scouts for their service to our country over the last 90 years. This anniversary marks the day Juliette Gordon Low assembled 18 girls from Savannah, GA, for the Girl Scouts' first meeting, and celebrates the many wonderful moments this organization has enjoyed while growing to its current size of 3.8 million members.

Their mission to help all girls grow strong provides not just inspiration and guidance to those within their ranks, but serves as an example for all the nation's young women. Through service to society and the development of values, self-confidence and integrity, the Girl Scouts of the USA are an inspiration to our Nation's youth, and are instrumental in creating the next generation of good citizens and great leaders.

I am proud that Congress last week honored the Girl Scouts accomplishments with the passage of a resolution marking March 10 through March 16, 2002 as ''National Girl Scout Week,'' and I look forward to future opportunities to celebrate this organization's commitment and contribution to our Nation's young women.

## TRIBUTE TO SECOND LIEUTENANT MAURICE W. HARPER AND LIEUTENANT COLONEL EARLE ABER

Mr. SESSIONS. Mr. President, I rise today to honor the sacrifice of two American patriots who will be interred tomorrow at Arlington National Cemetery. Second Lieutenant Maurice W. Harper, United States Army Air Corps, a native of Birmingham in the great State of Alabama, and Lieutenant Colonel Earle Aber, United States Army Air Corps, of Wisconsin, gave their lives in defense of this Nation and freedom on March 4, 1945 when the B–17G bomber they were flying was shot down while returning from a mission over Holland.

Over half a century later, the crash site was located and 2nd Lt. Harper's remains, along with the remains of his pilot, Lieutenant Colonel Earle Aber, were recovered in September, 1999 and identified by the Army Central Identification Laboratory in Hawaii. Their aircraft was severely damaged after it was mistakenly hit by British anti-aircraft guns which were firing at retreating German bombers over the English coastline. Lt. Col. Aber ordered the crew to bail-out while he and 2nd Lt. Harper struggled at the controls of their damaged aircraft. Their selfless actions allowed the other nine members of their crew to bail-out from the aircraft and survive the mission. There was not enough time, however, for these two brave airmen to escape and they perished when the aircraft crashed into the River Stour near Ramsey, England. The remains of both of these fine young men, that could be identified, were returned to their families. Unfortunately, not all of the remains could be positively identified. The co-mingled remains of these two fine Americans, still together after 57 years, will be laid to rest together at Arlington National Cemetery on March 22, 2002.

I would also like to take this time to thank the professionals at the Army's Central Identification Laboratory in Hawaii who continue their labors to identify the remains of our fallen sons and daughters and return them to their loved ones.

These two fine gentlemen, members of the ''greatest generation,'' deserve the gratitude of this great Nation. I know the Members of the Senate will join me in honoring the sacrifices of these two brave men and expressing our deepest condolences and heartfelt thanks to their families as they lay their loved ones to rest tomorrow in the hallowed ground at Arlington.

## STAYING THE COURSE IN AFGHANISTAN: THE NEED FOR SECURITY

Mr. BIDEN. Mr. President, about 2 months ago I spent half a week in the Afghan capital city of Kabul, and virtually every conversation I had during my time there revolved around a single question: Would America stay the course?

After all our successful military actions, after all our promises on reconstruction, after all our commitments to prevent Afghanistan from relapsing into chaos and warlordism, would we really have the stomach to get the job done?

Whether I was talking to refugees living in bestial squalor, or to Chairman Karzai in a palace where the electricity barely functione;

Whether I was talking to NATO soldiers in the international security force, to representatives of the U.N. and international humanitarian groups, or to our own American servicemen and servicewomen so valiantly risking their lives for a just cause; whoever I was talking to, the questions remained basically the same: Would we have the steadiness, determination, and commitment to remain engaged? Would we demonstrate the leadership necessary to keep the international coalition together? Would we maintain our resolve for the long haul, once the immediate battles had been won and our nation's attention had started to turn away from this remote and forbidding part of the world?

I will tell you now what I told them then: We can, we must, and we will.

Let me take a few minutes to explain what I mean, and how I see our role in Afghanistan over months and, yes, the years to come. But first, I suggest that we all remember just why we sent troops to Afghanistan in the first place. I can sum it up in three syllables: 9–1–1.

Our rationale for entering the fray was very simple: Our Nation had come under attack, the most horrific single attack we had ever experienced in all our history, and the de facto rulers of Afghanistan were actively sheltering the terrorists who orchestrated this deed. We gave the Taliban every opportunity to surrender Usama bin Laden and his band of thugs, but the Taliban chose instead to link themselves ever more closely to al Qaeda.

The decision to go to war is never easy, but in this case it was inevitable. The decision was made for us, as I and the rest of the Members here were assembling for morning business on a Tuesday in September.

Our troops have done a truly outstanding job fighting this war, as the recent battle in Shahi-kot demonstrates, the Taliban and al Qaeda are scattered and on the run.

But we always knew that this would be the easy part. As President Bush, Secretary Powell, and Secretary Rumsfeld have correctly noted, our war on terror will be a long one, and we can't expect our early victories to be the final word.

Let's remember that in 1979, it took the Soviet forces no more than 10 days to establish control over every major population center in Afghanistan. The really tough part, we knew from the beginning, wouldn't be ousting the Taliban and al Qaeda—the tough part would be making sure that they stayed ousted.

That is why we have no choice but to stay the course. If Afghanistan returns to a state of lawlessness and disorder, two things are pretty much certain to happen.

First, the Taliban, or some new and equally brutal group, will establish control over all or part of the country, and they will provide safe haven to any terrorists, drug-traffickers and violent insurgents willing to pay their price;

Second, these terrorists will once again use Afghanistan as a base to launch attacks on the United States to destabilize regimes all around the world.

If we don't do the job right, mark my words: U.S. troops will be right back in Afghanistan a year or two down the line, only this time, we will be doing the fighting all by ourselves.

Let us think about that for a moment. The victories we've seen over the past 5 months have been American victories—but they are not only American victories. At every step along the way, we have relied on our Afghan allies for the bulk of the troops on the ground.

Whether we're talking about battles for Kabul or Kandahar, for Mazar-e Sharif or Tora Bora, the pattern has generally been hundreds of American troops spearheading thousands of Afghan fighters.

This pattern is far from perfect—as the porousness of our cordon at Tora Bora and, most recently, Shahi-kot demonstrate, sometimes Afghan troops are no substitute for U.S. infantrymen.

But without our Afghan allies, imperfect as they have sometimes been, we would not have been able to achieve our impressive victories in anything like the time-frame we have achieved them.

And that point is vital to our future strategy: As many people in Kabul told me, from Chairman Karzai right on down to mud-on-the-boots G.I.s patrolling the airbase at Bagram, we have only got one chance to do it right.

As I was constantly reminded, the U.S. pulled out of Afghanistan abruptly in 1989, just as soon as our short-term objectives had been met. If we do so again, I was told time after time, then we had better not expect any Afghans to fight on our side when a new nest of terrorists requires military action in the future.

The stakes, in short, could not be higher. Some people are of the opinion that we can pull out relatively soon, that any future military action would be as ''easy'' as the present one.

''We've got the most powerful military out there,'' they say, ''we don't need the help of unreliable Afghan and incompetent Europeans—we can go it alone.'' To anyone who labors under this delusion, I say, take a trip to Afghanistan.

Go there, talk to the people, have a look at the terrain. Anybody who does, I suggest, will return firmly convinced that we must stay the course. We have got to do the job right this time—because it may be the last chance we get.

So what does ''doing the job right'' entail? There are several parts to the equation—economic reconstruction, building political institutions, clearing minefields, creating the educational, medical, and other infrastructure necessary for long-term self-sufficiency.

But none of these elements are possible without security on the ground. That's the central piece of the puzzle. If we establish security, all else can follow—and without it, nothing else can grow.

For the long term, according to the plans of the U.S. administration and the U.N. organizers, Afghanistan's internal and external security will be provided by a national army and police force.

This is the right way to go, and I fully support all the efforts currently under way to create these institutions. But you can't create them overnight. It takes time to recruit, train, equip, and solidify a truly capable, professionalized force.

In Kabul I received an extensive briefing from Maj. Gen. McColl, the British commander of the International Security force authorized by the U.N. to maintain order in the capital.

Gen. McColl's planners has worked up a detailed strategy for creating an Afghan army and taking at least the heavy weaponry away from local warlords. Even to create a bare-bones force of a few brigades, he found, would take up to 2 years.

So what happens in the meantime? What is happening right now? I am afraid the answer isn't very encouraging. In the meantime—right now—Afghanistan is not-so-slowly falling back into chaos.

The interim government of Hamid Karzai exerts very little control over most of the country: In Herat, Gen. Ismail Khan rules as a semi-independent baron—and entertains emissaries from Iran, who are anxious to expand their sphere of influence.

In Mazar-e Sharif, the brutal warlord Gen. Abdurrashid Dostum has picked up where he left off when he was ousted by the Taliban—and his record suggests that he will take his current duties as Deputy Defense Minister no more seriously than his past promises to virtually every party in the conflict.

In Kabul itself, Defense Minister Fahim maintains the fiction that his own militia, basically the Northern Alliance troops, is serving as a nonpartisan national army.

It is clear to all observers, however, that these soldiers owe their allegiance to Fahim and various sub-commanders—and not to the legally-constituted civil authority.

In the Pasthun areas, a wide array of local warlords play all sides against every other—accepting money and arms from the U.S. and the Taliban alike, even attempting to use American air power to settle their own petty feuds.

There have even been credible reports of various warlords falsely identifying their local rivals as al Qaeda in order to call in American airstrikes—putting U.S. servicemen in harm's way to advance their own sordid objectives.

Meanwhile, Afghanistan's predatory neighbors sit on the sidelines—but not

for long. Afghanistan's bloody civil war has long been fueled by arms, money, and recruits drawn from the surrounding nations.

The neighboring meddlers include Iran, Pakistan, Uzbekistan, and Russia, but a variety of other nations slightly further afield have got into the game at one time or another. Each has attempted to reshape Afghan politics for its own narrow interests—to the detriment of the people, and the instability of the region.

All have basically kept their hands off while U.S. troops have ruled the roost. But the moment the last troop transport takes off, expect the jockeying to begin all over.

Ever had a neighbor who pops in to borrow a cup of sugar and invites himself to dinner? Maybe a distant relative who stops by to say ''hello,'' and never seems to leave? Well, the Afghans know how it feels.

They have had to suffer with unwelcome houseguests for thirty years. And they know that as soon as the door is open—as soon as the American troops leave—all of these unsavory interlopers will come flocking back.

So what's the solution? How do we—together with the rest of the world community—provide Afghanistan with a year or two of breathing room to let it build up a national army and police force of its own? There are basically two possible paths.

Have American troops continue to serve as the *de facto* security force, or get the international community to share our burden.

Fortunately, a mechanism exists to make this second option a reality—it's the International Security Assistance Force, ISAF for short, and it can save us from the necessity of being Afghanistan's only policeman.

Right now, ISAF is strictly limited by its U.N. mandate. Its 5,000 troops are confined to Kabul, and even there they have to tread gingerly. The unit is currently under the command of the British, but the Brits plan to transfer command as soon as April.

The entire mandate ends in June—precisely when its continuing presence is most needed to safeguard the Loya Jirga, or Great Council to be convened as the next step in the process of political rebuilding.

So here, in a nutshell, is what we have to do.

First, this international security force must be extended from Kabul to several key sites throughout the country.

It should be expanded to Mazar, Kandahar, and perhaps other cities such as Jalalabad or Gardez. Such an expansion would entail an increase in troop strength from the current 5,000. Some sources say 25,000 troops would be needed, others say the mission could be accomplished with a more modest increase.

I will not presume to venture an opinion on the precise number, I will just say that we should make sure the military planners have as many troops as they deem necessary to do the job right.

This expansion should not and will not interfere with ongoing U.S. operations against Taliban and al-Quida remnants.

Currently, the ISAF commander is subordinate in theater to the U.S. commander, and there has been no question of ISAF troops encroaching on American operations. Quite the opposite—ISAF troops are a force multiplier, and free up American assets that would otherwise have to be used to guard and protect bases at transport hubs such as Bagram.

Second, the mandate of the international security force must be extended for 2 years. This would provide sufficient time for the creation of an indigenous Afghan army and police force, and insure a smooth transition to the new Afghan government.

Third, the international security force must be given robust rules of engagement, and all the equipment, airlift, and intelligence necessary to accomplish its mission.

Let's make no mistake here—the troops on the ground are not and must not be blue-helmeted peacekeepers. These are, and must be, peacemakers. We need rough, tough, combat-ready forces, with the ability to take names and impose order.

Fourth, the U.S. must be fully engaged as the mission's guarantor of last resort. That does not necessarily mean we have send U.S. troops, although we shouldn't rule it out off the bat.

What it does mean, however, is that we commit ourselves to insuring the mission's success.

Maybe we can achieve this goal by providing airlift, intelligence, funding, and diplomatic support.

Maybe we also have to provide the promise of troops extraction, air combat assets, and the ultimate ace-in-the-hole of sending the cavalry to the rescue if things get too hot.

But, one way or another, this is a goal we must achieve—not merely for the sake of Afghanistan, but for the national security interest of the United States.

When I go around the country talking about the need for a robust security force, with the U.S. providing the ultimate guarantee of success, I'm often asked whether that's an implicit call for the participation of American ground troops. It is a fair question, but it's putting the cart before the horse.

I would prefer it if we could accomplish our mission without deploying a single U.S. soldier.

I would prefer it if other nations could do the job without our troops on the ground. And maybe they can.

But my past experience, both in the Balkans and elsewhere, leads me to doubt that this will be possible.

First, there aren't a whole lot of countries out there with the military assets—both human and technological—necessary to get the job done right.

Other countries may be able to provide the bulk of the force, but the presence of even relatively small numbers of American troops can mean the difference between success and failure.

Look at our battlefield results in Afghanistan—the military effectiveness of our Afghan allies has been increased exponentially by the presence very small numbers of U.S. Special Operations Forces.

These troops not only brought in the heavy artillery, by calling in and targeting airstrikes, they stiffened the spine of the brave, but often young, inexperienced, and poorly trained, Afghan fighters.

Second, and just as important, is the political side of the equation. Without U.S. boots on the ground, the commitment of other nations often starts to falter.

As Maj. Gen. McColl, the British commander of ISAF, said to me in Kabul, ''Once you Americans pull your troops out of Afghanistan, how long do you think my Parliament will authorize the deployment of British soldiers?''

Let me be clear: I'm not advocating any specific deployment of American troops. The specifics of any troop deployment is a decision best left to the President, based on a military assessment of what is needed to get the mission accomplished.

My point is merely that we have a mission to accomplish in Afghanistan, and IF the deployment of American troops as part of an international force is deemed necessary, we should certainly step up to the plate.

Perhaps we'll be able to continue the status quo—to have U.S. troops currently serving in Operation Enduring Freedom serve as the *de facto* back-up squad for ISAF troops.

Some voices decry using American troops as ''policemen,'' and urge that peace operations be left to other nations. But every big-city police force needs a SWAT team to handle the real bad characters. Perhaps the U.S. can serve as the SWAT team for an expanded U.N.-mandated security force.

But we shouldn't be afraid to have our troops integrated to an international force of peacemakers in Afghanistan. Our experience in the Balkans shows that we can work with our NATO allies, and other countries, to make such forces the instrument of U.S. policy.

And, as a survey of top brass recently released by the ''Peace Through Law Education Fund'' argues, such operations can be a huge benefit to American military and political objectives.

Not all of the generals quoted in the report will agree with all of its recommendations, and the survey was undertaken prior to the campaign in Afghanistan. The opinions expressed related to peace operations in general, not to ISAF in particular.

But I think the most valuable part of the report is the wide selection of direct quotes from some of our most respected military commanders.

I would like to share a few of these observations—all of them made by American commanders with far more military expertise than I would ever claim to possess.

Taken together, they make what I believe is a convincing case for American leadership on—and, if necessary, participation in—a significantly beefed-up international peacemaking force to be deployed at various sites throughout Afghanistan.

On American involvement in multinational peace operations:

The nation that has the most influence . . . has to play a number of roles. Peacekeeping, peacemaking or peace enforcement is one of those roles. To walk away from those responsibilities, in my judgement, is to invite questioning of your overall leadership character. As a result, people will start to question you and your resolve for the principles for which you stand.

Gen. James Jones, Commandant of the Marine Corps.

If the United States doesn't participate, the United States can't lead . . . You can't ask other nations to take risks that you won't take yourself.

Gen Wesley Clark, Supreme Allied Commander, Europe (1997–2000).

In order for us to have influence, we must be engaged . . . If you're not there on the ground . . . you are not able to really influence what's happening on the ground.

Maj. Gen. Ricardo Sanchez, commander of a NATO multinational brigade in Kosovo, 1999–2000.

Whether we like it or not, we're the big dog. If someone calls 911, . . . it's the United States of America that answers.

Air Force Lt. Gen. Robert Fogelsong, Assistant to the Chairman of the Joint Chief of Staff, 1997–1999.

I do not believe that any major humanitarian or peacekeeping effort can be successful, long-term, without the support of the U.S.

Gen. Peter Pace, USMC, now Vice-Chairman of the Joint Chiefs, then CinC of South Com. On unit morale.

The re-enlistment numbers are far higher in units in Bosnia and Kosovo than they are in units of the U.S. army overall.

Air Force Gen. Joseph Ralston, Supreme Allied Commander, Europe.

The re-enlistment rates in [US Army, Europe], which has been involved to the greatest extent in peacekeeping operations in the Balkans, are the highest in the Army.

Gen. Montgomery Meigs, commander of NATO's force in Bosnia (SFOR), 1998–1999.

Gen. Jones, Lt. Gen. Fogelsong, & Adm. Dennis Blair say the same thing for Marines, Air Force, and Navy.

Forget the baloney about people being upset about being down range . . . morale's higher than in garrison.

Gen. Meigs (Bosnia)

Troops that deploy to Bosnia and Kosovo and other operations like that, have high morale . . . our troops are happiest, morale is highest, when they are out in the world doing what they signed up to do.

Gen. Tommy Franks, CinC of CentCom, now commander of the U.S. campaign in Afghanistan.

On unit readiness and military training.

I feel very strongly that our operation, let's say in Kosovo, is a very positive net effect for the following reasons. The training that the young NCO and younger officer gets is far superior to what he or she would be getting if they were in Germany—because they are dealing with real world problems, 24 hours a day . . . That's what being a troop leader is all about. Their individual, small unit skills, squad level, company, battalion—it's far better training than what they get back in garrison.

Gen. Joseph Ralston

The small unit leader's development in peace operations is phenomenal.

Gen. Meigs—The type of training that isn't available during peace operations is brigade and division level training, but Gen. Ralston notes that this large-scale training is given to troops on a relatively infrequent basis—typically only once every year and a half. He notes that when troops who have served in peace operations are put back in the regular training cycle, they have no troubling picking up where they left off.

The words of these American soldiers, sailors, airmen and marines say it far better than I can. The military and strategic objectives of the United States are often best served by American troops participating in multinational peace operations.

I am not saying we should send U.S. soldiers on such missions merely for their training or diplomatic value. I AM saying that we should recognize the pro's as well as the con's of U.S. involvement in peace operations.

Yes, there are dangers—as President Bush has said, the war against terror will be long, and there will be casualties in the months and years ahead. But the dangers of abdication of our responsibilities is far greater than the dangers of leadership.

We must stay the course in Afghanistan—the whole world is watching. Friends and enemies alike want to know whether we'll follow through in Afghanistan, and if we fail to follow through here, how can we ever convince them that we'll follow through in Yemen, the Philippines, or Indonesia—let alone in Iraq.

But that is the topic for another day.

## TAKING CARE OF OUR NATION'S VETERANS

Mr. JOHNSON. Mr. President, over the last few weeks, I have had the honor of meeting with a number of veterans, both here in Washington and in South Dakota. Every time I meet with them, I am reminded of the tremendous sacrifices they have made on behalf of our country. We owe each of them a debt of gratitude that can never be fully repaid.

One of the things we must do for our veterans is honor our past promises. For decades, the men and women who joined the military were promised educational benefits and lifetime health care for themselves and their families. Those commitments have too often not been kept, and I am concerned this is starting to threaten our national security. Veterans are our Nation's most effective recruiters. However, inadequate education benefits and poor health care options make it difficult for these men and women to encourage the younger generation to join today's voluntary service.

In my meetings with veterans, the issue of greatest concern is health care. They want assurances that they will be able to access quality care. Unfortunately, years of inadequate funding for veterans health care has pushed the VA health system to the brink of crisis, and the quality of care is starting to suffer. Let me be clear, this has nothing to do with the men and women who work in the VA health system. They are dedicated professionals who care about the veterans they serve, but they are being asked to do too much with too few resources.

Veterans were very optimistic when the President mentioned his commitment to veterans health care in the State of the Union address in January. At first glance, it looked as though the President's budget had made a significant effort to fix the mounting funding problems at the VA. But after budget gimmicks, such as $800 million that was included for the first time in the VA budget for federal employees' retirements, the amount of funding that the President has recommended for veterans health care falls far short of the promised $2.2 billion increase. Instead, it is only about $1.4 billion more than last year.

I am pleased that the Senate Budget Committee, of which I am a member, has recently approved a budget resolution that will provide $1.2 billion more than was requested by the Bush administration for VA health care and $2.6 billion more than was approved in fiscal year 2002. I am hopeful that this level of funding will go a long way toward addressing the critical funding needs in VA health care.

While there is good news about the health care budget, I am concerned about a provision in the President's budget that would establish a $1,500 deductible for Category 7 veterans. Under this new policy, a veteran would be forced to pay for 45 percent of his or her medical care, up to a limit of $1,500 per year. The VA estimates that 121,000 veterans will choose not to be treated at the VA next year if the proposal becomes law. This would include several thousand in South Dakota. I know this is an attempt to ask veterans who make more money to contribute more to their own health care. However, the way in which the VA determines Category 7 status is unfair, particularly to many veterans in South Dakota. Category 7 veterans are those who lack a disability related to their military

service or whose income is higher than the current VA eligibility standards. The current income standard is $24,000 annually for a single, or $28,000 for a couple, and applies to 40 percent of the veterans in South Dakota. Assets, such as land, are included in the calculation of income. This is a concern for many farmers and ranchers in my state who may own land worth a considerable amount, but whose actual yearly income is well below the VA threshold. The administration's proposal to impose a $1,500 co-pay on all Category 7 veterans would be particularly onerous on these veterans.

I would also like to note the concern some veterans have raised about a new VA regulation that increases the price of prescription drugs from $2 to $7 a month. Seven dollars a month for a prescription is still relatively inexpensive, and given the lack of prescription benefits under Medicare, many older veterans still benefit greatly from this VA service. However, when you look at longer waits for appointments, cuts in VA services, and the proposed $1,500 co-pay for Category 7 veterans, this increase in prescription costs is seen as yet another example of the erosion of veterans benefits.

One of the positive steps in VA health care has been the shift away from a health system based on lengthy, in-patient hospital stays, to a system focused on preventative, outpatient care. This shift has vastly improved patient care. It has also proven to be popular with veterans, as demonstrated by the large numbers currently utilizing the Community Based Outpatient Clinics, CBOCs. These community based clinics are particularly important in rural States like South Dakota. By placing clinics in local communities, we increase access to care by cutting down the amount of time a veteran must spend travelling. Greater access to nearby care means veterans are likely to seek medical attention before an illness becomes a major health problem.

This new access to clinics was threatened in South Dakota when budgetary constraints prompted the VA to put a moratorium on enrollment in CBOCs in Aberdeen, Rapid City, and Pierre. This caused concern among veterans in the areas around the clinics who were told their only option for health care was a multiple hour drive away. After working closely with the VA, the enrollment caps appear to have been lifted. I will continue to monitor this situation and will work with Secretary of Veterans Affairs Anthony Principi to ensure all eligible veterans continue to have access to these clinics.

I believe we in the Senate should commit to making this the year we finally address the issue of concurrent receipt of military retirement benefits. Under current law, military retirees cannot receive both full military retirement pay and full VA disability compensation. Instead, retirement payments are reduced by the amount received in disability compensation. Changing the law to allow for concurrent receipt of benefits is an issue of basic fairness because both military retirement pay and VA disability compensation are earned benefits. Retirement pay comes after at least 20 years of dedicated service in the Armed Forces and VA disability is earned as a result of injury during time of service.

I have been working with South Dakota veterans and my colleagues in the Senate for several years to fix this problem. Last year, the Senate adopted an amendment to both the fiscal year 2002 budget resolution and to the fiscal year 2002 Defense authorization bill to include funding to correct this problem. Unfortunately, despite strong support in the Senate, the language to allow concurrent receipt was removed from last year's budget resolution during the conference with the House of Representatives. In the Defense authorization bill, Congress agreed to allow concurrent receipt, but only if the administration included authorizing legislation as a part of the fiscal year 2003 budget request.

I was very disappointed to discover that the President's fiscal year 2003 budget request did not include provisions for concurrent receipt. I recently sent a letter to the President expressing my regret at his decision not to address concurrent receipt and asking him to work with Congress to address this urgent matter. I am very pleased that the Senate version of the fiscal year 2003 budget resolution includes a provision to phase in full concurrent receipt for veterans who are 60–100 percent disabled as a result of their military service. This is only a first step, but a positive step. At a time in which we are asking more and more from the men and women serving in the military, we should be looking for ways to encourage them to make a career in the military by improving benefits and assuring them they will be taken care of in retirement.

Another priority for me is improving educational benefits for veterans. Unfortunately, the current GI bill fails to keep pace with the rising costs of higher education. Less than one-half of the men and women who contribute $1,200 of their pay to qualify for the GI bill actually use these benefits. Last year, I joined Senator SUSAN COLLINS in introducing legislation to bring the GI bill into the 21st century by creating a benchmark level of education benefits that automatically covers inflation to meet the increasing costs of higher education. Our concept is a very simple one; at the very least, GI bill benefits should be equal to the average cost of a commuter student attending a 4-year university. The Montgomery GI bill has been one of the most effective tools in recruiting and retaining the best and the brightest in the military. It has also been a critical component in the transition of veterans to civilian life. It is imperative that the Senate passes this legislation this session.

I am also pleased to be a sponsor of two other very important bills that will honor the commitments we have made to our veterans.

S. 1644, The Veterans Memorial Preservation and Recognition Act, will protect all veterans memorials on public property by extending current criminal penalties for destruction of property to any statue, plaque, or monument commemorating veterans. The bill also creates a restoration fund—to which individuals or organization can contribute—to repair and maintain our Nation's veterans memorials. Finally, the bill authorizes States to place supplemental guide signs for veterans cemeteries on Federal-aid highways.

I am also an original cosponsor of S. 2003, the Veterans Benefits and Pensions Protection Act. This bill will help protect veterans from unscrupulous predatory lending. The VA currently prohibits the direct sale of veterans pension or disability benefits. However, certain companies are exploiting a loophole in the law that allows them to enter into contracts with veterans to offer them ''instant cash'' in exchange for future benefit payments. In essence, a veteran agrees to sign away his or her benefits for a selected amount of time, and in exchange, the company agrees to pay the veteran a lump some of money. Frequently, this ranges from only 30 to 40 cents on the dollar. The veteran is then required to open a joint bank account with the company in which the benefits are directly deposited and the company makes the withdrawal. Veterans are often also required to take out life insurance, payable to the company, or use their homes as collateral.

S. 2003 will close this loophole and authorize education programs to inform veterans about the danger of this scam. The bill has been endorsed by the Disabled American Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and AMVETS.

Mr. President, there are few things more important than those who serve our country in the Armed Forces. As a nation, we need to take care of these men and women, not only while they wear the uniform, but also when they become veterans. I look forward to continuing to work on behalf of the veterans of South Dakota and the Nation.

## GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, I rise today to recognize the 181st anniversary of Greek Independence that will be celebrated Monday, March 25. Not unlike our founding fathers who sowed the seeds of the American revolution by forming the underground society, the ''Sons of Liberty,'' Greek patriots seeking democracy established the ''Friendly Society'' in Odessa in 1814. Their ideals spread and the Greek people eventually rose up on March 25, 1821. This day would mark the beginning of an 8 year struggle against the might of the Ottoman Empire which

had ruled Greece for 400 years. In 1829, the Greeks were the first to win their independence from the Ottoman Empire, and were formally recognized in 1832. Their success spurred on other groups.

But this 19th century revolution was not the first time the Greeks had contributed greatly to our world. In ancient times, Greek civilization established traditions of democracy, society and culture that resonate today. These Greek cultural accomplishments deeply influenced thinkers, writers and artists, especially those in ancient Rome, Medieval Arabia, and Renaissance Europe. Modern democratic nations owe their fundamental political principles to ancient Greece. Because of the enduring influence of its ideas, ancient Greece is known as the cradle of Western civilization.

In fact, Greeks invented the idea of the West as a distinct region because they lived west of the powerful civilizations of Egypt, Babylonia, and Phoenicia. Today we continue to marvel at their advances in philosophy, architecture, drama, government, and science, with people worldwide enjoying ancient Greek plays, studying the ideas of ancient Greek philosophers, and incorporating elements of ancient Greek architecture into the designs of new buildings.

So I am proud to recognize the continued contributions of today's Greek-Americans to our country and my home State of Rhode Island. Although the earliest Greeks to come to America were men of the sea, sailing with Christopher Columbus, Ferdinand Magellan and other Spanish expeditions to the New World, today's Greek Americans are involved in all aspects of American business and society, contributing with their hard work and active citizenship.

I would also note that the Greece-US relationship has deepened over the years and there are extraordinary opportunities to strengthen it even more. We share mutual concern for greater security, stability and prosperity in the Mediterranean, Southeastern Europe, and the Caucasus. The Greeks have traditionally been active as well as a force of progress in these regions and their experiences will help the United States as the two countries partner to face the challenges of the new century.

I am proud to join many of my colleagues as a co-sponsor of Senate Resolution 214 which designated March 25, 2002 ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.'' I give Greek Americans my best wishes as they celebrate Greece's independence.

Mrs. FEINSTEIN. Mr. President, over the past few days and weeks the drumbeat for war against Iraq has been rising in both volume and tempo. I rise today to express my concern, and to urge President Bush to proceed with care and prudence.

At a minimum: the United States must first exhaust every diplomatic solution that might avoid war, with war seen as a last resort; the United States must assure sufficient international support, similar to the coalition that made the Gulf War viable; and, the administration must fully consult with Congress, which has a significant constitutional obligation in this matter, and receive proper authorization.

Let me be clear: There is little question that Iraq poses a grave risk to the United States and our friends and allies. How to deal with Iraq remains, as it has for over a decade, one of the top foreign policy priorities for the United States.

At this point we can not and should not lose sight of the fact that we still have considerable work to do in Afghanistan. Rushing precipitously towards another military confrontation, unless the need is imminent, would not be prudent.

We are all aware of the nature of the threat: Iraq under Saddam Hussein seeks to develop WMD, has used these weapons against its own people, has invaded its neighbors and threatened others in the region with its missiles.

And we are all well aware that Iraq, having agreed to United Nations inspectors after its defeat in the Gulf War a decade ago, banned them in 1998. For 4 years the international community has had no access to Iraq and no ability to inspect its weapons facilities.

The administration believes Iraq is continuing to develop chemical and biological weapons, and is seeking nuclear weapons. As a member of the Intelligence Committee I believe that the administration is correct in this assessment.

And the administration has argued that Iraq's weapons of mass destruction must be dismantled before President Saddam Hussein forms an alliance with Al Qaeda or other terrorist groups.

It is critical, therefore, that the United States, through the United Nations, seek additional inspections, under a ''go anywhere, anytime'' inspection regime, to provide Iraq with the opportunity, one last time, to either work with the international community on this issue or, by its refusal, admit guilt and face the consequences.

I also believe that it is critical that, should an imminent threat require U.S. action, that the Administration come to Congress to seek its judgment and assent.

The resolution authorizing the use of force against the September 11 attackers provides the President authority to take military action only against those groups, individuals, or nations who aided in the September 11 attacks, or harbored those involved.

It states: ''The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.''

On its face, then, this resolution is both narrow and specific, in that it applies only to the September 11 attacks.

In order to take action against Iraq under this resolution, the President must determine both that Iraq has harbored any Al Qaeda members, or anyone else who aided in the September 11 attacks, and that such an attack would ''prevent any future acts of international terrorism,'' as also required by the resolution.

On the other hand, if the President attacks Iraq simply to destroy its weapons of mass destruction, which may be a justified action under certain circumstances, this resolution does not provide the authority for such an attack. Iraq's WMD program, if not directly linked to the September 11 attacks, is a separate issue not covered by the September resolution.

In such a circumstance the President would need to, must, seek an additional authorizing resolution from Congress.

I was pleased to see that Secretary of State Powell has indicated President Bush will fully consult with Congress before any military action is taken against Iraq.

It is imperative that we comply with the provisions of the War Powers Resolution, a joint legislative act that will ensure: ''The collective judgment of both Congress and the President will apply to the introduction of United States armed forces into hostilities.''

Given the gravity of placing potentially large numbers of America's forces in harm's way, I think anything less than such a ''collective judgment'' would tarnish the sacred trust our people have in their government.

As our colleague Senator BYRD wrote in The New York Times earlier this week: ''The Constitution states that the President shall be commander in chief, but it is Congress that has the constitutional authority to provide for the common defense and general welfare, raise armies, and to declare war. In other words, Congress has a constitutional responsibility to weigh in on war-related policy decisions.''

The challenges in taking action against Iraq underscore the need for the United States to work with our friends and allies in the region and elsewhere if we are to take effective action against Iraq.

The administration has made great strides in creating as wide an international coalition as possible for action against terror and terrorists, it must do likewise for any action against Iraq.

In contemplating any such action against Iraq, we must consult with allies and build the kind of coalition that supported our efforts in the Gulf War, especially those countries whose peoples and governments are bound to be affected by such an undertaking.

We should not take action against Iraq until both we, the American people and our regional partners, are convinced of the reasons for so doing and that there is a clear mission and goal in mind.

The United States must also consider carefully the consequences of precipitous action.

Can we assure our regional partners that our actions will not involve the de-stabilization of the region?

Might unilateral unsupported action against Iraq result in attacks against close allies such as Israel or protests against regional leaders in Egypt, Saudi Arabia or Jordan?

Following any military action, are we prepared militarily and financially to remain in the region until Saddam is removed, the people of Iraq are free, and a viable democratic government is in place?

These are complex questions to which there may be no easy answers. But they are questions that must be addressed before we take any action if those actions are to be successful and the results, enduring.

If this matter is not handled properly, there is a profound risk that the Middle East will be further destabilized, and place U.S. interests in the region and in the war against terrorism in jeopardy.

None of us has the wisdom or foresight to see where this war will lead us, how long it will last, or when it will end.

But we are all foursquare in our determination that we, and all civilized peoples, succeed.

I offer my thoughts and comments today not as a criticism of the administration, but rather because I feel that we have a deep obligation to make sure that as we proceed with this endeavor we do so with thoughtfulness, not afraid to ask the tough questions that must be asked or address the issues that must be addressed, and with the unity of purpose that will guarantee our success.

## GUN-RELATED DEATHS ARE STILL TOO HIGH

Mr. LEVIN. Mr. President, the Centers' for Disease Control most recent National Vital Statistics Report, which measures all causes of death in the United States reports that the death rate from firearm injuries dropped nearly 6 percent from 1998 to 1999. The 1999 gun-death toll was 28,874 persons, the first time the figure has dropped below 30,000 since national statistics on gun deaths were first kept in 1979. Preliminary data indicate that there was likely another significant decline in 2000. These are encouraging statistics, but the number of people killed by guns each year is still far too high.

There are several important pieces of legislation before the Senate that were designed to address gun violence. On April 24, 2001, Senator REED introduced the ''Gun Show Background Check Act.'' This bill would close a loophole in the law which allows unlicenced private gun sellers to sell guns without conducting a National Instant Criminal Background System check. I cosponsored that bill because I believe it would be an important tool to prevent guns from getting into the hands of criminals and other people prohibited from owning a firearm.

The ''Use the National Instant Criminal Background System in Terrorist Investigations Act'' was introduced by Senator KENNEDY and SCHUMER in the wake of September 11. This bill would reinstate the 90-day period for the FBI to retain and review NICS gun purchasing data records for irregularities and criminal activity. The need for this legislation was demonstrated when the Attorney General denied the FBI access to the NICS database to review gun sales to individuals they had detained in response to the terrorist attacks. I am pleased to be a cosponsor of this bill and urge the Senate to act on this legislation.

Another important component of any strategy to reduce gun violence is preventing children from gaining access to firearms. Senator DURBIN's ''Children's Access Prevention Act'' would hold adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition liable if the weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I am also a cosponsor of this important bill that would help to curb the thousands of preventable firearm deaths that occur each year.

The statistics I mentioned support the argument that the Brady Law is working to prevent gun-related deaths. However, the number of gun-related deaths is still disturbingly high and more must be done. The bills I support are common sense approaches to gun-safety that deserve the attention of the Senate.

Mr. BIDEN. Mr. President, all of us in this Chamber know the dedication of those on our staffs who work tirelessly to keep us informed and keep this process moving forward. And, once in a great while, a staffer comes along who becomes so much a part of the process, so much a presence in this place, that few can't imagine the Senate without them.

Ed Hall, staff director on the Committee on Foreign Relations, is one of those people.

A dedicated public servant for more almost 25 years now, he has been a rock-solid steady hand, an extraordinary professional, and—above all—a gentleman.

Now he is completing his final week with the U.S. Senate. And we wish him well.

But before he goes, I hope Ed won't mind too much, though I know he will, if I take a few minutes to pay tribute to him. Ed is one of those rare, talented staffers who always seems to know the answer before we ask the question. He always has the facts.

He conscientiously attends to the details of the hearings, the legislation, the briefing books, the negotiations—with a trademark combination of wisdom and graciousness, and without ever expecting a word of thanks, much less an entire speech.

All of us know and appreciate the hard work and dogged efforts of our staffs, but too often it goes unspoken. And rarely is it expressed on the Senate floor. Bud Ed Hall is an exceptional man who deserves exceptional recognition for making what we do here possible.

He is here when most of us arrive. And he is here long after most of us have gone home.

He is one of the most decent, hard-working, fair-minded and open-hearted men I have met, loyal almost to a fault, a professional with no agenda but to promote the work of the committee, and to look after its staff.

Ed is perceptive about human nature and profoundly patient with it. But what has always impressed me is his encyclopedic grasp of the legislative process, along with expert insight into parliamentary procedure.

It takes that kind of experience, wisdom and finesses to get things done around here, and make no mistake, Ed Hall gets things done.

Ed developed these traits, I am sure, at Harvard and Michigan, as an Assistant U.S. Attorney, then in private practice, the Marine Corps Reserve and through a series of positions of distinction on Capitol Hill.

He started in 1975 with Senator Claiborne Pell on the Rules Committee, moving 3 years later to the Commerce Committee as Chief Counsel for Senator Howard Cannon.

Then Ed practiced law for a while in Idaho, but as anyone who knows him could tell you, Ed Hall is no simple country lawyer, to borrow a phrase that was popularized by my Senate colleague Sam Ervin, who was here and Ed and I first arrived, so he came back to the Senate as Chief Counsel on the Foreign Relations Committee, again working with Senator Pell.

A few years later, I had the good sense and the good fortune to retain Ed as Minority Staff Director.

If there is one thing that I think I will always remember when I think of Ed, it is his unique take on the legislative process and the goings-on of the Senate.

He has been known to say that if you know what to listen for, you learn after a while that the Senate produces a kind of music, combining rhythm, pace and melody wholly unique to this place.

Ed Hall has always known what to listen for.

As both minority and majority staff director, Ed's role has been a kind of

conductor, orchestrating our work to the music of the Senate.

During my time on the committee as ranking Democratic member, and then as chairman, Ed oversaw Senate consent to ratify the chemical weapons convention, the reorganization of the U.S. foreign affairs agencies, the debate deciding the expansion of NATO, and the establishment of a way to pay our country's arrearage to the United Nations.

He did it in close coordination with his Republican colleagues on the committee—sometimes at odds over small matters of language. Sometimes at odds over major issues of fundamental principle. But Ed has always bridged the gap.

He treats all parties with respect, and tries to accommodate all interests involved. His success in so doing is evidenced by the close personal friendship he shared with Admiral James ''Bud'' Nance, Staff Director for my distinguished colleague from North Carolina, Chairman HELMS, until Bud passed away in 1999.

Bud and Ed genuinely cared for one another, and the maturity and mutual approval that they brought to the job filtered down through all the ranks of their respective staffs.

It is not for nothing that some of the younger staff members refer to Ed Hall as ''Daddy Ed.'' He has led by example, bringing out the best in those for whom he is responsible and helping them feel that what they do is more than a mere job.

But, though I can't imagine where he finds the time, Ed Hall's work doesn't end when he leaves his office.

Ed's collaborative and caring approach to working with others is consistent with his religious convictions. He has been modest about them while in the office, but generous in expressing his faith through intense involvement in community affairs.

Ed has long been active in the work of ''The Green Door,'' a nonprofit organization that helps the mentally ill achieve independence and self-sufficiency.

He is a member of the board of directors for Episcopal Relief and Development, which provides assistance to those in need in the United States and abroad.

And he has been an at-large trustee for the Virginia Theological Seminary, where he will soon be vice president for Institutional Advancement.

We can only hope that Ed's new position will give him more time with his family. To his wife, Sherry, let me say thank you for all the times she kept his dinner warm on my account.

Ed Hall has always seen to it that I receive the best possible preparation for a speech, and that the staff maintain a modest collection of quotations for such occasions, and that it is always at hand.

So it will be no surprise if Ed recognizes something that the English essayist G.K. Chesteron once said:

> The Christian ideal has not been tried and found wanting; it has been found difficult and left untried.

Well, I am here to tell you that while some may have found it difficult, and perhaps some have not tried hard enough, Ed Hall is living proof of a transcendent ideal that people of all convictions will recognize: he is an abundant spirit, a humble soul.

He is a pillar of this institution. In a place where turnover is the order of the day, he has been a rarity, and he leaves a legacy of service for which the Senate will be forever grateful.

I ask my colleagues to join me in saluting Edwin K. Hall.

## DEPARTURE OF WALLY BURNETT

Mrs. MURRAY. Mr. President, as chairman of the Transportation Appropriations Subcommittee, I rise to express my regret that the subcommittee will soon be losing one of the most treasured members of its staff. Wally Burnett, our minority clerk, will be moving on to other opportunities at the end of this week. I know that I speak for all members of the subcommittee in wishing him well and thanking him for his fine service.

Wally Burnett brought a wealth of experience to the subcommittee staff given his prior experience as Deputy Assistant Secretary of Budget and Programs at the Department of Transportation during the administration of President George H. Bush. More importantly, Wally brought to his position a strong sense of fairness, decency, and a desire to do the right thing. This trait could be seen across all of the Transportation bills that Chairman Stevens and Chairman Shelby ushered through the Senate.

While Wally always demonstrated a strong sense of duty to the entire Nation, Wally never forgot that he is an Alaskan. And while Wally could not always be depended upon to wear a jacket to subcommittee and full committee meetings, he could be depended upon to provide his most expert views in an informed and balanced manner. I will always be grateful for the many courtesies that Wally demonstrated toward me, whether I was serving as a junior minority member of the subcommittee or as subcommittee chairman.

As Wally leaves his position in the Senate, I wish him the best of luck in his new endeavor. I also express my hope that his tirelessly patient wife, Kristin, and his children, Tucker and Mattern, will finally see more of him.

# ADDITIONAL STATEMENTS

## LEADERSHIP AT THE UNIVERSITY OF KENTUCKY

• Mr. MCCONNELL. Mr. President, today I recognize the achievements of a great Kentuckian. Dr. Lee Todd has not yet completed his first year as President of the University of Kentucky, but he has already left his mark on Kentucky's largest public educational institution. His approach to academic governance has earned him the accolades of both the students and faculty of the University of Kentucky, as well as from local community leaders.

Dr. Todd's success at UK should not come as a surprise. As an alumnus of the University, he understands the interests and passions of the students. His training and tenure as an academic has given him a detailed understanding of the challenges and needs of the faculty. And his career as a successful businessman has well-prepared him to forge an efficient and responsive administration that is dually committed to crafting excellence in education and enhancement of UK's endowment. I have no doubt that he will succeed at both goals.

Building upon the achievements of his predecessors, Dr. Todd has continued to bring top-notch research and teaching faculty to Kentucky. In addition, he has forged greater cooperation with and stronger ties to the Lexington community—a relationship that promises to be mutually beneficial. From UK's truly exceptional Medical Center to its important agricultural research, the University of Kentucky is not merely a preeminent state educational institution, but a tremendous asset to the Lexington community and the entire Commonwealth of Kentucky. Likewise, President Todd has worked to create a partnership with the federal government, a partnership I look forward to continuing in the future.

President Lee Todd has brought with him innovative ideas and a commitment to excellence at the University of Kentucky. I hope that the students of the University and the people of Kentucky are lucky enough to have President Todd at the helm for a very long time. Kentucky is fortunate to be able to claim Dr. Todd, his wife Patsy, and his children Troy and Kathryn as citizens.

I hope my colleagues will join me in thanking Dr. Todd for his service to the Commonwealth of Kentucky and to higher education.•

## IN HONOR OF PHILIP AUTHIER, MPH, RN

• Mr. JOHNSON. Mr. President, today I congratulate Philip D. Authier, MPH, RN, 2002 President of the American Organization of Nurse Executives, AONE. Philip Authier is also Vice President of Patient Care at St. Mary's Healthcare Center, in Pierre, South Dakota. Among his many accomplishments, Mr. Authier, has been a member of AONE for 17 years and served on the AONE Board of Directors from 1995 to 1999. During this time he also served on AONE's Finance Committee and as a AONE representative to the Region 6 Regional Policy Board of the American Hospital Association. In addition, he is a past president of South Dakota Organization of Nurse Executives and has

chaired the finance and nursing policy committees of the South Dakota Board of Nursing. In 2000, by a national membership vote, he was elected President-Elect for a one year term beginning January 1, 2001, and took on his current position as President this past January.

As President, Philip Authier will help lead the AONE in its mission to facilitate excellence in the nursing practices; to offer professional development opportunities; to influence health policy; and to support research and development in nursing administration. His experience and expertise will help to achieve the important goal of improving the recruitment and retainment of individuals to this very important profession. I am confident that his experience and expertise within this profession will help to achieve these goals.

Once again, I commend and congratulate Philip Authier, a fellow South Dakotan, on his national leadership role in helping to address the needs and concerns of the nursing profession throughout the country.●

## A POEM BY DEBBIE ROGERS

● Mr. HUTCHINSON. Mr. President, I ask to have printed in the RECORD, a poem by a constituent of mine, Debbie Rogers, on behalf of the victims of September 11, 2001.

The poem follows.

GOD BLESS THE USA

Twin Towers once stood regally, but majestic in the sky,
Pure evil took them down today, Americans stand and cry.
Two planes marked for death, as the world observes them crash,
Once titanic against the skyline, now scattered in debris and ash.

Four planes all together, carrying innocent lives on each one,
Leaving disbelief and carnage, when the hellish butchers were done.
There was no kind of warning, no message did they send,
And the total devastation, is so hard to comprehend.

Emergency Crews work frantically, keeping hope always alive,
They dig with bleeding hands, praying someone does survive.
Thousands hurt and missing, death lingers in the air,
Families in such torment, the world mourns in deep despair.

Our whole world has been disrupted, as we watch the breaking news,
Praying they find survivors, and all the missing clues.
We need closure for the families, and justice for us all,
We'll deal with this catastrophie, as Americans we stand tall.

Were proud to be Americans, we won't take this without a fight,
We won't cease in determination, till this wrong is made a right.
We'll rise above the smoke and ash, remembrance in our heart,
Of all the innocent families, these monsters tore apart.

Now vengeance seems to call, like a beacon in the night,
God forgive our thoughts two wrongs don't make a right.
But we'll stand on honor and justice, there'll be a reckoning day,
This deed won't go unpunished, God Bless the U.S.A.

In Honor and in Memory, September 11, 2001, by Debbie Rogers.●

## PORT OF CHARLESTON SHOULD LIVE WITH NATURE'S TOLERANCES

● Mr. HOLLINGS. Mr. President, I want to share with my colleagues an excellent column by Thomas E. Thornhill that appeared in Charleston's The Post and Courier on March 15, 2002. Mr. Thornhill points out the need to balance the environmental and esthetic consequences of expanding the port of Charleston with the economic benefits such expansion brings.

As we debate what to do with the Alaska National Wildlife Refuge as part of the energy bill, I think it is important to add to our dialogue a perspective from someone who has seen the consequences of expansion in South Carolina, and who believes that nature mismanaged retaliates with relentless vengeance.

I ask that the article be printed in the RECORD.

The article follows.

[From the Post and Courier, Friday, Mar. 15, 2002.]

PORT OF CHARLESTON SHOULD LIVE WITHIN NATURE'S TOLERANCES

(By Thomas E. Thornhill)

How about a different slant on the port expansion issue? Do we really know what Charleston Harbor can tolerate? This is a finite body of water which has some limitations dictated by nature. Yes, expansion of the port facilities will mean more business, more trucks, more highway building, etc., but what will it do to our rivers and harbor?

My brother and I have been working for water and soil conservation for over 40 years. Our father coined the phrase, ''Nature mismanaged, retaliates with relentless vengeance.''

We, the citizens, and the Corps of Engineers mismanaged nature with the diversion of the Santee River into the Cooper River, and we're still paying for it. We were pumping enough mud out of Charleston Harbor to cover peninsular Charleston by about 6 feet each year. That was reduced with another diversion or rediversion canal, but the mud continues to build up—just look at Drum Island and the Cooper side of Daniel Island—tons and tons of spoil pumped from the rivers..

We are not a locale of deep water; let's recognize that. You need only spend a few days in our creeks and marshes to know that we have that wonderful pluff mud, the nursery grounds for the Atlantic Coast fisheries, that does not and will not stay in place like rock and sand of other ports.

Waterside construction causes the natural flow to slow and, in short order, the mud builds up. How else would we have land east of East Bay Street, which was the city sea wall. Look at the SPA Passenger Terminal, Yacht Basin, Maritime Center—full of mud. Examine the land around the Sheraton Hotel or Comfort Inn along the Ashley. It's sinking. There is no way to contain our mud except by gentle slopes and marshes.

As we dig our channels deeper and deeper, we are mismanaging nature. We cannot dig 50-foot ditches in our rivers without causing sloughing off of the shoreline, the changing of the flow of our rivers, and the sinking of our highlands. The harbor jetties are blamed for the demise of Morris Island so that the lighthouse is now at sea. The jetties are blamed for changing the geography on Folly Island. Breakwaters, jetties and revetments are now outlawed as they caused more erosion that they were designed to cure.

Charleston Harbor has limits dictated by nature. We cannot continue to defy natural laws by overbuilding our shorelines, packing our marshes with silt and fill, and overpopulating our water courses. We cannot be one of the largest shipping ports in the country and yet have the finest harbor resource on the East coast. We cannot fill our waterfronts with docks and still be America's Most Historic City and have the quality of life that goes with it. We cannot double the amount of super ships and still have one of the finest recreational and scenic harbors in the world—to say nothing about the inability of our transportation network to handle the additional load.

Trucks are clogging I–26 and I–526 on any workday. Driving a car is hazardous. The State Ports Authority has done a magnificent job to make our port facilities and service the envy of the world. With this same talent, they now need to find a future that can live within the environmental restraints that nature has dealt us. Perhaps their future should be planned as though Daniel Island did not exist—the filling of those marshlands is damage enough. We must not, as the Bible teaches, ''sell our birthright for a mess of pottage.''

As a port, we should live within the hand dealt us by nature. As a port city, we should do the best with what we were given to save it for future generations. Remember that thousands of acres of marsh have been destroyed just to keep the harbor dredged and remember that every structure on a waterway or beach causes erosion problems elsewhere. Of course the Port produces jobs and economic benefit (it always has and will), but the incremental increase gained by increasing the size of port facilities is to the profit of a relatively small amount of the population, while those who live here must shoulder the burden, esthetically, economically and environmentally. ''Nature mismanaged retaliates with relentless vengeance.''●

## IN TRIBUTE TO COLONEL CHARLES E. MCGEE

● Mr. BOND. Mr. President, in these perilous times, citizens who have overcome adversity to serve our nation with distinction deserve to be recognized. I rise today to pay special tribute to an American who has served with distinction as both a fighter pilot and a civilian. In a 30 year military career that included service in three foreign wars, Colonel Charles E. McGee logged over 6,300 flying hours, including over 1,100 hours on more than 400 fighter combat missions.

Colonel McGee's career began with enlistment in the U.S. Army and subsequent training at the Tuskegee Army Air Field in 1942. Upon graduation in 1943, Colonel McGee flew 136 missions with the 302nd Fighter Squadron of the 332nd Fighter Group in the European African Middle Eastern Theater. Tactical missions were flown under the 12th Air Force using the P–39

Aerocobra and then, on transfer to 15th Air Force, strategic missions flying the P–47 Thunderbolt and P–51 Mustang. He returned to Tuskegee as a captain and served as a Twin-Engine Instructor until the close of the base.

Colonel McGee later served in the 67th Fighter-Bomber Squadron, flying the P–51 aircraft on 100 missions during the Korean War, earning him a promotion to Major. In 1953, Colonel McGee returned to the United States to attend the Air Force Command and Staff School at Maxwell Air Base, AL. Upon graduation, he was qualified to fly the F–89 Interceptor and promoted to Lt. Colonel.

In 1967, Colonel McGee received tactical Reconnaissance and RF–4C flight training and was assigned to command the 16th TAC Recon Squadron at Tan son Nhut Air Base. From there, he flew 172 missions in Vietnam, earning the Legion of Merit.

After his tour in Vietnam, Col. McGee was stationed in Europe, where he served USEUR and the 7th Army in Air Liaison duty and was promoted to Colonel. He then served as Chief of Maintenance of the 50th Tactical Fighter Wing. He returned to the United States in 1971 to serve for two years at Richard Gebaur Air Force Base, MO. He served the Air Force Communications Service as Director of Maintenance Engineering and Commander of the base and the 1840th Air Base Wing before retiring in 1973. Over his career, he received many awards, including: the Legion of Merit with Oak Leaf Cluster, Distinguished Flying Cross with two Oak Leaf Clusters, Legion of Merit, Air Medal with 25 Oak Leaf Clusters, Army Commendation Medal, Air Force Commendation Medal, President Unit Citation, Korean President Unit Citation, and the Republic of Greece WWII Commendation Medal.

Colonal McGee's service to his fellow citizens did not end with his retirement from the military. In 1972, he assisted in the founding of Tuskegee Airman, Incorporated. This organization is dedicated to the preservation of the Tuskegee Airman legacy and the motivation of American youth, with a focus on minority youth, toward career interests in aerospace technology. To date the organization has raised over $1.7 million and helped over 500 gifted American students of all races. Currently, Colonel McGee is serving his second term as the organization's Executive President.

Throughout his life, Colonel McGee has shown extraordinary commitment to both our nation and his fellow citizens. Early in life, he overcame a society adverse to the advancement of African Americans and served with distinction in World War II, Korea and Vietnam. Even in retirement, Colonel McGee remains dedicated to the advancement of American youth and our Nation. On behalf of the citizens of Missouri and our great nation, I thank Colonel McGee for a lifetime of outstanding service.●

## THE SPEARFISH SPARTANS ARE THE 2002 SOUTH DAKOTA STATE MEN'S ''A'' BASKETBALL CHAMPIONS

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the Spearfish Spartans. The Spartans, under second-year coach Dan Martin, won the South Dakota State ''AA'' Basketball Tournament March 16 in Rapid City, SD.

Coach Martin's squad went through the 2001–2002 season with only one loss, a double-overtime setback to Gillette, WY, a squad that went on to win its own State title. The Spartans entered the State tournament with an impressive 20–1 mark and defeated Rapid City Central and Watertown before rallying in the final exciting minutes to overtake Sioux Falls Lincoln, 65–61, for the State title. It was the Spartans' first-ever State basketball championship and the first Class ''AA'' title for a team west of the Missouri River since 1989.

The team was guided this season by the senior leadership provided by Deming Haugland, Aaron Croff, Slade Larscheid and Timm Cooper. Haugland and Croff were joined by Spartan sophomore Matt Martin on the all-tournament team and Haugland received the coveted Spirit of Su Award, for his sportsmanship and actions both on and off the basketball court.

As Coach Martin told ''The Black Hills Pioneer'' after the title victory, ''It was due to a lot of hard work. The boys put a lot of blood and sweat into it and they deserve it.'' I want to commend and applaud the community of Spearfish for their support of young people. This title reflects that community support. I want to acknowledge Superintendent David Peters, Principal Dr. Dan Leikvold, Athletic Director Karen Hahn, Head Coach Dan Martin, Assistant Coaches Les Schroeder, Dick Tschetter and Pete Wilson for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: seniors Deming Haugland, Aaron Croff, Slade Larscheid and Timm Cooper; juniors Tanner Tetrault, Josh Delahoyde, Turner Johnson and Jared Noem; and sophomores Billy McDonald, Matt Martin, Josh Stadler, Derek Bertsch and Scott Betten, for their hard work, dedication and commitment this season. Finally, I want to acknowledge the great work of team managers Eric Skavang, Wally Byrne, Rachel Brady and Katie Goodnough, and the hard-working efforts of cheerleaders Terra Ketchum, Sarah Hanna, Amber Orce and Angie Koski.

Again, congratulations to the Spearfish Spartans on winning their first State basketball championship!● j

## CONGRATULATIONS TO TARA LYNN POE

● Mr. BUNNING. Mr. President, I rise today to honor and congratulate Tara Lynn Poe of Paris, KY. Ms. Poe was recently crowned the 2002 Kentucky Cherry Blossom Princess and will serve as ambassador for Kentucky in the historic 90th Cherry Blossom Festival to be held here in our Nation's capital March 30 through April 6.

In 1912, a prominent group of citizens in Japan graciously donated about 3,000 cherry blossom trees, which are not native to North America, to Washington, DC as a symbol of friendship between the United States and Japan. First Lady Helen Herron Taft, who had briefly lived in Yokohama, Japan, decided to bring the beauty of Japan to the then swampy Tidal Basin. Mrs. Taft, along with Vicountess Chinda, wife of the Japanese Ambassador, planted the first two trees on March 27, 1912 in West Potomac Park. These 89 year old trees are still living on the Tidal Basin today. By 1939, State societies across the Nation were recruiting capable and accomplished female college students to be cherry blossom princesses to represent their respective States in the ceremonies and festival parade. The events were and still remain an attempt to educate young women about the history and political makeup of various cultures around the world. Although the festivities experienced a slight delay with the outbreak of WWII in 1941, they soon regained their grandeur in 1948 and were able to help foster the healing process between the United States and Japan. More than 2,500 students have participated in the cherry blossom princess program since 1948.

As a proud representative of the Commonwealth of Kentucky in this year's Cherry Blossom Festival, Tara Lynn Poe, a freshman at Centre College in Danville, KY, will have the unique opportunity to personally meet with President Bush and First Lady Laura Bush. She will be presenting them with a copy of a children's book by Lexington author Paul Brett Johnson for the library foundation. Furthermore, Tara will have the chance to learn from and with her fellow princesses and all involved in the festival about Japan and other countries, international relations, and American culture, politics, and history. On April 5th by a random spin of the wheel, Tara will be eligible to be crowned this year's Cherry Blossom Queen and if selected will be invited to visit Japan, where she will be hosted by local dignitaries, including the Japanese Prime Minister and the Speaker of the Japanese Diet.

Kentuckians should be proud to have Tara Lynn Poe representing the Commonwealth in the Cherry Blossom Festival and I wish her the best in all of her future pursuits.●

## THE 200TH ANNIVERSARY OF E.I. DU PONT DE NEMOURS AND COMPANY

● Mr. BIDEN. Mr. President, over the past few weeks, banners have started

to appear on light-posts in my home town of Wilmington, DE, announcing the celebration of the 200th anniversary of E.I. du Pont de Nemours and Company, more familiarly and succinctly known as the DuPont Company.

It is a fairly modest call of attention to a remarkable event and a remarkable business institution. DuPont is the oldest company in Delaware, and certainly one of the oldest in our Nation; it has employed hundreds of thousands of people in my State and millions around the world; it is a leader in scientific innovation that has remained dynamic throughout its history, changing with the times and, with more patents than any other American firm, sometimes itself changing the times.

One symbol of DuPont keeping and even setting the pace, will soon be seen by NASCAR fans around the country. DuPont is the primary sponsor of Jeff Gordon's race team, and beginning this month, Mr. Gordon will be driving a special DuPont 200th anniversary car, which was unveiled in Wilmington last fall.

The name DuPont is familiar throughout and well beyond our Nation, but many of our citizens, even NASCAR fans, may not realize how familiar DuPont products are in their daily lives, and may not know much of the history of the company that has endured and evolved, with a central place in our scientific and economic life, and with such great importance to our State of Delaware.

Founded in 1802 by Eleuthere Irenee du Pont, with $36,000 in capital, 18 shares at $2,000 a piece, DuPont began as a gunpowder plant, Eleutherian Mills, on the Brandywine River near Wilmington. By 1811, DuPont was the largest manufacturer of gunpowder in the United States.

Explosives long remained an important aspect of the company. During World War I, DuPont supplied the Allies with 1.5 billion pounds of military explosives, as well as providing American industry with half the dynamite and blasting powder needed for construction and mining. And during World War II, DuPont produced 4.5 billion pounds of military explosives, as well as nylon for parachutes, tents, ropes and other military supplies. The company also contributed to the Manhattan Project, with the Hanford plant in Washington and the Oak Ridge plant in Tennessee, and built and operated chemical plants related to the war effort.

It was in the company's 100th anniversary year, 1902, that three of E.I. du Pont's great-grandsons bought out old partners, and started to move toward diversification, opening Eastern Laboratory and, in 1903, the Experimental Station in Wilmington. DuPont was soon in the dye business, the rayon business, and after a company researcher named William Hale Church made cellophane moisture-proof in 1927, the food packaging business. DuPont research in the 1920s also led to the development of a quick-drying paint for cars, which helped speed the manufacturing process, so DuPont's automotive history goes back a long way.

The 1930s saw the development of, among other products, nylon, the first true synthetic textile fiber, which I mentioned was so important early on in World War II supplies; Teflon®, which evolved in part out of war-related research and which we know from our own kitchen supplies; Butacite®, which is used in shatter-proof glass; and Lucite®.

The 1950s brought the development of Mylar®, which has uses from balloons to insulation, as well as Dacron® polyester, Orlon® acrylic fiber and the well-known Lycra® brand fiber, which can stretch to five times its size without losing its shape. DuPont also started its serious global investment, with the opening of the International Department, in 1958.

In 1964, researcher Stephanie Kwolek, whom I have had the pleasure of meeting, developed the remarkably strong fiber that we know as Kevlar®, which, in its application in body armor, has saved thousands of police officers' lives. Tyvek®, which we see so often as building wrap, was also developed for commercial application in the 1960s, as was Nomex®—where we again give credit to Dr. Kwolek, along with Paul Morgan, for their research. Nomex® is a heat-resistant fiber with a range of uses, the most well known of which is in protective gear for fire-fighters. Corian®, which is now so familiar as a counter-top surface, followed shortly after.

To summarize where DuPont was at the close of the 1960s in terms of its leadership and innovation, especially in textile fibers, I'll note that when Neil Armstrong walked on the moon in 1969, he was wearing a space suit made up of 25 layers; 23 of those layers were DuPont materials.

The DuPont Company has continued to explore science-based solutions to real-world problems in a range of markets, from health care and nutrition to apparel and textiles to performance coatings and polymers to construction and electronics, always working to develop new products and to find innovative applications even for old workhorses like polyester and nylon. Just to note two current efforts, DuPont is undertaking leading-edge work in biotechnology, notably soy proteins, and in polymers, with an advanced technology now known as Sorona®.

Among the many events in this anniversary year, in April, DuPont will be presented with the National Building Museum's 2002 Honor Award, and I am proud to serve on the Leadership Committee for that event. In announcing the award, the Building Museum folks noted, ''It is difficult to imagine many aspects of modern construction without DuPont products, which make buildings safer, more durable, and more efficient.''

In addition to its industry leadership, the DuPont Company has set the standard, which has been followed by other leading businesses in our State, for outstanding corporate citizenship. The Company has long engaged in generous charitable giving and support of non-profit agencies, both near its corporate home in Delaware and in communities where it operates throughout the world, as well as supporting and encouraging volunteer work and community leadership by its employees. DuPont has made a particular and extensive investment in science education and research, from kindergarten classrooms to university laboratories.

So this 200-year-old Company remains an innovator, an investor in sustainable and successful communities, and a charitable leader in Delaware, across the country and around the world. I have not always agreed with the Board Chairs and CEOs of the DuPont Company over the last 30 years, but I have always respected them, and deeply respected the place of honor that the DuPont Company has earned in Delaware and in the international business community.

So on behalf of the DuPont Company's neighbors and fellow citizens in Delaware, I am proud to honor its 200th anniversary, and to extend congratulations to the company's board, executive leaders and employees, along with our very best wishes for continued success in bringing ''The miracles of science''® to life in a way that serves us all.●

## JOHN E. ROBSON, PRESIDENT AND CHAIRMAN, EXPORT-IMPORT BANK

● Mr. SARBANES. Mr. President, I rise in tribute to John Robson, the President and Chairman of the Export-Import Bank of the United States, who passed away yesterday morning.

John had a truly remarkable career in both the public and private sectors. Prior to becoming President and Chairman of the Export-Import Bank last year, he most recently had been a senior adviser with the San Francisco investment banking firm of Robertson Stephens. He served as Deputy Secretary of the Treasury under former President Bush from 1989–1992, and was Dean of the Emory School of Business from 1986–88. From 1978–85 he was President and Chief Executive Officer of the pharmaceutical company G.D. Searle. He served as Chairman of the U.S. Civil Aeronautics Board from 1975–77, and was Under Secretary of Transportation from 1967–69. He was a graduate of Yale College and Harvard Law School.

I first worked with John during the crisis in the savings and loan industry in the 1980's. As Deputy Secretary of the Treasury, he served as the Administration's point person in dealing with one of the most serious financial crises since the Great Depression. During that experience, I came to know John as a very tough and determined leader

who helped restore stability to an important segment of the U.S. financial system.

Most recently, I worked closely with John in his role as President and Chairman of the Export-Import Bank. In my view, the Bank and the Administration were very fortunate to get an individual of John's experience and stature for that challenging job.

The Export-Import Bank has a crucial role to play in helping U.S. exporters to compete in international markets against foreign companies who receive export subsidies from their governments. However, the Eximbank is often criticized from both the left and the right as providing unnecessary subsidies to U.S. exporters. In addition, the Eximbank also often receives internal challenges within the Administration from the Treasury Department and OMB, who try to assert control over the Bank. John was extraordinarily well suited to provide the leadership to defend the important role the Export-Import Bank plays in U.S. trade policy within the Administration, and to explain that role to the Congress and the public.

I was privileged to work closely with John in crafting S. 1372, the Export-Import Bank Reauthorization Act, which was just passed by the Senate last week. I am hopeful that the Congress will soon complete action on that legislation and send it to the White House for the President's signature. It would be a fitting tribute to John's leadership of the Eximbank.

I would like to extend my condolences of John's wife, Margaret, and his son, Douglas. Our country will miss John's outstanding leadership and dedicated service.●

## IN CELEBRATION OF DELANCEY STREET FOUNDATION'S 30TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate my thoughts on the 30th Anniversary of the Delancey Street Foundation.

It is my great pleasure to honor the extraordinary contributions of the Delancey Street Foundation. Thirty years ago, Delancey Street began offering outstanding self-help services to former felons, substance abusers and the homeless who wanted to build a new life. Today, Delancey Street is one of the most successful drug treatment programs in the Nation and has earned a reputation as an international model for rehabilitation. At no cost to the taxpayer or client, Delancey Street has offered thousands of residents the necessary academic, vocational and interpersonal skills to turn their lives around and become productive members of society. Recently, Delancey Street began a unique partnership with San Francisco State University to provide residents with college degrees. Delancey Street is a shining light for people who have nowhere else to turn.

Delancey Street is all the more impressive because its training schools provide important skills to its residents while providing wonderful services to the community. It now operates five facilities throughout the country, including its headquarters in San Francisco. Delancey Street has many thriving enterprises such as a moving company, print and copy shop, Christmas tree lots, automotive services center and the renowned Delancey Street Restaurant, all run entirely by the residents.

None of this would be possible without the amazing Mimi Silbert, President and Co-Founder of Delancey Street. Her dedication, foresight, business sense and compassion embody the spirit of Delancey Street. I send my warmest congratulations to Mimi and all of the staff, residents, volunteers and alumni on 30 years of success and my best wishes for even better decades ahead.●

## HONORING MR. DAVID B. SANFORD, JR.

● Mr. ROCKEFELLER. Mr. President, it has come to my attention that a long distinguished career has come to an end and a new chapter is beginning for Mr. David B. Sanford, Jr. Mr. Sanford, a native of Huntington, WV has retired as Chief, Interagency and International Services Division, Directorate of Military Programs, Headquarters, United States Army Corps of Engineers.

Mr. Sanford is a United States Army veteran with active duty service from 1966 to 1969. He joined the United States Army Corps of Engineers in 1971 working at its Huntington, WV District Office. A native of Huntington, he received his undergraduate degree from Concord College in Athens, WV and attended graduate school at Xavier University in Cincinnati, OH. Mr. Sanford's public service career has been filled with remarkable achievements. Previous to his most recent appointment, he was the Chief of the Civil Works Policy Division, Headquarters, United States Army Corps of Engineers. In 1992, he served as a Water Resources Advisor, through a Congressional Fellowship, to the distinguished Senator Daniel Patrick Moynihan from New York, then Chairman of Environment and Public Works Committee.

Mr. Sanford has been the recipient of several public service awards. He has been honored by the United States Department of the Army for his significant contributions to national policy issues related to water resources and military infrastructure.

Through the years, many members of Congress have relied on Mr. Sanford's insight and advice. He is trusted and respected throughout Washington and the Federal Government. Additionally, he has mentored many young people within the Corps of Engineers, encouraging them to serve their nation to the best of their ability.

David Sanford, Jr. has dedicated nearly 34 years to the United States Army Corps of Engineers, serving with honor and distinction. The Corps public engineering services are renowned as world class. David, as a career member of the Corps elite force, has exhibited the kind of character and leadership that has been associated with the Corps. I am proud that a native West Virginia son has earned the rank of the Senior Executive Service. He has the gratitude of his fellow West Virginians and of our Nation for his years of exemplary service. I know my colleagues will join me in wishing him well in the years ahead.●

## CONGRATULATIONS TO RUTH CLAPLANHOO

● Mrs. MURRAY. Mr. President, it is my pleasure to pay tribute to a distinguished elder of the Makah Indian Tribe in Washington state, Ms. Ruth E. Claplanhoo, whose 100th birthday was March 15, 2002.

Ms. Claplanhoo was born on March 15, 1902 in Neah Bay, Washington, where she still resides. Throughout her life, she has made many meaningful contributions to the Makah Tribe and to the community by selflessly serving others. Through her service, she has demonstrated her strong commitment to family, her cultural identity, and education.

An experienced tribal elder, Ms. Claplanhoo has shared her knowledge of Makah culture with many other people. At an early age she learned the art of basket weaving, which she used to supplement her family's income during the Depression. Her basket weaving skills are so highly regarded that she once traveled to the Smithsonian Institute in Washington, D.C. to demonstrate her gift. Ms. Claplanhoo is also fluent in the Makah language. During the 1960s she taught the language to students at the Neah Bay School. Many of these students still continue the tradition of the Makah language passed on to them by Ms. Claplanhoo.

In addition to teaching, Ms. Claplanhoo worked continuously in other ways to help young people succeed and prosper. While raising her own family, Ms. Claplanhoo also raised many foster children, whom she still cherishes as her own.

As the last of the elders who can remember taking a dugout canoe to the harvest fields, Ms. Claplanhoo continues to preserve the Makah culture by sharing her knowledge of tribal history and language with the Makah Museum.

It is with tremendous respect and appreciation that I send Ruth Claplanhoo my best wishes and congratulations for a century of service to her family, community and country.●

THE CUSTER WILDCATS ARE THE 2002 SOUTH DAKOTA STATE MEN'S ''AA'' BASKETBALL CHAMPIONS

• Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the Custer Wildcats. The Wildcats under veteran coach Larry Luitjens, won the South Dakota Class ''A'' Basketball Tournament March 16 in Sioux Falls, SD.

This is the fifth title in a dozen years for the Wildcats and Coach Luitjens. Custer defeated Pine Ridge and Crow Creek to advance to the championship game against long-time State tournament rival Lennox. The Wildcats rallied to win the contest 55–50. Custer had defeated Lennox to claim State titles in 1992, 1993 and 1998. Lennox defeated Custer for the 1991 title. This is the first State title won by Custer since the 1998 championship, when Derek Paulsen hit a game-winning basket. Just over a year later, Derek was tragically killed in an automobile accident.

This year's team included the athletic talents of Derek's brother, Paige, and their father Fred is a long-time Assistant Coach to Luitjens. ''It was just four years ago that we were here on this same floor and Derek made the last shot that won the game for us,'' Coach Luitjens told the Rapid City Journal after this year's title victory. ''You can't help but think about him.'' Guided by the spirit and memory of Derek Paulsen, the team won 20 of their last 21 games. Another special highlight this season came when Coach Luitjens became the winningest coach in South Dakota basketball history.

Luitjens' 35-year coaching career includes stints with DeSmet, SD, and New England, ND, and the long-time coach now has a record of 590–224. Larry's teams from 1989 to 1991 put together a string of 49 consecutive victories, South Dakota's longest winning streak among State ''A'' teams. Larry is known for his coaching expertise and the quality of teams he puts on the basketball court each year. He is also well-respected for the sportsmanship he instills in his players and the students he mentors each year and the relationships he fosters between his team and other teams in South Dakota, especially teams on South Dakota's Indian reservations.

I want to applaud and commend the community of Custer for their ongoing support of young people. This title reflects that community support. I want to acknowledge Superintendent Tim Creal and Athletic Director Paul Anderson and recognize the dedicated efforts of Head Coach and Principal Larry Luitjens and Assistant Coaches Fred Paulsen, Chris Kolker and Neil Sieger. I congratulate the success and hard work of players Brady Sumners, Travis Meyers, Ben Mueller, Cash Melvin, Paige Paulsen, Michael Burke, Matt Lyndoe, Danny Fool Bull, Michael Arnold and Tyler Custis. Travis Meyer and Tyler Custis were named to the all-tournament team. In addition, I want to recognize the work of team managers Lacey Stender, Cassie Borg, Candi Cullum, Pete Linde, Ryan Scheibe, Spencer Paulsen and Caleb Woods and the special support provided by cheerleaders Amanda Halderman, Ashley Ziemann, Elizabeth Plooster and Shay Larson, under the guidance of advisor Cherri Block.

Again, congratulations to the Custer Wildcats on winning this year's State ''A'' basketball championship for the State of South Dakota.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 360. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

H. Con. Res. 353. Concurrent resolution 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. Con. Res. 361. Concurrent resolution directing the Clerk of the House Representatives to make corrections in the enrollment of the bill H.R. 2356.

At 10:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3924. An act to authorize telecommuting for Federal contractors.

The message also announced that pursuant to section 2(b) of the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107–106), the Speaker appoints the following members on the part of the House of Representatives to the National Museum of African American History and Culture Plan for Action Presidential Commission:

As voting members: Ms. Vicky A. Bailey of Washington, D.C., Mr. Earl G. Graves, Sr. of New York, New York, Mr. Michael L. Lomax of New Orleans, Louisiana, Mr. Robert L. Wright of Alexandria, Virginia, Mr. Lerone Bennett, Jr. of Clarksdale, Mississippi, and Ms. Claudine K. Brown of Brooklyn, New York.

As nonvoting members: Mr. J.C. WATTS, JR. of Norman, Oklahoma and Mr. JOHN LEWIS of Atlanta, Georgia.

## ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, March 21, 2002, by President pro tempore (Mr. BYRD):

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.

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3924. An act to authorize telecommuting for Federal contractors; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 353. Concurrent resolution 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; to the Committee on the Budget.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2804. An act to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse.''

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1748: A bill to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building.''

H.R. 1749: A bill to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building.''

H.R. 2577: A bill to designate the facility of the United States Postal Service located at

310 South State Street in St. Ignace, Michigan, as the ''Bob Davis Post Office Building.''

H.R. 2876: A bill to designate the facility of the United States Postal Service located in Harlem, Montana, as the ''Francis Bardanouve United States Post Office Building.''

H.R. 2910: A bill to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the ''Norman Sisisky Post Office Building.''

H.R. 3072: A bill to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the ''Vernon Tarlton Post Office Building.''

H.R. 3379: A bill to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building.''

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment and with a preamble:

H. Con. Res. 339: A concurrent resolution expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1222: A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building.''

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

*James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

*Coast Guard nomination of Rear Adm. (lh) Mary P. O'Donnell.

*Coast Guard nomination of Vice Adm. Thomas H. Collins.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation 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.

Coast Guard nominations beginning Donald E. Bunn and ending Dale M. Rausch, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2002.

Coast Guard nominations beginning David W. Lunt and ending Mary A. Wysock, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Coast Guard nominations beginning David M. Butler and ending John S. Leyerle, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2002.

Coast Guard nominations beginning Rebecca L. Albert and ending Allison L. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2002.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

*Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

*Robert H. Roswell, of Florida, to be Under Secretary of Health of the Department of Veterans Affairs for a term of four years.

*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. ROBERTS (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2040. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2041. A bill to amend the Harmonized Tariff Schedule of the United States relating to certain footware; to the Committee on Finance.

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

S. 2042. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2043. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER:

S. 2044. A bill to provide for further improvement of the program to expand and improve the provision of specialized mental health services to veterans; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mr. SMITH of Oregon):

S. 2045. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

By Mr. CRAIG:

S. 2046. A bill to amend the Public Health Service Act to authorize loan guarantees for rural health facilities to buy new and repair existing infrastructure and technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. BOND):

S. 2047. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BREAUX, Mr. NELSON of Florida, and Mrs. FEINSTEIN):

S. 2048. A bill to regulate interstate commerce in certain devices by providing for private sector development of technological protection measures to be implemented and enforced by Federal regulations to protect digital content and promote broadband as well as the transition to digital television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mrs. CLINTON, and Mr. DODD):

S. 2049. A bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to treat nominally foreign corporations created through inversion transactions as domestic corporations; to the Committee on Finance.

By Mr. REID (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. LEVIN, Mr. DASCHLE, Mr. LOTT, Mr. KENNEDY, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CLELAND, Mr. SMITH of New Hampshire, Ms. LANDRIEU, Mr. INHOFE, Mr. REED, Mr. SANTORUM, Mr. AKAKA, Mr. ROBERTS, Mr. NELSON of Florida, Mr. ALLARD, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, and Mr. BINGAMAN):

S. 2051. A bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2052. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 2053. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. REID, and Mr. KENNEDY):

S. 2054. A bill to amend the Public Health Service Act to establish a Nationwide Health Tracking Network, and for other purposes ; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 2055. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mrs. CARNAHAN):

S. 2056. A bill to ensure the independence of accounting firms that provide auditing services to publicly traded companies and of executives, audit committees, and financial compensation committees of such companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Mr. REID, Mr. BINGAMAN, Mrs. MURRAY, Ms. LANDRIEU, Ms. MIKULSKI, Mr.

GRAHAM, Ms. SNOWE, Mr. CORZINE, and Mrs. CARNAHAN):

S. 2057. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BREAUX, and Mr. ROCKEFELLER):

S. 2058. A bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HUTCHINSON, and Mr. DODD):

S. 2059. A bill to amend the Pubic Health Service Act to provide for Alzheimer's disease research and demonstration grants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. GRAHAM):

S. 2060. A bill to name the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, after Franklin D. Miller; to the Committee on Veterans' Affairs.

By Mr. BOND:

S. 2061. A bill to establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 2062. A bill to provide fast-track trade negotiating authority to the President; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2063. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. SMITH of New Hampshire, Mr. JEFFORDS, and Mr. INOUYE):

S. 2064. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2065. A bill to provide for the implementation of air quality programs developed pursuant to an Intergovernmental Agreement between the Southern Ute Indian Tribes and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; 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. CORZINE (for himself and Mr. LIEBERMAN):

S. Res. 230. A resolution expressing the sense of the Senate that Congress should reject reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. CLELAND, and Mr. MILLER):

S. Res. 231. A resolution relative to the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 259

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 259, 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.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 677

At the request of Mr. HATCH, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 891

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 891, a bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21.

S. 948

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 1492

At the request of Mr. GRAMM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1492, a bill to amend the Internal Revenue Code of 1986 to repeal the tax relief sunset and to reduce the maximum capital gains rates for individual taxpayers, and for other purposes.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Idaho (Mr. CRAIG) 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. 1708

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1708, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance.

S. 1915

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1915, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes.

S. 2009

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2009, a bill to amend the Public Health Service Act to provide

services for the prevention of family violence.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mrs. CARNAHAN), the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2040. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ROBERTS. Mr. President, I rise today to introduce an agricultural supplemental assistance package for the 2002 crops. I had hoped we would not be in this position today. Unfortunately, due to delays in completing the farm bill conference report prior to the Easter recess, I believe it is necessary to introduce this legislation.

I want to make it very clear that in introducing this legislation, it does not mean the farm bill is dead. It may need CPR, but it certainly is not dead. Quite the contrary. The staff of conferees have been instructed by the distinguished leadership of both parties of the House and Senate to continue to work over the recess period in the hope that a bill can be completed shortly after the Easter recess. Having been involved in numerous farm bills, I know these conferences can often become quite contentious and bogged down.

Furthermore, it is not going to be easy to implement this bill, not to mention the wisdom of simply trying to push through a bill so we can just say it applies to 2002 crops. That may be easy to do this year, but it may be difficult to live under the problems we could create for the next 5 or 6 years.

Has anyone really stopped to consider this?

In addition, we already have many farmers in the South who have begun their spring planting, and producers all throughout the Nation will begin to pull their drills through the fields in the coming weeks. Many of these producers and their bankers are desperately trying to run cashflow charts and figure out exactly what they will be dealing with for this current crop as they work to determine their operating loans. They are scratching their heads.

The biggest uncertainty they face is the level and form of agricultural assistance for this crop-year. Will it be through a new farm bill, if we can get through a new farm bill—and I certainly hope we can and people are working in good faith to get that accomplished—but will it be through a new farm bill in place for the 2002 crops, or will it be through a supplemental assistance package for 2002 while the new bill would go into effect for the 2003 crops?

My point in introducing this legislation is to send a clear message to producers and their bankers, and that message is this: We are going to do everything in our power in Congress to get a farm bill completed and out the door, but we should also make sure it is a good bill, and doing a good bill does take time. If additional time is needed to complete the bill past the time when it can apply to this year's crops, we are then ready to come in with a supplemental assistance package.

This is an important line in the sand that our producers and our lenders can use to gauge cashflow projections as they work on operating loans for this crop-year. It is an important and necessary signal as we move toward a planting season that will soon be in full swing in many parts of the country.

Unlike the 1,400-page farm bill we passed in the Senate, there are no surprises in this supplemental legislation. The bill is very similar to the assistance packages we have provided to our producers in recent years, and it adheres to the budget allocations that were provided for agriculture in last year's budget resolution.

I have a list of levels of assistance that will be provided to farmers and ranchers. The levels of assistance are as follows:

$5.047 billion for a Market Loss Assistance, MLA, payment equal to the 2000 AMTA payment received by our producers. On a crop-by-crop basis, this is: wheat, 58.8 cents a bushel; corn, 33.4 cents a bushel; sorghum, 40 cents a bushel; barley, 25.1 cents a bushel; cotton, 7.33 cents a pound; rice, $2.60 per cwt; oats, 2.8 cents a bushel.

All of these figures are above the level of MLAs we provided last year.

The bill also includes: $466 million for oilseed payments; $55.21 million for payments to peanut producers; $93 million for recourse loans to honey producers; $186 million for specialty crop commodity purchases, with at least $55 million used for school lunch program purchases; $16.94 million for payments to wool and mohair producers; $93 million for cottonseed assistance; LDP eligibility for crops produced on non-AMTA acreage; LDP graze-out for wheat, barley, and oats for the 2002 crop; extension of the dairy price support program through December 31, 2002; $20 million for payment to producers of pulse crops; $100 million for tobacco assistance; $44 million for Conservation Reserve Program Technical Assistance; $200 million for the Wetlands Reserve Program; $300 million in additional funds for the Environmental Quality Incentives Program, EQIP; $161 million for the Farmland Protection Program; and $500 million for the livestock feed assistance program, LAP, to provide assistance to producers for losses suffered in 2001 and 2002.

I will be happy to talk this proposal over with my colleagues, and I seek bipartisan cosponsors in this effort. These market loss assistance levels are above the levels provided to program crops last year and they are similar to the AMTA payment levels we provided in 2000.

In closing, while this package does not represent a new farm bill, it does send a strong signal to producers and their bankers that even if a farm bill cannot be completed in time to apply to the 2002 year crop, we do intend to hold them whole or have a hold harmless bill at a level of Market Loss Assistance that is somewhat higher than occurred last year.

Many of us are hearing from producers and lenders for guidance on what to plan for in terms of assistance this year. This bill makes clear we stand ready to again support our producers if we cannot complete the new bill in time for 2002 crops, which I hope we can do. I urge support for this legislation.

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

S. 2042. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my good friend and colleague, the Senator from Louisiana, MARY LANDRIEU, in introducing the Access to Affordable Health Care Act. This is a comprehensive seven-point plan that builds on the strengths of our current programs, both public and private, to make quality affordable health care available to millions more Americans.

One of my top priorities in the Senate has been to expand access to affordable health care to all Americans. There are still far too many people in our country without health insurance or with woefully inadequate coverage. An estimated 39 million Americans do not have health care insurance, including more than 150,000 in my home State of Maine.

The fact is, health insurance matters. The simple fact is that people with health insurance are healthier than those who lack coverage. People without health insurance are less likely to seek care when they need it and tend to forgo services such as periodic checkups and preventative services. As a consequence, they are far more likely to be hospitalized or to require costly medical attention for conditions that could have been prevented or cured if caught at an early stage.

Not only does this put the health of these individuals at greater risk, but it also puts additional pressure on our already financially challenged hospitals and emergency rooms. Compared with people who have health insurance coverage, uninsured adults are four times and uninsured children five times more likely to use a hospital emergency room. The costs of care for these individuals are often absorbed by providers and then passed on to covered individuals through increased fees and higher insurance premiums.

Maine is in the midst of a growing health insurance crisis. Insurance premiums are rising at alarming rates. Whether I am talking to a self-employed fisherman or the owner of a struggling small business or the human resources manager of a large corporation, the cost of health insurance is a common concern.

In 1999, the average family premium for employer-based coverage in Maine was more than $6,000, the 14th highest in the Nation at that time. Since then, Maine employers have faced premium increases of as much as 40 percent a year. In fact, my own brother called me recently to tell me that his small business is faced with a 40-percent increase in health insurance premiums on top of a 30-percent increase the year before.

These premium increases are particularly burdensome for smaller businesses, the backbone of Maine's economy. Many small business owners are caught in a real squeeze. They know if they pass on the premium increase to their employees, then more and more employees will be forced to decline coverage and, thus, will be completely uninsured, and yet these small employers simply cannot continue to absorb premium increases of 20 to 30 to 40 percent year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Anthem Blue Cross/Blue Shield, the single remaining carrier in Maine's nongroup market, has increased its rates by 40 percent over the past 2 years. Monthly insurance premiums often exceed the family's monthly mortgage payments. It is no wonder that more than 150,000 Mainers are now uninsured. Clearly, we simply must do more to make health insurance more affordable and more available.

The Access to Affordable Health Care Act, which Senator LANDRIEU and I are introducing today, is a 7-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable.

The legislation's seven goals are: One, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those who lack coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six, to promote healthier lifestyles, and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall.

This shortfall, this lack of fair reimbursement for Medicare services, has forced hospitals, physicians, and other providers to shift costs on to other payers in the form of higher charges. That drives up the cost of health insurance, and it is one of the reasons that Maine's rates are higher than the insurance rates in most other States.

I will discuss each of these seven points in more detail. First, expanding access for small businesses, this legislation builds upon a bill I introduced with Senator LANDRIEU last year to help small employers cope with rising health care costs. Since most Americans get their health insurance through their employers, it is a common assumption that people without health insurance are unemployed, but that is not accurate. The fact is most uninsured Americans are members of families with at least one full-time worker.

As many as 82 percent of Americans without health insurance are in a family with a full-time worker. Uninsured working Americans are most often the employees of small businesses. In fact, some 60 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger companies, which makes them less likely to offer coverage.

I know from my conversations with small businesses all over Maine that they want to offer health insurance as a benefit for their employees. They know it would help them to attract and retain good workers. The only reason these small businesses are not offering health insurance is a simple one: They simply cannot afford the premium costs.

The legislation we are introducing today will help small businesses cope with rising costs by providing new tax credits for them to make health insurance more affordable. It will encourage those small businesses who are now offering health insurance to continue to do so in the face of escalating premiums. It will encourage them to make the decision not to drop coverage, and it will prompt small employers who want to provide this coverage but have found it financially out of reach, to now offer this important benefit.

The legislation will also help to increase the clout of small businesses in negotiating with insurers. Premiums are generally higher for smaller businesses because they do not have as much purchasing power as large companies. This limits their ability to bargain for lower rates. They also tend to have higher administrative costs than larger companies because they have fewer employees among whom to spread the fixed costs of a health insurance plan.

Moreover, they are not able to spread the risks of medical claims over as many employees as large firms. The legislation we are introducing will help address these problems by authorizing Federal grants to provide start-up funding to States to assist them with the planning, development, and operation of small employer purchasing cooperatives.

I am not talking about association health plans, which are controversial for a number of reasons. I am talking about small employer purchasing cooperatives. They will help to reduce the costs of health insurance for small employers by allowing them to band together to purchase insurance jointly.

Group purchasing cooperatives have a number of advantages for smaller employers. They will, for example, bring an increased number of participants into the group and that helps to lower the premium costs. They also decrease the risk of adverse selection. Our legislation would also authorize a Small Business Administration grant program for States, local governments, and nonprofits to provide information about the benefits of health insurance to smaller employers, including the tax benefits, the increased productivity of employees and decreased turnover. Grants would be used to make employers aware of their current rights under State and Federal laws.

For example, one survey showed that 57 percent of small employers did not realize they could deduct 100 percent of the costs of their health insurance premiums as a business expense.

The legislation that Senator LANDRIEU and I are introducing would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States to look at innovative coverage expansion such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage.

The States have been the laboratories of reform. For example, some States have looked at providing assistance to employees to help them afford their share of an employer-provided insurance plan.

Second, the Access to Affordable Health Care Act will help expand access to affordable health care for individuals and families who are purchasing coverage on their own. It would, for example, allow self-employed Americans to deduct the full amount of their health care premiums retroactive to January 1 of this year.

Some 25 million Americans are in families headed by a self-employed individual, and of these 5 million are uninsured. So if we establish parity in the tax treatment for health insured costs between the self-employed and those working for large corporations, we will promote equity, and we will help to reduce the number of uninsured by working Americans.

Another step this bill would take would build on the success of the State children's health insurance program,

one of the very first bills I sponsored as a Senator. This program provides insurance for children of low-income families who cannot afford health insurance and yet earn too much money to qualify for Medicaid.

We are proposing that we allow, as Senator KENNEDY's family care bill would, the option for States to cover the parents of children who are enrolled in programs like Maine's MaineCare program. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, this legislation will help ensure low-income working families receive the health care they need.

Another provision of the bill would allow States to expand coverage to eligible legal immigrants through the Medicaid and SCHIP programs. Maine is one of a number of States that is already covering eligible legal immigrants, pregnant women, and children under Medicaid using 100 percent State dollars. Giving States the option of covering these children and families under Medicaid will enable them to receive Federal matching funds.

Another provision of the bill would give States the option of extending Medicaid to childless adults below 125 percent of the Federal poverty level who cannot afford private insurance and who have been forgotten or overlooked by other public programs. Maine has applied for a waiver to expand its Medicaid Program in this way, and the State estimates this will provide health coverage to an estimated 16,000 low-income uninsured Mainers.

Many people with serious health problems encounter difficulties in finding a company that is willing to insure them. To address this problem, the Collins-Landrieu bill authorizes Federal grants to provide money for States to create high-risk pools through which individuals who have preexisting health conditions can obtain affordable health insurance.

Finally, the legislation in this section would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000, and up to $3,000 for families earning up to $60,000.

This provision, which is similar to that proposed by President Bush, would help to provide coverage for up to 6 million Americans who otherwise would be uninsured for 1 or more months. It will help many more working lower income families who currently purchase private health insurance with little or no government help and finding it increasingly difficult to do so.

Third, the Access to Affordable Health Insurance Act will help to strengthen our Nation's health care safety net by doubling funding over the next 5 years for community health centers. We want to make sure we are reaching individuals who are homeless, individuals who are migrant workers, individuals who are living in public housing. These centers, which operate in underserved rural and urban communities, provide critical primary care services to millions of Americans, regardless of their ability to pay. About 20 percent of the patients treated at Maine's community health centers have no insurance coverage. Many more have inadequate coverage. These community health centers play a critical role in providing a health care safety net for some of our most vulnerable individuals.

The problem of access to affordable health care services is not limited to the uninsured. It is also shared by many Americans living in rural and underserved areas where there is a serious shortage of health care providers. The legislation we are introducing, therefore, includes a number of provisions to strengthen the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner-city areas.

For example, taxing students adversely affects their financial incentive to participate in the National Health Service Corps and provide health care services in underserved communities. Last year's tax bill provided a tax deduction for National Health Service Corps scholarship recipients to deduct all tuition, fees, and related educational expenses from their income taxes. The deduction did not extend to loan repayment recipients however, so loan repayment amounts are still taxed as income. Participants in the loan repayment program are actually given extra payment amounts to help them cover their tax lability which, frankly, is a little ridiculous. It makes much more sense to simply exempt them from taxation in the first place.

In addition, the legislation will allow National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider—for example, a dentist—on a full-time basis. Some practitioners may also find part-time service more attractive, which, in turn, could improve recruitment and retention. Our bill will therefore give the program additional flexibility to meet community needs.

Long-term care is the major catastrophic health care expense faced by older American today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase private long-term insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, ''the future of medicine lies not in treating illness, but preventing it.'' Many of our most serious health problems are directly related to unhealthy behaviors— smoking, lack of regular exercise, and poor diet. These three major risk factors alone have made Maine the State with the fourth highest death rate due to four largely preventable disease: Cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are reponsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promoted healthy lifestyles. An ever-expanding body of evidence shows that these kinds of investment in health promotiong and prevention offer returns not only in reduced health care bill, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish ''worksite wellness'' programs for their employees. It would also authorize a grant program to support new and existing ''community partnerships,'' such as the Healthy Community Coalition in Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections, and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes States like Maine that deliver high-quality, cost effective Medicare services to our elderly and disabled citizens.

According to a recent study in the Journal of the American Medical Association, Maine ranks third in the nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. This simply is not fair.

Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost States.

As a consequence, Maine's hospitals, physicians, and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. The Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the Nation. The provisions in the Access to Affordable Health Care Act provide a complement to legislation that I introduced earlier this year with Senator RUSS FEINGOLD to promote greater fairness in Medicare payments to physicians and other health professionals by eliminating outdated geographic adjustment factors that discriminate against rural areas.

Mr. President, the Access to Affordable Health Care Act outlines a blueprint for reform based upon principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing million more Americans into the insurance system, by strengthening the health care safety net, and by addressing the inequities in the Medicare system.

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By Mr. ROCKEFELLER:

S. 2043. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation to improve VA's response to meeting the long-term care needs of an aging veteran population. Specifically, the bill would extend two long-term care authorities of the Veterans Millennium Health Care and Benefits Act of 1999.

In November of 1999, Congress passed comprehensive long-term care legislation for veterans. For the first time, VA was required to provide extended care services to enrolled veterans. Section 101 of Public Law 106–117, directed the VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, VA was to have provided non-institutional care, such as home-based care, respite, and adult day health care, to all enrolled veterans. Within 3 years of the bill's enactment, VA was to evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both of these provisions and to make recommendations on extending or making permanent these provisions. These programs were given an expiration date of 4 years so that we could adequately study its effects and, if need be, make appropriate adjustments.

Unfortunately, it's been more than two years and very little has happened with these long-term care programs. With both provisions due to expire next year, there is hardly enough time to sufficiently study them. The legislation I introduce today will extend the expiration dates of both long-term care authorities for an additional 5 years, until December 31, 2008.

I am extremely disappointed that the VA has taken so long to bring these new extended care authorities into the lives of veterans. Although there is a sense of urgency about meeting the long-term care needs of veterans, the VA seems frozen to respond.

In addition to mandating that VA provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled, the Veterans Millennium Health Care and Benefits Act required the VA to maintain the staffing and level of extended care during any fiscal year at the same level that was provided in fiscal year 1998. Unfortunately, both the staffing level for nursing home care and the average daily census has dropped since 1998, and VA readily admits that they are not in compliance with this mandate, citing a lack of resources.

In addition to providing nursing home care, a key element of the Millennium bill required VA to furnish non-institutional long-term care as part of the standard benefits package. While the bill was signed into law at the end of 1999, it was just last October that VA finally issued interim guidance on the new benefit. The policy was essentially meaningless, in that it required facilities to either have these non-institutional long-term care services available or to develop a plan for providing such services. As a result, I suspect that many facilities have not yet made non-institutional services universally available. In order to confirm this, I have asked that the General Accounting Office provide me with information as to what inventory of noninstitutional long-term care programs exists within VA. The GAO's report should be completed shortly.

We know that there is an expanding need for long-term care in our country, and in the VA that demand is even more pressing. About 37 percent of the veteran population is 65 years or older, and that number will grow dramatically in the next few years. By extending the existing long-term care authorities, we signal to VA that they cannot shirk this responsibility.

There is no doubt that long-term care is expensive. It is our responsibility, however, to make sure that the necessary resources are provided to VA to implement existing long-term care programs. For my part, I will continue to push VA to move forward, and in the near future, I will be chairing a Committee hearing to learn more about VA's inaction.

Long-term care should be seen as a part of the continuum of quality health care we have promised our veterans. The point of this legislation is to extend two important VA long-term care authorities, and I urge all of my Senate colleagues to support it.

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By Mr. ROCKEFELLER:

S. 2044. A bill to provide for further improvement of the program to expand and improve the provision of specialized mental health services to veterans; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today to ensure that veterans who struggle with post-traumatic stress and substance use disorders continue to get the care that they need and deserve. This legislation would increase the funding for an already-established grant program for specialized mental health services programs. In addition, the legislation would guarantee that some funding would go to those facilities which need it the most but, for whatever reason, have not sought grants.

From its inception, the VA health care system has been challenged to meet the special needs of veterans, such as spinal cord injuries, the need for prosthetics, blindness, traumatic brain injury, homelessness, post-traumatic stress disorders or PTSD, and the substance abuse disorders that frequently accompany these other afflictions. Over the years, VA has developed widely commended expertise in providing specialized services to meet these needs. We can all be rightfully proud of VA's specialized programs, which provide care that is often unparalleled in the greater health care community.

Unfortunately, these programs have been endangered by budget constraints, a shift in focus from inpatient care to outpatient clinics, and the introduction of a new resource allocation system. In 1996, Congress recognized that VA's constant battle to serve more veterans with a limited budget made these relatively costly specialized services programs disproportionately vulnerable to reductions, and took steps to protect them. The Veteran's Health Care Eligibility Reform Act of 1966 required the Secretary of Veterans Affairs to maintain VA's capacity to treat specific special needs of disabled veterans at the then-current level, and to report to Congress annually on the maintenance of these specialized services.

Subsequently, internal VA advisory committees, the GAO, and my own staff on the Committee on Veterans'

Affairs reported that these protections did not go far enough. Many specialized programs—particularly substance abuse and PTSD treatment programs, were closed, reduced in size, or understaffed, offering little or no care to veterans suffering from these seriously debilitating disorders which often result from combat experiences.

VA's own annual capacity reports give evidence that these programs have failed to provide services to veterans at the needed levels, or to preserve equal access throughout the system. However, the current law's reliance on systemwide, rather than local or regional capacity, and VA's failure to issue these reports on a timely basis as mandated, prevent us from understanding how well these programs meet veterans' needs throughout the Nation.

In December 2001, Congress strengthened protection of specialized services through the VA Health Care Programs Enhancement Act, which described how VA is to maintain capacity for these services in considerably more detail. However, I believe that we must continue to do what we can to foster innovation and to patch some of the holes in substance abuse and PTSD programs.

In addition to protecting VA's capacity to treat veterans' special needs, Congress also designated $15 million in VA funding specifically to help medical families improve care for veterans with substance abuse disorders and PTSD. The funds for these mental health grant programs, mandated by the Veterans Millennium Benefits and Health Care Act of 1999, will soon revert to a general fund.

In order to distribute these funds, VA sought proposals from facilities interested in expanding and improving their substance use disorder and PTSD programs. VA began to release these funds a little more than a year ago. As of this month, only 8 of the 16 PTSD treatment programs awarded funding had become operational, and only a third of these have hired their full complement of authorized and funded staff. Of the substance abuse disorder programs funded through this act, 18 of 31 have not yet hired complete staffs.

Despite the slow start, this funding has already increased the PTSD and substance abuse disorder treatment programs available to veterans. More than 100 staff have been hired in 18 of VA's 21 service networks to treat substance abuse disorders. Nine new programs, in Baltimore, MD; Atlanta, GA; San Francisco, CA; and Dayton, OH, among others, have initiated or intensified opioid substitution programs for veterans who have not responded well to drug-free treatment regimens. Other new programs, such as those in Tampa, FL; Cincinnati, OH, Columbia, MO; and Loma Linda, CA, put special emphasis on treating veterans with more complex conditions that include PTSD and substance abuse. The additional funding has enabled VA to develop better outpatient substance abuse and PTSD treatment programs, outpatient dual-diagnosis programs, more PTSD community clinical teams, and more residential substance abuse disorder rehabilitation programs.

Due to these grants, VA has made improvements; however, many VA medical center directors have been reluctant to hire specialized substance abuse or PTSD treatment staff when, in FY 2003, the funding for these programs will be subject to a population-based allocation system and may disappear from their budgets. The legislation that I introduce today would ensure that this funding remained ''protected'' for three more years, and would increase the total amount of funding identified specifically for treatment of substance abuse disorders and PTSD from $15 million to $25 million.

Of the $25 million authorized for this program, $15 million would be allocated to individual medical facilities which respond to the call for proposals. The remaining $10 million would be provided as direct grants to VA treatment facilities throughout the Nation, based on veterans' needs as identified by VA's Mental Health Strategic Health Care Group and the Committee on Care of the Severely Chronically Mentally Ill.

Although I am disappointed that VA has still been unable to properly maintain adequate levels of care for those veterans with specialized health care needs, I am encouraged that our actions to fund specific PTSD and substance abuse programs have provided a strong start.

Congress has spoken quite clearly in the past: VA does not have the discretion to decide whether or not to provide adequate care for veterans with substance abuse and post traumatic stress disorders. I ask that my colleagues support this bill, which would help ensure that these specialized services, a critical aspect of the health care VA provides to veterans, are maintained at the necessary levels for the men and women who have served this Nation.

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By Mrs. BOXER (for herself and Mr. SMITH of Oregon):

S. 2045. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today, Senator SMITH and I are proud to introduce the International Tuberculosis Control Act of 2002. This bill will provide $200 million during each of the next three years for U.S. efforts to combat international TB.

Our bill also sets as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected by the end of 2005 for those countries with the highest tuberculosis burden.

Why is this bill important? Consider the facts: Tuberculosis kills 2 million people each year; someone in the world is newly infected with TB every second; nearly one percent of the world's population is newly infected with TB each year; TB is the single leading cause of death among women between the age of 15–44; and half of all people living with HIV–AIDS will develop TB because of suppressed immune systems.

TB is an airborne disease. You can get it when someone coughs or sneezes. And with the increased immigration and travel to the United States, we are seeing it re-emerge in many of our communities. That is why it is in the national interest here in the United States to fight TB throughout the world.

This is especially true when you consider that in the year 2000, 46 percent of TB cases detected in the U.S. occurred to foreign-born persons, up from 22 percent in 1986. In California, of the 3,297 cases detected in 2000, 72 percent were among foreign born individuals.

Two years ago, Senator SMITH and I teamed up to triple TB funding and get the authorization level up to $60 million. We are teaming up again so that USAID can work with its international partners like the World Health Organization to expand the most effective program to stop the spread of TB—DOTS or Directly Observed Treatment Short-Course.

DOTS is so effective because it reduces the chance of Multi-Drug Resident TB from developing. In the early 1990s, New York City spent nearly $1 billion to control an outbreak of drug-resistant TB. However, a 6-month course of TB drugs under the DOTS programs can cost just $10.

That is why we feel that our bill is a wise investment that will reduce the cost of treating TB over the long run and, most important, save lives throughout the world.

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. 2045

*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 ''International Tuberculosis Control Act of 2002''.

**SEC. 2. FINDINGS.**

Congress finds that:

(1) Tuberculosis is a great health and economic burden to impoverished nations and a health and security threat to the United States and other industrialized countries.

(2) Tuberculosis kills 2,000,000 people each year (a person every 15 seconds) and is second only to HIV/AIDS as the greatest infectious killer of adults worldwide.

(3) Tuberculosis is today the leading killer of women of reproductive age and of people who are HIV-positive.

(4) One-third of the world's population is currently infected with the tuberculosis bacterium, including 10,000,000 through 15,000,000 persons in the United States, and someone in the world is newly infected with tuberculosis every second.

(5) With 46 percent of tuberculosis cases in the United States in the year 2000 found in foreign-born persons, as compared to 24 percent in 1990, it is clear that the only way to control tuberculosis in the United States is to control it worldwide.

(6) Left untreated, a person with active tuberculosis can infect an average of 10 through 15 people in one year.

(7) Pakistan and Afghanistan are among the 22 countries identified by the World Health Organization as having the highest tuberculosis burden globally.

(8) More than one-quarter of all adult deaths in Pakistan are due to tuberculosis, and Afghan refugees entering Pakistan have very high rates of tuberculosis, with refugee camps, in particular, being areas where tuberculosis runs rampant.

(9) The tuberculosis and AIDS epidemics are inextricably linked. Tuberculosis is the first manifestation of AIDS in more than 50 percent of cases in developing countries and is responsible for 40 percent or more of deaths of people with AIDS worldwide.

(10) An effective, low-cost cure exists for tuberculosis: Directly Observed Treatment Short-course or DOTS. Expansion of DOTS is an urgent global priority.

(11) DOTS is one of the most cost-effective health interventions available today. A full course of DOTS drugs costs as little as US$10 in low-income countries.

(12) Proper DOTS treatment is imperative to prevent the development of dangerous multidrug resistant tuberculosis (MDR–TB) that arises through improper or incomplete tuberculosis treatment.

(13) The Global Fund to fight AIDS, Tuberculosis, and Malaria is an important new global partnership established to combat these 3 infectious diseases that together kill 6,000,000 people a year. Expansion of effective tuberculosis treatment programs should constitute a major component of Global Fund investment.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) DOTS.—The term ''DOTS'' or ''Directly Observed Treatment Short-course'' means the World Health Organization-recommended strategy for treating standard tuberculosis.

(2) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term ''Global Alliance for Tuberculosis Drug Development'' means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

(3) GLOBAL PLAN TO STOP TUBERCULOSIS.—The term ''Global Plan to Stop Tuberculosis'' means the plan developed jointly by the Stop Tuberculosis Partnership Secretariat and Partners in Health that lays out what needs to be done to control and eliminate tuberculosis.

(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term ''Global Tuberculosis Drug Facility (GDF)'' means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

(5) STOP TUBERCULOSIS PARTNERSHIP.—The term ''Stop Tuberculosis Partnership'' means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.

**SEC. 4. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.**

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following:

''(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those countries that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis by implementing the Global Plan to Stop Tuberculosis and by adequately investing in newly created mechanisms, including the Global Tuberculosis Drug Facility, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

''(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program; and

''(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, by December 31, 2005, in those countries classified by the World Health Organization as among the highest tuberculosis burden, and by December 31, 2010, in all countries in which the agency has established development programs.

''(B)(i) There is authorized to be appropriated $200,000,000 for each of the fiscal years 2003 through 2005 for carrying out this paragraph.

''(ii) Funds appropriated under this paragraph are authorized to remain available until expended.

''(C) In carrying out subparagraph (A), not less than 75 percent of the amount authorized to be appropriated under subparagraph (B) shall be expended for antituberculosis drugs, supplies, patient services, and training in diagnosis and care, in order to increase directly observed treatment shortcourse (DOTS) coverage, including funding for the Global Tuberculosis Drug Facility.

''(D) In carrying out subparagraph (A), of the amount authorized to be appropriated under subparagraph (B)—

''(i) not less than 10 percent shall be used for funding of the Global Tuberculosis Drug Facility;

''(ii) not less than 7.5 percent shall be used for funding of the Stop Tuberculosis Partnership; and

''(iii) not less than 2.5 percent shall be used for funding of the Global Alliance for Tuberculosis Drug Development.

''(E) The President shall submit a report to Congress annually specifying the increases in the number of people treated and the increases in number of tuberculosis patients cured through each program, project, or activity receiving United States foreign assistance for tuberculosis control purposes.''.

Mr. SMITH of Oregon. Mr. President, I am pleased to again join my colleague Senator BOXER in introducing important tuberculosis control legislation today on the floor of the Senate. Today we are introducing The International Tuberculosis Control Act—this important legislation is designed to address the growing international problem of tuberculosis, (TB). We are introducing this legislation to coincide with World Tuberculosis Day, this Sunday, March 24. World TB Day is an occasion for countries around the world to raise awareness about the threat to the world's health caused by tuberculosis.

As many of us know TB is a global health crisis. Over two million people will die from TB this year, and it is the leading killer of young women and of people with AIDS worldwide. Further, TB anywhere is a threat everywhere in our highly mobile world. The Center for Disease Control CDC reports that in the year 2000, nearly 50 percent of all TB cases in the US occurred in foreign-born persons. We will not be safe from TB until we control the disease globally.

TB and HIV form a deadly co-epidemic. TB is responsible for more than 40 percent of all AIDS deaths worldwide. An HIV-positive person is 30 times more likely to develop active tuberculosis and become infectious to others. Many countries in sub-Saharan Africa have seen TB rates increase 4-fold due to the HIV–TB co-epidemic, decimating a whole generation of adults in many communities. In Eastern Europe and Asia, TB infection is widespread and HIV rates are rising rapidly. These areas are poised to see the TB–HIV co-epidemic explode.

TB also flourishes in and causes poverty. About 98 percent of the annual deaths from TB are in poor countries. Those who fall ill are often their family's primary breadwinner. When that person cannot work, children must often leave school to work or care for a sick relative. The World Health Organization reported in 2000 that 75 percent of TB patients are men and women between the ages of 15–54, the most economically productive years of life. Stopping TB will help fight poverty.

I strongly believe we must act to control TB now or pay later. Rising drug resistance is a time bomb that could make TB virtually uncontrollable. Multi-drug resistant TB is far more dangerous and difficult to treat, can cost up to $1 million per patient to cure, and kills over half of its victims, even in the U.S.

There is a plan for controlling TB. The new, internationally agreed-upon ''Global Plan to Stop TB'' provides a much-needed roadmap. It describes the resources needed, country-by-country, to meet international TB control targets by 2005. Complementary National TB control plans exist for nearly all of the 22 high-burden TB countries.

The world must invest less than $1 billion in additional funds per year to control TB, about what New York City spent to control an outbreak of drug-resistant TB in the early 1990s! And I believe that $200 million is a reasonable US share of the $1 billion needed globally to control this killer.

We have the tools to stop TB. ''The Global Plan to Stop TB'' is built around expanding access to DOTS treatment worldwide, a proven, and very cost-effective treatment system that uses just $10 worth of drugs to cure a patient in 6 months. Currently

just one in four of those who needs DOTS have access to it. Another tool for fighting TB is the new Global TB Drug Facility, which can provide the steady supply of affordable drugs needed to cure patients and prevent the further spread of drug-resistance.

My colleague, BARBARA BOXER, and I have been leading the way (along with Foreign Operations Chairman PATRICK LEAHY and Ranking Senator MITCH MCCONNELL) in increasing US funding for international TB control, from virtually zero in 1997 to $75 million in 2002. The President's 2003 Budget proposes to cut TB funding by one-third, but I feel that we must do more in this area, not less. Just $200 million annually from the U.S. would save tens of thousands of lives around the world and would protect US citizens from TB and from the growing threat of drug-resistant TB. Investing in TB control is not only the right thing to do; it is a wise U.S. investment.

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By Mr. CRAIG:

S. 2046. A bill to amend the Public Health Service Act to authorize loan guarantees for rural health facilities to buy new and repair existing infrastructure and technology; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Rural Health Care Facility Improvement Act.

Traveling throughout my State of Idaho, I have heard from many people about the need for additional funding to keep rural health facilities operational and up-to-date. After doing further research, I have found that this is true in all States in virtually all rural areas. For this reason, I am introducing the Rural Health Care facility Improvement Act.

This bill would allow for $250,000,000 million in guaranteed loans to be available to rural health care facilities. Individual facilities could borrow up to $5,000,000 to be used for two purposes. First, to allow for capital improvements to their facility and equipment and second, to allow for the purchase of high-technology equipment.

Providing health care services to much of rural America has become increasingly difficult in recent years. During the 1970s, rural communities thrived with economic expansion and unprecedented population growth. Rural health providers represented valuable institutions offering an array of medical services to their communities. Now many of these rural communities are struggling to maintain critical health care facilities.

We all know that rural health care facilities are a vital part of the infrastructure of rural communities and the collapse of health care services in many areas often contributes to the further decline of rural communities. That's why it is so important to make sure that rural facilities have access to funds to keep them operational.

In the 1990's, rural health care providers have begun to rally in the face of this challenge. They have developed creative ways to meet the needs of their communities with their limited resources. This legislation is one more way to help those who are working to guarantee health care in rural America.

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. 2046

*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 ''Rural Health Care Facility Improvement Act of 2002''.

**SEC. 2. GUARANTEED LOANS FOR RURAL HEALTH FACILITIES.**

Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.) is amended by adding at the end the following:

**"PART E—RURAL HEALTH FACILITIES**

**"SEC. 651. GUARANTEED LOANS FOR RURAL HEALTH FACILITIES.**

''(a) AUTHORIZATION OF LOAN GUARANTEES.—

''(1) ESTABLISHMENT.—The Secretary is authorized to establish a program under which the Secretary may guarantee 100 percent of the principal and interest on loans made by non-Federal lenders to rural health facilities to pay for the costs of—

''(A) buying new or repairing existing infrastructure; and

''(B) buying new or repairing existing technology.

''(2) TOTAL LOAN AMOUNT AVAILABLE.—The Secretary is authorized to guarantee not more than—

''(A) $250,000,000 in the aggregate of the principal and interest on loans for rural health facilities under paragraph (1); and

''(B) $5,000,000 of the principal and interest on loans under paragraph (1) for each rural health facility.

''(b) PROTECTION OF FINANCIAL INTERESTS.—The Secretary may not approve a loan guarantee under this section unless the Secretary determines that—

''(1) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, except that the Secretary may not require as security any rural health facility asset that is, or may be, needed by the rural health facility involved to provide health services;

''(2) the loan would not be available on reasonable terms and conditions without the guarantee under this section; and

''(3) amounts appropriated for the program under this section are sufficient to provide loan guarantees under this section.

''(c) RECOVERY OF PAYMENTS.—

''(1) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery (subject to appropriations remaining available to permit such a waiver) and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made. Amounts recovered under this section shall be credited as reimbursements to the financing account of the program established under this section.

''(2) MODIFICATION OF TERMS AND CONDITIONS.—To the extent permitted by paragraph (3) and subject to the requirements of section 504(e) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(e)), any terms and conditions applicable to a loan guarantee under this section (including terms and conditions imposed under paragraph (4)) may be modified or waived by the Secretary to the extent the Secretary determines it to be consistent with the financial interest of the United States.

''(3) INCONTESTABILITY.—Any loan guarantee made by the Secretary under this section shall be incontestable—

''(A) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee; and

''(B) as to any person (or successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

''(4) FURTHER TERMS AND CONDITIONS.—Guarantees of loans under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved.

''(d) DEFAULTS.—

''(1) IN GENERAL.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary may take such action as may be necessary to prevent a default on a loan guaranteed under this section, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a rural health facility shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

''(2) FORECLOSURE.—The Secretary may take such action, consistent with State law respecting foreclosure procedures and, with respect to reserves required for furnishing services on a prepaid basis, subject to the consent of the affected States, as the Secretary determines appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, except that the Secretary may only foreclose on assets offered as security (if any) in accordance with subsection (b).

''(e) NONAPPLICATION OF PART D.—The provisions of part D shall not apply to this part.

''(f) DEFINITIONS.—In this part:

''(1) NON-FEDERAL LENDER.—The term 'non-Federal lender' means any entity other than an agency or instrumentality of the Federal Government authorized by law to make such loan, including a federally insured bank, a lending institution authorized or licensed by the State in which it resides to make such loans, and a State or municipal bonding authority or such authority's designee.

''(2) RURAL AREA.—The term 'rural area' has the meaning given the term in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' includes—

''(A) rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

''(B) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))) that are located in rural areas;

''(C) hospitals (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e))) that are located in rural areas;

''(D) skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))) that are located in rural areas;

''(E) health centers (as defined in section 330) that are located in rural areas;

''(F) federally qualified health centers (as defined in section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3))); and

''(G) nursing homes (as defined in section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e))) that are located in rural areas.''.

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By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BREAUX, Mr. NELSON of Florida, and Mrs. FEINSTEIN):

S. 2048. A bill to regulate interstate commerce in certain devices by providing for private sector development of technological protection measures to be implemented and enforced by Federal regulations to protect digital content and promote broadband as well as the transition to digital television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise along with Senators STEVENS, INOUYE, BREAUX, NELSON, and FEINSTEIN to introduce the Consumer Broadband and Digital Television Promotion Act of 2002, legislation that will promote broadband and the digital television transition by securing content on the Internet and over the Nation's airwaves.

For several years the private sector has attempted to secure a safe haven for copyrighted digital products, unfortunately with little to show for its efforts. The result has been an absence of robust, ubiquitous protections of digital media which has lead to a lack of content on the Internet and over the airwaves. And who has suffered the most? Consumers, as they are denied access to high quality digital content in the home.

The reality is that a lack of security has enabled significant copyright privacy which drains America's content industries to the tune of billions of dollars every year. For example, the movie studios estimate that they lose over $3 billion annually by way of analog piracy. In order to pirate copyrighted movies via analog formats, an individual makes an illegal copy of the movie, sometimes by taping it in a movie theater with a personal video recorder, and then distributes it, in analog form, at discount. However, because subsequent copies of analog movies degrade over time, there is a limit to the success of this type of piracy.

In a digital age, however, the privacy threat is exponentially magnified. So on the Internet, copyright content, be it a movie, a book, music, or software, travels in a digital language of 1s and 0s, and every copy of that content, from the 1st to the 1000th is as pristine as the original. Also, unlike an analog pirated movie, which must be physically packaged and transported, a digital copy can be sent around the world on the Internet with a single click of a mouse. The copyright industries are justifiably worried about distributing their content on the Internet absent strong copyright protection measures. As Internet access becomes increasingly available over high-speed, broadband connections, these worries will only heighten.

It should be noted, however, that the Internet is not the only threat to unprotected digital content. Digital video programming is also subject to a large privacy threat. Rapid advances in consumer electronics make it easier to steal copyright content. Newly developed digital compression and memory technologies make it possible to store two complete movies on a device the size of a postage stamp. Today, digital media can be transmitted over wired or wireless channels and played and stored on a host of consumer electronics devices. By and large, these are positive developments for consumers.

But any device that can legitimately play, copy, or electronically transmit one or more categories of media also can be misused for illegal copyright infringement, unless special protection technologies are incorporated into such a device. Unfortunately, as technology has advanced, copy protection schemes have not kept pace, fostering a set of consumer expectations that at times actually promote illegal activity on the Internet. For example, according to a Jupiter Media Matrix report, over 7 million Americans use technology on the Internet to swap music and other digital media files. More recent news reports place this number at over 11 million. While some of this activity is legal, much of it is not.

Every week a major magazine or newspaper reports on the thousands of illegal pirated works that are available for copying and redistribution online. Academy award winning motion pictures, platinum records, and Emmy award winning television shows—all for free, all illegal. Piracy is growing exponentially on college campuses and among tech savvy consumers. Such lawlessness contributes to the studios and record labels' reluctance to place their digital content on the Internet or over the airwaves.

At the same time, millions of law abiding consumers find little reason to spend discretionary dollars on consumer electronics products whose value depends on their ability to receive, display and copy high quality digital content like popular movies, music, and video games. Accordingly, only early adopters have purchased high definition television sets or broadband Internet access, as these products remain priced too high for the average consumer. The facts are clear in this regard. Only two million Americans have purchased HDTV sets. As for broadband, rural and underserved areas aside, there is not an availability problem. There is a demand problem. Roughly 85 percent of Americans are offered broadband in the marketplace but only 10–12 percent have signed up. The fact is that most Americans are averse to paying $50 a month for faster access to email, or $2,000 for a fancy HDTV set that plays analog movies. But if more high-quality content were available, consumers might come.

By unleashing an avalanche of digital content on broadband Internet connections as well as over the digital broadcast airwaves, we can change this dynamic and give consumers a reason to buy new consumer electronics and information technology products. To do so requires the development of a secure, protected environment to foster the widespread dissemination of digital content in these exciting new mediums.

Although, it is technologically feasible to provide such a protected environment, the solution has not been forthcoming through voluntary private sector negotiations involving the industries with stakes in this matter. This is not to say, however, that those industries do not recognize the tremendous economic potential to be derived from a proliferation of top notch digital content to consumers in the home. The movie studios, and the rest of the copyright industries, for example, are tremendously excited about the possibility of providing their products to consumers over the Internet and the digital airwaves, provided they can be assured that those products' copyrights are not infringed in the process.

Although marketplace negotiations have not provided such an assurance, a solution is at hand. Leaders in the consumer electronics, information technology, and content industries are America's best and brightest. They can solve this problem. The consumer electronics and high tech industries claim they are ready to do just that. America's top high-tech executives sent me a letter three weeks ago to that effect. While, I want to believe them, industry negotiations have been lagging. Both sides share some blame in this area. But the blame games need to end. It's time for results, not recriminations.

I believe the private sector is capable, through marketplace negotiations—of adopting standards that will ensure the secure transmission of copyrighted content on the Internet and over the airwaves. But given the pace of private talks so far, the private sector needs a nudge. The government can provide that nudge, and in doing so continue the government's longstanding role in promoting, and sometimes requiring, the implementation of

technological standards in electronics equipment to benefit consumers. We debated the merits of such an approach in the Commerce Committee on February 28, 2002 when the leaders of the copyright, consumer electronics, and information technology industries testified as to their distinct views on this issue. At that hearing, every Senator and every witness agreed that the problem of digital piracy requires resolution.

Specifically, our hearing demonstrated that there are three discrete problem areas that merit government intervention. First, is the piracy threat presented toward unprotected digital broadcast television. Over the air broadcast digital signals cannot be encrypted because the millions of Americans who receive their signal via antennas cannot decrypt the signal. As a result, digital broadcast signals are delivered in unprotected format and are subject to illegal copying or redistribution over the Internet upon transmission. The technology exists today to solve this problem. It has been referred to as a ''broadcast flag'' which would instruct digital devices to prevent illegal copying and Internet retransmission of digital broadcast television. Consumer electronic devices would respond to the technology and prevent copyright infringement. However, because not every device would be required to respond to the technology, ubiquitous response requires a mandate by government.

The second problem is commonly referred to as the ''Analog hole.'' As protected digital programming, usually delivered over satellite or cable, but also available on the Internet, is decrypted for viewing by consumers, most frequently on television sets, the programming is temporarily ''in the clear.'' At this point, pirates may have the opportunity to take advantage of an ''Analog hole'' by copying the content into a digital format, i.e. redigitizing it, and then illegally copying and/or retransmitting the content. The technology to solve this problem either exists today, or will be available shortly. Regardless, the solution is technologically feasible. As with the ''broadcast flag'' the solution to the ''Analog hole'' will require a government mandate to ensure its ubiquitous adoption across consumer devices.

The final problem poses the greatest threat. Literally millions of digital files of music and videos are illegally copied, downloaded, and transmitted over the Internet on a regular basis. Current digital rights management solutions are insufficient to rectify this problem. Some consumers resorting to illegal behavior do so unknowingly. Many others do so willingly. Regardless, consumers desire high-quality digital content on the Internet and it is not being provided in any widespread, legal fashion. Fortunately, a solution to this problem is also technologically feasible. It too will require government action, including a mandate to ensure its swift and ubiquitous adoption.

While industries are at odds as to how to solve these critical content protection problems, the legislation we introduce today provides us with the tools to break the logjam. Specifically, the legislation requires the content, consumer electronics, and information technology industries to come together with representatives of consumer groups to develop standards, technologies, and encoding rules to safeguard digital content so that it will be made more readily available to consumers without being subject to piracy. The affected parties would have one year to reach agreement. The technologies would then be incorporated into all digital media devices to ensure universal protection for digital content and universal access to such content for consumers. The deadline on industry would work in the following fashion: if they come together to solve these problems in private sector talks, we will empower government enforcement so that all consumer devices comply. If they don't, the government, in consultation with the private sector, will have to step in.

America's creative artists deserve our protection. Our copyright industries are among our greatest economic and creative assets. The framers recognized that innovation and creativity was instrumental to our country's economic health when they empowered Congress in the Constitution to protect copyrighted products. Now, however, copyrighted media products are delivered digitally, and copyright infringement is more difficult to detect and prevent. That is why strong technological protections need to be layered on top of the copyright laws, to complement the law as it exists today. Along those lines, I want to emphasize that this legislation does not alter existing copyright law. Copyright law rests squarely within the jurisdiction of the Senate Judiciary Committee. I hope to work closely with Chairman LEAHY and Ranking Member HATCH to stop copyright piracy in a digital age.

Some have said that legislation is unwieldy in this area. But our legislation would not be the first time Congress imposed technological requirements to benefit consumers. And it won't be the last. We have been here before. In 1962, under the All Channel Receiver Act, Congress mandated that all television receivers include the capability to tune all channels, UHF and VHF, allocated to the television broadcast service. More recently, in 1998, Congress required that all analog VCRs recognize a standard copy control technology, know as ''Macrovision''. In the former case, the Federal Government and the Federal Communications Commission took the lead. In the latter case, industry first agreed to the 'Macrovision' standard which Congress later codified by legislation. So, whether Congress or industry has led the way, the results have benefitted consumers and industry, by providing Americans with wider access to programming and content.

Pursuant to the bill we introduce today, the standards, technologies, and encoding rule would work in the following manner. Digital content delivered over the Internet and over the broadcast airwaves would include instructions as to consumers' ability to copy available content and would prevent the illegal retransmission of that content over the Internet. Digital media devices such as televisions sets, cable boxes, and personal computers, would be manufactured to recognize and respond to those instructions to prevent illegal copying or redistribution.

I want to stress, however, in the strongest terms possible, that the standards agreed to by industry would not be permitted to thwart legitimate consumer copying of programming in the home, for time shifting purposes, for example. Similarly, the technologies and encoding rules would be required to take into account the need to preserve fair use of otherwise protected content, for educational and research purposes for example. Specifically, our bill requires that encoding rules ''take into account limitations on exclusive rights of copyright holders, including the fair use doctrine.'' In addition, the legislation specifies that no copy protection technology may prevent consumers from ''making a personal copy for lawful use in the home'' of non pay-per-view television programming. I want to be clear on this point, no legislation can or should pass Congress in this area that does not seek to protect legitimate consumer copying and fair use practices.

Critics of earlier drafts of our legislation painted it as heavy handed and awkward government selection of technologies. I want to respond. We have listened to their arguments delivered in dozens of meetings with my staff, and the bill we introduce today does nothing of the sort. Under the new legislation, if the required private sector negotiations fail, the FCC will begin a process, in consultation with those same private sector representatives, to implement technologically feasible solutions. So, in practice, the private sector, even in the event of a government initiated approach, will have every incentive and opportunity to guide a solution largely on its own.

Critics of earlier discussion drafts of our legislation also claimed that it would freeze innovation and that any solutions would invariably be out of date shortly after they are selected due to the rapid and accelerated development of technology in the high tech sector. But here too we have listened and responded. Pursuant to our legislation, if the private sector determines that the selected technological solution needs to be updated or modified, they may do so. Its as simple as that. Such a change might be warranted because the technologies or encoding rules in use have been compromised by hackers or pirates. Or, technological improvements may be developed that

ensure greater security for content, or more readily take into account consumers or researchers' fair use expectations.

Regardless, in any of these instances, at any time, the legislation would allow the representatives of the content, consumer electronics, and information technology industries to implement any necessary modification of the agreed upon technologies. They could simply do so on their own, and then notify the FCC of their actions.

At every stage in the process, the private sector, not the government, has the opportunity and the incentive to grab the reins. To date, however, this has not happened. The legislation we introduce today seeks to change that.

I ask unanimous consent that the text of the legislation, the Consumer Broadband and Digital Television Promotion Act, be printed in the RECORD.

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

S. 2048

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

**SECTION 1. SHORT TITLE; TABLE OF SECTIONS.**

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Broadband and Digital Television Promotion Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings.
Sec. 3. Adoption of security system standards and encoding rules.
Sec. 4. Preservation of the integrity of security.
Sec. 5. Prohibition on shipment in interstate commerce of nonconforming digital media devices.
Sec. 6. Prohibition on removal or alteration of security technology; violation of encoding rules.
Sec. 7. Enforcement.
Sec. 8. Federal Advisory Committee Act exemption.
Sec. 9. Definitions.
Sec. 10. Effective date.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The lack of high quality digital content continues to hinder consumer adoption of broadband Internet service and digital television products.

(2) Owners of digital programming and content are increasingly reluctant to transmit their products unless digital media devices incorporate technologies that recognize and respond to content security measures designed to prevent theft.

(3) Because digital content can be copied quickly, easily, and without degradation, digital programmers and content owners face an exponentially increasing piracy threat in a digital age.

(4) Current agreements reached in the marketplace to include security technologies in certain digital media devices fail to provide a secure digital environment because those agreements do not prevent the continued use and manufacture of digital media devices that fail to incorporate such security technologies.

(5) Other existing digital rights management schemes represent proprietary, partial solutions that limit, rather than promote, consumers' access to the greatest variety of digital content possible.

(6) Technological solutions can be developed to protect digital content on digital broadcast television and over the Internet.

(7) Competing business interests have frustrated agreement on the deployment of existing technology in digital media devices to protect digital content on the Internet or on digital broadcast television.

(8) The secure protection of digital content is a necessary precondition to the dissemination, and on-line availability, of high quality digital content, which will benefit consumers and lead to the rapid growth of broadband networks.

(9) The secure protection of digital content is a necessary precondition to facilitating and hastening the transition to high-definition television, which will benefit consumers.

(10) Today, cable and satellite have a competitive advantage over digital television because the closed nature of cable and satellite systems permit encryption, which provides some protection for digital content.

(11) Over-the-air broadcasts of digital television are not encrypted for public policy reasons and thus lack those protections afforded to programming delivered via cable or satellite.

(12) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(13) Consumers receive content such as video or programming in analog form.

(14) When protected digital content is converted to analog for consumers, it is no longer protected and is subject to conversion into unprotected digital form that can in turn be copied or redistributed illegally.

(15) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(16) Unprotected digital content on the Internet is subject to significant piracy, through illegal file sharing, downloading, and redistribution over the Internet.

(17) Millions of Americans are currently downloading television programs, movies, and music on the Internet and by using ''file-sharing'' technology. Much of this activity is illegal, but demonstrates consumers' desire to access digital content.

(18) This piracy poses a substantial economic threat to America's content industries.

(19) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(20) Providing a secure, protected environment for digital content should be accompanied by a preservation of legitimate consumer expectations regarding use of digital content in the home.

(21) Secure technological protections should enable content owners to disseminate digital content over the Internet without frustrating consumers' legitimate expectations to use that content in a legal manner.

(22) Technologies used to protect digital content should facilitate legitimate home use of digital content.

(23) Technologies used to protect digital content should facilitate individuals' ability to engage in legitimate use of digital content for educational or research purposes.

**SEC. 3. ADOPTION OF SECURITY SYSTEM STANDARDS AND ENCODING RULES.**

(a) PRIVATE SECTOR EFFORTS.—

(1) IN GENERAL.—The Federal Communications Commission, in consultation with the Register of Copyrights, shall make a determination, not more than 12 months after the date of enactment of this Act, as to whether—

(A) representatives of digital media device manufacturers, consumer groups, and copyright owners have reached agreement on security system standards for use in digital media devices and encoding rules; and

(B) the standards and encoding rules conform to the requirements of subsections (d) and (e).

(2) REPORT TO THE COMMERCE AND JUDICIARY COMMITTEES.—Within 6 months after the date of enactment of this Act, the Commission shall report to the Senate Committee on Commerce, Science and Transportation, the Senate Committee on the Judiciary, the House of Representatives Committee on Commerce, and the House of Representatives Committee on the Judiciary as to whether—

(A) substantial progress has been made toward the development of security system standards and encoding rules that will conform to the requirements of subsections (d) and (e);

(B) private sector negotiations are continuing in good faith;

(C) there is a reasonable expectation that final agreement will be reached within 1 year after the date of enactment of this Act; and

(D) if it is unlikely that such a final agreement will be reached by the end of that year, the deadline should be extended.

(b) AFFIRMATIVE DETERMINATION.—If the Commission makes a determination under subsection (a)(1) that an agreement on security system standards and encoding rules that conform to the requirements of subsections (d) and (e) has been reached, then the Commission shall—

(1) initiate a rulemaking, within 30 days after the date on which the determination is made, to adopt those standards and encoding rules; and

(2) publish a final rule pursuant to that rulemaking, not later than 180 days after initiating the rulemaking, that will take effect 1 year after its publication.

(c) NEGATIVE DETERMINATION.—If the Commission makes a determination under subsection (a)(1) that an agreement on security system standards and encoding rules that conform to the requirements of subsections (d) and (e) has not been reached, then the Commission—

(1) in consultation with representatives described in subsection (a)(1)(A) and the Register of Copyrights, shall initiate a rulemaking, within 30 days after the date on which the determination is made, to adopt security system standards and encoding rules that conform to the requirements of subsections (d) and (e); and

(2) shall publish a final rule pursuant to that rulemaking, not later than 1 year after initiating the rulemaking, that will take effect 1 year after its publication.

(d) SECURITY SYSTEM STANDARDS.—In achieving the goals of setting open security system standards that will provide effective security for copyrighted works, the security system standards shall ensure, to the extent practicable, that—

(1) the standard security technologies are—

(A) reliable;

(B) renewable;

(C) resistant to attack;

(D) readily implemented;

(E) modular;

(F) applicable to multiple technology platforms;

(G) extensible;

(H) upgradable;

(I) not cost prohibitive; and

(2) any software portion of such standards is based on open source code.

(e) ENCODING RULES.—

(1) LIMITATIONS ON THE EXCLUSIVE RIGHTS OF COPYRIGHT OWNERS.—In achieving the goal of promoting as many lawful uses of copyrighted works as possible, while preventing

as much infringement as possible, the encoding rules shall take into account the limitations on the exclusive rights of copyright owners, including the fair use doctrine.

(2) PERSONAL USE COPIES.—No person may apply a security measure that uses a standard security technology to prevent a lawful recipient from making a personal copy for lawful use in the home of programming at the time it is lawfully performed, on an over-the-air broadcast, premium or non-premium cable channel, or premium or non-premium satellite channel, by a television broadcast station (as defined in section 122(j)(5)(A) of title 17, United States Code), a cable system (as defined in section 111(f) of such title), or a satellite carrier (as defined in section 119(d)(6) of such title).

(f) MEANS OF IMPLEMENTING STANDARDS.—The security system standards adopted under subsection (b), (c), or (g) shall provide for secure technical means of implementing directions of copyright owners for copyrighted works.

(g) COMMISSION MAY REVISE STANDARDS AND RULES THROUGH RULEMAKING.—

(1) IN GENERAL.—The Commission may conduct subsequent rulemakings to modify any security system standards or encoding rules established under subsection (b) or (c) or to adopt new security system standards that conform to the requirements of subsections (d) and (e).

(2) CONSULTATION REQUIRED.—The Commission shall conduct any such subsequent rulemaking in consultation with representatives of digital media device manufacturers, consumer groups, and copyright owners described in subsection (a)(1)(A) and with the Register of Copyrights.

(3) IMPLEMENTATION.—Any final rule published in such a subsequent rulemaking shall—

(A) apply prospectively only; and

(B) take into consideration the effect of adoption of the modified or new security system standards and encoding rules on consumers' ability to utilize digital media devices manufactured before the modified or new standards take effect.

(h) MODIFICATION OF TECHNOLOGY BY PRIVATE SECTOR.—

(1) IN GENERAL.—After security system standards have been established under subsection (b), (c), or (g) of this section, representatives of digital media device manufacturers, consumer groups, and copyright owners described in subsection (a)(1)(A) may modify the standard security technology that adheres to the security system standards rules established under this section if those representatives determine that a change in the technology is necessary because—

(A) the technology in use has been compromised; or

(B) technological improvements warrant upgrading the technology in use.

(2) IMPLEMENTATION NOTIFICATION.—The representatives described in paragraph (1) shall notify the Commission of any such modification before it is implemented or, if immediate implementation is determined by the representatives to be necessary, as soon thereafter as possible.

(3) COMPLIANCE WITH SUBSECTION (d) REQUIREMENTS.—The Commission shall ensure that any modification of standard security technology under this subsection conforms to the requirements of subsection (d).

**SEC. 4. PRESERVATION OF THE INTEGRITY OF SECURITY.**

An interactive computer service shall store and transmit with integrity any security measure associated with standard security technologies that is used in connection with copyrighted material such service transmits or stores.

**SEC. 5. PROHIBITION ON SHIPMENT IN INTERSTATE COMMERCE OF NONCONFORMING DIGITAL MEDIA DEVICES.**

(a) IN GENERAL.—A manufacturer, importer, or seller of digital media devices may not—

(1) sell, or offer for sale, in interstate commerce, or

(2) cause to be transported in, or in a manner affecting, interstate commerce,

a digital media device unless the device includes and utilizes standard security technologies that adhere to the security system standards adopted under section 3.

(b) EXCEPTION.—Subsection (a) does not apply to the sale, offer for sale, or transportation of a digital media device that was legally manufactured or imported, and sold to the consumer, prior to the effective date of regulations adopted under section 3 and not subsequently modified in violation of section 6(a).

**SEC. 6. PROHIBITION ON REMOVAL OR ALTERATION OF SECURITY TECHNOLOGY; VIOLATION OF ENCODING RULES.**

(a) REMOVAL OR ALTERATION OF SECURITY TECHNOLOGY.—No person may—

(1) knowingly remove or alter any standard security technology in a digital media device lawfully transported in interstate commerce; or

(2) knowingly transmit or make available to the public any copyrighted material where the security measure associated with a standard security technology has been removed or altered, without the authority of the copyright owner.

(b) COMPLIANCE WITH ENCODING RULES.—No person may knowingly apply to a copyrighted work, that has been distributed to the public, a security measure that uses a standard security technology in violation of the encoding rules adopted under section 3.

**SEC. 7. ENFORCEMENT.**

(a) IN GENERAL.—The provisions of section 1203 and 1204 of title 17, United States Code, shall apply to any violation of this Act as if—

(1) a violation of section 5 or 6(a)(1) of this Act were a violation of section 1201 of title 17, United States Code; and

(2) a violation of section 4 or section 6(a)(2) of this Act were a violation of section 1202 of that title.

(b) STATUTORY DAMAGES.—A court may award damages for each violation of section 6(b) of not less than $200 and not more than $2,500, as the court considers just.

**SEC. 8. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.**

The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any committee, board, commission, council, conference, panel, task force, or other similar group of representatives of digital media devices and representatives of copyright owners convened for the purpose of developing the security system standards and encoding rules described in section 3.

**SEC. 9. DEFINITIONS.**

In this Act:

(1) STANDARD SECURITY TECHNOLOGY.—The term ''standard security technology'' means a security technology that adheres to the security system standards adopted under section 3.

(2) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(3) DIGITAL MEDIA DEVICE.—The term ''digital media device'' means any hardware or software that—

(A) reproduces copyrighted works in digital form;

(B) converts copyrighted works in digital form into a form whereby the images and sounds are visible or audible; or

(C) retrieves or accesses copyrighted works in digital form and transfers or makes available for transfer such works to hardware or software described in subparagraph (B).

(4) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

**SEC. 10. EFFECTIVE DATE.**

This Act shall take effect on the date of enactment of this Act, except that sections 4, 5, and 6 shall take effect on the day on which the final rule published under section 3(b) or (c) takes effect.

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By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to treat nominally foreign corporations created through inversion transactions as domestic corporations; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise to introduce legislation that would bar multinational corporations from avoiding millions of dollars in taxes through the use of shell corporations in foreign tax havens.

On February 18 the New York Times in an article entitled ''U.S. Corporations Are Using Bermuda to Slash Tax Bills,'' reported that a number of prominent U.S. corporations, using creative paperwork, have transformed themselves into Bermuda corporations purely to avoid paying their share of U.S. taxes. These new Bermuda entities are shell corporations. They have no staff, no offices and no real business activity in Bermuda. They exist for the purpose of shielding income from the IRS.

How does the ''Bermuda Triangle'' tax loophole work? U.S. companies, referred to as ''domestic corporations,'' pay U.S. taxes on their worldwide income, whether that income is earned in the United States or abroad. Foreign corporations pay U.S. taxes only on income earned in the United States.

Through the use of a process called corporate inversion, a domestic company can be ''acquired'' by a shell corporation chartered in a foreign county with low or no corporate taxes, Bermuda for example. Under such an arrangement, the shareholders of the new foreign parent are the same as the shareholders of the old U.S. company. This maneuver requires little more than filing of the proper paperwork in the new ''home'' country and payment of a registration fee. The new foreign parent corporation need not have any offices or any staff, and they usually don't.

United States tax law contains many provisions designed to expose such creative accounting and to require U.S. companies that are foreign in name only to pay the same taxes as other domestic corporations. Corporate inversions are designed to exploit a specific loophole in current law so that the company is treated as foreign for tax purposes, and therefore pays no U.S. taxes on its foreign income.

My bill closes this loophole in a way that is narrowly tailored to capture

corporate inversion transactions. In the case of inversion ''stock swaps'' the bill directs the IRS to look at the ownership of the new company to assess whether it is a domestic firm.

The loophole gives tens of millions of dollars in tax breaks to major multinational companies with significant non-U.S. business. It also puts other U.S. companies unwilling or unable to use this loophole at a competitive disadvantage. No American company should be penalized staying put while others renounce U.S. ''citizenship'' for a tax break.

Of course when some companies don't pay their fair share, the rest of American taxpayers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses that I visit in Detroit Lakes, MN, or Mankato, in Minneapolis, or Duluth can avail themselves of the Bermuda Triangle.

When we have our debate over budget priorities here in the Senate, we need to decide whether we are going to go after tax scofflaws or instead put these resources into fair tax relief, public investment, or saving social security. That's what this legislation is all about. I hope colleagues will take a close look and be able to support it.

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By Mr. REID (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. LEVIN, Mr. DASCHLE, Mr. LOTT, Mr. KENNEDY, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CLELAND, Mr. SMITH of New Hampshire, Ms. LANDRIEU, Mr. INHOFE, Mr. REED, Mr. SANTORUM, Mr. AKAKA, Mr. ROBERTS, Mr. NELSON of Florida, Mr. ALLARD, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, and Mr. BINGAMAN):

S. 2051. A bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, last Session I, along with 79 cosponsors, introduced S. 170, ''The Retired Pay Restoration Act of 2001.'' Our bill addressed a 110-year old injustice against over 500 thousand of our Nation's veterans. Congress has repeatedly forced the bravest men and women in our Nation, retired career veterans, to essentially forgo receipt of a portion of their retired pay if they received a disability injury in the line of service.

In October, I introduced an amendment identical to S. 170 for the Senate Defense Authorization Bill. The Senate adopted my amendment by unanimous consent. Unfortunately, the House choose not to appropriate funds for this important measure.

I rise today to again introduce a bill along with my colleagues Mr. HUTCHINSON, Mr. WARNER, Mr. LEVIN, Mr. DASCHLE, Mr. LOTT, Mr. KENNEDY, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CLELAND, Mr. SMITH of New Hampshire, Ms. LANDRIEU, Mr. INHOFE, Mr. REED, Mr. SANTORUM, Mr. AKAKA, Mr. ROBERTS, Mr. NELSON of Florida, Mr. ALLARD, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, and Mr. BINGAMAN that will correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our bill will repeal the contingency language enacted in the National Defense Authorization Act for Fiscal Year 2002 and thus remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking effect. It will permit retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

Congress approved inequitable legislation prohibiting the concurrent receipt of military retired pay and VA disability compensation shortly after the Civil War, when the standing army of the United States was extremely limited. At that time, only a small portion of our armed forces consisted of career soldiers.

Today, nearly one and a half million Americans dedicate their lives to the defense of our Nation. The United States' military force is unmatched in terms of power, training and ability. Our nation's status as the world's only superpower is largely due to the sacrifices our veterans made during the last century. Rather than honoring their commitment and bravery by fulfilling our obligations, the federal government has chosen instead to perpetuate a longstanding injustice. Quite simply, this is disgraceful, and we must correct it.

Once again our Nation is calling upon the members of the Armed Forces to defend democracy and freedom. We must send a signal to the men and women currently in uniform that our government takes care of those that make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable. Veterans' disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. All other federal employees receive both their civil service retirement and VA disability with no offset. Simply put, the law discriminates against career military men and women. It assumes, in effect, that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

This inequity is absurd. How do we explain it to the men and women who sacrificed their own safety to protect this great Nation? How do we explain this inequity to those members currently risking their lives to defeat terror?

We are currently losing over one thousand World War II veterans each day. Every day we delay acting on this legislation means continuing to deny fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This bill represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

Passing this bill will finally eliminate a grossly inequitable 19th century law and ensure fairness within the Federal retirement policy. Our veterans have heard enough excuses. Now it is time for them to hear our gratitude. I urge my colleagues to join me in supporting this legislation to finally end this disservice to our retired military men and women.

Our veterans have earned this and now is our chance to honor their service to our nation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 2051

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

**SECTION 1. EFFECTIVE DATE OF AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AMD VETERANS' DISABILITY COMPENSATION.**

(a) REPEAL OF CONTINGENT EFFECTIVE DATE.—Section 1414 of title 10, United States Code, as added by section 641(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), is amended—

(1) in subsection (a), by striking '', subject to the enactment of qualifying offsetting

legislation as specified in subsection (f)''; and

(2) by striking subsections (e) and (f).

(b) SUBSTITUTION OF EFFECTIVE DATE.—Section 1414 of title 10, United States Code, shall apply with respect to months beginning on or after on October 1, 2002.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—(1) No benefit may be paid to any person by reason of section 1414 of title 10, United States Code, for any period before the date specified in subsection (b).

(2) Section 641 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1149) is amended by striking subsection (d).

(d) CONFORMING TERMINATION OF SPECIAL COMPENSATION PROGRAM.—(1) Effective on the date specified in subsection (b), section 1413 of title 10, United States Code, is repealed.

(2) Section 1413 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''(1) For payments'' and all that follows through ''December 2002, the following:'';

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively, and realigning such paragraphs (as so redesignated) two ems from the left margin.

Mr. HUTCHINSON. Mr. President, I rise today to join Senator REID and Senator WARNER in introducing a bill that will eliminate, once and for all, the inequity that our Nation's veterans have been burdened with for 110 years. Across this great Nation there are over 400,000 disabled, military retirees that must give up their retired pay in order to receive their VA disability compensation. Military retirees are the only group of Federal retirees who are forced to fund their own disability benefits.

Men and women who served our country, who dedicated their lives to the defense of freedom, have earned fair compensation. The issue has been before the Senate for years. Concurrent receipt legislation introduced earlier this year by Senator REID and myself had 79 cosponsors. The Congress needs to act this year on this issue.

This bill will honor Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during times of peace and times of war. Military retirement pay and disability compensation are earned and awarded for entirely different purposes. Current law ignores the distinction between these entitlements. Military retirees have dedicated 20 or more years to our national defense in earning their retirement, whereas disability compensation is awarded to compensate a veteran for injury incurred in service to our Nation. Our veterans have earned and deserve fair compensation. I have been a longstanding supporter of efforts to repeal the century-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

Since September 11, the American people have gained a greater appreciation of our military. The men and women in uniform have performed admirably in the war against terrorism. I recently visited our troops in Afghanistan. Their professionalism, their dedication, and their patriotism was an inspiration. As we all know, Afghanistan is still a very dangerous place. We need to send a message to those soldiers that are putting their lives on the line every day that our government provides just and fair compensation for those that will have gone before them.

The Fiscal Year 2002 Defense Authorization Act included authority for concurrent receipt, but made it subject to offsetting funding. The bill we are introducing today moves forward in requiring full concurrent receipt, with no restrictions.

I pledge to continue the fight on this important issue. I look forward to joining with Senator REID in ensuring that the Senate Budget Resolution includes full funding for concurrent receipt. I will work with Senator WARNER and my colleagues on the Senate Armed Services Committee to see that the bill we are introducing today is incorporated into the Fiscal Year 2003 Defense Authorization bill.

In closing, I urge my colleagues on both sides of the aisle to support this important legislation. Is is simply the right and fair thing to do for American veterans.

Mr. WARNER. Mr. President, I join my colleagues today in introducing legislation to allow our disabled military retirees to receive all of the compensation they have earned through their service to our Nation.

With this legislation, we are taking the next critical step in eliminating a tremendous injustice that impacts disabled military retirees. Many of my colleagues, on both sides of the aisle, have joined in cosponsoring this important legislation.

What is our common goal? To ensure that an important class of disabled veterans, military retirees who have suffered disability during their years of military service, are fairly and appropriately compensated by the Nation they served so well. We cannot and should not wait any longer for this to happen.

Last year, with overwhelming bipartisan support, the Congress overturned the 110-year-old prohibition against ''concurrent receipt'' as part of the Fiscal Year 2002 National Defense Authorization Act. In other words, we repealed the prohibition in law that prevents military retirees from receiving both their regular retired pay and veterans disability compensation, without a dollar for dollar offset. Unfortunately, we did not have the necessary funding to pay for this repeal. The resulting compromise in conference was a confidential repeal.

On its face this legislation before us is a somewhat technical proposal. By its terms, it simply repeals language enacted in law last December that requires the President to propose offsetting legislation funding concurrent receipt and requires Congress to pass ''qualifying offsetting legislation'' before concurrent receipt of military retired pay and veterans' disability compensation can begin. The underlying authorization to receive both concurrently, as provided for in the Fiscal Year 2002 National Defense Authorization Act, stands. The condition which has delayed implementation would be removed by the legislation we are introducing today.

Both Senator LEVIN as chairman, and I as ranking member of the Committee on Armed Services, have requested that the Senate Budget Committee include funding in the budget resolution to fund this hard-earned benefit. I have requested that this funding be included ''above the line''—that is, in addition to the President's requested amount for defense. In my view, Congress should not be forced to cut the President's requested initiatives and programs—which are critical to the ongoing war on terrorism, to fund this benefit.

The House Budget Committee has already included a portion of the funds required for ''concurrent receipt'' in their budget resolution, ''above the line.''

It is time to move forward on this important issue. The legislation we are introducing will permit implementation of the law the Congress has already passed, and I am confident that, working with the Budget Committee, we can find the money to pay for it.

Our Nation has no more valuable assets than our men and women in uniform. They are called upon to leave their families, deploy to areas around the world, and face threats on a daily basis. They are on the front lines, defending our freedom. Our Nation must meet its commitment to those dedicated Service members. How can we ask the men and women who have so faithfully served to sacrifice a portion of their retirement because they are also receiving compensation for an injury suffered while serving their country?

Our career military service members were promised health care for life for themselves and their families. Two years ago, we the Congress acted to make that promise a reality. Yes, there was a significant cost associated with providing that care. But there is no cost too high to provide for those who ensure our freedom.

Today we are considering a similar situation. Is the cost too high of providing our disabled military retirees both the military retired pay they have earned and compensation they are due for a disability they received while serving their Nation? I think not.

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By Mr. ROCKEFELLER:

S. 2052. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr President, I am proud to introduce a bill that reauthorizes the landmark welfare reform legislation passed 1996. It will allow States to continue their excellent work on behalf of families on welfare. This reauthorization bill is designed to allow states to continue to provide the flexible initiatives that have reduced national welfare caseloads by over 50 percent and moved millions of Americans from welfare to work.

Welfare reform was a bold experiment to dramatically change a major social program. In 1996, Congress ended the entitlement of eligible families with children to cash aid. The results five years later are impressive. Over two-thirds of the people who are leaving the welfare rolls have left for work.

Six years ago, we said the goal of welfare reform should be to promote work and to protect children. We stood here together, on unchartered ground, and endorsed significant policy changes that we believed would help families gain independence and economic self-sufficiency, while protecting the children. States began to revise welfare service delivery with guidance based on the new reforms. Each state designed and implemented programs that were unique and specific to their populations.

While there are still many challenges facing families who are struggling to make the transition from welfare to work, as well as challenges facing States in administering the program, I believe that we are on the right course. It is essential to keep on course and support the fundamental principles adopted in 1996, as well as maintain new State flexibility in order to reward and continue the innovations made by the States.

In West Virginia, welfare reform has brought bold changes. Parents on welfare get extra support as they face new responsibilities and obligations to make the transition from welfare to jobs. Last summer, I hosted a roundtable discussion to meet with individual West Virginians who were undergoing major life transitions. They told me that they were proud to be working, but that it was often still a struggle to make ends meet and do the best for their children. The goal of this legislation is to help those parents, and millions more, to promote the well-being of their children even as they work.

Today, I am introducing the Personal Responsibility and Work Opportunity Reconciliation Act Amendments of 2002. States are making measurable progress. We should continue to build on this foundation, and not reduce State flexibility. It is essential we continue welfare reform, not unravel it, or restructure it.

This bill acknowledges that we must keep the focus on work, by both requiring and rewarding work. To ensure a real focus on helping parents leave welfare rolls for a job, this legislation gradually replaces the caseload reduction credit with a new employment credit. States will only get a bonus toward their work participation requirement if parents move from welfare to a job. This credit will acknowledge the dignity of all work by providing a bonus for parents who get jobs, both full and part-time. A mother who has never worked in her life and then gets a part-time job has had a true accomplishment, and that deserves recognition. It is also the first step toward independence.

I am especially grateful to Senator LINCOLN and Congressman LEVIN for their leadership and vision in designing this new incentive. It is an empowering approach to promoting work and sends the proper message to families who are striving to become self sufficient. I am pleased to incorporate their proposal into my bill.

At this point, with a soft economy, it would be unwise to significantly change State TANF programs to impose drastically higher work participation rates requiring 40 hours per job placement activities would be, plain and simple, an unfunded mandate.

State officials have testified before the Finance Committee that such changes would force States to restructure existing programs that are working and turn their focus away from those who need some assistance with child care or transportation, but are no longer dependent on a welfare check. We should not turn away from helping our working families while spending limited resources to meet new, and arbitrary, work rates and hours.

To promote work, it is essential to help working parents. We obviously must invest more in child care funding to help parents stay on the job. My proposal seeks to increase guaranteed child care funding for this provision by $1 billion each year. This increase is designed to address existing needs of the current TANF program.

This bill would continue the transitional Medicaid program so families can keep health care coverage for a year as they move from welfare to work. In 1996, I was proud to work with Senator BREAUX and the late Senator John Chafee to protect access to health care for such vulnerable families. I have incorporated Senator BREAUX's bipartisan bill to continue transitional Medicaid coverage and I appreciate his leadership on this and other key issues. Our bill also gives states more flexibility and options to place parents in vocational training and English as a Second Language programs so parents can get jobs. In recognition of Maine's success with the Parents as Scholar program, states have the option to follow the Maine model for 5 percent of their caseload to combine work and education.

Because States are investing more in the existing welfare program than the current $16.5 billion grant, this legislation would provide a modest increase of $2.5 billion in the basic TANF block grant over the next five years. The new TANF funding would be allocated based on the number of poor children. In 1996, Congress promised States that it would fully fund the Social Services Block Grant at $2.8 billion dollars. The block grant is a flexible resource to states to help families, and many States use it for child care. Unfortunately, its funding was slashed to $1.7 billion in recent years. I believe that since the States kept their promise on welfare reform, Congress should keep our promise to fund the Social Services Block Grant.

The bill also invests $200 million to create BusinessLink Grants, competitive grants to support public and private partnerships to help parents get jobs. The Welfare-to-Work Partnership is just one example of how nonprofits working with business leaders can make a real difference. The Partnership includes over 20,000 businesses that have provided more than 1 million jobs to parents moving from welfare to work. I have met with the board members of this group, and we should encourage such partnerships. I know that other groups, like the Salvation Army and Good Will, are doing important work on providing transitional job opportunities, and these organizations would be eligible for grants as well.

A job is the first step, but for welfare parents to make a successful transition to independence, they need a range of supports. To achieve this goal, the bill will create Pathways to Self-Sufficiency Grants to improve this support network for parents. These grants are intended to provide incentives and support to TANF caseworkers and nonprofit organizations to help improve the comprehensive network of supports for working families, including Medicaid, CHIP, child care, EITC, and a range of services. Working mothers deserve to know what type of support will be available so that they do not slip back into welfare.

Work is fundamental, but we also need to be concerned about important aspects of the lives of children and children. This legislation creates a Family Formation Fund to encourage health families, reduce teenage pregnancy, and improve child support and participation of parents in children's lives. The bill authorizes Second Chance homes, an innovative program to help teenage parents get the support and education they need. The bill seeks to end certain discrimination and harsh rules for two-parent families in the current system. If our goal is to support marriage, we should not penalize married couples.

Our legislation also makes a simple, but important change. Under the current TANF program, each welfare parent has an Individual Responsibility Plan that serves as an assessment and work plan. In addition to having a responsibility to work, parents have a responsibility to protect their children's well-being. To emphasize this fundamental point, this bill adds language directing states to incorporate the concept of a child's well-being into each

parent's Individual Responsibility Plan. States have great flexibility, but it is important to send a clear message that one of a parent's responsibilities is the well-being of their children.

This legislation builds on the foundation of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. My hope is that this framework will help promote bipartisan discussion about how we can make even more improvements in our welfare system, while maintaining our partnership with the States. We all must work together, the Administration, the Congress and the States, to improve our partnership to help families move from welfare to work.

I ask unanimous consent to print the section-by-section summary of my bill in the RECORD.

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

SECTION BY SECTION ANALYSIS

TITLE I—TANF FUNDING

Increase the main TANF grant of $16.5 by adding $2.5 billion over 5 years, based on the number of poor children per state. It will gradually increase the TANF block grant from $16.5 billion in 2003 to $17.4 billion in 2007.

The Supplemental Grants are renewed, in an expanded manner, and ''built into'' the main TANF funding stream. Under expansion, 34 States will qualify, compared to 17 States in the past. The new Supplemental Grant is $472,749,000 per year.

The Contingency Fund is reinstated in a more effective form.

A $300 million bonus fund is created to reward States which reduce poverty, along the lines of the ''high performance'' bonus. In addition, States which show an increase in child poverty are required to include ''measurable milestones'' in their corrective action plans.

Reauthorization of other grants, such as bonus grants to high performance states and grants for Indian Tribes, and continuation of penalties for failure of any State to maintain certain level of historic effort.

Funding for the Social Services Block Grant, SSBG, which funds an array of needed programs including day care, education and training programs, and services for victims of domestic violence, is restored to $2.8 billion per year, as is the 10 percent TANF transfer authority, as promised in the original 1996 welfare reform law.

TITLE II—SUPPORTING WORK

Replace caseload reduction credit with employment credit beginning with fiscal year 2005. Employment credit will reward States in which families leave welfare for work; additional credit will be awarded for families leaving welfare with higher earnings.

Guaranteed funding for the mandatory component of the Child Care Development Block Grant, CCDBG, is increased from $2.7 billion to $3.7 billion per year. The TANF transfer authority continues.

States which adopt a ''Parents as Scholars'' program, which combines work and post-secondary education, may count participants in such a program as meeting the work participation requirements, up to a maximum of 5 percent of a State's caseload. Vocational training and education are permitted to count toward the work participation requirements for up to 24 months, not 12, and teenage mothers completing high school are exempt from the 30 percent cap. States can count up to 10 hours of ESL, with assessment, toward work participation.

Provide $200 million over five years for new Business Link grants to create public/private partnerships to encourage employers to design innovative ways, including transitional jobs, to help individuals moving from welfare to work.

TITLE III—SUPPORTING FAMILIES

Eliminate the stricter work participation requirement for two-parent families.

States are prohibited from imposing stricter eligibility criteria for two-parent families, such as continuing the AFDC ''100 hour'' rule. In addition, the work participation rate for two-parent families is conformed to that for one-parent families.

Create a Family Formation Fund to provide $100 million for research, technical assistance, and best practices in three areas, including; 1. formation of two-parent families, 2. reducing teen pregnancy, and 3. increasing the ability of non-custodial parents to support and be involved in their children's lives.

Since a child's well-being is part of a parent's responsibility, states are directed to include child well-being as part of the Individual Responsibility Pan for all parents in the program.

TITLE IV—STATE FLEXIBILITY

New Pathway to Self-Sufficiency Grants, $150 million over 5 years, are made available to improve coordination of benefit systems and to conduct outreach to low-income families, working families in particular, to promote enrollment of eligible families in assistance programs. States, local governments, and non-profit organizations are eligible to receive the grants, with a preference for applications which involve collaborations.

States deserve flexibility and the option to offer wage subsidies to parents who meet the existing work requirements but need modest income support. Such subsidies would be considered ''work supports'' and as such would be treated as work supports, and not count toward the federal 60-month time limit.

Retain the 20 percent hardship waivers for State flexibility, but allow States that select the Domestic Violence Option to serve the victims of domestic violence as a separate and distinct category, since this option has specific rules, including a 6-month review.

States operating under 1996 waivers are permitted to continued doing so.

Provide States with the option to align foster care and adoption assistance eligibility with TANF eligibility. States must retain the income and assets standards for foster care established in the 1996 welfare reform law as the minimum standard, but States would have the option of updating the standards to align them with TANF eligibility. This is designed to streamline administrative work, and is similar to State flexibility to align food stamp vehicle rules to TANF vehicle rules.

Allow States to cover eligible legal immigrants under TANF, regardless of date of entry.

Give States more flexibility to transfer TANF funds to carry out existing transportation-for-jobs programs or reverse commute projects.

TITLE V—HEALTHY CHILDREN

Provide transitional Medicaid to parents and children making the transition from welfare to work. Provide States with the option of automatically enrolling families who leave TANF for a job in Medicaid for a full year, without the necessity of reapplying.

States will have an option to provide Medicaid and CHIP services to legal immigrant children and pregnant women, regardless of date of entry.

Authorize $32 million for Second Chance Homes for teenage expectant mothers. These facilities allow these girls to live in a safe environment and receive formal and parenting education and prenatal care.

TITLE VI—PUBLIC ACCOUNTABILITY

To improve accountability, States are required to make public the financial and program data submitted to the Department of Health and Human Services, HHS, when the data is transmitted, including posting the information on the State's web site.

Under current law, four antidiscrimination statutes apply to activities funded by TANF: the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and Title VI of the Civil Rights Act of 1964. GAO is required to conduct a review of how States have complied with the requirements of these laws and make recommendations for improving compliance. HHS is also required to issue a ''best practices'' guide for States in complying with these laws in TANF.

Ensure that an adult in a family receiving TANF and engaged in a work activity shall not displace any public employee or position.

Conduct longitudinal studies in 10 States of TANF applicants and recipients to determine the factors that contribute to positive employment and family outcomes.

A GAO study to determine the impact of the prohibition on SSI benefits for legal immigrants.

Grant to improve States' policies and procedures for assisting individuals with barriers to work.

GAO survey and evaluation of State activities on workforce development for professional staff delivery in TANF and TANF-related services. The report should assess the range of caseloads and effects of caseload on family outcomes and satisfaction. The survey should provide information on the qualifications, education and training for staff, and the amount of staff turnover.

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By Mr. FRIST:

S. 2053. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the ''Vaccine Affordability and Availability Act.'' The United States has succeeded in dramatically reducing the incidence of disease through the use of vaccines. In some cases, we've even been able to eradicate specific diseases, including smallpox. Smallpox, which has killed more people than any other disease or war in history, has been eradicated by the research, development and deployment of vaccines.

Still, our success should not and must not dampen our resolve for combating disease with vaccines. Many vaccine-preventable diseases are still increasing morbidity and mortality due to a lack of public awareness about the existence and effectiveness of vaccines, and, in some cases, due to a shortage of certain vaccines.

The goal of this bill is to improve how we vaccinate people in America today. It would reduce the cost of vaccines, make vaccines more accessible,

enhance vaccine education, and streamline the vaccine compensation program. I urge all of my colleagues, on both sides of the aisle, to support this bill and, in so doing, support the prevention of disease and the saving of lives.

We must strengthen our immunization system. We need only look at the experiences of three developed countries, Great Britain, Sweden and Japan, when they allowed their immunization rates to drop due to fear associated with the pertussis, whooping cough, vaccine. In Great Britain, a decrease in pertussis immunizations in 1974 resulted in an epidemic of more than 100,000 cases of pertussis and 36 deaths by 1978. In Japan between 1974 and 1979, pertussis vaccination rates fell from 70 percent, with 393 cases and no deaths, to around 20 to 40 percent, with 13,000 cases and 41 deaths. In Sweden between 1981 and 1985, the annual incidence rate of pertussis per 100,000 children 0–6 years of age increased from 700 cases to 3,200 cases. Low diphtheria immunization rates in the former Soviet Union for children and the lack of booster immunizations for adults have increased diphtheria from 839 cases in 1989 to nearly 50,000 cases and 1,700 deaths in 1994.

As the General Accounting Office, GAO, described in a March 2000 report, infectious diseases are responsible for nearly half of all deaths worldwide for people under the age of 44. The report further states that immunizing children against infectious diseases is ''considered to be one of the most effective public health initiatives ever undertaken'' in the United States and the number of people in the United States contracting vaccine-preventable diseases has been reduced by more than 95 percent. Every year, millions of children are safely vaccinated, preventing thousands of childhood deaths and even more debilitating illnesses. While vaccines save lives and save the nation from lifelong medical costs associated with contracting vaccine-preventable diseases, no product is risk-free.

When Congress passed the National Childhood Vaccine Injury Act in 1986, it recognized that ''[v]accination of children against deadly, disabling, but preventable infectious diseases has been one of the most spectacularly effective public health initiatives this country has ever undertaken.'' Congress further noted that the ''[u]se of vaccines has prevented thousands of children's deaths each year and has substantially reduced the effects resulting from disease.'' Congress further recognized that the cost of litigation initiated on behalf of children claiming vaccine-related injuries has resulted in an enormous increase in the price of vaccines and a significant reduction in the number of vaccine manufacturers in the U.S. market.

The Advisory Commission on Childhood Vaccines, ACCV, was established pursuant to the 1986 National Childhood Vaccine Injury Act to advise the Secretary of HHS on ways to improve the Vaccine Injury Compensation Program, which was also established in the same law. Meeting minutes from a September 2001 ACCV meeting best sum up the integral connection between vaccine supply, production, and liability concerns that our bill seeks to address: ''The vaccine supply in the United States is becoming quite fragile. Over the last 20 to 30 years, there has been a significant decrease in the number of vaccine manufacturers. As a result, there is a relatively small group of manufacturers with limited manufacturing capability. This fragility compromises the ability to meet current vaccine needs and limits capacity to respond to emergencies.''

In the early 1980s, lawsuits alleging vaccine-related injury or death threatened vaccine production, availability, cost and even the development of new vaccines. Coupled with already low profit margins, the vaccine market became unstable. Gross sales of the DTP vaccine in 1980 for all manufacturers fell to about $3 million. If even a few of the vaccinated children experienced adverse reactions to the DTP vaccine and recovered $1 million each, for a lifetime of mental impairment, then damages would easily exceed total sales. Costs associated with researching new vaccines and the uncertainty created by liability once the vaccine was approved by the Food and Drug Administration and marketed, further jeopardized future vaccine development.

In an attempt to address liability projections, manufacturers either raised their prices, the DTP vaccine rose from $.19 in 1980 to more than $12.00 by 1986, or left the vaccine market entirely. By the mid-1980's, the number of manufacturers of DTP vaccine declined from seven to one and the Nation experienced a critical shortage of vaccine. As a result, we stopped immunizing 2 year olds, leaving them vulnerable to whooping cough, diphtheria, and tetanus.

In 1986, Congress established the Vaccine Injury Compensation Program, VICP, as part of the National Childhood Vaccine Injury Act. The VICP was created to address two major goals: To provide compensation to those who suffered rare but serious side effects from vaccines and to stabilize the vaccine production and supply market. The VICP was established as a Federal ''no-fault'' compensation system to compensate individuals who have been injured by certain covered childhood vaccines. While vaccine-injured parties are required to file claims under the VICP before filing lawsuits, proof requirements are much lower than in court and procedures are simplified for injuries that are listed on the Vaccine Injury Table. The balance that was struck was that the burden of proving causation was significantly reduced for VICP claimants, while the litigation burden on manufacturers and administrators of covered vaccines is decreased.

The Vaccine Affordability and Availability Act seeks to ensure the VICP balance between fairness to claimants seeking compensation for vaccine-related injury or death and stability for continued vaccine production is strengthened. It further addresses the concerns of claimants who file for compensation under VICP, in large part based on recommendations made by the Advisory Commission on Childhood Vaccines, ACCV. Because family plays such an important role in the rehabilitation and treatment of a child injured by a vaccine, the legislation allows VICP awards to cover family counseling and guardianship costs.

Additionally, the bill raises the payment ceiling on two capped payments that have not been raised since the VICP was implemented in 1988. The legislation also lengthens the filing deadline so that petitioners may have more time to adequately assess the life care and medical needs of a vaccine-injured child before filing and adjudicating a VICP claim. It also allows claimants to recover interim costs before final judgment is reached, to ease the financial strain on petitioners for costs associated with filing a VICP claim. The bill also broadened the membership criteria so that an adult who has been injured by a vaccine may participate on the ACCV. Finally, the legislation makes clear that all of these changes apply to pending and future VICP claims.

Today, only two American companies and two European companies sell vaccines in the United States. The United States is currently experiencing shortages in 5 of the 9 recommended childhood vaccines, for which there are only four manufacturers licensed to sell in the United States. Once again, the threat of liability and the cost of litigation pose challenges to the stability of our vaccine supply. According to the March 18, 2002 edition of Forbes magazine, the profit margin for vaccines is very slim. Just one of the pending class action lawsuits seeks $30 billion in damages. The entire global value of the vaccine market, all around the world, is only $5 billion.

The ''Vaccine Affordability and Availability Act'' simply ensures that the VICP's goal of stabilizing the vaccine market is not jeopardized. In establishing the VICP in 1986, Congress sought to ensure that individuals claiming injury from covered vaccines must first file for compensation under the VICP. Some individuals, however, have attempted to evade this requirement by arguing, for example, that a preservative used in a vaccine, and included in the vaccine's product license application and product label, is not itself a ''vaccine'' so the VICP restrictions do not apply to claims for injuries caused by preservatives. This bill restates the original intent of the law, that a vaccine is all the ingredients and components which are approved by FDA to be in the product.

The bill makes necessary clarifications to the VICP to ensure that unwarranted litigation does not again destabilize the vaccine market causing the few manufacturers licensed to sell vaccines in the United States to leave the market resulting in even more serious shortages of essential vaccines. It clarifies that a vaccine-injured person must timely file a petition and complete the VICP process before third parties may bring a civil action in connection with that person's injuries. The bill adopts the ACCV recommendation that clarifies that certain well-defined medical conditions such as structural lesions and genetic disorders may be considered to be ''factors unrelated,'' and therefore non-compensable under VICP, to a vaccine, even if the exact defect in the gene, for example, is unknown. The legislation also clarifies that vaccine manufacturers and administrators cannot be sued unless there is evidence that a vaccine has caused present physical harm, they cannot be sued for medical monitoring to look for some theoretical future harm. The bill clarifies the definition of manufacturer to specify that a vaccine includes all components or ingredients of the vaccine and clarifies the existing law to ensure that any component or ingredient listed in a vaccine's product license application or label will not be considered to be an adulterant or contaminant. As with the changes we are making for VICP claimants, these changes would apply to pending and future VICP claims.

This bill also requires that the Secretary of HHS prioritize, acquire and maintain a 6-month supply of vaccines to address future vaccine shortages and delays in production and authorizes new funds for this purpose. By authorizing additional funding for grants to State and local governments to increase influenza immunization rates for high risk populations and by authorizing funding to increase immunization rates for adolescents and adults who are medically underserved and at-risk for vaccine-preventable diseases, this bill seeks to meet the challenge of improving adolescent and adult immunization rates. Finally, it ensures that colleges, universities and prisons are given information about the availability of a vaccine for bacterial meningitis and that health care clinics and providers are given information about the availability of hepatitis A and B vaccines.

In summary, the ''Vaccine Affordability and Availability Act'' clarifies, updates, and streamlines the existing Vaccine Injury Compensation Program to address concerns of petitioners to the program, to ensure that we are better prepared for normal market shortages and delays in production and that unwarranted litigation does not further destabilize our vaccine supply. I urge my colleagues to support this much needed legislation to improve the way the VICP operates for claimants seeking compensation and for manufacturers and administrators of vaccines seeking greater certainty in liability exposure, which, in turn, will stabilize vaccine production.

This bill will help to ensure that the balance between the two very important goals of the Vaccine Injury Compensation Program is maintained: To provide for fair and expeditious compensation for persons injured by covered vaccines; and to ensure a stable supply of vaccines by avoiding unwarranted litigation relating to vaccine-related injuries and deaths. I urge my colleagues to support and pass this much needed legislation at a time when liability concerns once again threaten our vaccine supply.

I ask unanimous consent 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. 2053

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Improved Vaccine Affordability and Availability Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—STATE VACCINE GRANTS

Sec. 101. Availability of influenza vaccine.
Sec. 102. Program for increasing immunization rates for adults and adolescents; collection of additional immunization data.
Sec. 103. Immunization awareness.
Sec. 104. Supply of vaccines.

TITLE II—VACCINE INJURY COMPENSATION PROGRAM

Sec. 201. Administrative revision of vaccine injury table.
Sec. 202. Equitable relief.
Sec. 203. Parent petitions for compensation.
Sec. 204. Jurisdiction to dismiss actions improperly brought.
Sec. 205. Application.
Sec. 206. Clarification of when injury is caused by factor unrelated to administration of vaccine.
Sec. 207. Increase in award in the case of a vaccine-related death and for pain and suffering.
Sec. 208. Basis for calculating projected lost earnings.
Sec. 209. Allowing compensation for family counseling expenses and expenses of establishing guardianship.
Sec. 210. Allowing payment of interim costs.
Sec. 211. Procedure for paying attorneys' fees.
Sec. 212. Extension of statute of limitations.
Sec. 213. Advisory commission on childhood vaccines.
Sec. 214. Clarification of standards of responsibility.
Sec. 215. Clarification of definition of manufacturer.
Sec. 216. Clarification of definition of vaccine-related injury or death.
Sec. 217. Clarification of definition of vaccine.
Sec. 218. Conforming amendment to trust fund provision.
Sec. 219. Ongoing review of childhood vaccine data.
Sec. 220. Pending actions.
Sec. 221. Report.

**TITLE I—STATE VACCINE GRANTS**

**SEC. 101. AVAILABILITY OF INFLUENZA VACCINE.**

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end the following:

''(3)(A) For the purpose of carrying out activities relating to influenza vaccine under the immunization program under this subsection, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 and 2004. Such authorization shall be in addition to amounts available under paragraphs (1) and (2) for such purpose.

''(B) The authorization of appropriations established in subparagraph (A) shall not be effective for a fiscal year unless the total amount appropriated under paragraphs (1) and (2) for the fiscal year is not less than such total for fiscal year 2000.

''(C) The purposes for which amounts appropriated under subparagraph (A) are available to the Secretary include providing for improved State and local infrastructure for influenza immunizations under this subsection in accordance with the following:

''(i) Increasing influenza immunization rates in populations considered by the Secretary to be at high risk for influenza-related complications and in their contacts.

''(ii) Recommending that health care providers actively target influenza vaccine that is available in September, October, and November to individuals who are at increased risk for influenza-related complications and to their contacts.

''(iii) Providing for the continued availability of influenza immunizations through December of such year, and for additional periods to the extent that influenza vaccine remains available.

''(iv) Encouraging States, as appropriate, to develop contingency plans (including plans for public and professional educational activities) for maximizing influenza immunizations for high-risk populations in the event of a delay or shortage of influenza vaccine.

''(D) The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, periodic reports describing the activities of the Secretary under this subsection regarding influenza vaccine. The first such report shall be submitted not later than June 6, 2003, the second report shall be submitted not later than June 6, 2004, and subsequent reports shall be submitted biennially thereafter.''.

**SEC. 102. PROGRAM FOR INCREASING IMMUNIZATION RATES FOR ADULTS AND ADOLESCENTS; COLLECTION OF ADDITIONAL IMMUNIZATION DATA.**

(a) ACTIVITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)), as amended by section 101, is further amended by adding at the end the following:

''(4)(A) For the purpose of carrying out activities to increase immunization rates for adults and adolescents through the immunization program under this subsection, and for the purpose of carrying out subsection (k)(2), there are authorized to be appropriated $50,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006. Such authorization is in addition to amounts available under paragraphs (1), (2), and (3) for such purposes.

''(B) In expending amounts appropriated under subparagraph (A), the Secretary shall give priority to adults and adolescents who are medically underserved and are at risk for vaccine-preventable diseases, including as appropriate populations identified through projects under subsection (k)(2)(E).

''(C) The purposes for which amounts appropriated under subparagraph (A) are available include (with respect to immunizations for adults and adolescents) the payment of the costs of storing vaccines, outreach activities to inform individuals of the availability of the immunizations, and other program expenses necessary for the establishment or operation of immunization programs carried out or supported by States or other public entities pursuant to this subsection.

''(5) The Secretary shall annually submit to Congress a report that—

''(A) evaluates the extent to which the immunization system in the United States has been effective in providing for adequate immunization rates for adults and adolescents, taking into account the applicable year 2010 health objectives established by the Secretary regarding the health status of the people of the United States; and

''(B) describes any issues identified by the Secretary that may affect such rates.

''(6) In carrying out this subsection and paragraphs (1) and (2) of subsection (k), the Secretary shall consider recommendations regarding immunizations that are made in reports issued by the Institute of Medicine.''.

(b) RESEARCH, DEMONSTRATIONS, AND EDUCATION.—Section 317(k) of the Public Health Service Act (42 U.S.C. 247b(k)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The Secretary, directly and through grants under paragraph (1), shall provide for a program of research, demonstration projects, and education in accordance with the following:

''(A) The Secretary shall coordinate with public and private entities (including nonprofit private entities), and develop and disseminate guidelines, toward the goal of ensuring that immunizations are routinely offered to adults and adolescents by public and private health care providers.

''(B) The Secretary shall cooperate with public and private entities to obtain information for the annual evaluations required in subsection (j)(5)(A).

''(C) The Secretary shall (relative to fiscal year 2001) increase the extent to which the Secretary collects data on the incidence, prevalence, and circumstances of diseases and adverse events that are experienced by adults and adolescents and may be associated with immunizations, including collecting data in cooperation with commercial laboratories.

''(D) The Secretary shall ensure that the entities with which the Secretary cooperates for purposes of subparagraphs (A) through (C) include managed care organizations, community-based organizations that provide health services, and other health care providers.

''(E) The Secretary shall provide for projects to identify racial and ethnic minority groups and other health disparity populations for which immunization rates for adults and adolescents are below such rates for the general population, and to determine the factors underlying such disparities.''.

**SEC. 103. IMMUNIZATION AWARENESS.**

(a) DEVELOPMENT OF INFORMATION CONCERNING MENINGITIS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop and make available to entities described in paragraph (2) information concerning bacterial meningitis and the availability and effectiveness of vaccinations for populations targeted by the Advisory Committee of Immunization Practices (an advisory committee established by the Secretary Health and Human Services, acting through the Centers for Disease Control and Prevention).

(2) ENTITIES.—An entity is described in this paragraph if the entity—

(A) is—

(i) a college or university; or

(ii) a prison or other detention facility; and

(B) is determined appropriate by the Secretary of Health and Human Services.

(b) DEVELOPMENT OF INFORMATION CONCERNING HEPATITIS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop and make available to entities described in paragraph (2) information concerning hepatitis A and B and the availability and effectiveness of vaccinations with respect to such diseases.

(2) ENTITIES.—An entity is described in this paragraph if the entity—

(A) is—

(i) a health care clinic that serves individuals diagnosed as being infected with HIV or as having other sexually transmitted diseases;

(ii) an organization or business that counsels individuals about international travel or who arranges for such travel;

(iii) a police, fire or emergency medical services organization that responds to natural or man-made disasters or emergencies;

(iv) a prison or other detention facility;

(v) a college or university; or

(vi) a public health authority or children's health service provider in areas of intermediate or high endemnicity for hepatitis A as defined by the Centers for Disease Control and Prevention; and

(B) is determined appropriate by the Secretary of Health and Human Services.

**SEC. 104. SUPPLY OF VACCINES.**

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall prioritize, acquire, and maintain a supply of such prioritized vaccines sufficient to provide vaccinations throughout a 6-month period.

(b) PROCEEDS.—Any proceeds received by the Secretary of Health and Human Services from the sale of vaccines contained in the supply described in subsection (a), shall be available to the Secretary for the purpose of purchasing additional vaccines for the supply. Such proceeds shall remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out subsection (a) such sums as may be necessary for each of fiscal years 2003 through 2008.

## TITLE II—VACCINE INJURY COMPENSATION PROGRAM

**SEC. 201. ADMINISTRATIVE REVISION OF VACCINE INJURY TABLE.**

The second sentence of section 2114(c)(1) of the Public Health Service Act (42 U.S.C. 300aa–14(c)(1)) is amended to read as follows: ''In promulgating such regulations, the Secretary shall provide for notice and for at least 90 days opportunity for public comment.''.

**SEC. 202. EQUITABLE RELIEF.**

Section 2111(a)(2)(A) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(2)(A)) is amended by striking ''No person'' and all that follows through ''and—'' and inserting the following: ''No person may bring or maintain a civil action against a vaccine administrator or manufacturer in a State or Federal court for damages arising from, or equitable relief relating to, a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988 and no such court may award damages or equitable relief for any such vaccine-related injury or death, unless the person proves present physical injury and a timely petition has been filed, in accordance with section 2116 for compensation under the Program for such injury or death and—''.

**SEC. 203. PARENT PETITIONS FOR COMPENSATION.**

Section 2111(a)(2) of the Public Health Service Act (42 U.S.C. 300aa–(a)(2)) is amended—

(1) in subparagraph (B), by inserting ''or (B)'' after ''subparagraph (A)'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) No parent or other third party may bring or maintain a civil action against a vaccine administrator or manufacturer in a Federal or State court for damages or equitable relief relating to a vaccine-related injury or death, including but not limited to damages for loss of consortium, society, companionship or services, loss of earnings, medical or other expenses, and emotional distress, and no court may award damages or equitable relief in such an action unless the action is joined with a civil action brought by the person whose vaccine-related injury is the basis for the parent's or other third party's action and that person has satisfied the conditions of subparagraph (A).''.

**SEC. 204. JURISDICTION TO DISMISS ACTIONS IMPROPERLY BROUGHT.**

Section 2111(a)(3) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(3)) is amended by adding at the end the following: ''If any civil action which is barred under subparagraph (A) or (B) of paragraph (2) is filed or maintained in a State court, or any vaccine administrator or manufacturer is made a party to any civil action brought in State court (other than a civil action which may be brought under paragraph (2)) for damages or equitable relief for a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988, the civil action may be removed by the defendant or defendants to the United States Court of Federal Claims, which shall have jurisdiction over such civil action, and which shall dismiss such action. The notice required by section 1446 of title 28, United States Code, shall be filed with the United States Court of Federal Claims, and that court shall proceed in accordance with sections 1446 through 1451 of title 28, United States Code.''.

**SEC. 205. APPLICATION.**

Section 2111(a)(9) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(9)) is amended by striking ''This'' and inserting ''Except as provided in subsection(a)(2), this''.

**SEC. 206. CLARIFICATION OF WHEN INJURY IS CAUSED BY FACTOR UNRELATED TO ADMINISTRATION OF VACCINE.**

Section 2113(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300aa–13(a)(2)(B)) is amended—

(1) by inserting ''structural lesions, genetic disorders,'' after ''and related anoxia)'';

(2) by inserting ''(without regard to whether the cause of the infection, toxin, trauma, structural lesion, genetic disorder, or metabolic disturbance is known)'' after ''metabolic disturbances''; and

(3) by striking ''but'' and inserting ''and''.

**SEC. 207. INCREASE IN AWARD IN THE CASE OF A VACCINE-RELATED DEATH AND FOR PAIN AND SUFFERING.**

Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$350,000''; and

(2) in paragraph (4), by striking ''$250,000'' and inserting ''$350,000''.

**SEC. 208. BASIS FOR CALCULATING PROJECTED LOST EARNINGS.**

Section 2115(a)(3)(B) of the Public Health Service Act (42 U.S.C. 300aa–15(a)(3)(B)) is amended by striking ''loss of earnings'' and all that follows and inserting the following: ''loss of earnings determined on the basis of the annual estimate of the average (mean) gross weekly earnings of wage and salary workers age 18 and over (excluding the incorporated self-employed) in the private nonfarm sector (which includes all industries other than agricultural production crops and livestock), as calculated annually by the Bureau of Labor Statistics from the quarter sample data of the Current Population Survey, or as calculated by such similar method as the Secretary may prescribe by regulation, less appropriate taxes and the average cost of a health insurance policy, as determined by the Secretary.''.

**SEC. 209. ALLOWING COMPENSATION FOR FAMILY COUNSELING EXPENSES AND EXPENSES OF ESTABLISHING GUARDIANSHIP.**

(a) FAMILY COUNSELING EXPENSES IN POST-1988 CASES.—Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)) is amended by adding at the end to following:

''(5) Actual unreimbursable expenses that have been or will be incurred for family counseling as is determined to be reasonably necessary and that result from the vaccine-related injury from which the petitioner seeks compensation.''.

(b) EXPENSES OF ESTABLISHING GUARDIANSHIPS IN POST-1988 CASES.—Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)), as amended by subsection (a), is further amended by adding at the end the following:

''(6) Actual unreimbursable expenses that have been, or will be reasonably incurred to establish and maintain a guardianship or conservatorship for an individual who has suffered a vaccine-related injury, including attorney fees and other costs incurred in a proceeding to establish and maintain such guardianship or conservatorship.''.

(c) CONFORMING AMENDMENT FOR CASES FROM 1988 AND EARLIER.—Section 2115(b) of the Public Health Service Act (42 U.S.C. 300aa–15(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by inserting a closed parenthesis before the period in that paragraph;

(3) by redesignating paragraph (3) as paragraph (5); and

(4) by inserting after paragraph (2), the following:

''(3) family counseling expenses (as provided for in paragraph (5) of subsection (a));

''(4) expenses of establishing guardianships (as provided for in paragraph (6) of subsection (a)); and''.

**SEC. 210. ALLOWING PAYMENT OF INTERIM COSTS.**

Section 2115(e) of the Public Health Service Act (42 U.S.C. 300aa–15(e)) is amended by adding at the end the following:

''(4) A special master or court may make an interim award of costs if—

''(A) the case involves a vaccine administered on or after October 1, 1988;

''(B) the award is limited to other costs (within the meaning of paragraph (1)(B)) incurred in the proceeding; and

''(C) the petitioner provides documentation verifying the expenditure of the amount for which compensation is sought.''.

**SEC. 211. PROCEDURE FOR PAYING ATTORNEYS' FEES.**

Section 2115(e) of the Public Health Service Act (42 U.S.C. 300aa–15(e)), as amended by section 205, is further amended by adding at the end the following:

''(5) When a special master or court awards attorney fees or costs under paragraph (1) or (4), it may order that such fees or costs be payable solely to the petitioner's attorney if—

''(A) the petitioner expressly consents; or

''(B) the special master or court determines, after affording to the Secretary and to all interested persons the opportunity to submit relevant information, that—

''(i) the petitioner cannot be located or refuses to respond to a request by the special master or court for information, and there is no practical alternative means to ensure that the attorney will be reimbursed for such fees or costs expeditiously; or

''(ii) there are otherwise exceptional circumstances and good cause for paying such fees or costs solely to the petitioner's attorney.''.

**SEC. 212. EXTENSION OF STATUTE OF LIMITATIONS.**

(a) GENERAL RULE.—Section 2116(a) of the Public Health Service Act (42 U.S.C. 300aa–16(a)) is amended—

(1) in paragraph (2) by striking ''36 months'' and inserting ''6 years''; and

(2) in paragraph (3), by striking ''48 months'' and inserting ''6 years''.

(b) CLAIMS BASED ON REVISIONS TO TABLE.—Strike all of section 2116(b) of the Public Health Service Act (42 U.S.C. 300aa–16(b)) and insert the following:

''(b) EFFECT OF REVISED TABLE.—If at any time the Vaccine Injury Table is revised and the effect of such revision is to make an individual eligible for compensation under the program, where, before such revision, such individual was not eligible for compensation under the program, or to significantly increase the likelihood that an individual will be able to obtain compensation under the program, such person may, and must before filing a civil action for equitable relief or monetary damages, notwithstanding section 2111(b)(2), file a petition for such compensation if—

''(1) the vaccine-related death or injury with respect to which the petition is filed occurred not more than 8 years before the effective date of the revision of the table; and

''(2) either—

''(A) the petition satisfies the conditions described in subsection (a); or

''(B) the date of the occurrence of the first symptom or manifestation of onset of the injury occurred more than 4 years before the petition is filed, and the petition is filed not more than 2 years after the effective date of the revision of the table.''.

**SEC. 213. ADVISORY COMMISSION ON CHILDHOOD VACCINES.**

(a) SELECTION OF PERSONS INJURED BY VACCINES AS PUBLIC MEMBERS.—Section 2119(a)(1)(B) of the Public Health Service Act (42 U.S.C. 300aa–19(a)(1)(B)) is amended by striking ''of whom'' and all that follows and inserting the following: ''of whom 1 shall be the legal representative of a child who has suffered a vaccine-related injury or death, and at least 1 other shall be either the legal representative of a child who has suffered a vaccine-related injury or death or an individual who has personally suffered a vaccine-related injury.''.

(b) MANDATORY MEETING SCHEDULE ELIMINATED.—Section 2119(c) of the Public Health Service Act (42 U.S.C. 300aa–19(c)) is amended by striking ''not less often than four times per year and''.

**SEC. 214. CLARIFICATION OF STANDARDS OF RESPONSIBILITY.**

(a) GENERAL RULE.—Section 2122(a) of the Public Health Service Act (42 U.S.C. 300aa–22(a)) is amended by striking ''and (e) State law shall apply to a civil action brought for damages'' and inserting ''(d), and (f) State law shall apply to a civil action brought for damages or equitable relief''; and

(b) UNAVOIDABLE ADVERSE SIDE EFFECTS.—Section 2122(b)(1) of the Public Health Service Act (42 U.S.C. 300aa–22(b)(1)) is amended by inserting ''or equitable relief'' after ''for damages''.

(c) DIRECT WARNINGS.—Section 2122(c) of the Public Health Service Act (42 U.S.C. 300aa–22(c)) is amended by inserting ''or equitable relief'' after ''for damages''.

(d) CONSTRUCTION.—Section 2122(d) of the Public Health Service Act (42 U.S.C. 300aa–22(d)) is amended—

(1) by inserting ''or equitable relief'' after ''for damages''; and

(2) by inserting ''or relief'' after ''which damages''.

(e) PRESENT PHYSICAL INJURY.—Section 2122 of the Public Health Service Act (42 U.S.C. 300aa–22) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(d) PRESENT PHYSICAL INJURY.—No vaccine manufacturer or vaccine administrator shall be liable in a civil action brought after October 1, 1988, for equitable or monetary relief absent proof of present physical injury from the administration of a vaccine, nor shall any vaccine manufacturer or vaccine administrator be liable in any such civil action for claims of medical monitoring, or increased risk of harm.''.

**SEC. 215. CLARIFICATION OF DEFINITION OF MANUFACTURER.**

Section 2133(3) of the Public Health Service Act (42 U.S.C. 300aa–33(3)) is amended—

(1) in the first sentence, by striking ''under its label any vaccine set forth in the Vaccine Injury Table'' and inserting ''any vaccine set forth in the Vaccine Injury table, including any component or ingredient of any such vaccine''; and

(2) in the second sentence, by inserting ''including any component or ingredient of any such vaccine'' before the period.

**SEC. 216. CLARIFICATION OF DEFINITION OF VACCINE-RELATED INJURY OR DEATH.**

Section 2133(5) of the Public Health Service Act (42 U.S.C. 300aa–33(5)) is amended by adding at the end the following: ''For purposes of the preceding sentence, an adulterant or contaminant shall not include any component or ingredient listed in a vaccine's product license application or product label.''.

**SEC. 217. CLARIFICATION OF DEFINITION OF VACCINE.**

Section 2133 of the Public Health Service Act (42 U.S.C. 300aa–33) is amended by adding at the end the following:

''(7) The term 'vaccine' means any preparation or suspension, including but not limited to a preparation or suspension containing an attenuated or inactive microorganism or subunit thereof or toxin, developed or administered to produce or enhance the body's immune response to a disease or diseases and includes all components and ingredients listed in the vaccines's product license application and product label.''.

**SEC. 218. CONFORMING AMENDMENT TO TRUST FUND PROVISION.**

Section 9510(c)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''October 18, 2000'' and inserting ''the effective date of the Improved Vaccine Affordability and Availability Act''.

**SEC. 219. ONGOING REVIEW OF CHILDHOOD VACCINE DATA.**

Part C of title XXI of the Public Health Service Act (42 U.S.C. 300a–25 et seq.) is amended by adding at the end the following:

**"SEC. 2129. ONGOING REVIEW OF CHILDHOOD VACCINE DATA.**

''(a) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Science under which the Institute shall conduct an ongoing, comprehensive review of new scientific data on childhood vaccines (according to priorities agreed upon from time to time by the Secretary and the Institute of Medicine).

''(b) REPORTS.—Not later than 3 years after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Secretary a report on the findings of studies conducted, including findings as to any adverse events associated with childhood vaccines, including conclusions concerning causation of adverse events by such vaccines, together with recommendations for changes in the Vaccine Injury Table, and other appropriate recommendations, based on such findings and conclusions.

''(c) FAILURE TO ENTER INTO CONTRACT.—If the Secretary and the Institute of Medicine are unable to enter into the contract described in paragraph (1), the Secretary shall enter into a contract with another qualified nongovernmental scientific organization for the purposes described in paragraphs (1) and (2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003, 2004, 2005 and 2006.''.

**SEC. 220. PENDING ACTIONS.**

The amendments made by this title shall apply to all actions or proceedings pending on or after the date of enactment of this Act.

**SEC. 221. REPORT.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit recommendations regarding how to address the growing surplus in the Vaccine Trust Fund, and the rationale for such recommendations to—

(1) the Health, Education, Labor and Pensions Committee of the Senate;

(2) the Finance Committee of the Senate;

(3) the Energy and Commerce Committee of the House of Representatives; and

(4) the Ways and Means Committee of the House of Representatives.

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By Ms. CANTWELL:

S. 2055. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to introduce the Debbie Smith Act, a bill to provide law enforcement the tools to track and convict sexual assailants, and to help ensure that rape survivors are provided prompt treatment that also provides the dignity and respect they deserve. This bill addresses a serious problem in this country, the huge DNA backlog and uneven processing of DNA evidence in rape cases.

According to the Department of Justice, somewhere in America, a woman is raped every two minutes. One in three women will be raped in her lifetime. In my home State of Washington the number of sexual assaults is even higher. According to the Washington State Office of Crime Victims Advocacy 38 percent of women in my State have been sexually assaulted. This is unacceptable.

Debbie Smith, is a native of Roanoke, VA, who was brutally raped in the woods behind her house in March 1989. Six years later, because evidence had been properly preserved, her assailant's DNA profile was cross-referenced with the Virginia DNA Databank and was found to match the DNA of a current prison inmate. He was convicted of the rape and was sentenced to two life terms plus 25 years. Debbie Smith has since become a national spokesperson on the importance of collecting and analyzing DNA samples.

As Debbie Smith and women in my State have come to know collecting, analyzing, and entering this critical DNA information evidence into the Combined DNA System, CODIS, database is often the key to finding and convicting a sexual assailant and stopping him from attacking again. Unfortunately, many jurisdictions throughout the country do not have the funding for this simple, yet vital process. Consequently, crime scene kits go unanalyzed and valuable DNA information is lost forever.

Today, over 20,000 DNA samples are sitting useless in storage. These samples could be holding the clues needed to solve crimes, or even to track a serial rapist. This means 20,000 women who had the courage to report their rape may never find the peace of mind of someone knowing their assailant has been caught.

By authorizing funding to carry out analyses on crime scenes samples and cross-reference DNA evidence with crime databanks, this bill provides law enforcement with the tools necessary for an effective and successful criminal investigation.

The bill also provides grants to broaden the use of the Sexual Assault Nurse Examiners program. The SANE program provides nurses and first responders with specific training so that critical forensic evidence is thoroughly collected and documented and that sexual assault survivors are treated with professional care in a confidential and sensitive environment. SANE nurses can make the difference to women facing one of the most difficult events of their lives. And, SANE nurses can make the difference in sending valuable information to crime laboratories rather than improperly collected evidence that is impossible to analyze.

In 1995, a young woman at home in Olympia, WA, was raped at gunpoint. At St. Peter Hospital later that night, she said the SANE nurses who collected DNA evidence after the assault ''made [her] feel at ease, more confident, and more comfortable.'' The SANE nurses' training in proper evidence collection proved equally valuable. The DNA evidence collected, when cross-referenced with the CODIS was databank matched that of a convicted serial rapist Jeffrey Paul McKechnie, the ''I–5 Rapist.,'' resulting in his conviction for the crime.

This bill is a reasonable and necessary step that needs to be taken to address the backlog of DNA samples from rape cases across the country, and to broaden the use of the SANE program to improve and standardize the collection of forensic evidence while also addressing the physical and psychological needs of the victim. This bill makes sure that we can catch the next Jeffrey Paul McKechnie and make our streets safer. I look forward to working with my colleagues to pass this bill and get the necessary funding to address the DNA backlog in this critical area once and for all.

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By Mr. NELSON of Florida (for himself and Mrs. CARNAHAN):

S. 2056. A bill to ensure the independence of accounting firms that provide auditing services to publicly traded companies and of executives, audit committees, and financial compensation committees of such companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Integrity in Auditing Act. I am introducing this bill with my colleague from the Commerce Committee, Senator JEAN CARNAHAN of Missouri. This legislation presents a comprehensive approach to securities reform as a key element in protecting America's shareholders and consumers in our capitalist system. We look forward to the Commerce Committee's Subcommittee on Consumer Affairs, Foreign Commerce and Tourism hearings in April on these issues.

I am focusing my review of the Enron collapse on institutional investors, like State pension funds representing the guaranteed retirement plans of our police officers, firefighters, teachers, and other State and local workers. The Florida Pension Fund took a bath from investing in Enron, and it cost my State plenty. I want to protect the taxpayers and prevent large losses in our public pension systems in the future.

The legislation I am introducing today addresses the safety nets intended to protect investors like State pension funds against abuses. The Integrity in Auditing Act prohibits auditors from providing any nonaudit services to their audit clients. The bill allows auditors to perform tax-consulting services with the approval of a company's Audit Committee. Additionally, the bill prohibits outside accountants from working in a management job for a client company for 1 year. These key provisions, essential to any reform effort, are similar to those found in other bills including a bill introduced by my colleagues, Senators CORZINE and DODD.

The legislation adds additional safeguards for the investing public, including State pension funds. The bill requires that companies rotate their outside auditors every 7 years. The company can continue its relationship with the auditing firm through nonaudit client services.

The Enron collapse poses a challenge to us in designing a system of corporate governance that secures better financial disclosure for the future. In my view the best response to Arthur Andersen's precarious state is to make sure our efforts to reform the profession enables the auditing profession to continue their needed work in our capital markets with the potential loss of one big player. The legislation I introduce today strives to meet that objective.

In addition to protecting the integrity of the auditing process, this legislation recognizes that independent directors should effectively monitor management behavior and represent the interests of the shareholder. The Council of Institutional Investors and others have called for auditor and board independence. Accordingly, the Integrity in Auditing Act requires enhanced disclosure of director links to companies.

The bill requires that a company disclose, with every filing, any board of director relationship, familial, professional, financial, to the company. This legislation also requires that all Audit and Compensation Committee members must be independent directors.

We should be clear that the Securities and Exchange Commission impose a swift and serious approach to improving our corporate governance systems. This bill includes a sense of the Senate that the SEC should take a tough enforcement approach, including criminal prosecutions, if warranted.

One of the biggest casualties of Enron's bankruptcy filing is the growing lack of confidence and trust by consumers, employees, and investors in the financial statements of companies. Willful blindness of companies leads to fuzzy disclosures. Cozy relationships among company executives, its auditors and board of directors, money managers, Wall Street analysts, lawyers, and others, cry out for reform. Our public institutional investors like state pension funds deserve no less.

Mr. President, I recently read Teddy Roosevelt's 1902 annual message to Congress. Our 26th President was known as a Trust Buster. He told the truth about our free enterprise system. He said ''We can do nothing of good in the way of regulating corporations until we fix clearly in our minds that we are not attacking corporations; we are merely determined that they shall be so handled as to serve the public good. We draw the line against misconduct, not against wealth.''

We can all learn from history as we proceed to find thoughtful and appropriate ways to reform our securities laws on behalf of the public.

Mrs. CARNAHAN. Mr. President, today my friend, Senator NELSON of Florida, and I are introducing important legislation to restore accountability to the accounting industry. The Integrity in Auditing Act will help renew Americans' confidence in our financial markets. Investors rely on the financial information that is provided by companies and certified by independent auditors. This legislation is designed to make sure that these auditors are truly independent.

Over the course of the last few months, I have been looking into the devastating events related to the collapse of the Enron Corporation. As a member of both the Governmental Affairs Committee and the Commerce Committee, I have participated in numerous hearings on this matter. We have heard testimony from many experts about the different things that went wrong at Enron. The shareholders were failed by many parties who were supposed to be looking out for their interests: the company executives, the board of directors, the Government watchdogs, and certainly, the accountants who certified that Enron's financial statements were accurate.

But, this is not just about Enron. This is about the disturbing number of restatements that firms have filed in recent years. It is no longer uncommon for a company to say that profits they previously touted were actually fictitious. This is absolutely unacceptable. And to the extent that inaccurate accounting can be eliminated by removing any conflicts of interest that are preventing better audits, Congress must act quickly to do so.

Let me be clear, that I have the deepest respect for the many accountants in this country who are extremely hard working and honest. This legislation is not meant to impugn individual accountants or the accounting industry. Rather, it will improve this industry. The Integrity in Auditing Act will ensure that accountants can do their jobs with the highest professionalism, free from any pressures to overlook suspicious bookkeeping by their clients.

The reforms we propose today are urgent and in the interest of all Americans. Auditors who simply rubber stamp questionable financial reports for their clients do a tremendous disservice to all investors. If they prevent true and accurate information from coming to light, auditors endanger the hard earned savings of working Americans. Many parents are investing money every year to pay for the college expenses of their children. Many workers are saving for their golden years in 401(k) plans or other retirement accounts. Young couples, saving to buy their first homes, often put money into mutual funds or money market accounts. All of these investors are entitled to accurate information so that they can make wise decisions about their savings.

This legislation is an important step toward ensuring that investors can trust the financial information provided by companies. Let me briefly summarize how this legislation establishes the independence of auditors. First, it prohibits audit firms from providing non-audit services to their clients. An exception is made if the client's Audit Committee believes it is in the best interest of the shareholders to also receive tax services consulting from the audit firm. But it will prevent companies from engaging in extremely lucrative management consulting or technology consulting contracts with the auditors who ought to be providing unbiased assessments of the companies' financial health.

Second, this legislation requires that every seven years a company rotate the firm that performs its independent audit. Arthur Levitt, the former chairman of the Securities and Exchange Commission made it very clear why such rotation is important. In his testimony before the Senate Banking Committee he proposed that audit firms ought to be rotated in order ''to ensure that fresh and skeptical eyes are always looking at the numbers.''

This legislation will also close the revolving door that could compromise independent auditors. It prohibits outside accountants from working, in a management capacity, for a client company for a period of 1 year. This simple restriction will ensure that shareholders, and not company management, remain an auditor's primary concern.

In the interest of providing full information to investors, our legislation also requires that any connections between the company and a member of the board of directors be fully disclosed, whether those connections are familial, financial, or professional. It also prohibits any directors who have such potential conflicts of interest from serving on the board's audit or compensation committees.

Lastly, this legislation would express the sense of the Senate that the Securities and Exchange Commission ought to take a tough approach to the enforcement of securities laws.

America has the most vibrant and dynamic economy in the world. The foundation of our economy is our capital markets, which are robust and resilient. But the success of these markets depends on the free flow of accurate, reliable information. Our markets are the envy of the world because of the confidence investors have in the private and public institutions that produce, verify, and analyze this information.

The legislation we are introducing today will improve our markets. It will restore public confidence in auditors. And it frees accountants from any inappropriate conflicts of interest. I encourage my colleagues to support this bill.

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By Mrs. LINCOLN (for herself, Mr. BREAUX, and Mr. ROCKEFELLER):

S. 2058. A bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce the ''Making Work Pay Act of 2002.'' A companion bill is being introduced in the House by Representative SANDY LEVIN of Michigan. I worked with Mr. LEVIN to reform the welfare program in 1996, and I am proud and honored to work with him again in this next phase of welfare reform.

I am also proud to be joined today by Senator BREAUX of Louisana and Senator ROCKEFELLER of West Virginia. As members of the Finance Committee and representatives of rural States with similar challenges, we all share the goal of ensuring that States have the resources and the flexibility they need to continue moving people from welfare to work.

The welfare reform bill President Clinton signed into law in 1996 has been a success. Nationally, welfare rolls have dropped by 52 percent. Over the last 5 years, enrollment in Arkansas' welfare program has dropped by 43 percent.

In 1996, we fundamentally changed welfare from an entitlement program to temporary assistance, a move which has allowed many needy families to achieve a liberating measure of self-sufficiency. Our message then was ''work first.'' Today, people are working. Now our message should be ''make work pay.'' To do this, we need to help people get good paying jobs by providing the support services like child care and transportation that are absolutely essential to keeping those jobs.

We have rewarded States for moving people off welfare. Unfortunately, that tends to ignore the important question of what happens after they leave welfare. What we need to do now is find ways to reward States for placing people into good jobs and helping them with vital work support services such as child care and transportation. These services are particularly vital in States like Arkansas, where good child care is scarce and public transportation barely exists.

The legislation we introduce today measures State performance along the entire continuum from welfare to work. It gives credit to States for providing work-support services and short-term emergency assistance, which prevent people from ever needing welfare benefits in the first place. Current law and President Bush's welfare re-authorization proposal give no credit to States for these efforts, thus discouraging the use of these highly effective welfare-to-work methods.

My legislation revises how work participation rates are calculated to better fit post-reform welfare programs and more accurately measure the level of work activity among those served. Specifically, States receive half credit for people who work part time and prorate to full time, and they receive full credit for people that they are able to move into work by supplying child care and transportation assistance. In addition, people who are deemed severely and permanently disabled during the year are excluded from the State's work participation requirement, so that states aren't penalized for failing to engage these disabled people in work.

The ''Making Work Pay Act of 2002'' is supported by the American Public Human Services Association, which played a fundamental role in helping us develop this bill. I thank them for their support and urge my colleagues to use them as a resource in assessing the needs of their states. I also urge my colleagues to support this legislation as a necessary first step into the next phase of welfare reform, to move beyond ''work first'' to ''making work pay.''

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By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HUTCHINSON, and Mr. DODD):

S. 2059. A bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the Alzheimer's Disease Research, Prevention, and Care Act of 2002. I am pleased that Senator KENNEDY and Senator HUTCHINSON are joining me as original cosponsors of this legislation. This bill expands and directs Alzheimer's disease research at the National Institutes of Health (NIH), and expands and reauthorizes the Alzheimer's Demonstration Grant Program. This important legislation gets behind our Nation's families, both in the lab and in the community.

Alzheimer's disease is a devastating illness. Four million Americans including one in 10 people over age 65 and nearly half of those over 85, have Alzheimer's disease. The total annual Cost of Alzheimer's care in the United States today is at least $100 billion.

As our population ages and baby-boomers become seniors, Alzheimer's disease will take an even greater toll. Unless science finds a way to prevent or cure Alzheimer's disease, 14 million people in the United States will have Alzheimer's disease by the year 2050. The race to find a cure is more urgent than ever.

But these statistics do not begin to tell the story of what Alzheimer's means to families. My dear father suffered from Alzheimer's disease. My family and I watched him die one brain cell at a time. I know the pain that patients and families go through when Alzheimer's disease strikes.

I believe that honor thy mother and father is not only a good commandment to live by, it is also a good policy to govern by. That's why I have introduced this legislation that meets the day-to-day needs of seniors and the long-range needs of our Nation.

The Alzheimer's Disease Research, Prevention, and Care meets seniors' day-to-day needs by reauthorizing the Alzheimer's Demonstration Grant Program. The purpose of the program is to develop and replicate innovative ways to provide care to Alzheimer's patients that are traditionally hard to reach or undeserved. These grants enable States to provide support services like home care, respite care, and day care to Alzheimer's patients and their families. This legislation expands the Alzheimer's Demonstration Program by authorizing the funding needed to support these outstanding programs in every State.

In my own State of Maryland, Alzheimer's Demonstration grants have been used to train workers at nursing homes and assisted living facilities to care for people with dementia. This training means that Alzheimer's patients will get high quality care when they leave their homes and enter a nursing home. And it means that families can rest assured that their mom or dad is safe and in good hands.

This legislation also meets the long term needs of our aging Nation by expanding and directing Alzheimer's disease research at the National Institute on Aging.

Our best shot at curbing the number of families who suffer from Alzheimer's disease is to find ways to prevent it before it starts. This bill authorizes the Alzheimer's Disease Prevention Initiative. The National Institute on Aging is currently conducting seven prevention trials. The Alzheimer's Disease Research, Prevention, and Care Act supports the National Institute on Aging's Prevention Initiative and directs the Institute to focus its efforts on identifying possible ways to prevent Alzheimer's and conducting clinical trials to test their effectiveness.

Clinical trials can involve millions of dollars, tens of thousands of participants, and years or even decades. This bill establishes an Alzheimer's Disease Cooperative Study Group to improve and enhance the National Institute on Aging's ability to conduct several large scale, complex clinical trials simultaneously. Promising therapies should not have to wait to be tested until current trials are complete and resources are made available. This legislation authorizes a national consortium for cooperative clinical research at the National Institute on Aging to improve the existing clinical trial infrastructure, develop novel approaches to design these clinical trials, and make it easier to enroll patients.

This bill directs the National Institute on Aging, in consultation with other relevant institutes, to conduct research on the early diagnosis and detection of Alzheimer's disease. As promising therapies become available that can delay the progression of Alzheimer's, new technologies are needed

to detect and diagnose the disease before its symptoms strike.

There is still much that is not known about the causes of Alzheimer's disease. In the last few years, for example, scientists have found that in stroke patients who later develop Alzheimer's disease, their dementia will worsen much more quickly than in Alzheimer's patients who have never had a stroke. This bill directs the National Institute on Aging to study this connection between vascular disease and Alzheimer's disease. Finding answers to questions about this connection will open new doors for researchers to explore promising ways to prevent and treat Alzheimer's disease.

This legislation establishes a research program at the National Institute on Aging on ways to help caregivers of patients with Alzheimer's disease. Family caregiving comes at enormous physical, emotional, and financial sacrifice, which puts the whole system at risk. Three of four caregivers are women. One in eight Alzheimer caregivers becomes ill or injured as a direct result of caregiving, and older caregivers are three times more likely to become clinically depressed than others in their age group. Research is needed to find better ways to help caregivers bear this tremendous, at times overwhelming responsibility.

Finally, this legislation increases the funding authorized for the National Institute on Aging to $1.5 billion in fiscal year 2003. Investments we make now in Alzheimer's Disease and aging research mean longer, healthier lives for all of us. If science can help us delay the onset of Alzheimer's by even 5 years, it would save this country billions of dollars—and would improve the lives of millions of families.

I look forward to working with my colleagues to pass this important legislation that gets behind our nation's families. I ask unanimous consent that a letter of support from the Alzheimer's Association be printed in the RECORD.

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

*March 21, 2002.*

Hon. BARBARA MIKULSKI,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR MIKULSKI: On behalf of the Alzheimer's Association, I am writing to strongly support your legislation, the Alzheimer's Disease Research, Prevention and Care Act of 2002. I congratulate you on your continued leadership on issues important to older Americans as well as issues important to individuals with Alzheimer's disease.

Right now, 14 million Americans—most of them babyboomers—are living with a death sentence of Alzheimer's disease. For most of them, the process that will destroy their brain cells has already started. We have to act now, or it will be too late to save them. Your legislation will support ongoing efforts at the National Institute on Aging to find a way to prevent and cure this disease. We are particularly pleased that your bill places an emphasis on promising areas of research, including the connection between Alzheimer's and vascular disease and the development of new diagnostic technologies.

Your legislation will also reauthorize a highly successful Alzheimer demonstration program at the Administration on Aging (AoA). These state grant projects demonstrate how existing public and private resources within states may be more effectively coordinated and utilized to enhance educational needs and service delivery systems for persons with Alzheimer's, their families and caregivers. In addition, AoA has also identified ''best practices'' among the projects and disseminated information on successful innovative approaches. The demonstration program has fostered collaborations between Alzheimer's Association chapters and state aging and mental health agencies, public health departments, private foundations, universities, physicians and managed care organizations, as well as more than 300 local community agencies.

On behalf the 4 million Americans with Alzheimer's disease, I thank you for your efforts to support research and programs for these individuals and the family members who care for them. We look forward to continuing to work with you and your staff on this important legislation.

Sincerely,

STEPHEN MCCONNELL,
*Interim President and CEO.*

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By Mr. NELSON of Florida (for himself and Mr. GRAHAM):

S. 2060 A bill to name the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, after Franklin D. Miller; to the Committee on Veterans' Affairs.

Mr. NELSON of Florida. Mr. President, I am honored to introduce legislation to name the Department of Veterans Affairs, VA, Regional Office in St. Petersburg, FL, after Command Sergeant Major Franklin D. Miller, United States Army, Retired.

Frank Miller faithfully served our country as a soldier for thirty years from 1962 until his retirement in 1992. During much of that time, Frank Miller served in Army Special Forces units, including four tours in the Republic of Vietnam. Frank Miller's combat decorations include the Congressional Medal of Honor, the Silver Star, two Bronze Stars, the Air Medal, and six Purple Hearts. He received the Medal of Honor for his bravery in battle in 1971, when, despite his own severe wounds, he single-handedly overcame four enemy attacks and safely evacuated the surviving members of his patrol.

Upon Frank Miller's retirement from the Army in 1992, with the U.S. Army's highest enlisted rank of Command Sergeant Major, he continued to serve his community, country and fellow veterans as a benefits counselor for the Department of Veterans Affairs Regional Office in St. Petersburg, FL. Frank Miller remained very active in support of our veterans, the Armed Forces, and America's interest around the world. He was frequently invited to speak to groups around the country, sharing his experiences with others and serving as an example of honor, self-sacrifice, and dedication. Former Joint Chiefs of Staff, General Henry H. Shelton, who knew Frank Miller personally, has described him as, ''an icon to what service in the armed forces is all about.''

Sadly, in July of 2000, Frank Miller passed away in Florida. He is survived by his three children, Joshua, Melia, and Danielle, and his brother, Walter, who also is a retired Command Sergeant Major of the Army's Special Forces.

Frank Miller dedicated his life to serving our country. He cared deeply for the soldiers he led in combat, even to the very risk of his own life above and beyond the call of duty. He put his fellow veterans above all else in his efforts to keep our nation's promise to care for those who put America above self and bore the pain of battle. He was a loving father and brother, a true soldier's soldier, and a fellow American whose life impacted many people. Frank Miller's life should be remembered and appropriately commemorated. I hope to help honor his life by introducing legislation to name the Florida Veterans Affairs Regional Office in honor of Command Sergeant Major, Retired, Franklin D. Miller. 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. 2060

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

**SECTION 1. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN ST. PETERSBURG, FLORIDA.**

(a) FINDINGS.—Congress makes the following findings:

(1) In recognition of conspicuous and meritorious duty in the Army, Franklin D. Miller was awarded the Medal of Honor, the Silver Star, two Bronze Stars, the Air Medal, and six Purple Hearts.

(2) Upon retiring from the Army, Franklin D. Miller worked for the Department of Veterans Affairs at the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, thereby continuing to serve his country and his fellow veterans.

(3) Franklin D. Miller remained active in support of the Armed Forces and the foreign policy of the United States by making speeches, participating in the activities of civic organizations and schools, and supporting special forces units, and by being both a role model for all Americans and a true American hero.

(b) DESIGNATION OF BUILDING.—The building housing the Regional Office of the Department of Veterans Affairs in St. Petersburg, Florida, is hereby designated as the ''Franklin D. Miller Department of Veterans Affairs Regional Office Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Franklin D. Miller Department of Veterans Affairs Regional Office Building.

(c) MEMORIAL ACTIVITIES.—(1) The Secretary of Veterans Affairs shall, on the date of the first celebration of Memorial Day that occurs after the date of the enactment of this Act, provide for an appropriate ceremony at the building designated by subsection (b) to honor Franklin D. Miller and to commemorate the designation of the building after Franklin D. Miller.

(2) The Secretary shall provide for the permanent display of an appropriate copy of the Medal of Honor citation of Franklin D. Miller in the lobby of the building designated by subsection (b).

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By Mr. BOND:

S. 2061. A bill to establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce the National Response to Terrorism and Consequence Management Act of 2002. This bill is designed to take a few of the very important steps necessary to put in place a national policy and plan for responding to the consequences and aftermath of acts of terrorism, including acts involving weapons of mass destruction.

The cowardly terrorist attacks on September 11 on the Pentagon, the World Trade Center and Pennsylvania is one of the saddest days in the history of our Nation. However, I can personally attest that the spirit of the American people has never been stronger or more caring. Last month, I visited ground zero, I talked with survivors as well as many of the heroic men and women who continue to rebuild from our losses in the aftermath of this terrible tragedy. I have never been more touched or more proud of our Nation's ability to stand tall, and to stand unbowed.

While the President has advanced a plan since September 11 which the Congress has begun to fund, there is still much work to be accomplished before we have in place the necessary protection and capacities to respond to both the threat of acts of terrorism and the consequences of such acts. In particular, we need a statutory structure that will enable the various agencies of both the states and the Federal Government to coordinate and build a Federal, State and local capacity to fully respond to acts of terrorism, including acts involving weapons of mass destruction.

We must do more to ensure that states and localities have the needed resources, training and equipment to respond to threats and acts of terrorism and the consequences of such acts. In response, the President is proposing to fund FEMA at an unprecedented $3.5 billion for FY 2003 as a further downpayment to ensure that the Nation will not be caught unaware again by a cowardly act of terrorism and is fully capable of responding to both the threat and consequence of any act of terrorism.

These FEMA funds are targeted to states and localities and are intended to create a safety net of First Responders with firefighters, law enforcement officers and emergency medical personnel at its heart. Despite the response to September 11, the current capacity of our communities and our First Responders vary widely across the United States, with even the best prepared States and localities lacking crucial resources and expertise. Many areas have little or no ability to cope or respond to the consequences and aftermath of a terrorist attack, especially ones that use weapons of mass destruction, including biological or chemical toxins or nuclear radioactive weapons.

The recommended commitment of funding in the President's Budget is only the first step. There also needs to be a comprehensive approach that identifies and meets state and local First Responder needs, both rural and urban, pursuant to federal leadership, benchmarks and guidelines.

This legislation is intended to move the Federal Government forward in developing that comprehensive approach with regard to the consequence management of acts of terrorism. The bill establishes in FEMA an office for coordinating the federal, state and local capacity to respond to the aftermath and consequences of acts of terrorism. This essentially represents a beginning statutory structure for the existing Office of National Preparedness within FEMA as the responsibilities in this legislation are consistent with many of the actions of that office currently. This bill also provides FEMA with the authority to make grants of technical assistance to states to develop the capacity and coordination of resources to respond to acts of terrorism. In addition, the bill authorizes $100 million for states to operate fire and safety programs as a step to further build the capacity of fire departments to respond to local emergencies as well as the often larger problems posed by acts of terrorism. America's firefighters are, with the police and emergency medical technicians, the backbone of our Nation and the first line of defense in responding to the consequences of acts of terrorism.

The legislation also formally recognizes and funds the urban search and rescue task force response system at $160 million in fiscal year 2002. The Nation currently is served by 28 urban search and rescue task forces which proved to be a key resource in our Nation's ability to quickly respond to the tragedy of September 11. In addition, Missouri is the proud home of one of these urban search and rescue task forces, Missouri Task Force 1. Missouri Task Force 1 made a tremendous difference in helping the victims of the horrific tragedy at the World Trade Center as well as assisting to minimize the aftermath of this tragedy. These task forces are underfunded and underequipped, but, nontheless, are committed to be the front-line soldiers for our local governments in responding to the worst consequences of terrorism at the local level. I believe we have an obligation to realize fully the capacity of these 28 search and rescue task forces to meet First Responder events and this legislation authorizes the needed funding.

Finally, the bill removes the risk of litigation that currently discourages the donation of fire equipment to volunteer fire departments. As we have discovered in the last several years, volunteer fire departments are underfunded, leaving the firefighters with the desire and will to assist their communities to fight fires and respond to local emergencies but without the necessary equipment or training that is so critical to the success of their profession. We have started providing needed funding for these departments though the Fire Act Grant program at FEMA. However, more needs to be done and this legislation is intended to facilitate the donation of used, but useful, equipment to these volunteer fire departments.

I urge my colleagues to support this legislation.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

NATIONAL RESPONSE TO TERRORISM AND CONSEQUENCE MANAGEMENT ACT OF 2002—SUMMARY OF LEGISLATION

TITLE I. CAPACITY BUILDING FOR URBAN SEARCH AND RESCUE TASK FORCES

This title may be cited as the ''National Urban Search and Rescue Task Force Assistance Act of 2002.''

Sec. 102. Statement of Findings and Purpose. The purpose of this act is to provide the needed funds, equipment and training to ensure that all urban search and rescue task forces have the full capability to respond to all emergency search and rescue needs arising from any disaster, including acts of terrorism involving a weapon of mass destruction.

Sec. 104. Assistance. Requires no less than $1.5 million annually for the operational costs of each urban search and rescue task forces. Authorizes additional grants for (1) operational costs in excess of the $1.5 million; (2) the cost of equipment; (3) the cost of equipment needed to allow a task force to operate in an environment contaminated by weapons of mass of destruction, including chemical, biological, and nuclear/radioactive contaminants; (4) the cost of training; (5) the cost of transportation; (6) the cost of task force expansion; (7) the cost of Incident Support Teams, including the cost to conduct appropriate task force readiness evaluations; and (8) the cost of making task forces capable of responding to international disasters, including acts of terrorism.

Requires FEMA to prioritize all funding to ensure that all urban search and rescue task forces have the capacity, including all needed equipment and training, to deploy two separate task forces simultaneously from each sponsoring agency.

Sec. 106. Technical Assistance for Coordination. Allows FEMA to award no more than four percent of the funds for technical assistance to allow urban search and rescue task forces to coordinate with other agencies and organizations, including career and volunteer fire departments, to meet state and local disasters, including acts of terrorism involving the use of a weapon of mass destruction including chemical, biological, and nuclear/radioactive weapons.

Sec. 107. Additional Task Forces. Allows FEMA to establish additional urban search and rescue teams pursuant to a finding of

need. No additional urban search and rescue teams may be designated or funded until the first 28 teams are fully funded and able to deploy simultaneously two task forces from each sponsoring agency with all necessary equipment, training and transportation.

Sec. 108. Performance of Services. Incorporates section 306 of the Stafford Act to allow FEMA to incur any additional obligations as determined necessary by FEMA, such as the cost of temporary employment, workmen compensation, insurance, and other compensation for work-related injuries consistent with memorandums of understanding agreed to between FEMA and the task forces.

Sec. 109. Authorization of Appropriations. Authorizes $160 million to be appropriated for fiscal year 2002.

TITLE II. PROMOTE THE CONTRIBUTION OF EQUIPMENT TO VOLUNTEER FIREFIGHTING DEPARTMENTS

This title may be cited as the ''Good Samaritan Volunteer Firefighter Assistance Act of 2002.''

Sec. 202. Removal of Civil Liability Barriers that Discourage the Donation of Fire Equipment to Volunteer Fire Companies. Removes liability for civil damages under any state or federal law for any entity or person who donates equipment to a volunteer fire department, except where (1) the person's act or omission proximately causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or (2) the person is the manufacturer of the fire control or fire rescue equipment. Requires the State to designate its State Fire Marshall or equivalent person to certify the safety and usefulness of the fire control or fire rescue equipment that is being donated.

TITLE III. ESTABLISHMENT OF COORDINATION OFFICE WITHIN FEMA

Sec. 301. Establishment of Coordination Office for Responding to Acts of Terrorism. Requires FEMA to establish or designate an office within FEMA to coordinate the response of State and local agencies, including fire departments, hospitals, and emergency medical facilities, to acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Authorizes FEMA to make grants to provide technical assistance and coordinating funding to States to ensure that localities, fire departments, hospitals and other appropriate entities have the capacity to respond to the consequences of possible acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Authorizes FEMA to award grants to states to operate new and existing state fire and safety training programs for firefighting personnel.

Requires FEMA to establish a task force among Federal agencies for the coordination of Federal, State and local resources to develop a national response plan for responding to acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Limits administrative costs for states to 5 percent.

Authorizes FEMA to use such sums as necessary from the Disaster Relief Fund to meet the requirements of this title, including no less than $100 million for grants to support State fire and safety training programs. Requires at least 20 percent of the funds awarded State fire and safety training programs to be used to assist fire departments with an annual budget of no more than $25,000.

By Mr. McCAIN (for himself, Mr. SMITH of New Hampshire, Mr. JEFFORDS, and Mr. INOUYE):

S. 2064. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes: to the Committee on Environment and Public Works.

Mr. McCAIN. Mr. President, I rise to introduce legislation to continue Federal support for the U.S. Institute for Environmental Conflict Resolution. I am pleased to be joined by my colleagues, Senators BOB SMITH, JIM JEFFORDS, and DANIEL K. INOUYE.

The Congress enacted legislation to establish the U.S. Institute for Environmental Conflict Resolution in 1998, with the purpose of offering an alternative to litigation for parties in dispute over environmental conflicts. As we know, many environmental conflicts often result in lengthy and costly court proceedings and may take years to resolve. In cases involving Federal Government agencies, the costs for court proceeding are usually paid for by taxpayers. While litigation is still a recourse to resolve disputes, the Congress recognized the need for alternatives, such as mediation and facilitated collaboration, to address the rising number of environmental conflicts that have clogged Federal courts, executive agencies, and the Congress.

The Institute was placed at the Morris K. Udall Foundation in recognition of former Representative Morris K. Udall from Arizona and his exceptional environmental record, as well as his unusual ability to build a consensus among fractious and even hostile interests. The Institute was established as an experiment with the idea that hidden within fractured environmental debates lay the seeds for many agreements, an approach applied by Mo Udall with unsurpassed ability.

The success of the Institute is far greater than we could have imagined. The Institute began operations in 1999 and has already provided assistance to parties in more than 100 environmental conflicts across 30 States.

Agencies from the Environmental Protection Agency, the Departments of Interior and Agriculture, the U.S. Navy, the Army Corps of Engineers, the Federal Highway Administration, the Federal Energy Regulatory Commission, and others have all called upon the Institute for assistance. Even the Federal courts are referring cases to the Institute for mediation, including such high profile cases as the management of endangered salmon throughout the Columbia River Basin in the Northwest.

The Institute also assisted in facilitating interagency teamwork for the Everglades Task Force which oversees the South Everglades Restoration Project. The U.S. Forest Service requested assistance to bring ranchers and environmental advocates in the southwest to work on grazing and environmental compliance issues. Even Members of Congress have sought the Institute's assistance to review implementation of the Nation's fundamental environmental law, the National Environmental Policy Act, to assess how it can be improved using collaborative processes.

Currently, the Institute is involved in more than 20 cases and many more are pending consideration. The Institute accomplishes its work by maintaining a national roster of 180 environmental mediators and facilitators located in 39 States. We believe that mediators should be involved in the geographic area of the dispute whenever possible and that system is working.

The demand on the Institute's assistance has been much greater than anticipated. At the time the Institute was created, we did not anticipate the magnitude of the role it would serve to the Federal Government. The Institute has served as a mediator between agencies and as an advisor to agency dispute resolution efforts involving overlapping or competing jurisdictions and mandates, developing long-term solutions, training personnel in consensus-building efforts, and designing internal systems for preventing or resolving disputes.

Unfortunately, experience has also taught us that most Federal agencies are limited from participating because of inadequate funds to pay for mediation services. This legislation will authorize a participation fund to be used to support meaningful participation of parties to Federal environmental disputes. The participation fund will provide matching funds to stakeholders who cannot otherwise afford mediation fees or costs of providing technical assistance.

In addition to creating this new participation fund, this legislation simply extends the authorization for the Institute for an additional 5 years with a modest increase in its operation budget. The proposed increase is in response to the overwhelming demand on the Institute's services, an investment that will ultimately benefit taxpayers by preventing costly litigation.

On February 11, 2002, the Arizona Daily Star included an editorial that recognizes the benefits of this Institute to resolving environmental conflicts faced by various parties, including Federal and non-Federal parties, and recommends continuing support for the Institute. I ask unanimous consent that a copy of this editorial be printed in the RECORD.

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

[From the Arizona Daily Star, Feb. 11, 2002]

AN EFFECTIVE AGENCY

One of the little-known gems in Tucson is one of the few federal agencies, if not the only one, with headquarters outside of the Washington, D.C. area—the Institute for Environmental conflict Resolution.

With a name like that, the institute clearly is not a tourist attraction. What makes it a gem is that it is proving to be remarkably successful at finding solutions to environmental conflicts that otherwise likely would end in lawsuits.

The institute is an arm of the Morris K. Duall Foundation. It was proposed by Senator John McCain and created by Congress in 1998. Very few people then realized what McCain apparently did—there was a great need for such an agency.

Terrence Bracy, chair of the Board of Trustees for the foundation, says the institute expected to handle perhaps 20 to 25 cases per year. The institute handled 60 last year and expects to handle even more this year.

Says Bracy: ''We didn't know how big the market was. We didn't know whether it would work.'' But work it has.

Now, the institute's original funding will expire their McCain is expected to introduce a bill to reauthorizing the funding probably at the current level.

It's a good idea, and it would help if Arizona's other congressional delegates, especially Jim Kolbe and Ed Paster, who both represent Southern Arizona, and Senator John Kyl, joined McCain in seeking the funding.

Bracy knows that the federal government has an immediate stake in mediation. That is because many of the cases being mediated involved governmental agencies, either as agencies potentially being used or as agencies suing others.

A Unique aspect of the institute's work is that because it is a federal agency, it has status and credibility with other government agencies and with the courts. That makes its medication efforts even more effective.

The institute has had contracts with the Navy, Fish and Wildlife, the Bureau of Reclamation, the National Parks Service, the Department of Transportation, the Environmental Protection Agency and others, according to Barcy.

''What happens over time,'' Bracy says, ''is we see this thing this tremendous need.'' He is right.

Tucsonans should recognize what a gem they have in their midst. And Arizonas congressional delegation should get firmly behind McCain's efforts to reauthorize the funding for the Institute for Environmental Conflict Resolution.

It is a government program that even the most anti-government conservatives should love.

Mr. MCCAIN. Nothing is more indicative of the support for the Institute than the cosponsorship of my two colleagues, Senator SMITH and Senator JEFFORDS, the chairman and ranking member of the Senate Environment and Public Works Committee, which has jurisdiction over most environmental matters before the Congress. I thank Senator SMITH and Senator JEFFORDS for their critical support, and I look forward to working with them to enact this important, bipartisan legislation.

This is a matter of some urgency as the existing authorization will expire in this fiscal year. I look forward to working with the cosponsors of this legislation and the rest of my colleagues to move this bill forward expeditiously to ensure continuing support for the valuable services of the U.S. Institute for Environmental Conflict Resolution to our Nation.

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. 2064

*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 ''Environmental Policy and Conflict Resolution Advancement Act of 2002''.

**SEC. 2. ENVIRONMENTAL DISPUTE RESOLUTION FUND.**

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 $4,000,000 for each of fiscal years 2004 through 2008, of which—

''(1) $3,000,000 shall be used to pay operations costs (including not more than $1,000 for official reception and representation expenses); and

''(2) $1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.''.

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By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2065. A bill to provide for the implementation of air quality programs developed pursuant to an Intergovernmental Agreement between the Southern Ute Indian Tribes and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2002.

As my colleagues know, successful environmental laws recognize that local implementation is almost always better than a ''one size fits all'' program run from Washington, DC. For example, the Federal Clean Air Act authorizes States and Indian tribes to become responsible for establishing implementation plans, designating air quality standards, and implementing many of the regulatory programs needed to maintain or improve air quality.

With respect to the Southern Ute Indian Reservation in my State of Colorado, however, there is some question about whether the Environmental Protection Agency, EPA, can delegate Clean Air Act jurisdiction to the Southern Ute Tribe in the same manner that it would delegate authority to any other Indian tribe.

In 1984 Congress ratified a jurisdiction and boundary agreement between the Southern Ute Indian Tribe and the State of Colorado. Approving this agreement spared both sides the exorbitant costs of going to court to fight over the jurisdictional status of each square inch on the Reservation.

In addition, the 1994 arrangement allows the tribe and the State to work out any questions about jurisdiction within their agreed-upon framework. With respect to Federal officials dealing with the tribe and the State, however, this arrangement could create some uncertainty. Because it could be argued that it prevents the tribe from exercising authority that may be delegated to any Indian tribe under the Clean Air Act.

Instead of placing the Environmental Protection Agency in the middle of a controversy about whether it is authorized to delegate Clean Air Act programs within the Southern Ute Indian Reservation, the tribe and the State signed a historic ''Intergovernmental Agreement'' to resolve any controversy between the Southern Ute Indian Tribe and the State of Colorado.

In this way, the State and the tribe have once again agreed that it is better for them to control their own destiny by reaching an accord they can both live with rather than putting their fate in the hands of bureaucrats and judges. I applaud the proactive spirit which led the tribe and the State to resolve a potential controversy before a problem or conflict even arose.

The program established by the agreement reflects the unique issues and context that brought the tribe and the State to the negotiating table. First, consistent with Congress' mandate in the Clean Air Act, the Tribe will be the entity responsible for administering Clean Air Act programs within the reservation boundaries. The tribal program administrators have complete access to the State's technical resources and personnel. Second, an equal number of tribal and State representatives will sit on the Commission established by the agreement.

The Commission is authorized to hear and decide any appealable decisions. The Commission will also set the pace for tribal applications for delegations of authority. Finally, the agreement seeks to make the Federal courts available to hear any challenges to decisions by the Commission.

I am aware of the number of complex issues raised by this historic agreement, and efforts are already underway to address and resolve some of these issues. I believe it is the right time to introduce a bill to allow the appropriate committee to begin to formally consider this proposal. I know the parties will continue to direct their efforts at bringing this important matter to a successful conclusion.

In closing, let me again commend the efforts of both the tribe and the State in negotiating and signing this historic agreement. I would ask unanimous consent that a letter from Colorado Governor Bill Owens be printed in the RECORD. Finally, I am pleased that Senator WAYNE ALLARD joins with me in the views expressed in this statement and in cosponsoring this bill.

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

STATE OF COLORADO,
*Denver, CO, May 22, 2000.*

Re: Intergovernmental Agreement between the State of Colorado and the Southern Ute Indian Tribe Regarding Air Quality regulation.

Hon. BEN NIGHTHORSE CAMPBELL,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR CAMPBELL: On December 13, 1999 I signed an historic agreement between the State of Colorado and the Southern Ute Indian Tribe in which the State and the Tribe agreed to establish a single, cooperative air quality authority for all lands within the Southern Ute Reservation. This cooperative arrangement, negotiated by Attorney General Salazar, my office and the Colorado Department of Public Health and Environment (''CDPHE''), is the first of its kind in the United States between a state and a tribe to regulate air quality. Because the arrangement is unique, statutory authority or clarification is needed at both the State and federal levels to accommodate the agreement. The General Assembly sent to me a bill to accomplish the changes necessary at the State level that I signed into law on March 15, 2000. I am writing today to ask you to sponsor legislation achieving a clarification to existing federal law assuring that the agreement in its contemplated framework can move forward. I have attached a draft of the legislation we believe is needed to clarify that the agreement can work as well as a copy of the intergovernmental agreement signed in December.

BACKGROUND

As you know, the Southern Ute Indian Tribe's Reservation consists of approximately 681,000 acres, located mainly in La Plata County. The Reservation is a checkerboard of land ownership. About 308,000 surface acres are held in trust by the United States for the benefit of the Tribe (''trust lands.'') The remaining 3780,000 surface acres are owned in fee by non-Indians or individual Tribal members (''fee lands''), or consist of national forest land. In 1984, Congress enacted Public Law 98–290, which confirmed the exterior boundaries of the Reservation. P.L. 98–290 also clarified that the Tribe has jurisdiction over the trust lands and Indians anywhere in the Reservation, and the State has jurisdiction over non-Indians on the fee lands.

Oil and natural gas production takes place throughout the Reservation. These facilities are stationary air pollution sources. Historically CDPHE's Air Pollution Control Division has issued permits to non-Indian owned sources located on fee lands. Recently, the Tribe petitioned EPA for the right to issue all permits within the exterior boundaries of the Reservation including the facilities historically regulated by the State of Colorado. In 1998, the EPA issued regulations implementing provisions of the Clean Air Act allowing Indian tribes to be treated in the same manner as States to administer certain air quality programs. In July 1998, the Southern Ute Tribe applied to the EPA for treatment as a state for all lands within the Reservation. On the basis of PL 98–290, the State objected, arguing that it had jurisdiction over the non-Indian sources on the fee lands.

To avoid a potentially long and costly fight in the federal courts about which governmental entity has jurisdiction over the fee lands, the Tribe and the State have now agreed to establish a single, cooperative air quality authority for all lands within the Reservation. On December 13, 1999, the Tribe and the State entered into an Intergovernmental Agreement (copy attached) which provides that a joint Tribal/State Commission will establish air quality standards. The Tribe will receive a delegation of authority from EPA to administer the air quality programs, but the delegation is contingent upon and shall last only so long as the Agreement and Commission are in place.

TRIBAL AND STATE LEGISLATION

The Agreement provided for legislation by both the Tribe and the State approving the Agreement and enacting substantive law necessary to carry out the Agreement's provisions. On January 18, 2000, the Tribe adopted its legislation. On March 15, 2000, I signed HB 1324, which adopted and codified the Agreement and HB 1325, which established the State's authority to establish the Commission and otherwise implement the Agreement.

FEDERAL LEGISLATION

The Agreement envisions a delegation by the EPA to the Tribe to administer Clean Air Act programs, contingent upon the existence of the Joint State/Tribal Commission. This is a unique arrangement and is not clearly specified within the Clean Air Act. Parties have argued to me that clarifying legislation by Congress is necessary to resolve any uncertainty about the EPA's power to delegate authority to run an air pollution program to the Tribe and for the Commission to act under such a delegation. The Commission also will set the standards and rules of the air quality program that the Tribe will administer. The Commission will serve as the administrative appellate review body for enforcement and other administrative actions. The Agreement provides that the Commission's final review is final agency action, and further judicial review would be in the federal courts. The existence of such federal jurisdiction should also be clarified by Congress.

Enclosed is a draft of the proposed federal legislation and a legislative history for your review. These draft documents would accomplish the limited but necessary changes to make the Agreement fully operational. The bill is set up to add a section to P.L. 98–290 to narrow the application of the revisions only to the Southern Ute Indian Tribe and the State of Colorado, so that other states or tribes would not be affected.

NEXT STEPS

The full operation of the Agreement is conditioned upon passage of federal legislation no later than December 13, 2001. I recognize that this may be difficult but from the State's perspective the sooner the Agreement could be operational the better since EPA will be regulating the affected entities until the Joint Commission and Tribe take over. We would like to be helpful and I offer a meeting between you and your staff and representatives of the Governor's Office, the Colorado Department of Public Health and Environment and the Colorado Attorney General's Office at your earliest convenience discuss this issue.

Thank you for taking the time to consider this request. Please feel free to contact Britt Weygandt in my office for any assistance you may need. Her extension is (303) 866–6392.

Sincerely,

BILL OWENS,
*Governor.*

## STATEMENTS ON SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 231—RELATIVE TO THE DEATH OF THE HONORABLE HERMAN E. TALMADGE, FORMERLY A SENATOR FROM THE STATE OF GEORGIA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. CLELAND, and Mr. MILLER) submitted the following resolution; which was considered and agreed to:

S. RES. 231

*Resolved,* That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

*Resolved,* That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved,* That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

### SENATE RESOLUTION 230—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT REDUCTIONS IN GUARANTEED SOCIAL SECURITY BENEFITS PROPOSED BY THE PRESIDENT'S COMMISSION TO STRENGTHEN SOCIAL SECURITY

Mr. CORZINE (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 230

Whereas Social Security was designed as a social insurance program to ensure that Americans who work hard and contribute to our Nation can live in dignity in their old age;

Whereas for ⅔ of seniors, Social Security is their primary source of income, and for ⅓, Social Security is their only source of income;

Whereas in fiscal year 2001, the annual level of Social Security benefits for retired workers averaged approximately $10,000;

Whereas $10,000 per year is insufficient to maintain a decent standard of living in most parts of the country, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush's Commission to Strengthen Social Security (referred to in this resolution as the ''Commission'') produced 3 proposals for Social Security reform that included individual accounts and significant reductions in the level of guaranteed benefits;

Whereas the proposed changes to guaranteed benefits could reduce benefits to future retirees by 45 percent;

Whereas the Commission proposals also suggested reducing benefits for early retirees, forcing many Americans to delay retirement; and

Whereas the Commission justified proposed cuts in guaranteed benefits by pointing to long-term projected shortfalls in the Social Security Trust Fund, however, the Commission's proposals to divert payroll tax revenues from the Trust Fund into private accounts would substantially accelerate the

date by which the Trust Fund would become insolvent: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Congress should reject the reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security.

Mr. CORZINE. Mr. President, today, along with Senator LIEBERMAN, I am submitting a resolution expressing the sense of the Senate that Congress should reject the reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security.

The central purpose of Social Security is to ensure that Americans who work hard and contribute to our Nation can maintain a decent standard of living in their old age. The program provides a critical safety net. Only 11 percent of American seniors live in poverty, but without Social Security that figure would be 50 percent.

It is hard to overstate the importance of Social Security in protecting seniors' retirement security. 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.

Despite its critical importance for seniors, the level of Social Security benefits generally is quite modest. In fiscal year 2001, the average benefit for retired workers was about $10,000 per year. This clearly is insufficient to maintain a decent standard of living in most parts of the country, especially for seniors with relatively high health care costs.

Unfortunately, even the modest level of guaranteed benefits under current law is now at risk. Last year, the President's Commission to Strengthen Social Security, appointed by President Bush to help promote his goal of partially privatizing Social Security, proposed a set of options for changes in the program that included significant reductions in the level of guaranteed benefits.

The Commission's report included a proposal in which guaranteed benefit levels would be reduced by changing the way that benefits are adjusted over time. The details of this change are complicated, but the bottom line is not: compared to current law, the proposal could reduce the benefits provided to workers who retire in the future by about 45 percent. The Commission's report also suggested changes that would reduce benefits for those who retire early, which could force many Americans to delay their retirement.

The Commission justified proposed cuts in guaranteed benefits by pointing to long-term projected shortfalls in the Social Security Trust Fund. And it is true that as the baby boomers begin to retire, they will put significant new demands on our budget. However, the Commission's proposals for private accounts actually would make the Trust Fund's financial problems worse. By proposing to divert payroll tax revenues from the Trust Fund into private accounts, the Commission would only accelerate the date by which the Fund would become insolvent.

Proponents of privatizing Social Security like to argue that the returns for assets held in private accounts are likely to be high. That may be true for some fortunate seniors, but others will suffer with the inevitable fluctuations in the market. In any case, we need to remember why we have Social Security in the first place, to provide a floor to ensure that seniors can live out their lives in dignity. The real question for the Congress is where to set that floor. And, in my view, $10,000 a year for the average beneficiary is, if anything, too low.

It is important to keep Social Security's long-term problems in perspective. According to estimates by the Social Security Administration, the present value of the Trust Fund's unfunded obligations amounts to $3.2 trillion over the next 75 years. By contrast, the 75 year cost of last year's tax cut, if made permanent, has been estimated to be $7.7 trillion. In other words, the long-term cost of the tax cut is more than twice as large as the long-term deficit in Social Security.

There is simply no excuse for making dramatic cuts in guaranteed Social Security benefits, as the President's commission has proposed.

So, I hope my colleagues will support this resolution and join in rejecting the cuts in guaranteed benefits proposed by President Bush's commission.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3040. Mr. REID (for Mr. DASCHLE (for himself and Mr. LEAHY)) 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.

SA 3041. Mr. WYDEN (for himself, Mr. MURKOWSKI, Mr. BENNETT, and Mr. SMITH, of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3042. Mr. ROCKEFELLER (for himself, Mrs. CARNAHAN, and Mr. BOND) 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) supra; which was ordered to lie on the table.

SA 3043. Mr. ROCKEFELLER (for himself, Mr. ALLEN, Mr. SPECTER, and Mr. WARNER) 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) supra; which was ordered to lie on the table.

SA 3044. Mr. ROCKEFELLER (for himself, Mr. HAGEL, and Mr. NELSON of Nebraska) 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) supra; which was ordered to lie on the table.

SA 3045. Mr. ROCKEFELLER 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) supra; which was ordered to lie on the table.

SA 3046. Mr. ROCKEFELLER 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) supra; which was ordered to lie on the table.

SA 3047. Mr. CRAIG 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) supra; which was ordered to lie on the table.

SA 3048. Mr. SMITH of Oregon 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) supra; which was ordered to lie on the table.

SA 3049. Mr. CRAIG 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 3050. Ms. LANDRIEU (for herself and Mr. KYL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3051. Mr. FITZGERALD 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) supra; which was ordered to lie on the table.

SA 3052. Mr. MURKOWSKI 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 3053. Mr. GRASSLEY 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) supra; which was ordered to lie on the table.

SA 3054. Mr. GRASSLEY 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) supra; which was ordered to lie on the table.

SA 3055. Mr. GRASSLEY 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) supra; which was ordered to lie on the table.

SA 3056. Mr. GRASSLEY 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) supra; which was ordered to lie on the table.

SA 3057. Mr. KYL (for himself and Mr. HELMS) 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 3058. Ms. COLLINS (for herself and Ms. SNOWE) 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 3059. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3060. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3061. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3062. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3063. Ms. CANTWELL proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3064. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3065. Mr. BINGAMAN (for Ms. CANTWELL (for himself and Mr. SMITH of Oregon)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3066. Mr. MURKOWSKI (for Mr. INHOFE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3067. Mr. BINGAMAN (for Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3068. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3069. Mr. BINGAMAN (for himself, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3070. Mr. GRAHAM proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3071. Mr. MURKOWSKI 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) supra; which was ordered to lie on the table.

SA 3072. Mr. DURBIN 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) supra; which was ordered to lie on the table.

SA 3073. Mr. DURBIN 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) supra; which was ordered to lie on the table.

SA 3074. Mr. DURBIN (for himself and Ms. COLLINS) 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) supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3040.** Mr. REID (For Mr. DASCHLE) (for himself and Mr. LEAHY) 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:

At the appropriate place, add the following:

**SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.**

That it is the sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee should along with its other legislative and oversight responsibilities, continue to hold regular hearings on judicial nominees and should, in accordance with the precedents and practices of the Committee, schedule hearings on the nominees submitted by the President on May 9, 2001, and resubmitted on September 5, 2001, expeditiously.

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**SA 3041.** Mr. WYDEN (for himself, Mr. MURKOWSKI, Mr. BENNETT, and Mr. SMITH of Oregon) 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 186, between lines 8 and 9, insert the following:

**SEC. 8___. CREDIT FOR HYBRID VEHICLES, DEDICATED ALTERNATIVE FUEL VEHICLES, AND INFRASTRUCTURE.**

Section 507 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

''(p) CREDITS FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—

''(1) DEFINITIONS.—In this subsection:

''(A) 2000 MODEL YEAR CITY FUEL EFFICIENCY.—The term '2000 model year city fuel efficiency', with respect to a motor vehicle, means fuel efficiency determined in accordance with the following tables:

''(i) In the case of a passenger automobile:

| "If vehicle inertia weight class is: | The 2000 model year city fuel efficiency is: |
|---|---|
| 1,500 or 1,750 lbs | 43.7 mpg |
| 2,000 lbs | 38.3 mpg |
| 2,250 lbs | 34.1 mpg |
| 2,500 lbs | 30.7 mpg |
| 2,750 lbs | 27.9 mpg |
| 3,000 lbs | 25.6 mpg |
| 3,500 lbs | 22.0 mpg |
| 4,000 lbs | 19.3 mpg |
| 4,500 lbs | 17.2 mpg |
| 5,000 lbs | 15.5 mpg |
| 5,500 lbs | 14.1 mpg |
| 6,000 lbs | 12.9 mpg |
| 6,500 lbs | 11.9 mpg |
| 7,000 to 8,500 lbs | 11.1 mpg. |

''(ii) In the case of a light truck:

| "If vehicle inertia weight class is: | The 2000 model year city fuel efficiency is: |
|---|---|
| 1,500 or 1,750 lbs | 37.6 mpg |
| 2,000 lbs | 33.7 mpg |
| 2,250 lbs | 30.6 mpg |
| 2,500 lbs | 28.0 mpg |
| 2,750 lbs | 25.9 mpg |
| 3,000 lbs | 24.1 mpg |
| 3,500 lbs | 21.3 mpg |
| 4,000 lbs | 19.0 mpg |
| 4,500 lbs | 17.3 mpg |
| 5,000 lbs | 15.8 mpg |
| 5,500 lbs | 14.6 mpg |
| 6,000 lbs | 13.6 mpg |
| 6,500 lbs | 12.8 mpg |
| 7,000 to 8,500 lbs | 12.0 mpg. |

''(B) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(C) ELECTRICAL STORAGE DEVICE.—The term 'electrical storage device' means an onboard rechargeable energy storage system or similar storage device.

''(D) FUEL EFFICIENCY.—The term 'fuel efficiency' means the percentage increased fuel efficiency specified in table 1 in paragraph (2)(C) over the average 2000 model year city fuel efficiency of vehicles in the same weight class.

''(E) MAXIMUM AVAILABLE POWER.—The term 'maximum available power', with respect to a new qualified hybrid motor vehicle that is a passenger vehicle or light truck, means the quotient obtained by dividing—

''(i) the maximum power available from the electrical storage device of the new qualified hybrid motor vehicle, during a standard 10-second pulse power or equivalent test; by

''(ii) the sum of—

''(I) the maximum power described in clause (i); and

''(II) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.

''(F) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

''(G) NEW QUALIFIED HYBRID MOTOR VEHICLE.—The term 'new qualified hybrid motor vehicle' means a motor vehicle that—

''(i) draws propulsion energy from both—

''(I) an internal combustion engine (or heat engine that uses combustible fuel); and

''(II) an electrical storage device;

''(ii) in the case of a passenger automobile or light truck—

''(I) in the case of a 2001 or later model vehicle, receives a certificate of conformity under the Clean Air Act (42 U.S.C. 7401 et seq.) and produces emissions at a level that is at or below the standard established by a qualifying California standard described in section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

''(II) in the case of a 2004 or later model vehicle, is certified by the Administrator as producing emissions at a level that is at or below the level established for Bin 5 vehicles in the Tier 2 regulations promulgated by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

''(iii) employs a vehicle braking system that recovers waste energy to charge an electrical storage device.

''(H) VEHICLE INERTIA WEIGHT CLASS.—The term 'vehicle inertia weight class' has the meaning given the term in regulations promulgated by the Administrator for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(2) ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall allocate a partial credit to a fleet or covered person under this title if the fleet or person

acquires a new qualified hybrid motor vehicle that is eligible to receive a credit under each of the tables in subparagraph (C).

''(B) AMOUNT.—The amount of a partial credit allocated under subparagraph (A) for a vehicle described in that subparagraph shall be equal to the sum of—

''(i) the partial credits determined under table 1 in subparagraph (C); and

''(ii) the partial credits determined under table 2 in subparagraph (C).

''(C) TABLES.—The tables referred to in subparagraphs (A) and (B) are as follows:

**Table 1**

| **''Partial credit for increased fuel efficiency:** | **Amount of credit:** |
|---|---|
| At least 125% but less than 150% of 2000 model year city fuel efficiency | 0.14 |
| At least 150% but less than 175% of 2000 model year city fuel efficiency | 0.21 |
| At least 175% but less than 200% of 2000 model year city fuel efficiency | 0.28 |
| At least 200% but less than 225% of 2000 model year city fuel efficiency | 0.35 |
| At least 225% but less than 250% of 2000 model year city fuel efficiency | 0.50. |

**Table 2**

| **''Partial credit for 'Maximum Available Power':** | **Amount of credit:** |
|---|---|
| At least 5% but less than 10% | 0.125 |
| At least 10% but less than 20% | 0.250 |
| At least 20% but less than 30% | 0.375 |
| At least 30% or more | 0.500. |

''(D) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the qualified hybrid motor vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

''(3) REGULATIONS.—The Secretary shall promulgate regulations under which any Federal fleet that acquires a new qualified hybrid motor vehicle will receive partial credits determined under the tables contained in paragraph (2)(C) for purposes of meeting the requirements of section 303.

''(q) CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARDS USE OF DEDICATED VEHICLES IN NONCOVERED FLEETS.—

''(1) DEFINITIONS.—In this subsection:

''(A) DEDICATED VEHICLE.—The term 'dedicated vehicle' includes—

''(i) a light, medium, or heavy duty vehicle; and

''(ii) a neighborhood electric vehicle.

''(B) MEDIUM OR HEAVY DUTY VEHICLE.—The term 'medium or heavy duty vehicle' includes a vehicle that—

''(i) operates solely on alternative fuel; and

''(ii)(I) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; or

''(II) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds.

''(C) SUBSTANTIAL CONTRIBUTION.—The term 'substantial contribution' (equal to 1 full credit) means not less than $15,000 in cash or in kind services, as determined by the Secretary.

''(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title if the fleet or person makes a substantial contribution toward the acquisition and use of dedicated vehicles by a person that owns, operates, leases, or otherwise controls a fleet that is not covered by this title.

''(3) MULTIPLE CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this title if the fleet or person acquires a medium or heavy duty dedicated vehicle.

''(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

''(5) LIMITATION.—Per vehicle credits acquired under this subsection shall not exceed the per vehicle credits allowed under this section to a fleet for qualifying vehicles in each of the weight categories (light, medium, or heavy duty).

''(r) CREDIT FOR SUBSTANTIAL INVESTMENT IN ALTERNATIVE FUEL INFRASTRUCTURE.—

''(1) DEFINITIONS.—In this section, the term 'qualifying infrastructure' means—

''(A) equipment required to refuel or recharge alternative fueled vehicles;

''(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

''(C) training programs, educational materials, or other activities necessary to provide information regarding the operation, maintenance, or benefits associated with alternative fueled vehicles; and

''(D) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

''(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

''(3) AMOUNT.—For the purposes of credits under this subsection—

''(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or in kind services, as determined by the Secretary; and

''(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

''(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.''.

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**SA 3042.** Mr. ROCKEFELLER (for himself, Mrs. CARNAHAN, and Mr. BOND) 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. ____. CREDIT FOR ENERGY EFFICIENT VENDING MACHINES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

**''SEC. 45K. ENERGY EFFICIENT VENDING MACHINE CREDIT.**

''(a) GENERAL RULE.—For purposes of section 38, the energy efficient vending machine credit determined under this section for the taxable year is an amount equal to $75, multiplied by the number of qualified energy efficient vending machines purchased by the taxpayer during the calendar year ending with or within the taxable year.

''(b) QUALIFIED ENERGY EFFICIENT VENDING MACHINE.—For purposes of this section, the term 'qualified energy efficient vending machine' means a refrigerated bottled or canned beverage vending machine which—

''(1) has a capacity of at least 500 bottles or cans, and

''(2) consumes not more than 8.66 kWh per day of electricity based on ASHRAE Standard 32.1-1997.

''(c) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary determines necessary to claim the credit amount under subsection (a).

''(d) TERMINATION.—This section shall not apply with respect to vending machines purchased in calendar years beginning after December 31, 2005.''.

(b) LIMITATION ON CARRYBACK.—Section 39(d) (relating to transition rules), as amended by this Act, is amended by adding at the end the following new paragraph:

''(20) NO CARRYBACK OF ENERGY EFFICIENT VENDING MACHINE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy efficient vending machine credit determined under section 45K may be carried to a taxable year ending before January 1, 2003.''.

(c) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting '', plus'', and by adding at the end the following new paragraph:

''(24) the energy efficient vending machine credit determined under section 45K(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 45K. Energy efficient vending machine credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

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**SA 3043.** Mr. ROCKEFELLER (for himself, Mr. ALLEN, Mr. SPECTER, and Mr. WARNER) 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. ____. CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

**"SEC. 45K. CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.**

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the credit for recycling certain coal combustion waste materials used by the taxpayer in qualifying production under this section for any taxable year is equal to the sum of—

''(1) $6.00 for each wet ton of—

''(A) wet flue gas desulfurization sludge cake, and

''(B) any other wet waste material identified by the Secretary of Energy, plus

''(2) $4.00 for each dry ton of—

''(A) dry flue gas desulfurization and fluidized bed combustion waste material, and

''(B) any other dry waste material identified by the Secretary of Energy.

''(b) CERTAIN COAL COMBUSTION WASTE MATERIALS DEFINED.—For purposes of this section, the term 'certain coal combustion waste materials' means any solid waste material generated using a sulfur dioxide emission control system and derived from the combustion of coal in connection with the generation of electricity or steam, including—

''(1) wet flue gas desulfurization sludge cake,

''(2) dry flue gas desulfurization and fluidized bed combustion waste material, and

''(3) any other coal combustion waste material identified by the Secretary of Energy as wet waste or dry waste material attributable to the use of a sulfur dioxide emission control system.

''(c) QUALIFYING PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying production' means the use of certain coal combustion waste materials by the taxpayer as substantial raw materials in the manufacture of commercially saleable products which are—

''(A) manufactured in a qualifying facility,

''(B) sold by the taxpayer, and

''(C) not used in a landfill application.

''(2) SUBSTANTIAL USE AND MANUFACTURING REQUIREMENT.—Certain coal combustion waste materials shall not be deemed to constitute substantial raw materials used in the manufacture of commercially saleable products unless such waste materials—

''(A) constitute at least 35 percent of the weight of the commercially saleable manufactured products, determined on a dry weight basis, and

''(B) undergo a physical and chemical change in the course of the manufacturing process.

''(3) UNRELATED PERSON SALE OR USE REQUIREMENT.—The taxpayer shall not be deemed to have engaged in qualifying production with respect to certain coal combustion waste materials used in manufacturing a product until—

''(A) the taxable year in which the taxpayer sells such product to an unrelated person, or

''(B) if such product is sold to a related person, the taxable year in which the related person—

''(i) resells such product to an unrelated person, or

''(ii) consumes or provides such product in the performance of services to an unrelated person.

''(4) QUALIFYING FACILITY.—

''(A) IN GENERAL.—The term 'qualifying facility' means a manufacturing facility which—

''(i) is located within the United States (within the meaning of section 638(1)) or within a possession of the United States (within the meaning of section 638(2)), and

''(ii) is placed in service after December 31, 2002.

''(B) 10 YEAR LIMIT.—A facility shall cease to be a qualifying facility on the date which is the tenth anniversary of the date on which the facility was placed in service.

''(5) DRY WEIGHT MEASUREMENT.—For purposes of paragraph (2)(A), dry weight shall be determined by excluding the weight of all water in the materials used in the manufacture of the products.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) WET TON.—The term 'wet ton' shall mean the weight of the desulfurization sludge cake (and any other wet waste material) after adjusting the water content of the cake (and other wet waste material) to not greater than 50 percent of the total weight.

''(2) DRY TON.—The term 'dry ton' shall mean the weight of the dry flue gas desulfurization and fluidized bed combustion waste material (and any other dry waste material) after adjusting the water content of the material (and other dry waste material) to not greater than 2 percent of the total weight.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(4) PASS-THROUGH IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.''.

(b) CREDIT TREATED AS A BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting '', plus'', and by adding at the end the following new paragraph:

''(24) the credit for recycling certain coal combustion waste materials determined under section 45K(a).''.

(c) TRANSITIONAL RULE.—Section 39(d), as amended by this Act, is amended by adding at the end the following new paragraph:

''(20) NO CARRYBACK OF SECTION 45K CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit for recycling certain coal combustion waste materials determined under section 45K may be carried back to a taxable year ending before January 1, 2002.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end of the following new item:

''Sec. 45K. Credit for recycling certain coal combustion waste materials.''.

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

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**SA 3044.** Mr. ROCKEFELLER (for himself, Mr. HAGEL, and Mr. NELSON of Nebraska) 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:

On page 117, line 8, strike ''signals'' and all that follows through line 10, and insert ''information, and

''(2) which permits reading of energy usage information on at least a daily or time of use basis.''

**SA 3045.** Mr. ROCKEFELLER 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:

On page 557, between lines 23 and 24, insert the following:

(3) MINE SAFETY AND HEALTH ADMINISTRATION.—

(A) IN GENERAL.—In compliance with the consultation requirement of subsection (a)(1), the Secretary of Labor shall—

(i) consider the impending and projected retirements of those Federal mine inspectors who are employed as inspectors on the date of enactment of this Act and the need to increase the number of Federal mine inspectors to expand the presence of such inspectors at mines in the United States;

(ii) establish and implement a program within the Mine Safety and Health Administration to hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience in mining or with experience as a practical mining engineer) as are necessary to ensure that skilled and experienced individuals continue to be available to serve as Federal mine inspectors; and

(iii) maintain the number of Federal mine inspectors at a level that is not lower than the staffing levels authorized in law or set by regulation as of the date of enactment of this Act.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

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**SA 3046.** Mr. ROCKEFELLER 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 end, add the following:

**DIVISION ____—LOW-INCOME GASOLINE ASSISTANCE PROGRAM**

**SEC. ____01. SHORT TITLE.**

This division may be cited as the ''Low-Income Gasoline Assistance Program Act''.

**SEC. ____02. PURPOSE.**

The purpose of this division is to create new emergency assistance programs to assist families receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and low-income working families to meet the increasing price of gasoline.

**SEC. ____03. DEFINITIONS.**

In this division:

(1) COVERED ACTIVITIES.—The term ''covered activities'' means—

(A) work activities;

(B) education directly related to employment; or

(C) activities related to necessary scheduled medical treatment.

(2) GASOLINE.—The term ''gasoline'' has the meaning given the term in section 4082 of the Internal Revenue Code of 1986.

(3) HOUSEHOLD.—The term ''household'' has the meaning given the term in section 2603 of

the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(4) POVERTY LEVEL; STATE MEDIAN INCOME.—The terms ''poverty level'' and ''State median income'' have the meanings given the terms in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(6) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) WORK ACTIVITIES.—The term ''work activities'' has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

**SEC. ___04. EMERGENCY ASSISTANCE PROGRAMS.**

The Secretary shall make grants to States, from allotments made under section ___05, to enable the States to establish emergency assistance programs and to provide, through the programs, payments to eligible households to enable the households to purchase gasoline.

**SEC. ___05. STATE ALLOTMENTS.**

From the funds appropriated under section ___12 for a fiscal year and remaining after the reservation made in section ___11, the Secretary shall allot to each State an amount that bears the same relation to such remainder as the amount the State receives under section 675B of the Community Services Block Grant Act (42 U.S.C. 9906) for that year bears to the amount all States receive under that section for that year.

**SEC. ___06. STATE APPLICATIONS.**

(a) IN GENERAL.—To be eligible to receive a grant under this division, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—At a minimum, the application shall contain—

(1) information designating a State agency to carry out the emergency assistance program in the State, which shall be—

(A) the State agency specified in the State plan submitted under section 402 of the Social Security Act (42 U.S.C. 602); or

(B) the State agency designated under section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9908(a)); and

(2) information describing the emergency assistance program to be carried out in the State.

**SEC. ___07. ELIGIBLE HOUSEHOLDS.**

(a) IN GENERAL.—To be eligible to receive a payment from a State under this division, a household shall submit an application to the State at such time, in such manner, and containing such information as the State may require.

(b) CONTENTS.—The applicant shall include in the application information demonstrating that—

(1) 1 or more individuals in the applicant's household individually drive not less than 30 miles per day, or not less than 150 miles per week, to or from covered activities; and

(2)(A)(i) 1 or more individuals in that household were receiving assistance (including services) under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) within the 24-month period ending on the date of submission of the application; and

(ii) no individual in that household is receiving that assistance, as of the date of submission of the application;

(B)(i) 1 or more individuals in that household are receiving assistance (including services) under that State program; and

(ii) such individuals are engaged in work activities and are meeting the other requirements of that part A that are applicable to recipients of such assistance;

(C) the household meets the eligibility requirements of section 2605(b)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)(A)), other than clause (i) of that section; or

(D) the household income for the household does not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for the State involved; or

(ii) an amount equal to 60 percent of the State median income.

(c) RULE.—For purposes of subsection (b)(2)(D), a State—

(1) may not exclude a household from eligibility for a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State; but

(2) may give priority to those households with the highest gasoline costs or needs in relation to household income.

**SEC. ___08. PROGRAM REQUIREMENTS.**

(a) DETERMINATION OF TRIGGER AMOUNT.—

(1) DETERMINATION OF GASOLINE.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a grade of gasoline for which price determinations will be made under this subsection, which shall be a type of gasoline that has a specified octane rating or other specified characteristic.

(2) DETERMINATION OF CALCULATION.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a method for calculating the average per gallon price of the covered grade of gasoline in each State.

(3) BASELINE.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with paragraph (2), the average per gallon price of the covered grade of gasoline in each State for January, 2000.

(4) TRIGGER AND RELEASE PRICES.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate—

(A) the trigger price for each State by multiplying the price calculated under paragraph (3) by 115 percent; and

(B) the release price for each State by multiplying the price calculated under paragraph (3) by 110 percent.

(b) PAYMENTS.—

(1) AVAILABILITY.—

(A) MONTHLY PRICE CALCULATION.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with subsection (a)(2), the average per gallon price of the covered grade of gasoline in each State for each month.

(B) DETERMINATION.—If the Secretary of Health and Human Services, in consultation with the Secretary of Energy, determines that the price in a State calculated under subparagraph (A) for a month—

(i) is more than the trigger price for the State, the State shall provide payments in accordance with this subsection for the following month; and

(ii) is less than the release price for the State, the State shall suspend provision of the payments, not earlier than 30 days after the date of the determination, for the following month.

(2) GENERAL AUTHORITY.—Except as provided in subsection (c), the State shall use funds received through a grant made under section ___04 (including a grant increased under section ___11(2)) and any funds made available to the State under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division to eligible households.

(3) PERIOD.—An eligible household with an application approved under section ___07 may receive payments under this division for not more than 3 months. The household may submit additional applications under section ___07, and may receive payments under this division for not more than 3 months for each such application approved by the State.

(4) AMOUNT.—The State shall make the payments in amounts of not less than $25, and not more than $75, per month. The State may determine the amount of the payments on a sliding scale, taking into consideration the household income of the eligible households.

(c) STATE ADMINISTRATION.—The State may use not more than 10 percent of the funds described in subsection (b)(2) to pay for the cost of administering this division.

(d) DEFINITIONS.—In this section:

(1) COVERED GRADE.—The term ''covered grade'' means the grade of gasoline determined under subsection (a)(1).

(2) RELEASE PRICE.—The term ''release price'' means the release price calculated under subsection (a)(4)(B).

(3) TRIGGER PRICE.—The term ''trigger price'' means the trigger price calculated under subsection (a)(4)(A).

**SEC. ___09. TREATMENT OF BENEFITS.**

(a) INCOME OR RESOURCES.—Notwithstanding any other law, the value of any payment provided under this division shall not be treated as income or resources for purposes of—

(1) any other Federal or federally assisted program that bases eligibility, or the amount of benefits, on need; or

(2) the Internal Revenue Code of 1986.

(b) TANF ASSISTANCE.—For purposes of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), a payment provided under this division shall not be considered to be assistance provided by a State under that part, regardless of whether the State uses funds made available under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division. The period for which such payments are provided under this division shall not be considered to be part of the 60-month period described in section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

**SEC. ___10. AUTHORITY TO USE FUNDS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.**

Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(1) in paragraph (3)(A), by striking ''paragraph (1)'' and inserting ''paragraph (1) or (4)''; and

(2) by adding at the end the following:

''(4) OTHER STATE PROGRAMS.—A State may use funds from any grant made to the State under section 403(a) for a fiscal year to carry out a State program pursuant to the Low-Income Gasoline Assistance Program Act.''.

**SEC. ___11. DISCRETIONARY ACTIVITIES BY THE SECRETARY.**

The Secretary of Health and Human Services may reserve not more than 5 percent of the funds appropriated under section ___12 for a fiscal year—

(1) to pay for the cost of administering this division; and

(2) to increase the cost of a grant made to a State under section ___04, in any case in which the Secretary determines that emergency conditions relating to gasoline prices exist in that State.

**SEC. ___12. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this division, $250,000,000 for each of fiscal years 2003 through 2007.

(b) AVAILABILITY.—Any sums appropriated under subsection (a) for a fiscal year shall remain available until the end of the succeeding fiscal year.

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**SA 3047.** Mr. CRAIG 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:

Strike Title II and insert:

''TITLE II—ELECTRICITY

''Subtitle A—Consumer Protections

**"SEC. 201. INFORMATION DISCLOSURE.**

''(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information:

''(1) the nature of the service being offered, including information about interruptibility of service;

''(2) the price of the electric energy, including a description of any variable charges;

''(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

''(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

''(A) the product or its price;

''(B) the share of electric energy that is generated by each fuel type; and

''(C) the environmental emissions produced in generating the electric energy.

''(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

**"SEC. 202. CONSUMER PRIVACY.**

''(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

''(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes:

''(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

''(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

''(3) to protect the rights or property of the person obtaining such information;

''(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

''(5) for law enforcement purposes; or

''(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

''(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

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

''(1) The term 'aggregate consumer information' means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

''(2) The term 'consumer information' means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

**"SEC. 203. UNFAIR TRADE PRACTICES.**

''(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

''(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by the law or the electric consumer.

**"SEC. 204. APPLICABLE PROCEDURES.**

''The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

**"SEC. 205. FEDERAL TRADE COMMISSION ENFORCEMENT.**

''Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

**"SEC. 206. STATE AUTHORITY.**

''Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules or procedures regarding the practices which are the subject of this subtitle.

**"SEC. 207. DEFINITIONS.**

''As used in this subtitle:

''(1) The term 'aggregate consumer information' means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

''(2) The term 'consumer information' means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

''(3) The terms 'electric consumer', 'electric utility', and 'State regulatory authority' have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

''Subtitle B—Electric Reliability

**"SEC. 208. ELECTRIC RELIABILITY.**

''Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following after section 215 as added by this Act:

**"'SEC. 216. ELECTRIC RELIABILITY.**

'' '(a) DEFINITIONS.—for purposes of this section—

'' '(1) 'bulk-power system' means the network of interconnected transmission facilities and generating facilities;

'' '(2) 'electric reliability organization' means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

'' '(3) 'reliability standard' means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

'' '(b) JURISDICTION AND APPLICABILITY.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

'' '(c) CERTIFICATION.—

'' '(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

'' '(2) following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

'' '(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

'' '(B) has established rules that—

'' '(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

''' (ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

'' '(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations; or other appropriate sanctions); and

'' '(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

'' '(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

'' '(d) RELIABILITY STANDARDS.—

'' '(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

'' '(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or

modification to a reliability standard, but shall not defer with respect to its effect on competition.

''(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(e) ENFORCEMENT.—

''(1) An electric reliability organization may impose a penalty on a user or owner or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice with the Commission, which shall affirm, set aside or modify the action.

''(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

''(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

''(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

''(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATIONS RULES.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

''(g) COORDINATION WITH CANADA AND MEXICO.—

''(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

''(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

''(h) RELIABILITY REPORTS.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

''(i) SAVINGS PROVISIONS.—

''(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk-power system.

''(2) This section does not provide the electric reliability organization or the Commission with the authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

'''(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

''(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

''(j) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—To the extend undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

''(A) activities undertaken by an electric reliability organization under this section, and

''(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

''(2) RULE OF REASON.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

''(3) DEFINITION.—For purposes of this subsection. 'antitrust laws' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

''(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

''(l) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska and Hawaii.''

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**SA 3048.** Mr. SMITH of Oregon 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 end of Section 929, insert the following:

**''SEC. . STUDY OF ENERGY EFFICIENCY STANDARDS.**

''(1) The Secretary of Energy is directed to contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report of the Academy to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate.

''(2) There are authorized such sums as are necessary for carrying out the study authorized in this section.''

Renumber subsequent subsections accordingly.

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**SA 3049.** Mr. CRAIG 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:

On page 6, strike line 9 and all that follows through line 15 and insert the following:

''The term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes

and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

''(A) thinnings from trees that are less than 12 inches in diameter;

''(B) slash;

''(C) brush; and

''(D) mill residues.''.

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**SA 3050.** Mr. LANDRIEU (for herself and Mr. KYL) 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:

At the appropriate place, insert the following:

**SEC. . PARTICIPANT-FUNDED INVESTMENT.**

Section 205 of the Federal Power Act is amended by inserting after subsection (h) the following:

''(i) TRANSMISSION EXPANSION COSTS.—

''(1) RATES FOR TRANSMISSION EXPANSION.—Upon the request of a Regional Transmission Organization, or any transmission entity operating within an RTO that is authorized by the Commission, the Commission shall authorize the recovery of costs on a participant-funding basis of transmission facilities that increase the transfer capability of the transmission system. The Commission shall not authorize the recovery of costs in rates on a rolled-in basis for such transmission facilities unless the Commission finds that, based upon substantial evidence—

''(A) the transmission investment is identified and incorporated in the regional transmission plan of a FERC approval regional transmission organization;

''(B) participant funding for the investment is not feasible because the beneficiaries of the investment cannot be identified; and

''(C) the transmission investment is necessary to maintain reliability of the transmission grid within the area covered by the regional transmission organization.

''(2) PARTICIPANT-FUNDED.—The term 'participant-funded' means an investment in the transmission system of a regional transmission organization or any Commission authorized entity operating within the RTO that—

''(A) increases the transfer capability of the transmission system; and

''(B) is paid for by an entity that, in return for payment receives the tradable transmission rights created by the investment.

''(3) TRADABLE TRANSMISSION RIGHT.—The term 'tradable transmission right' means the right of the holder of such right to avoid payment of, or have rebated, transmission congestion charges on the transmission system of a regional transmission organization, or the right to use a specified capacity of such transmission system without payment of transmission congestion charges.

''(4) REGIONAL TRANSMISSION ORGANIZATION FACILITATION.—

''(A) IN GENERAL.—To encourage the regional transmission organization or any Commission-authorized transmission entity operating within the RTO to identify participant-funded investment, the Commission shall allow a regional transmission organization or any entity constructing a participant funded project within the RTO to—

''(i) receive a share of the value of the tradable transmission rights created by the participant-funded expansion; or

''(ii) receive a development fee.''.

**SA 3051.** Mr. FITZGERALD 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:

Beginning on page 64, strike line 9 and all that follows through page 65, line 2, and insert the following:

(a) DEFINITIONS.—In this section:

(1) BIOMASS.—The term ''biomass'' means—

(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal waste material that is segregated from other waste material and is derived from—

(i) forest-related—

(I) harvesting residue;

(II) precommercial thinnings;

(III) slash; or

(IV) brush;

(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

(I) incinerated municipal solid waste;

(II) recyclable postconsumer waste paper;

(III) painted, treated, or pressurized wood;

(IV) wood contaminated with plastic or metal; or

(V) tires; or

(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means electric energy generated from—

(A) a solar, wind, biomass, geothermal, or fuel cell source; or

(B)(i) additional hydroelectric generation capacity achieved from increased efficiency; or

(ii) an addition of new capacity at a hydroelectric dam in existence on the date of enactment of this Act.

(b) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that, of the total amount of electric energy that all Federal agencies, in the aggregate, consume during any fiscal year—

(A) not less than 3 percent in fiscal years 2003 through 2004;

(B) not less than 5 percent in fiscal years 2005 through 2009; and

(C) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter;

shall be renewable energy.

(2) INNOVATIVE PURCHASING PRACTICES.—In carrying out paragraph (1), the President shall encourage Federal agencies to use innovative purchasing practices, including aggregation and the use of renewable energy derivatives.

On page 73, between lines 9 and 10, insert the following:

''(1) BIOMASS.—The term 'biomass' means—

''(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

''(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal waste material that is segregated from other waste material and is derived from—

''(i) forest-related—

''(I) harvesting residue;

''(II) precommercial thinnings;

''(III) slash; or

''(IV) brush;

''(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

''(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

''(I) incinerated municipal solid waste;

''(II) recyclable postconsumer waste paper;

''(III) painted, treated, or pressurized wood;

''(IV) wood contaminated with plastic or metal; or

''(V) tires; or

''(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

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**SA 3052.** Mr. MURKOWSKI 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:

On page 6, on line 6, strike ''mix.'' and insert ''mix. The provisions of this section shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable energy portfolio program.''

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**SA 3053.** Mr. GRASSLEY 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 end, add the following:

**DIVISION ____—MISCELLANEOUS PROVISIONS**

**TITLE ____—GENERAL PROVISIONS**

**SEC. ____. REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.**

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

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**SA 3054.** Mr. GRASSLEY 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 area 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:

Beginning on page 222, strike lines 5 through 10 and insert the following:

''(A) PROHIBITION.—Subject to subparagraph (E), the use of methyl tertiary butyl ether in motor vehicle fuel—

''(i) in any State that has received a waiver under section 209(b), is prohibited effective January 1, 2003; and

''(ii) in any State not described in clause (i) (other than a State described in subparagraph (C)), is prohibited not later than 4 years after the date of enactment of this paragraph.

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**SA 3055.** Mr. GRASSLEY 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 area 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 end, add the following:

**DIVISION ___— MISCELLANEOUS**

**TITLE ___—GENERAL**

**SEC. ___. INTERSTATE DAIRY COMPACTS.**

Notwithstanding any other provision of law, a State located in Petroleum Administration for Defense District 1 shall not enter into an interstate dairy compact.

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**SA 3056.** Mr. GRASSLEY 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:

Beginning on page 213, strike line 16 and all that follows through page 218, line 14.

Beginning on page 219, strike line 18 and all that follows through page 224, line 17 and insert the following:

(6) in recent years, MTBE has been detected in water sources throughout the United States;

(7) MTBE can be detected by smell and taste at low concentrations;

(8) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(9) in the report entitled ''Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline'' and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard; and

(B) to greatly reduce use of MTBE;

(10) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(11) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) adequate energy supply; and

(B) reasonable fuel prices; and

(12) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

''(5) PROHIBITION ON USE OF MTBE.—

''(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

''(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

''(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

''(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

''(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to—

''(i) the production of iso-octane and alkylates; and

''(ii) the production of such other fuel additives as will contribute to replacing quantities of motor fuel rendered unavailable as a result of paragraph (5).

On page 224, line 18, strike ''(C)'' and insert ''(B)''.

On page 225, line 10, strike ''(D)'' and insert ''(C)''.

Beginning on page 227, strike line 3 and all that follows through page 232, line 24.

On page 233, line 1, strike ''(d)'' and insert ''(b)''.

Beginning on page 233, strike line 6 and all that follows through page 244, line 23, and insert the following:

**SEC. 8___. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(C) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities; and

(D) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers; and

(C) motor vehicle fuel producers and distributors.

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**SA 3057.** Mr. KYL (for himself and Mr. HELMS) 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:

On page 9 after line 7 insert:

''(n) PROTECTION OF CONSUMERS.—Upon certification by the Governor of a State to the Secretary of Energy that the application of the Federal renewable portfolio standard would adversely affect consumers in such State, the requirements of this section shall not apply to retail electric sellers in such State. Such suspension shall continue until certification by the Governor of the State to the Secretary of Energy that consumers in such State would no longer be adversely affected by the application of the provisions of this section.''

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**SA 3058.** Ms. COLLINS (for herself and Ms. SNOWE) 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:

On page 8 line 15, delete the period and add '', or the additional generation above average generation in the three years preceding the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.''

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**SA 3059.** 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 307, after line 3, insert the following:

Subtitle E—Rural and Remote Communities

**SEC. 941. SHORT TITLE.**

This subtitle may be cited as the ''Rural and Remote Community Fairness Act''.

**SEC. 942. RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS.**

The Housing and Community Development Act of 1974 (Public Law 93–383), is amended by adding at the end the following:

''TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

**''SEC. 901. FINDINGS AND PURPOSE.**

''(a) FINDINGS.—The Congress finds that—

''(1) a modern infrastructure, including energy-efficient housing, electricity, telecommunications, bulk fuel, waste water and potable water service, is a necessary ingredient of a modern society and development of a prosperous economy;

''(2) the Nation's rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

''(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nation, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

''(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

''(a) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel, telecommunications and utility services to those communities that do not have those services or who currently bear costs of those services that are significantly above the national average.

**''SEC. 902. DEFINITIONS.**

As used in this title:

''(1) The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated State of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa, a combination of such political subdivisions that is recognized by the Secretary; and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

''(2) The term 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

''(3) the term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

''(4) The term 'Secretary' means the Secretary of Housing and Urban Development.

''(5) The term 'rural and remote community' means a unit of local general government or Native American group which is served by an electric utility that has 10,000 or less customers with an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Energy Information Administration of the Department of Energy.

''(6) The term alternative energy sources include non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, municipal solid waste, hydroelectric, geothermal and tidal power.

''(7) The term 'average retail cost per kilowatt hour of electricity' has the same meaning as 'average revenue per kilowatt hour of electricity' as defined by the Energy Information Administration of the Department of Energy.

**''SEC. 903. AUTHORIZATION OF APPROPRIATIONS.**

''The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of the title. For purposes of assistance under section 906, there are authorized to be appropriated $100,000,000 for each of fiscal years 2003 through 2009.

**''SEC. 904. STATEMENT OF ACTIVITIES AND REVIEW.**

''(a) STATEMENT OF OBJECTIVES AND PROJECTED USE.—Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

''(b) PUBLIC NOTICE.—In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

''(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

''(2) publish a proposed statement in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

''(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

''(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

''The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same. Procedures required in this paragraph are for the preparation and submission of such statement.

''(c) PERFORMANCE AND EVALUATION REPORT.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) and to the requirements of subsection (b). The grantee's report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee's program objectives, and indications of how the grantee would change its programs as a result of its experiences.

''(d) RETENTION OF INCOME.—

''(1) IN GENERAL.—Any rural and remote community may retain any program income that is realized from any grant made by the Secretary under section 906 if—

''(A) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and

''(B) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title.

''(2) EXCEPTION.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the subsection creates an unreasonable adminstrative burden on the rural and remote communty.

**SEC. 905. ELIGIBLE ACTIVITIES.**

''(a) ACTIVITIES INCLUDED.—Eligible activities assisted under this title may include only—

''(1) weatherization and other cost-effective energy-related repairs of homes and other buildings;

''(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity, and telecommunications, for consumption in a rural and remote community or communities;

''(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural or remote community;

''(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

''(5) the institution of professional management and maintenance services for electricity generation, transmission or distribution to a rural and remote community or communities;

''(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

''(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

''(8) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for eligible rural and remote community development activities; and

''(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

''(b) ACTIVITIES UNDERTAKEN THROUGH ELECTRIC UTILITIES.—Eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

**''SEC. 906. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''For each fiscal year, of the amount approved in an appropriation act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail price per kilowatt hour of electricity for all classes for consumers in the rural and remote community exceeds the national average retail price per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scales through consolidation of services, affiliation and regionalization of eligible activities under this title.

**''SEC. 907. REMEDIES FOR NONCOMPLIANCE.**

''The provisions of section 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5311) shall apply to assistance distributed under this title.''.

**SEC. 943. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.**

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

''(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities to—

''(1) a unit of local government of a State or territory; or

''(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

''(d) GRANT CRITERIA.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

''(e) PREFERENCE.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

''(f) DEFINITION.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(e) AUTHORIZATION.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary $20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.''.

**SEC. 944. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2009 to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for the purposes of funding the power cost equalization program.

**SEC. 945. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.**

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5321) is amended by adding at the end the following:

**''SEC. 123. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.**

''(a) FINDINGS; PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

''(B) the Nation's rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

''(C) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

''(2) PURPOSE.—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBILITY UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'eligible unit of general local government' means a unit of general local government that is the governing body of a rural recovery area.

''(2) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means the governing body of an Indian tribe that is located in a rural recovery area.

''(3) GRANTEE.—The term 'grantee' means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

''(4) NATIVE AMERICAN GROUP.—The term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

''(5) RURAL RECOVERY AREA.—The term 'rural recovery area' means any geographic area represented by a unit of general local government or a Native American group.—

''(A) the borders of which are not adjacent to a metropolitan area;

''(B) in which—

''(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Housing and Urban Development; and,

''(ii) the per capita income is less than that of the national nonmetropolitan average; and

''(C) that does not include a city with a population of more than 15,000.

''(6) UNIT OF GENERAL LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; and the District of Columbia.

''(B) OTHER ENTITIES INCLUDED.—The term also includes a State or a local public body or agency, community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community.

''(c) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to eligible units of general local government, Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

''(d) ELIGIBILITY REQUIREMENTS.—

''(1) STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

''(A) shall—

''(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

''(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on the proposed statement and the proposed eligible activities, and the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

''(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

''(i) a final statement of rural development objectives;

''(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

''(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

''(2) PUBLIC NOTICE AND COMMENT.—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native

American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

''(A) a copy of the final statement submitted under paragraph (1)(B);

''(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

''(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

''(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from one eligible activity to another.

''(e) DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

''(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

''(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by the Secretary of Housing and Urban Development) and the per capita income for the rural recovery area served by the grantee; or

''(B) $200,000.

''(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for one or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, nonprofit community development corporation, or statewide development organization authorized by the grantee:

''(1) the acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park;

''(2) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities;

''(3) the development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas;

''(4) activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities; or

''(5) affordable housing initiatives.

''(g) PERFORMANCE AND EVALUATION REPORT.—

''(1) IN GENERAL.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include a description of—

''(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

''(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

''(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

''(h) RETENTION OF INCOME.—A grantee may retain any income that is realized from the grant, if—

''(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

''(2) the—

''(A) grantee agrees to utilize the income for 1 or more eligible activities; or

''(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2003 through 2009.''.

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**SA 3060.** 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 65, strike line 18 and all that follows through page 67, line 4.

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**SA 3061.** 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 121, line 24, strike ''and'' and all that follows through page 122, line 2 and insert:

''(5) to any person for national security purposes, as determined by the Secretary; and

''(6) to a uranium mill licensed by the Commission for the purpose of recycling uranium-bearing material.''.

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**SA 3062.** Mr. BINGAMAN (for Ms. CANTWELL) 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 289, after line 4, insert the following:

''(41) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.''

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**SA 3063.** Ms. CANTWELL 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 289, after line 21, insert the following:

''(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.''

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**SA 3064.** Mr. BINGAMAN (for Ms. CANTWELL) 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 301, after line 5, insert the following:

''(z) TRAFFIC SIGNAL MODULES.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems.''

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**SA 3065.** Mr. BINGAMAN (for Ms. CANTWELL) (for himself and Mr. SMITH of Oregon)) 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 60, lines 20–23, strike ''an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1281(a)(2)(C) of the Internal Revenue Code of 1986'' and inserting ''a nonprofit electrical cooperative''.

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**SA 3066.** Mr. MURKOWSKI (for Mr. INHOFE) 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 407, line 4, after ''including'', insert ''flexible alternating current transmission systems,''.

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**SA 3067.** Mr. BINGAMAN (for Mr. BAYH) 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 568, line 20, insert ''geothermal heat pump technology,'' before ''and energy recovery''.

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**SA 3068.** Mr. BINGAMAN (for Mr. AKAKA) 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 574, following line 11, insert the following:

**SEC. 1704. UPDATING OF INSULAR AREA RENEWABLE ENERGY AND ENERGY EFFICIENCY PLANS.**

Section 604 of Public Law 96–597 (48 U.S.C. 1492) is amended—

(1) in subsection (a) at the end of paragraph (4) by striking ''resources.'' and inserting ''resources; and

''(5) the development of renewable energy and energy efficiency technologies since publication of the 1982 Territorial Energy Assessment prepared under subsection (c) reveals the need to reassess the state of energy production, consumption, efficiency, infrastructure, reliance on imported energy, and potential of the indigenous renewable energy resources and energy efficiency in regard to the insular areas.''; and

(2) by adding at the end of subsection (e) ''The Secretary of Energy, in consultation with the Secretary of the Interior and the chief executive officer of each insular area, shall update the plans required under subsection (c) and draft long-term energy plans for each insular area that will reduce, to the extent feasible, the reliance of the insular area on energy imports by the year 2010, and maximize, to the extent feasible, use of renewable energy resources and energy efficiency opportunities. Not later than December 31, 2002, the Secretary of Energy shall submit the updated plans to Congress.''.

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**SA 3069.** Mr. BINGAMAN (for himself, and Mr. MURKOWSKI) 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 136, strike line 1 and all that follows through page 148, line 2 and insert the following:

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

**SEC. 701. SHORT TITLE.**

This subtitle may be cited as the ''Alaska Natural Gas Pipeline Act of 2002''.

**SEC. 702. FINDINGS.**

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a conditional certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

**SEC. 703. PURPOSES.**

The purposes of this subtitle are—

(1) to provide a statutory framework for the expedited approval, construction, and initial operation of an Alaska natural gas transportation project, as an alternative to the framework provided in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), which remains in effect;

(2) to establish a process for providing access to such transportation project in order to promote competition in the exploration, development and production of Alaska natural gas;

(3) to clarify federal authorities under the Alaska Natural Gas Transportation Act; and

(4) to authorize federal financial assistance to an Alaska natural gas transportation project as provided in this subtitle.

**SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.**

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) ISSUANCE OF CERTIFICATE.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 705.

(d) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

(e) OPEN SEASON.—Except where an expansion is ordered pursuant to section 706, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations governing the conduct of open seasons for such project. Such procedures shall include the criteria for and timing of any open seasons, be consistent with the purposes set forth in section 703(2) and, for any open season for capacity beyond the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thompson units. The Commission shall issue such regulations no later than 120 days after the enactment of this subtitle.

(f) PROJECTS IN THE CONTIGUOUS UNITED STATES.—Applications for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made pursuant to the Natural Gas Act. To the extent such pipeline facilities include the expansion of any facility constructed pursuant to the Alaska Natural Gas Transportation Act of 1976, the provisions of that Act shall continue to apply.

(g) STUDY OF IN-STATE NEEDS.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that it has conducted a study of Alaska in-state needs, including tie-in points along the Alaska natural gas transportation project for in-state access.

(h) ALASKA ROYALTY GAS.—The Commission, upon the request of the State of Alaska and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project for the State of Alaska or its designee for the transportation of the State's royalty gas for local consumption needs within the State, provided that the rates of existing shippers of subscribed capacity on such project shall not be increased as a result of such access.

(i) REGULATIONS.—The Commission may issue regulations to carry out the provisions of this section.

**SEC. 705. ENVIRONMENTAL REVIEWS.**

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C).

(b) DESIGNATION OF LEAD AGENCY.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) OTHER AGENCIES.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) EXPEDITED PROCESS.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

**SEC. 706. PIPELINE EXPANSION.**

(a) AUTHORITY.—With respect to any Alaska natural gas transportation project, upon the request of one or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity.

(b) REQUIREMENTS.—Before ordering an expansion the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates as established do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that the proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the then-effective tariff of the Alaska natural gas transportation project;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued pursuant to this section shall be null and void unless the person or persons requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within a reasonable period of time as specified in such order.

(d) LIMITATION.—Nothing in this section shall be construed to expand or otherwise affect any authorities of the Commission with respect to any natural gas pipeline located outside the State of Alaska.

(e) REGULATIONS.—the Commission may issue regulations to carry out the provisions of this section.

**SEC. 707. FEDERAL COORDINATOR.**

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) THE FEDERAL COORDINATOR.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—

(1) All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(2) No federal officer or agency shall have the authority to include terms and conditions that are permitted, but not required, by law on any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the terms and conditions would prevent or impair in any significant respect the expeditious construction and operation of the project.

(3) Unless required by law, no federal officer or agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair in any significant respect the expeditious construction and operation of the project.

(e) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.

**SEC. 708. JUDICIAL REVIEW.**

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of appeals for the District of Columbia circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest as described in section 702 of this subtitle.

(d) AMENDMENT TO ANGTA.—Section 10(c) of the Alaska Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended by adding the following paragraph:

''(2) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest described in section 2 of this Act.''

**SEC. 709. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.**

(a) LOCAL DISTRIBUTION.—Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717), and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

(b) ADDITIONAL PIPELINES.—Nothing in this subtitle, except as provided in subsection 704(d), shall preclude or affect a future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Sustina Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.

(c) RATE COORDINATION.—Pursuant to the Natural Gas Act, the Commission shall establish rates for the transportation of natural gas on the Alaska natural gas transportation project. In exercising such authority, the Commission, pursuant to Section 17(b) of the Natural Gas Act (15 U.S.C. 717p), shall confer with the State of Alaska regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State of Alaska.

**SEC. 710. LOAN GUARANTEE.**

(a) AUTHORITY.—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) CONDITIONS.—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 18 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) LIMITATION ON AMOUNT.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(d) REGULATIONS.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

**SEC. 711. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.**

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 18 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) SCOPE OF STUDY.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) CONSULTATION.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) REPORT.—If the Secretary of Energy is required to conduct a study under subsection

(a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

**SEC. 712. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES**

(a) SAVINGS CLAUSE.—Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) or any Presidential findings or waivers issued in accordance with that Act.

(b) CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.—Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(c) UPDATED ENVIRONMENTAL REVIEWS.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

**SEC. 713. DEFINITIONS.**

For purposes of this subtitle:

(1) The term ''Alaska natural gas'' means natural gas derived from the area of the State of Alaska lying north of 64 degrees North latitude.

(2) The term ''Alaska natural gas transportation project'' means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term ''Alaska Natural Gas Transportation System'' means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term ''Commission'' means the Federal Energy Regulatory Commission.

(5) The term ''President's Decision'' means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.

**SEC. 714. SENSE OF THE SENATE.**

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

**SEC. 715. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.**

(1) Within six months after enactment of this Act, the Secretary of Labor (in this section referred to as the ''Secretary'') shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system and that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for change. For purposes of this subsection, Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

(2) Within 1 year of the date the report is transmitted to Congress, the Secretary shall establish within the State of Alaska, at such locations as are appropriate, one or more training centers for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. Each such training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

(3) In implementing the report and program described in this subsection, the Secretary shall consult with the Alaskan Governor.

(4) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000 for the purposes of this subsection.

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**SA 3070.** Mr. GRAHAM 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:

Strike Section 606(1)(3) and replace with the following:

''(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass, municipal solid waste, landfill gas, a generation offset, or incremental hydropower.''

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**SA 3071.** Mr. MURKOWSKI proposed 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. 1. SHORT TITLE AND FINDINGS.**

(a) This Title can be cited as the ''Iraq Petroleum Import Restriction Act of 2001.''

(b) FINDINGS.—Congress finds that

(i) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced ''No-Fly Zones'' in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(ii) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

**SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.**

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

**SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.**

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that—

(1) Iraq is in substantial compliance with the terms of—

(A) UNSC Resolution 687 regarding the access of UN Special Commission inspectors to suspected Iraqi Weapons of Mass Destruction program sites; and

(B) UNSC Resolution 986 prohibiting the smuggling of petroleum by Iraq in circumvention of the ''Oil-for-Food'' program; or that

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

**SEC. 4. HUMANITARIAN INTERESTS.**

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the

Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means through the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

**SEC. 5. DEFINITIONS.**

(a) ''661 Committee.'' The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) ''UNSC Resolution 661.'' The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) ''UNSC Resolution 687.'' The term UNSC Resolution 986 means United Nations Security Council Resolution 687, adopted April 3, 1991.

(d) ''UNSC Resolution 986.'' The term UNSC Resolution 986 means United Nations Security Council Resolution 986, adopted April 14, 1995.

**SEC. 6. EFFECTIVE DATE.**

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

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**SA 3072.** Mr. DURBIN 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:

On page 523, between lines 16 and 17, insert the following:

**SEC. 1704. CONSUMER ENERGY COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''Consumer Energy Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members.

(2) APPOINTMENTS BY THE SENATE AND HOUSE.—The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 1 member from each of—

(A) the Energy Information Administration;

(B) the Federal Energy Regulatory Commission; and

(C) the Federal Trade Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) INFORMATION AND ADMINISTRATIVE EXPENSES.—The Federal agencies specified in subsection (b)(3) shall provide the Commission such information as the Commission requires, and pay such administrative expenses as the Commission incurs, in carrying out this section.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes in major United States consumer energy products since 1990.

(B) ENERGY PRODUCTS.—The Commission shall study the prices of—

(i) electricity;

(ii) gasoline;

(iii) home heating oil;

(iv) natural gas; and

(v) propane.

(C) MATTERS TO BE STUDIED.—The study shall—

(i) focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, over-regulation or under-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuse of market power; and

(ii) investigate market concentration, potential misuse of market power, and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

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**SA 3073.** Mr. DURBIN 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. ___. CREDIT FOR WIND ENERGY PROPERTY INSTALLED IN RESIDENCES AND BUSINESSES.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after section 30C the following new section:

**''SEC. 30D. WIND ENERGY PROPERTY.**

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent (10 percent after December 31, 2011) of the amount paid or incurred by the taxpayer for qualified wind energy property placed in service or installed during such taxable year.

''(b) LIMITATION.—No credit shall be allowed under subsection (a) unless at least 50 percent of the energy produced annually by the qualified wind energy property is consumed on the site on which the property is placed in service or installed.

''(c) QUALIFIED WIND ENERGY PROPERTY.—For purposes of this section, the term 'qualified wind energy property' means a qualifying wind turbine if—

''(1) in the case of an individual, the property is installed on or in connection with a dwelling unit which is located in the United States and which is owned and used as the taxpayer's principal residence,

''(2) the original use of which commences with the taxpayer, and

''(3) the property carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' shall have the same meaning as when used in section 121.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than under this section and subpart C thereof, relating to refundable credits) and section 1397E.

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216(b)(2)) in a cooperative housing corporation (as defined in section 216(b)(1)), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures paid or incurred for qualified wind energy property by such corporation, and such credit shall be allocated appropriately to such individual.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of expenditures paid or incurred for qualified wind energy property by such association, and such credit shall be allocated appropriately to such individual.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of section 528(c)(2) with respect to a condominium project of which substantially all of the units are used by individuals as residences.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to a

residence or other property, the basis of such residence or other property shall be reduced by the amount of the credit so allowed.

''(h) APPLICATION OF CREDIT.—The credit allowed under this section shall apply to property placed in service or installed after December 31, 2001.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 1016 (relating to general rule for adjustments to basis), as amended by this Act, is amended by striking ''and'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', and'', and by adding at the end the following new paragraph:

''(36) in the case of a residence or other property with respect to which a credit was allowed under section 30D, to the extent provided in section 30D(g).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Wind energy property.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service or installed after December 31, 2001, in taxable years ending after such date.

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**SA 3074.** Mr. DURBIN (for himself and Ms. COLLINS) 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:

On page 403, between lines 12 and 13, insert the following:

**SEC. 12___. CONSERVE BY BICYCLING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term ''program'' means the Conserve by Bicycling Program established by subsection (b).

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

(b) ESTABLISHMENT.—There is established within the National Highway Traffic Safety Administration a program to be known as the ''Conserve by Bicycling Program''.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish up to 10 pilot projects, subject to appropriations that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) REPORT.—On completion of the program, the Secretary shall submit to Congress a report that describes the results of the program.

(e) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(B) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(C) include a cost-benefit analysis of bicycle infrastructure investments; and

(D) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,050,000, of which—

(1) $5,000,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (e).

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to conduct an oversight hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies.''

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 21, 2002, at 9:30 a.m. on airport capacity expansion plans in the Chicago area.

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

### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thrusday, March 21, 2002; at 9:30 a.m., to consider the nomination of Randal K. Quarles, to be Assistant Secretary for International Affairs of the U.S. Department of Treasury.

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

### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to hear testimony on ''Corporate Tax Shelters: Looking Under the Roof.''

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''IDEA: What's Good For Kids? What Works For Schools?'' during the session of the Senate on Thursday, March 21, 2002, at 10 a.m.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''IDEA: What's Good For Kids? What Works For Schools?'' during the session of the Senate on Thursday, March 21, 2002, at 10:30 a.m.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to 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.

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

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Reforming the FBI in the 21st Century: Lessons From the Oklahoma City Bombing Case'' on Thursday, March 21, 2002, in Dirksen Room 106 at 9:30 a.m.

*Witness list*

Panel I: Glenn A. Fine, Inspector General, Department of Justice, Washington, DC;

Panel II: Robert Chiradio, Executive Assistant Director for Administration, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bob Dies, Chief Technology Officer, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bill Hooten, Assistant Director for

Records Management, Federal Bureau of Investigations, Department of Justice, Washington, DC

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 21, 2002, for a markup on the nominations of Robert H. Roswell to be Under Secretary for Health of the Department of Veterans Affairs, and Daniel L. Cooper to be Under Secretary for Benefits of the Department of Veterans Affairs. The meeting will take place in S–216 of the Capitol at a time to be determined.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, March 21, 2002, from 9:30 a.m.–12 p.m.; in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on ''Homeland Security: Assessing the Needs of Local Law Enforcement'' on Thursday, March 21, 2002, at 2:00 p.m., in Dirksen 226.

*Witness list*

Panel I: The Honorable Patrick Henry Hays, Mayor; on behalf of the U.S. Conference of Mayors; North Little Rock, AR; the Honorable Glenda Hood; Mayor, Past President, National League of Cities, Orlando, FL; Chief Michael J. Szczerba, Chief of Police, Wilmington Police Department, Wilmington, DE; William J. Johnson, Executive Director, National Association of Police Organizations, Washington, DC; Sheriff Tommy Ferrell, First Vice President, National Sheriffs' Association, Adams County, Natchez, MS; David Muhlhausen, Policy Analyst, Heritage Foundation, Washington, DC.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 21, 2001, at 10 a.m., in open and possibly closed session to receive testimony on readiness of U.S. Armed Forces for all assigned missions, in review of the defense authorization request for fiscal year 2003.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 695, 739 through 751, 754, 755, and the nominations on the Secretary's desk; that the nominations be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. George P. Taylor, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Bruce A. Carlson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Robert C. Hinson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Duncan J. McNabb, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Joseph H. Wehrle, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas B. Goslin, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Leslie F. Kenne, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. William R. Looney, III, 0000

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Kevin T. Ryan, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 12203:

*To be major general*

Brigadier General Jeffrey L. Gidley, 0000
Brigadier General Jerry W. Grizzle, 0000
Brigadier General Gus L. Hargett, Jr., 0000
Brigadier General Phillip E. Oates, 0000
Brigadier General Walter A. Paulson, 0000
Brigadier General Claude A. Williams, 0000

*To be brigadier general*

Colonel Ronald I. Botz, 0000
Colonel David P. Burford, 0000
Colonel James E. Fletcher, 0000
Colonel Alan K. Fry, 0000
Colonel Kenneth D. Hislop, 0000
Colonel Laughlin H. Holliday, 0000
Colonel Hal E. Hunter, III, 0000
Colonel Donald O. Koonce, 0000
Colonel Robert A. Martinez, 0000
Colonel Joseph G. Materia, 0000
Colonel Thomas J. Shailor, 0000
Colonel Roger L. Shields, 0000
Colonel Perry G. Smith, 0000
Colonel Thomas J. Sullivan, 0000
Colonel John J. Weeden, 0000
Colonel Mitchell M. Willoughby, 0000
Colonel Patrick D. Wilson, 0000
Colonel Timothy J. Wright, 0000

The following named United States Army Reserve officer for appointment as Chief of Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

*To be lieutenant general*

Maj. Gen. James R. Helmly, 0000

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Stephen S. Israel, 0000

The following named officer for appointment as Judge Advocate General of the United States Navy under title 10, U.S.C., section 5148:

*To be judge advocate general of the United States Navy*

Rear Adm. Michael F. Lohr, 0000

COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Mary P. O'Donnell, 0000

The following named officer for appointment as Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 44:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1359 Air Force nominations (10) beginning Timothy S. Claseman, and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002.

PN1361 Air Force nominations (43) beginning Richard E. Bachmann, Jr., and ending Donald R. Yoho, Jr., which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002.

PN1457 Air Force nomination of David H. Conroy, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1462 Air Force nominations (93) beginning Michelle D. Adams, and ending Carol L. Westfall, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1463 Air Force nominations (1492) beginning Robert K. Abernathy, and ending Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1468 Air Force nominations (14) beginning Wesley J. Ashabranner, and ending David L. Walton, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1472 Air Force nomination of Michael Hajatian, Jr., which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1473 Air Force nomination of Catherine S. Lutz, which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1474 Air Force nomination of Karen L. Wolf, which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1475 Air Force nominations (3) beginning Albert G. Baltz and ending Duane Kellogg, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1476 Air Force nominations (5) beginning James C. Demers, and ending Carlos E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1495 Air Force nominations (7) beginning Derrick K. Anderson, and ending Joseph R. Wallroth, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1500 Air Force nominations (19) beginning Matt Adkins, Jr., and ending Stephen M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1527 Air Force nomination of Joseph Wysocki, which was received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1528 Air Force nominations (3) beginning Richard L. Fullerton, and ending William P. Walker, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1529 Air Force nominations (104) beginning William P. Albro, and ending Delilah R. Works, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

ARMY

PN1449 Army nominations (23) beginning Dewitt T. Bell, Jr., and ending Jon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1450 Army nominations (3) beginning Bobbie A. Bell, and ending David J. Wellington, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1464 Army nominations of Donald E. Ebert, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1465 Army nominations of Clifford D. Friesen, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1466 Army nominations of Gregory A. Brouillette, which was received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1467 Army nominations (63) beginning *Amy M. Bajus, and ending *Antoinette Wrightmcrae, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1501 Army nominations (21) beginning *David E. Bentzel, and ending *Shannon M. Wallace, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1502 Army nominations (49) beginning *Abad Ahmed, and ending *Larry J. Wooldridge, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1503 Army nominations (144) beginning Kimberlee A. Aiello, and ending *Chunlin Zhang, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN504 Army nominations of James R. Kish, which was received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1531 Army nominations (121) beginning *Sharon M. Aaron, and ending Joellen E. Windsor, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

COAST GUARD

PN1344 Coast Guard nominations (3) beginning Donald E. Bunn, and ending Dale M. Rausch, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002.

PN1357 Coast Guard nominations (223) beginning David W. Lunt, and ending Mary A. Wysock, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1434 Coast Guard nominations (20) beginning David M. Butler, and ending John S. Leyerle, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2002.

PN1435 Coast Guard nominations (165) beginning Rebecca L. Albert, and ending Allison L. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2002.

MARINE CORPS

PN1505 Marine Corps nominations (5) beginning Raymond J. Faugeaux, and ending Marianne P. Winzeler, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

NAVY

PN1506 Navy nominations (11) beginning Jennifer R. Flather, and ending Stephen J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

Signifies nominee's commitment to respond to requests to appear and testify before and duly constituted committee of the Senate.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## AMENDING AN ACT TO AUTHORIZE THE LEASING OF RESTRICTED INDIAN LANDS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3985.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 3985) was read the third time and passed.

## DEATH OF THE HONORABLE HERMAN E. TALMADGE, FORMERLY A SENATOR FROM THE STATE OF GEORGIA

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 231.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 231) relative to the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MILLER. Mr. President, I rise today to mourn one of this body's greatest giants—Herman Eugene Talmadge.

The tallest tree in all the Georgia forest has fallen. And we will never see another one that stood so tall and had such strength. All of us in Georgia politics who came after him have worked in his shade.

My heart grieves for his wife Linda, his family and his legion of loyal friends.

Without question, Herman Talmadge was Georgia's greatest governor of the 20th Century. He proposed and passed Georgia's first sales tax, and that ushered in a new day of State services. Nowhere was the impact greater than in education.

When Herman Talmadge became Governor in 1948, Georgia still had more than 1,750 one-room school houses. Many other school buildings were in a dilapidated State.

The major school construction program he launched was badly needed. It changed the state of education in Georgia.

But he did more than just construct new school buildings. Governor Talmadge also implemented Georgia's first statewide effort to reform education. It was called the Minimum Foundation Program for Education.

The result was dramatic improvement in public education in Georgia—increased funding, better-trained, higher-paid teachers, finally, a 9-month

school year, and bus service in rural areas that gave every Georgia child the opportunity for an education.

And one other thing I can say personally concerning education: Senator Talmadge certainly educated me.

He beat the tar out of me when I ran against him for the Senate in 1980. And I have often said I learned more from that losing race than I did in all the others that I won.

This Senator has a Ph.D. from ''Herman Talmadge University.''

Although it took me a few years to realize it, I have been a better man and a better Governor and a better Senator because of what he taught me.

For example, I never proposed a program or let anyone else propose some ''pie in the sky'' without asking, How much does it cost and how are we going to pay for it?

But we are not here to talk about what he taught me. We are here to pay tribute to a Georgia icon, a giant political leader, the likes of which we will never see again.

A man who gave and did so much for our State, our Nation, and our people.

The Talmadge Administration also left Georgia an economic development legacy, an unprecedented highway construction program was undertaken. The Ports Authority and our network of State farmers' markets were expanded. And the forestry industry benefited from his statewide program of protection and reforestation.

Governor Talmadge also built a network of hospitals and health centers throughout Georgia. And he doubled State funding for mental health.

Two years after he left the Governor's office, he was easily elected to the U.S. Senate in 1956 to replace the legendary Walter F. George upon his retirement.

Those were big shoes to fill. But Herman Talmadge immediately established himself as an authority on agricultural programs. In fact, he chaired the Agriculture Committee for a decade—from 1971 through 1980.

I will never forget the day I went to my first meeting as a member of the Agriculture committee. I sat down at the table and right behind me was the huge magnificent portrait of Senator Talmadge. I wrote him a note saying that ''he was still in Washington looking over my shoulder.''

Senator Talmadge was a primary sponsor of the modern School Lunch Program, and of the 1972 Rural Development Act, which created a system of rural hospitals.

In welfare reform, Herman Talmadge was ahead of his time. His Talmadge Work Incentive Training Act provided tax credits as an incentive to hiring welfare recipients.

In its first two years, this law took more than one million people off the welfare rolls nationwide. It resulted in a savings of $4 billion dollars. Georgia alone saved more than $400 million.

Without a doubt, his service together, with Senator Richard B. Russell, who chaired the Armed Forces Committee, gave Georgia the most powerful presence it has ever had in the U.S. Senate.

I will close with this last observation. The ultimate test of any statesman is to have a combination of insight and courage.

Herman Eugene Talmadge always possessed both in abundance.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The resolution (S. Res. 231) was agreed to, as follows:

S. RES. 231

*Resolved,* That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

*Resolved,* That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved,* That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. REID. Mr. President, I did not know Herman Talmadge, but when I arrived here in Washington his reputation was evident. Even though what we are doing tonight is somewhat perfunctory, it should not take away from the many great deeds this man did for the State of Georgia and his country, as indicated in the statement by Senator ZELL MILLER.

## UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 3070

Mr. REID. Mr. President, I ask unanimous consent the Graham amendment No. 3070 be in order, notwithstanding adoption of the Bingaman amendment No. 3016.

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

## BUDGET COMMITTEE REPORTING TIME

Mr. REID. Mr. President, I ask unanimous consent on Friday, March 22, the Budget Committee have until 4 p.m. to report the budget resolution, notwithstanding adjournment of the Senate.

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

## ORDERS FOR FRIDAY, MARCH 22, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, March 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes tomorrow.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 231 as a further mark of respect to the memory of the deceased Honorable Herman E. Talmadge, the late Senator from the State of Georgia.

There being no objection, the Senate, at 8:24 p.m., adjourned until Friday, March 22, 2002, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 21, 2002:

### BROADCASTING BOARD OF GOVERNORS

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2004, VICE TOM C. KOROLOGOS, TERM EXPIRED.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE MARC B. NATHANSON.

### FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL D. BROWN, OF COLORADO, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE ROBERT M. WALKER, RESIGNED.

### NATIONAL COUNCIL ON DISABILITY

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE JOHN D. KEMP, TERM EXPIRED.

LEX FRIEDEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE MARCA BRISTO, TERM EXPIRED.

YOUNG WOO KANG, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE DEBRA ROBINSON, TERM EXPIRED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE RAE E. UNZICKER, TERM EXPIRED.

CAROL HUGHES NOVAK, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE GINA MCDONALD, TERM EXPIRED.

PATRICIA POUND, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE ELA YAZZIE-KING, TERM EXPIRED.

### NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

CARMEL BORDERS, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

WILLIAM T. HILLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

ROBIN MORRIS, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

JEAN OSBORN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF LABOR

KATHLEEN P. UTGOFF, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR FOR A TERM OF FOUR YEARS, VICE KATHERINE G. ABRAHAM, TERM EXPIRED.

THE JUDICIARY

MORRISON C. ENGLAND, JR., OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE LAWRENCE K. KARLTON, RETIRED.

AMY J. ST. EVE, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE GEORGE W. LINDBERG, RETIRED.

HENRY E. AUTREY, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE GEORGE F. GUNN, JR., RETIRED.

RICHARD E. DORR, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE D. BROOK BARTLETT, DECEASED.

DAVID S. CERCONE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONALD J. LEE, RETIRED.

TIMOTHY J. SAVAGE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE EDWARD N. CAHN, RETIRED.

DEPARTMENT OF JUSTICE

RONALD HENDERSON, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE FLOYD A. KIMBROUGH, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. CHARLES J. DUNLAP JR., 0000
COL. MICHAEL N. MADRID, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. THOMAS S. BAILEY JR., 0000
COL. RUSSELL J. KILPATRICK, 0000
COL. DAVID G. YOUNG III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL CHRIS T. ANZALONE, 0000
COLONEL DANA T. ATKINS, 0000
COLONEL PHILIP M. BREEDLOVE, 0000
COLONEL BRUCE E. BURDA, 0000
COLONEL BRADLEY W. BUTLER, 0000
COLONEL ROBERT E. DEHNERT JR., 0000
COLONEL DELWYN R. EULBERG, 0000
COLONEL MAURICE H. FORSYTH, 0000
COLONEL PATRICK D. GILLETT JR., 0000
COLONEL SANDRA A. GREGORY, 0000
COLONEL GREGORY J. IHDE, 0000
COLONEL KEVIN J. KENNEDY, 0000
COLONEL LYLE M. KOENIG JR., 0000
COLONEL RONALD R. LADNIER, 0000
COLONEL STEPHEN L. LANNING, 0000
COLONEL ERWIN F. LESSEL III, 0000
COLONEL JOHN W. MALUDA, 0000
COLONEL MARK T. MATTHEWS, 0000
COLONEL GARY T. MCCOY, 0000
COLONEL KIMBER L. MCKENZIE, 0000
COLONEL STEPHEN J. MILLER, 0000
COLONEL RICHARD Y. NEWTON III, 0000
COLONEL THOMAS J. OWEN, 0000
COLONEL RICHARD E. PERRAUT JR., 0000
COLONEL POLLY A. PEYER, 0000
COLONEL DOUGLAS L. RAABERG, 0000
COLONEL ROBERTUS C. N. REMKES, 0000
COLONEL ERIC J. ROSBORG, 0000
COLONEL MARSHALL K. SABOL, 0000
COLONEL PAUL J. SELVA, 0000
COLONEL MARK E. STEARNS, 0000
COLONEL THOMAS E. STICKFORD, 0000
COLONEL JOHNNY A. WEIDA, 0000
COLONEL THOMAS B. WRIGHT, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. JOHN M. URIAS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

ADM. THOMAS B. FARGO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. RAYMOND K. ALEXANDER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. THOMAS L. ANDREWS III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. BEN F. GAUMER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. DAVID L. MASERANG, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT G. ANISKO, 0000
OWEN M. BARNHILL, 0000
JOE CROOM, 0000
JOHN D. GAINES, 0000
EDWARD A. LEACOCK, 0000
JOHN P. MITCHAM, 0000
TIMOTHY J. REGAN, 0000
DAVID G. SHERRARD, 0000
BRUCE I. TOPLETZ, 0000
CRAIG A. WEBBER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JAMES E. TOCZKO, 0000

THE JUDICIARY

BRUCE E. KASOLD, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF THIRTEEN YEARS. (NEW POSITION)

## CONFIRMATIONS

### Executive nominations confirmed by the Senate March 21, 2002:

DEPARTMENT OF DEFENSE

JOSEPH E. SCHMITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) MARY P. O'DONNELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

*To be admiral*

VICE ADM. THOMAS H. COLLINS

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. GEORGE P. TAYLOR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. BRUCE A. CARLSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ROBERT C. HINSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DUNCAN J. MCNABB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JOSEPH H. WEHRLE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS B. GOSLIN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. LESLIE F. KENNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM R. LOONEY III

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL KEVIN T. RYAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL JEFFREY L. GIDLEY
BRIGADIER GENERAL JERRY W. GRIZZLE
BRIGADIER GENERAL GUS L. HARGETT, JR.
BRIGADIER GENERAL PHILLIP E. OATES
BRIGADIER GENERAL WALTER A. PAULSON
BRIGADIER GENERAL CLAUDE A. WILLIAMS

*To be brigadier general*

COLONEL RONALD I. BOTZ
COLONEL DAVID P. BURFORD
COLONEL JAMES E. FLETCHER
COLONEL ALAN K. FRY
COLONEL KENNETH D. HISLOP
COLONEL LAUGHLIN H. HOLLIDAY
COLONEL HAL E. HUNTER III
COLONEL DONALD O. KOONCE
COLONEL ROBERT A. MARTINEZ
COLONEL JOSEPH G. MATERIA
COLONEL THOMAS J. SHAILOR
COLONEL ROGER L. SHIELDS
COLONEL PERRY G. SMITH
COLONEL THOMAS J. SULLIVAN
COLONEL JOHN J. WEEDEN
COLONEL MITCHELL M. WILLOUGHBY
COLONEL PATRICK D. WILSON
COLONEL TIMOTHY J. WRIGHT

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

*To be lieutenant general*

MAJ. GEN. JAMES R. HELMLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) STEPHEN S. ISRAEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

*To be judge advocate general of the United States Navy*

REAR ADM. MICHAEL F. LOHR

AIR FORCE NOMINATIONS BEGINNING TIMOTHY S. CLASEMAN AND ENDING DOUGLAS C. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING RICHARD E. BACHMANN, JR. AND ENDING DONALD R. YOHO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATION OF DAVID H. CONROY.

AIR FORCE NOMINATION OF EDWARD A. LAFERTY.

AIR FORCE NOMINATIONS BEGINNING MICHELLE D. ADAMS AND ENDING CAROL L. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING ROBERT K. ABERNATHY AND ENDING ANTHONY J. ZUCCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING WESLEY J. ASHABRANNER AND ENDING DAVID L. WALTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATION OF MICHAEL HAJATIAN, JR.

AIR FORCE NOMINATION OF CATHERINE S. LUTZ.

AIR FORCE NOMINATION OF KAREN L. WOLF.

AIR FORCE NOMINATIONS BEGINNING ALBERT G. BALTZ AND ENDING DUANE KELLOGG, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING JAMES C. DEMERS AND ENDING CARLOS E. RODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING DERRICK K. ANDERSON AND ENDING JOSEPH R. WALLROTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATIONS BEGINNING MATT ADKINS, JR. AND ENDING STEPHEN M. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATION OF JOSEPH WYSOCKI.

AIR FORCE NOMINATIONS BEGINNING RICHARD L. FULLERTON AND ENDING WILLIAM P. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

AIR FORCE NOMINATIONS BEGINNING WILLIAM P. ALBRO AND ENDING DELILAH R. WORKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

ARMY NOMINATIONS BEGINNING DEWITT T BELL, JR. AND ENDING JON M WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2002.

ARMY NOMINATIONS BEGINNING BOBBIE A. BELL AND ENDING DAVID J. WELLINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2002.

ARMY NOMINATION OF DONALD E. EBERT.

ARMY NOMINATION OF CLIFFORD D. FRIESEN.

ARMY NOMINATION OF GREGORY A. BROUILLETTE.

ARMY NOMINATIONS BEGINNING *AMY M BAJUS AND ENDING *ANTOINETTE WRIGHTMCRAE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

ARMY NOMINATIONS BEGINNING *DAVID E BENTZEL AND ENDING *SHANNON M WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATIONS BEGINNING *ABAD AHMED AND ENDING *LARRY J WOOLDRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATIONS BEGINNING KIMBERLEE A AIELLO AND ENDING *CHUNLIN ZHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATION OF JAMES R. KISH.

ARMY NOMINATIONS BEGINNING *SHARON M AARON AND ENDING JOELLEN E WINDSOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

COAST GUARD NOMINATIONS BEGINNING DONALD E. BUNN AND ENDING DALE M. RAUSCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

COAST GUARD NOMINATIONS BEGINNING DAVID W LUNT AND ENDING MARY A WYSOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

COAST GUARD NOMINATIONS BEGINNING DAVID M BUTLER AND ENDING JOHN S LEYERLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

COAST GUARD NOMINATIONS BEGINNING REBECCA L ALBERT AND ENDING

ALLISON L ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

MARINE CORPS NOMINATIONS BEGINNING RAYMOND J. FAUGEAUX AND ENDING

MARIANNE P. WINZELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

NAVY NOMINATIONS BEGINNING JENNIFER R FLATHER AND ENDING STEPHEN J WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

# EXTENSIONS OF REMARKS

## HONORING CLAIRE NICHOLS

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the late Claire Nichols, for receiving the 2002 Educator of The Year Award from the Sanger District Chamber of Commerce. Mrs. Nichols was a dedicated educator, and is being recognized for her tremendous efforts.

Claire began teaching Kindergarten in 1955 at Lincoln Elementary. Shortly thereafter, she left the teaching field to become a mother. While absent from teaching, Mrs. Nichols was still very active within the school system, serving on the Jackson PTA, and as a Room Mother. In 1987 she returned to the classroom, this time as a second grade teacher for Jackson Elementary School. Claire brought a lot of attention and affection to her students. When her students were sick, she brought them baked goods at home.

Claire's dedication to and genuine interest in students extended beyond the classroom. She had a deal with her students that if any of them hit a home run she would buy them a pizza. This deal followed the students from Little League all the way through high school. The football and basketball players also benefited from Mrs. Nichols' generosity in the form of team meals.

Mr. Speaker, I rise today to honor Mrs. Claire Nichols, for her dedication as an educator and for touching the lives of all her children. I invite my colleagues to Join me in remembering Claire Nichols for her community service and exemplary life.

## RECOGNIZING THE 46TH ANNIVERSARY OF THE REPUBLIC OF TUNISIA'S NATIONAL DAY OF INDEPENDENCE

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Republic of Tunisia and its people on the 46th anniversary of their National Day of Independence. Over the last 46 years, Tunisia has been an outstanding model for developing countries. It has risen from a fledgling democracy to a nation that is at the forefront of instituting an aggressive North African free market economy.

The United States and Tunisia have maintained a strong relationship throughout Tunisia's history. During the Cold War, Tunisia was a crucial partner in the Mediterranean Sea. In our struggle against terrorism, dating back to the early 1990s, Tunisia has been a steadfast ally. As early as 1993, Tunisia condemned forms of Islamic extremism and terrorism. In 1994, Tunisia warned the West of terrorism's evils and spoke of the need to fight terrorism on a global level.

Tunisia's unwavering opposition to terrorism has been no more evident than in its response to the tragic terrorist attacks of September 11, 2001. Immediately following the attacks, Tunisia's President, Zine El Abidine Bel Ali, offered his country's heartfelt condolences to the American people and strongly condemned the attacks and those behind them. President Ben Ali also offered his country's steadfast support for our efforts to bring those responsible to justice.

As a friend of Tunisia, I again congratulate the Tunisian people on 46 years of independence and would like to share with my colleagues the insightful words of President Ben Ali, describing the reasons for Tunisia's success in building a democratic society:

''Tolerance is at the heart of our social traditions as well as a characteristic of Tunisia's history. Pluralism, whether religious, cultural, or political, is ingrained in our society. Tunisian Moslem and Jews have lived together under the same sky and same state for many centuries. Each contributed to the building of [Tunisia], whose greatness is based on the tolerance of its people—a tolerance which has been among the highest values governing relations between the two parties, as there was no room for hatred.''

## TO HONOR MR. AND MRS. VEGA FOR ALL THEIR HARD WORK IMPROVING THE LIVES AND EDUCATION OF YOUTH IN THE HISPANIC COMMUNITY

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to two outstanding citizens who have improved the lives and education of youth in the Hispanic community. For their commitment and dedication, a new elementary school will be named in their honor in McKinney, Texas. I speak of Jose de Jesus and Maria Luisa Vega, whom I have the distinct honor of knowing and representing in Congress.

Upon arriving in McKinney in 1950, the Vegas realized that most immigrant children had little opportunity to succeed in the public school systems. Work in the fields seemed a better alternative to the difficulties of integrating for these children. However, after visiting with parents from the community, the Vegas decided to build a school specially to assist the newly migrated children. Through various fund-raisers, local contributions and assistance from the parents, a school was built to help students learn and improve their English skills and provided tutoring on various other subjects.

Mrs. Vega, who graduated from the National University of Mexico with a degree in medicine, also opened a clinic in the community and Mr. Vega served as a pastor in the local Episcopalian church.

Years later, the Vegas moved for health reasons to Arizona, where Mrs. Vega taught high school for 22 years before retiring. Nonetheless, their contributions to the McKinney community have been far from forgotten as they continue to be honored and recognized for their work.

For decades, Mr. and Mrs. Vega have educated and helped to provide our underprivileged children with the opportunity to obtain a basic education. They truly serve as a model and inspiration to educators throughout our nation.

## A TRIBUTE TO DORITA CLARKE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Dorita Clarke in recognition of her commitment and dedication to higher education opportunities in New York City.

Donita is a very active member of the community. Along with a full time job with the Department of Transportation, Dorita has served as the New York State Committee Woman for the 22th Assembly District since 1965. In 1997, she co-founded the ''You Can Go to College Committee'' where she continues to serve as the Executive Director. This organization prepares ninth through twelfth grade students to take the SAT's, assists seniors through the application and financial aid process, and provides workshops on college life. In addition, she arranges college visits to New York area colleges and tours of some Historically Black Colleges and Universities. Many of the students who have worked with the ''You Can Go to College Committee'' have enjoyed an easier adjustment to college life and maintained at least a 3.0 GPA. Once in the program and attending a college, the Committee continues to track students' progress and periodically sends care packages. Since the inception of this tremendous program, over 1,000 students have participated.

In addition, Ms. Clarke is affiliated with several other organizations such as the New York State Fraternal Order of Police, Chapter #93; United Democratic Club—Executive Board; Democratic National Committee; Key Women of America. Inc.; and York College Advisory Board.

Mr. Speaker, Ms. Clarke has dedicated her life to giving youth in Brooklyn and throughout New York City the opportunity to excel in higher education. As such, she is more than worthy of receiving our recognition and I urge my colleagues to join me in honoring this truly remarkable woman.

## HONORING JIM KNIGHT OF EAST CHICAGO, INDIANA

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and pride that I wish to honor the late Jim Knight of East Chicago, Indiana. His dedicated service to the City of East Chicago and to the entire Northwest Indiana community until his unfortunate death in May, 1998, has resulted in the city dedicating the new East Chicago Public Safety Building in his name. I had the privilege of knowing Jim for many years, and he was an inspiration to anyone who had the privilege to meet him.

Jim Knight was born in East Chicago on March 13, 1925 and spent his youth attending St. Mary's Elementary School and Catholic Central High School, which is now Bishop Noll Institute. After graduating from high school, Jim prepared himself for a future in the United States military by attending the U.S. Navy Sonar School in San Pedro, California. He continued his higher education by attending Muhlenberg College in Allentown, Pennsylvania.

After completing his studies, Jim served his country in the United States Navy from 1943 to 1945. His devoted service during World War II left Jim with a sense of purpose and accomplishment, so after the war he decided to re-enlist in the United States Army, where he actively served from 1949 to 1953, and then continued his military service in the reserves.

Although his experiences in the military took him to many places around the world, Jim Knight's heart was always in Northwest Indiana. He spent his time exploring many different occupations, including working as an ironworker for the Baltimore & Ohio Railroad, earning his real estate license, serving as a Lake County Deputy Sheriff, and finally as the East Chicago City Controller, a position he held from 1972 until his death in 1998.

Jim Knight dedicated his personal and professional life to making East Chicago and Northwest Indiana a better place. He developed a love for politics while lobbying for the Lake County Fraternal Order of Police. He was also involved with many professional associations, including the Indiana Association of Cities and Towns, the Indiana Controllers' Association, the Lake County Convention and Visitor's Bureau, and the East Chicago Board of Public Works. Jim was also the President of the East Chicago Waterway Management District.

When he was not with his wife, June, their six children and twelve grandchildren, Jim spent much of his personal time as a member of various social clubs. He was the Past Exalted Ruler of East Chicago Elks Lodge #981, and was a member of the East Chicago Goodfellows Club, American Legion Post 369, and many others.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring Jim Knight and commending the City of East Chicago for dedicating their new public safety building in the memory of an outstanding citizen of the East Chicago community. Jim devoted his time to improving the quality of life in his native city, as well as Northwest Indiana, and his legacy will continue for generations to come.

## TRIBUTE TO COLONEL WALTER M. WASHABAUGH ON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. JEFF MILLER of Florida. Mr. Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize Colonel ''Mark'' Washabaugh for his 30 years of dedicated service to our country. In his most recent assignment he serves as the Chief, Inquiries Division, Office of Legislative Liaison. He manages, on behalf of the Department of the Air Force, all constituent inquiries from the White House, Office of the Vice President, Members of Congress and State/local governments.

Colonel Washabaugh began his distinguished Air Force career with the Reserve Officers Training Corps at the University of Maryland and was commissioned in 1972. He graduated from St. Anne's Academy, Ft. Smith, Arkansas. He earned a Bachelor of Science degree in zoology/biology from the University of Maryland in 1972 and a Master of Science degree in systems management from the University of Southern California in 1985. He also attended Squadron Officers School and Air Command and Staff College.

His first assignment was as an Administration Officer for the 801st Radar Squadron at Malmstrom AFB, Montana. Following this assignment he was Commander of the Headquarters Squadron at Kingsley Field, Oregon. His next assignment took him to Osan AB, Republic of Korea where he served as the Executive Officer for the Deputy Commander for Resources, 51st Composite Wing (Tactical); followed on as Wing Executive Officer and then as Aide to the Commander 314th Air Division. Colonel Washabaugh returned to the continental United States as the Program Officer, Directorate of Operations and Readiness, Headquarters United States Air Force. His next assignment took him to MacDlll AFB, Florida, where he served as Chief of Protocol for the United States Central Command. In 1983, he returned to Headquarters U.S. Air Force and served as the Chief of International Programs for Southern Europe. In 1986 he entered the Air Command and Staff College at Maxwell AFB, Alabama, as a student. Upon graduation he became Chief of Protocol, Headquarters U.S. European Command at Patch Barracks, Germany. In 1989 he returned to the continental United States as Chief of Branch 1 in the Office of Legislative Liaison, Headquarters U.S. Air Force. His next assignment was at the Air Education and Training Command at Randolph AFB, Texas as the Chief of Communications and Strategic Information Planning. He returned to the DC area to serve as Chief of the Business Systems Division for the Air Force Communications and Information Center. He was assigned to his present position in 1999.

Colonel Washabaugh's military awards and decorations include the Defense Meritorious Service Medal with an oak leaf cluster, Meritorious Service Medal with five oak leaf clusters and the Air Force Commendation Medal with oak leaf cluster.

## IN HONOR OF BRENDA E. PERRY-FELDER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Brenda E. Perry-Felder in recognition of her dedication and commitment to her family, her community and her church.

Brenda E. Perry was born in Brooklyn, New York in 1940. Brenda attended Our Lady of Victory Catholic School, and then went on to become one of the first African-Americans to attend Bishop McDonald's Catholic High School. She has spent her life caring for others. After graduating from high school, Brenda attended Kings County Hospital Nursing School. As a registered nurse, she held several positions at a number of different hospitals, including St. Mary's and Greenpoint Hospital.

Brenda has been married to her husband, Cleon, for almost 25 years. Together they have three children, Derick, Ronda, and Kimberly as well as one adopted daughter, Brenda, and a stepson, Cleon Jr. She is also the grandmother of 13 and great grandmother of two. While raising her children, Brenda decided to go back to school to become a teacher. She was a member of the first class of Medgar Evers College earning a Bachelor of Science degree in education. She also attended Barber-Scotia College. She went on to receive a Master's in Education from Brooklyn College followed by a Master's in Supervision/Administration from City College and a Principal Leadership Certification from Howard University.

Brenda was an outstanding dedicated teacher, principal and advocate for children. She worked as a teacher in the Catholic school system at Our Lady of Victory and New Bed-Stuy Catholic Schools. She went on to work for the New York City Board of Education in District 23 where she remained for over 25 years. One of her greatest career accomplishments occurred early this year. After a great deal of hard work, just as she was retiring as its school principal, Brenda was able to have PS 73 removed from the SURR list.

Brenda has received countless honors for her hard work and dedication. In 1986, 1992, and 1995, she received the ''Outstanding Leadership Award from District 23''; in 1991, she received the ''Key Women of America Education Award''; in 1993, 1998, and 1999 she was given the Rachel Jean Mitchell Award for her Outstanding Service to Students in District 23; in 1994, she was honored with the Malcom X-Betty Shabazz Award for Outstanding Service to Children; in 1997, she also received the Barbara Scotia College Alumni Award for Outstanding Service to Children; and in 1999, the New York City School system acknowledged her career achievements with the Chancellor's Leadership Award as Principal of the Year.

Brenda E. Perry-Felder has committed herself as a parent, student, and teacher to hard work and outstanding accomplishments. Her

motto is, ''If I can help somebody along the way then my living will not have been in vain.'' Mr. Speaker, Brenda E. Perry-Felder has helped many and her life is not in vain. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

## HONORING DAVID SULENTA

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor David Sulenta for receiving the 2002 Fire Personnel of the Year Award from the Sanger District Chamber of Commerce.

David joined the Sanger Fire Department October 30, 1979. He began as a Firefighter/EMT and was promoted to Firefighter/Specialist soon after. Aside from Mr. Sulenta's contributions as an outstanding person, he has initiated many programs for the Sanger Fire Department. He brought about the routine testing of the self-contained breathing apparatus and he developed specifications for the new exhaust system which removes diesel exhaust fumes from the apparatus floor when fire engines drive out of the firehouse. Moreover, David was active in obtaining equipment for new fire engines. His achievements and contributions have not gone unrecognized by his peers. The officers of the department have selected him as ''Employee of the Quarter'' many times and this is the second time he has been honored as the Fire Personnel of the Year.

Mr. Speaker, I rise today to congratulate Mr. David Sulenta for his contributions to the Sanger Fire Department. I invite my colleagues to join me in thanking David for his active involvement within the community and wishing him many more years of continued success.

## CONGRATULATIONS TO REVEREND F. BRANNON JACKSON IN CELEBRATION OF 36TH YEAR IN MINISTRY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and esteem that I wish to congratulate Reverend F. Brannon Jackson, who is celebrating his 36th year in the ministry. As the congregation at Calvary Institutional Church will attest, this praise is well deserved. Having overcome many obstacles in his life, Reverend Jackson serves as a role model for those wishing to start their life afresh and to have a positive influence over the lives of others.

To the benefit of Northwest Indiana, Reverend Jackson's arrival in Gary was, in his own words, ''God's will.'' In 1946, after serving in the military, he planned to visit his cousins in the city while en route to San Francisco. Once here, this young man from Mobile, Alabama abandoned his plans to travel west, for he felt strangely drawn to this area, in spite of its differences from his native state.

Until he received the call to the ministry, Reverend Jackson openly admits his early years in Gary were spent enjoying the frivolities in life. At the age of 22, eager to set himself on the path of success, he offered his skills as a welder to Gebraltar Insurance Company; later he secured other positions, first at Reliable Cab, and then at the Budd Plant. It was while at the Budd Plant that he accepted his call to the ministry. Incidentally, this call came disguised as a church hymn: while playing poker with friends, Reverend Jackson became agitated when a man began walking room to room singing these songs. He followed the man, intending to ask him to quiet down, but instead discovered the verses sung stirred a passion within his soul that has yet to be quelled. Under the direction of Reverend L.J. Harris and the New Mount Moriah Missionary Baptist Church, Reverend Jackson freed himself from the entanglements complicating his life and set his feet upon this path of righteousness.

Knowing his congregation would benefit from a minister well versed in spiritual, as well as secular affairs, Reverend Jackson began to challenge himself intellectually. He attended Chicago Baptist Institute and completed his GED, but his hunger for this intellectual development remained insatiable. Bolstered by his renewed faith in God and in himself, Reverend Jackson enrolled in Indiana Christian University, where he attained not only a bachelor's degree, but successfully earned a master's degree in religious arts.

Reverend Jackson's devotion to the Baptist Church is best reflected by the distinguished positions he has held and by the awards he has garnered during his 36 years in the ministry. He served as the president of the General Missionary Baptist state convention and the Indiana state convention. He lent his religious expertise to the National Baptist Convention, where he participated as an active board member. The culmination of his many years of dedicated service to the Baptist Church was achieved in 1998, when Indiana Governor Frank O'Bannon honored him with the Sagamore of Wabash Award, the highest award the governor can bestow upon a citizen.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring Reverend F. Brannon Jackson as he observes his 36th year in the ministry. His commitment to his faith, as well as his selfless contributions to his congregation, is worthy of our commendation. Reverend Jackson is one of many extraordinary examples of leadership and integrity characteristic of the citizenry of Northwest Indiana.

## PERSONAL EXPLANATION

### HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 65, on approving the journal. Had I been present I would have voted ''yea.''

I was also unavoidably detained for Roll Call No. 66, H. Res, 368, Commending the Pentagon Renovation Program. Had I been present I would have voted ''yea.''

I was also unavoidably detained for Roll Call No. 67, H.R. 2509, the Bureau of Engraving and Printing Security Printing Amendments Act of 2001. Had I been present I would have voted ''yea.''

I was also unavoidably detained for Roll Call No. 68, H.R. 2804, the James R. Browning United States Courthouse Designation Act. Had I been present I would have voted ''yea.''

## A TRIBUTE TO CATHERINE WATTS-COLEMAN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Catherine Watts-Coleman in recognition of her contribution to her family and her community.

Catherine, a native of North Carolina, relocated to Brooklyn with her parents and two siblings after receiving her high school diploma from the Morningside High School in Statesville, North Carolina. Upon arriving in Brooklyn, Catherine enrolled in the Central School for Practicing Nursing. After graduating, she went on to work at the Harlem Eye and Ear Hospital, Lutheran Hospital, and Sheephead Bay Nursing Home.

In 1950, Catherine married the late Bryant Coleman and was blessed with two wonderful children, Wayne and Lance. In rearing her children, she became more active in the Brooklyn community. Her motto is ''parents must be actively involved in the social, educational, and spiritual life of their children in order for them to grow up and become responsible contributing members of society.''

Catherine grew up in a caring, loving and spiritual household and she continues to always put God first in her life. Her daily meditation includes the 23rd and 121st Psalms, and the 14th Chapter of St. John. With that commitment to her community, she continues to be a tithing member of her childhood church, the Church of the Living God in Statesville, North Carolina, and alternates weekly worship between Nazarene Temple and Faith Holy Churches in Brooklyn.

Today, Catherine is a happy retiree who continues to reach out and touch the lives of others by happily volunteering her time. One of her greatest joys is talking about her six grandchildren, Zuri, Maurice, Larissa, Lauren, Lance Jr., and Latrice. She is also proud of her daughter-in-laws, nieces, and nephews who are an integral part of her life.

Mr. Speaker, Catherine Watts-Coleman has devoted her life to serving her family and her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

## HONORING DOUG PERRY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mr. Doug Perry, principal of El Capitan Middle School, for receiving a nomination for the Educator of the Year Award from the California League of Middle Schools.

Principal Perry has served El Capitan for 23 years as a principal, and 9 years as a physical education teacher. He administered the transition to a year round school schedule and the reinstatement of the regular school year schedule. Doug is also an innovative leader; he recognized the necessity of technological improvements as a vital resource for students and teachers. Mr. Perry has supported various programs for his students, such as the district's promotion/retention/intervention programs. Principal Perry has been an instrumental and charismatic leader in his community, and has earned much respect from his colleagues.

Mr. Speaker, I rise today to congratulate Doug Perry for his nomination for the 2001 Educator of the Year Award. I invite my colleagues to join me in thanking Mr. Perry for his outstanding service to the community and wishing him many more years of continued success.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mr. TIERNEY. Madam Speaker, I rise today in honor of the 181st anniversary of Greek independence that will take place on March 25th. As a member of the Congressional Caucus on Hellenic Issues, I once again join my colleagues in paying tribute to the Greek nation and its people.

As we all know, ancient Greece was the fountain of democratic ideals and values for the rest of the world, and on the day of her Independence, we are again reminded of our duty to strive for and defend freedom.

We are also reminded of the debt of gratitude we owe to the country upon which our democratic process is founded, while also recognizing the strong support modern day Greece has given us in our battle with terror. Indeed, the people of Greece and all Greek Americans have cause to celebrate their achievements on this day of Independence.

On behalf of the people of the Sixth Congressional district of Massachusetts, I wish to extend congratulations to the people of Greece and all people of Greek heritage in the United States on this important holiday.

## PAYING TRIBUTE TO DREW SHAPIRO

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Drew Shapiro, an eighth grader from Fenton, MI. In June, 2001, for his charitable Bar Mitzvah project, Drew chose to create snack kits to be distributed to homeless veterans in Flint and Ann Arbor, Michigan as well as Toledo, Ohio.

When the project was finished Mr. Speaker, he had collected enough donated items and money to assemble over 600 individual snack kits containing canned tuna, snack mix, candy, nuts, raisins and other nutritional food. Some even contained wool hats and t-shirts. On December 21, 2001, with the help of the Ann Arbor Veterans Administration Hospital, Drew and his family distributed the kits, along with a note attached to each that read, ''Dear Veteran, Thank you for serving our country.''

Even though Drew was planning his project well before the tragic events of September 11th, his hard work and compassion for our veterans took on special meaning after that terrible day. The attacks of September 11th were meant to create fear in every American, especially our children. Yet, the terrorists who carried out those evil acts have succeeded in only strengthening our resolve as Americans. It is also clear, through Drew's great example, that our nations greatest resource, our youth, is as strong, brave, and as bright as they have ever been.

Mr. Speaker, this young man exemplifies the spirit of every American at this time in our history. He has set a wonderful example that every American can follow. I ask that my colleagues join with me in saluting Drew's devotion to our country and to its veterans, who themselves have paid such an incredible price so that we may continue to live in freedom.

## IN HONOR OF MRS. JOYCE YVONNE CHASE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise today in honor of Mrs. Joyce Yvonne Chase, member of the Kings County Hospital Community Advisory Board and the NAACP 100 Black Women, devoted parishioner of the John Wesley United Methodist Church and a dedicated community leader, in recognition of the nearly five decades of compassionate and selfless service she has contributed to her community.

A native of Guyana, Mrs. Chase migrated to the United States in 1953. She began her career as a nurse's aide at the Jewish Chronic Disease Hospital, and after five years of devoted service, joined the staff of Brooklyn's Kings County Hospital. Through continued education and hard work, while at Kings County Hospital, Mrs. Chase progressed from nurse's aide to licensed practical nurse and then to Registered Nurse, the position from which she retired in 1993 after forty years of enthusiastic, kind-hearted and loving service—service that made a difference in the lives of countless individuals and families.

After retiring from her career in nursing in 1993, Mrs. Chase continued to carry out her commitment to care and service of the less fortunate as a dedicated volunteer. Since 1993, Mrs. Chase has volunteered as a member of the Auxiliary of Kings County Hospital Center, spearheaded the hospital's One Hundred and Sixty-fifth Anniversary Celebration, which raised $126,000 to enable the further development of the New Bed Tower of Kings County Hospital, and personally organized a fundraiser for Rhonda Armstrong, a twelve year old Guyanan native with a brain tumor. Mrs. Chase also continues to coordinate an Annual Thanksgiving Party for the children of Bedford Stuyvesant, volunteers at the Brooklyn's Children's Museum, and fulfills her role as the pillar of her family.

Finally Mr. Speaker, I would like to note that Mrs. Chase is married to Keith Anderson Chase, and is the proud mother of two children.

A beacon of dignity and compassion and a pillar of her community and family, in all that she has done Mrs. Chase has always put others first; she has always been giving, always caring. Her selfless commitment to serving those in need has touched many lives and had a tremendously positive affect on her community. Mrs. Joyce Yvonne Chase is truly an exemplary citizen worthy of our praise. I urge my colleagues to join me in honoring her.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Ms. SOLIS. Madam Speaker, I rise today as a Member of the Hellenic Caucus to recognize the great nation of Greece and celebrate its 181st anniversary of independence from the Ottoman Empire.

We all know of ancient Greece as the birthplace of democratic ideals, from Solon, the lawmaker who framed Athens' Constitution; to Pericles, the leader of that City-State's democratic political movement; and the philosophers Socrates and Plato.

However, 181 years ago Greece engineered a new democratic movement by overthrowing the Ottoman Empire which had ruled the nation for more than 400 years and declaring independence.

The war for independence began on March 25, 1821, in the monastery of Hagia Lavra, Kalavryta.

It was here that Germanos, the bishop of Paleon Patron, raised the banner of the revolution and blessed the arms of the captains of the revolting Greeks.

The Greeks' struggle for freedom inspired many Americans, who noted the parallels to our own revolutionary battle just 46 years prior.

In fact, many Americans left our country to fight for Greek independence, and the U.S. Congress also provided financial assistance for the war effort.

And today, many citizens of Greek descent—including nearly 1,000 in my district, the 31st District of California—call the United States their home.

Indeed, with more than 3 million people of Greek descent living in the United States, our commitment to this great Hellenic nation has not diminished.

Indeed, it grows stronger every day.

From our mutual efforts to establish peaceful relations in the Balkans to the transfer of the Olympic Games from Salt Lake City to Athens, the United States and Greece have worked hand-in-hand.

It is my hope that this relationship will grow and prosper as the years continue.

I urge all of my colleagues to join me in commemorating Greek Independence Day and saluting the people of Greece for their contributions to our own wonderful nation and the world.

## IN HONOR OF THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF THE U.S.A.

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. HOEFFEL. Mr. Speaker, I rise to commemorate the 90th Anniversary of Girl Scouts of the U.S.A. This valuable organization has been empowering young women to develop leadership skills, along with a sense of determination, self-reliance and teamwork since 1912.

Today, the Girl Scouts of the U.S.A. have over 3.8 million members throughout the United States. In my district alone, 10,000 Girls Scouts are able to acquire the self-confidence and expertise that is needed to distinguish themselves as leaders in their communities.

I commend the Girl Scouts of Southeastern Pennsylvania and the Girl Scouts of Freedom Valley for their outstanding accomplishments in the areas of leadership, community service and personal development. Both of these chapters offer young women in Montgomery County, Pennsylvania the opportunity to develop life skills that will enable them to become confident and caring adults.

For 90 years, the Girls Scouts of the U.S.A. have had a positive impact on the lives of countless young women nationwide. It is my hope that the Girl Scouts of the U.S.A. continue these strong traditions for the next 90 years and beyond.

## THE MENTAL HEALTH EQUITABLE TREATMENT ACT

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am pleased to be here today celebrating introduction of the Mental Health Equitable Treatment Act with my good friend from New Jersey, Mrs. ROUKEMA. Too many Americans have been waiting too long for equal access to the health care they need. I hope by introducing this compromise mental health parity bill we can make it happen this year.

I could give you statistics about the prevalence of mental illnesses and cost of insurance discrimination, but the bottom line is that parity is about people's lives. Tracy Mixson of Asheville, North Carolina watched the downward spiral of her friend, Jeff. He exhausted his health insurance and ran out of medication. He tried to see another doctor, but couldn't afford the costs and had to stop going. In her words, ''I watched him suffer for a little while, and then it was over. He ended his life.''

This issue is not complicated. Our bill is a civil rights bill. It recognizes that prejudice distorts the markets and requires intervention. It reflects the best values on which this country was built, principles of inclusion and opportunity for all Americans.

Discrimination in any form is a stain on the equality that makes this nation great. And make no mistake, discrimination is at the heart of this issue. The question for Congress to decide is whether we continue to indulge our old, deep-seated prejudices against the mentally ill or whether policy catches up with science.

We will hear that parity is too expensive. I am confident that nobody in this Congress would countenance rationing health care for cancer or asthma. Like mental illnesses, these are potentially fatal, frequently treatable, chronic diseases. Unlike cancer and asthma patients, however, most Americans suffering from mental illnesses find that their health plans hinder access to necessary medical treatment.

If we would not tell asthma or cancer patients that their coverage is too expensive, why would we say that to the mentally ill? Essentially, we are asking our constituents with mental illness to sacrifice potentially life-saving treatment in order to keep health care costs down for everybody else. The unfairness of that request is manifest.

We don't ask cancer patients to bear that burden. We don't ask any other patients to bear that burden. And that's why this debate is not about cost. It's about prejudice.

We will hear that if we pass parity, mental health care will be abused. This argument is a red herring. It is an invocation of the stereotypes that good people rely on to justify looking the other way in the face of injustice. We should not fall for it.

We have a strong science base and the authority of the Surgeon General, NIH, AMA, and Nobel Laureates saying mental illnesses are diseases on par with physical ailments. We have experience in dozens of states and the federal employees' health program showing that parity results in a more efficient use of mental health resources.

So I ask you, as you consider the merits of this bill, don't let the issue get muddied. I believe the choice is simple. On the one hand is the status quo. It's the denial of medically necessary care because of stereotypes and prejudice. It's suicide and lost jobs and broken lives. It's stories like that of Molly Close from Louisville, Kentucky, who wrote:

> In 1998 1 was hospitalized 3 times for depression with suicidal intent. Each hospitalization was terminated, not because my doctor felt I was ready to leave, but because my insurance company refused to pay for further treatment. When I left the hospital the last time, I was still severely depressed. I was not healthy enough to return to my teaching career of 24 years. Since I had exhausted all my leave days, I was forced to resign my job. . . .

It is time to end the discrimination that the Molly Closes of this country face.

Our earlier parity bill, H.R. 162, has 203 cosponsors. We have heard the concerns of employers about cost and the need for flexibility and that's why we are here today introducing this compromise bill. This new legislation makes a major concession in dropping substance abuse. It contains explicit guarantees that plans can manage benefits. It protects the rights of health plans to set medical necessity criteria. A majority of the House supported these parity provisions last year during the appropriations process and I'm hopeful that we will have a chance to see whether a majority will support it on the Floor this year.

Let's give the 54 million Americans with mental disorders full access to the American Dream. This bill is the right thing for them and the right thing for our nation. I look forward to working with my friends on both sides of the aisle to give all Americans the health care they need and deserve.

## HONORING JERRY LEE BRYANT, COMMUNITY LEADER AND FRIEND

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BARR of Georgia. Mr. Speaker, the City of Rome, Georgia, as well as the entire northwest Georgia community, lost a great friend, a member of the Rome City Commission, and a champion to many who grew up spending much of their time at the Rome YMCA. On March 5, 2002, Jerry Lee Bryant, as described by the Director of the local YMCA, was a ''Living Legend,'' passed away.

A native of Corbin, Kentucky, Jerry graduated from the University of Louisville after serving with the U. S. Air Force during the Korean War. He began his career with the YMCA in Waycross, Georgia, in 1953. In 1960, he was one of 32 ''Y'' directors from across the United States chosen to serve as a leader for the YMCA World Youth Conference in Holland.

Jerry had a passion for the YMCA, his church, his community, the City of Rome, and its schools and young people. Many men who grew up in the Y thought of him as a substitute father.

Jerry and his lovely wife Martha came to Rome in 1962. Jerry became Director of the Rome YMCA and Martha served as the Y's program director. He remained with the local Y for 30 years, and during that time he led the YMCA board in a building project that doubled the size of the Y facility. He was instrumental in leading the YMCA in its purchase of Camp Glen Hollow in 1989. Grown men now remember Jerry as their ''daddy''; a hero; one who made an impression on their lives; a second father. Following his retirement in 1991, Jerry spent the majority of his time serving his community and assisting his wife, Martha, in her business, Bryant & Garrett Travel Agency. He was the first chairman of the Heart of the Community Board of Governors, a Seventh District STAR Student chairman, and he served on the board of the Floyd Medical Center Health Care Foundation. Jerry also was a past president of the Rome Rotary Club, and served as chairman of the Administrative Board and Board of Trustees of Rome First United Methodist Church.

Jerry's wife, Martha, his children, Chuck Bryant and Lee Ann Bryant Edwards, as well as two grandchildren, have lost a wonderful husband, a tremendous father, and a grandfather, who loved them dearly. The citizens of Rome and Floyd County have lost a great leader. I have lost a good friend.

## DELAY IMPLEMENTATION OF FARM SECURITY ACT UNTIL NEXT YEAR

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. FORBES. Mr. Speaker, I understand that yesterday the lead negotiators for the

Farm Bill informed us that they would ''be in a position to make the final farm bill decisions in public meetings of the Conference the week of April 9,'' according to a joint statement released by the top conferees.

April 9th is far too late to begin implementing this complex legislation, as was March 22nd or even January 1st, and I believe that it is now essential to delay implementation of the Farm Security Act until next year.

The planting season has already begun in many states across the country. As each day passes by without a new bill, America's farmers are digging themselves into deeper and deeper holes.

We all know that farmers are not just planters, but planners, and most farmers thought it to be vitally important to have the farm bill in place at the end of last year. Now that it may be mid-summer before the USDA is effectively able to administer the provisions in the new Farm Bill, it could prove to be overwhelmingly detrimental for our agricultural community, especially in southeastern Virginia.

In addition to helping the farmers by delaying the bill one more year, we will be saving the government an estimated $299 million dollars by delaying the new ''peanut subsidy program'' and continuing to use the current system, which has no net cost to the government.

A Farm Bill is certainly needed, but the timing is important. Implementing the new Farm Bill this late in the season would be an incredible injustice to our farmers.

## INTRODUCING H.R. 4012 THE RURAL WIRELESS TELECOMMUNICATIONS ENHANCEMENT ACT OF 2002

### HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mrs. CUBIN. Mr. Speaker, rural America. We often hear of the unique challenges that face those of us who live and work in the unspoiled expanses of this great nation. As someone who represents the least populated state in the country, let me say that we wouldn't trade those challenges for all the urban conveniences in the world.

There are, however, basic needs deemed necessary to conduct our everyday lives whether you live in Brooklyn, New York or Basin, Wyoming. One of those essential, and obtainable, requirements is access to modern and efficient telecommunications. Telecommunications is an important component by which we can run small businesses, visit distant relatives, or just order a pizza.

During the last two Congresses, I have been successful advocating for wholesale changes in the way the Federal Communications Commission (FCC) regulates small and mid-size telecommunications companies. Those bills have passed the House but languish in the Senate.

The basic tenet of the bills is to ensure that the FCC writes separate regulations for companies that are smaller than their oftentimes much larger competitors. Common sense shouid tell us that identical regulations imposed on telecommunications companies regardless of size translates into the over-regulation of the small and mid-size companies. Although the FCC initially fought these changes, I am pleased to report that most of the changes in the bills have ultimately been incorporated by the FCC.

This leads me to the introduction of the bill I bring before the House today. The ''Rural Wireless Telecommunications Enhancement Act of 2002'' will bring about significant changes by which the FCC regulates small wireless telecommunications companies.

If you've been fortunate enough to travel through the state of Wyoming, you may have been surprised to find that your wireless phone did not work or that it received marginal coverage at best. One way in which we can address the comprehensive development of wireless telecommunications infrastructure in rural areas is to stop the FCC from burdening small wireless companies with onerous, one-size-fits-all rules meant to regulate the largest wireless carriers. That way small wireless companies can put their resources into developing new technologies and deploying their infrastructure instead of spending it on high-priced Washington lobbyists and regulatory attorneys.

The goal of the ''Rural Wireless Telecommunications Enhancement Act'' is simple: to give rural wireless customers better service and more choices.

## TRIBUTE TO CASEY ROATS

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to convey my deepest appreciation to a member of my Washington, D.C. staff for his tireless efforts on behalf of the good people of Oregon's 2nd Congressional District. Casey Roats will conclude his internship in my office this week to continue his studies at Oregon State University and assist in the operations of his family's business, Roats Water System, Inc. in Bend, Oregon. As he leaves our nation's capital, I wish Casey well in his future endeavors, and I know that his intelligence and discipline will bring him success in whatever calling he answers.

Casey was raised in Bend, Oregon, growing up in a family with indelible ties to central Oregon. He is, in short, a son of the American west. As a youngster he developed an interest in horsemanship, where he excelled as he does in every pursuit that I have witnessed him attempt. Casey's success in rodeo competitions provided him with the resources to attend his first year of college at Oregon State University. The travel required by these competitions allowed Casey to become familiar with much of eastern Oregon, which strengthened both his ties to the land and his appreciation for the western way of life. Moreover, his intimate knowledge of the issues that are so important to the people of Oregon has made him an invaluable asset during his tenure in my office.

Mr. Speaker, Casey's early involvement with the Oregon chapter of Future Farmers of America provided a foundation of civic participation that he continues to build upon. His contributions to the Mountain View Chapter and the Central Oregon District soon earned statewide attention, and Casey was elected Vice-President of the Oregon Future Farmers of America for the 1999–2000 term.

Throughout his internship, Casey has endeavored to learn more about his native state, as well as the workings of the federal government. His interest in the latter has been insatiable, leading him to pepper my staff with thoughtful questions about how things work in Washington, D.C. and why. His fascination with the legislative process, coupled with a firm ideological underpinning, promises to carry him far in the arena of public service if he chooses to embark on such a career.

Mr. Speaker, Casey exudes competence, and he welcomed visitors to my office with the same friendly and forthright manner that is so common of Oregonians. My trust in him to complete tasks flawlessly and without supervision was vindicated time and time again. My staff reports that Casey ranks among the finest items ever to serve in my congressional office. Simply put, Casey was a delight to work with and always demonstrated a high level of professionalism and attention to detail during his service on Capitol Hill.

It goes without saying that Casey will be difficult to replace. While I am deeply sorry to see him leave, I am confident that he will continue to make central Oregon proud in whatever career he chooses in the future. Thank you, Casey, for a job well done.

## EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

SPEECH OF

### HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Ms. HART. Mr. Speaker, in honor of Women's History Month, I would like to take this opportunity to recognize the life and work of Susan B. Anthony, and to celebrate the 182nd anniversary of her birth, which took place last month. Susan B. Anthony is remembered as one of our greatest foremothers in the drive for women's rights. However, what many have forgotten, or chosen to ignore, is that she was amongst our Nation's first and most passionate pro-life advocates. For Anthony, the rights of the unborn were inseparable from the rights of women, and opposition to abortion was an essential part of the cause of women's rights.

This month as we honor the women who have strived to improve the lives of women in America and throughout the world, let us remember the life and achievements of Susan B. Anthony and what she has done to guarantee full rights for both women and their unborn children.

## CELEBRATING THE 46TH ANNIVERSARY OF TUNISIAN INDEPENDENCE

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PRICE of North Carolina. Mr. Speaker, today, March 20, 2002, the Republic of Tunisia celebrates the 46th anniversary of its independence.

Since adoption of its first Constitution in June 1, 1959, Tunisia has made great progress in embracing procedural and substantive democratic reforms by holding contested presidential and legislative elections that provide for the opposition party to hold seats in parliament; expanding freedom of expression among its people; providing a free public education for all children; and promoting the equality of women, including the election of women to parliament.

As a result, the Republic of Tunisia has reaped the benefits of becoming a world trading partner through bilateral free trade agreements, trade agreements with European Union, and nearly two decades of sustained economic growth.

The relationship between the United States and Tunisia dates back to the 18th century when our two countries signed a treaty of friendship. Strong ties of cooperation continued after Tunisia gained its independence in 1956 and continue today as Tunisia joins us in the fight against terrorism. Today, we commemorate the independence of the Republic of Tunisia and celebrate our special relationship with the Tunisian people.

## ''FROM FRONT LINES TO BACK ROADS''

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. WOLF. Mr. Speaker, I want to call to the attention of our colleagues an article in the March 11, 2002, edition of the Washington Post which tells the story of a decorated flight surgeon with the Army's elite Delta Force who now spends his time in the rural areas of the Shenandoah Valley of Virginia as a beloved country doctor making house calls.

His name is John O. Marsh III, better known as Rob, the son of John O. Marsh Jr., better known to many of his former colleagues in this House as Jack. I am proud to represent as part of Virginia's 10th District areas which used to be included in the 1960's in the old 7th District, which was ably represented by then Congressman Jack Marsh. As many of our colleagues will recall, Jack went on to serve in the administration of President Ford and as Secretary of the Army under both Presidents Ronald Reagan and George H.W. Bush.

We congratulate Dr. Rob Marsh, who has followed in his father's footsteps in his service to the people of his nation and to his state.

The Post article follows:

[From the Washington Post, Mar. 4, 2002]

FROM FRONT LINES TO BACK ROADS—DELTA FORCE DOCTOR NOW DELIVERS CARE IN RURAL VIRGINIA

(By Carol Morello)

MIDDLEBROOK, VA.—The only doctor in this crossroads of a Shenandoah Valley village does not volunteer details of his years with an elite Army unit, or how he almost died in Somalia of mortar wounds. And his patients are too polite to probe.

But while waiting in the clinic to see Rob Marsh, many of them study the watercolor prints on the walls, depicting soldiers rappelling into battle and downed Black Hawk helicopters. How, they wonder, did this decorated combat physician come to treat the aches and pains of farmers and factory workers in the valley?

''They remind me every day where I came from, and why I'm here,'' explains Marsh while driving over gravel roads and one lane bridges in his pickup truck. He's making house calls. And he won't send a bill. It's not very efficient, he allows, but this is what a good country doctor does.

They didn't have a doctor before Marsh moved here six years ago with his wife, Barbara, and their children—now two boys and two girls, ages 3 to 9. ''I feel that's why I was saved, to come back here and do this,'' he says. ''This is my calling.''

At a time when rural America is starved for physicians to provide basic health care, Marsh practices medicine with a care and attention that seem lost to another era. How many doctors are left whose patients drop by just to leave a home-baked cake or to show off photographs of the animals they've raised in 4–H?

Marsh's practice in a University of Virginia satellite clinic is all the more extraordinary when contrasted with the life he used to lead as a flight surgeon for Delta Force, the Army's secretive Special Forces unit.

His office is filled with mementos of war zones where he mended wounds and lost friends before settling on a farm near here. A bookshelf holds the iconic Delta Force dagger inside a triangular frame along with the motto ''Oppressors Beware.'' In two examining rooms, drawings of Delta Force battles share wall space with osteoporosis posters. Even his clock is on Zulu time. His Legion of Merit, two Bronze Stars and Purple Heart are stashed at home and in his truck.

What is missing is anything that smacks of the Hollywood version of what happened to Delta Force and Ranger troops in Mogadishu, Somalia, in October 1993. Marsh has not seen the blockbuster film ''Black Hawk Down.''

''I don't have to go watch a reenactment of seeing 18 of my friends die,'' he says.

Nor did he consent when producers asked him to be a consultant. ''I couldn't leave my patients,'' he explains.

Friends and colleagues say a common thread runs through Marsh's work in polar-opposite environments.

''His dedication to the military was just as intense as his dedication is now to his patients,'' says Lewis Barnett, the former head of the University of Virginia's family medicine program. ''He's a devoted servant.''

Marsh, 46, had wanted to be a Green Beret ever since a third-grade visit to Fort Bragg with his father, John O. Marsh Jr., then a Democratic congressman from the Shenandoah Valley who later became secretary of the Army under presidents Ronald Reagan and George H.W. Bush. The son is John O. Marsh III, but everyone knows him as Rob.

The quickest route into the Green Berets was as a medic, so Marsh enlisted and eventually received a degree from Eastern Virginia Medical School.

He had his share of close calls. During the Persian Gulf War in 1991, for example, a medic who replaced him on a helicopter flight into Iraq was killed when the chopper crashed.

But nothing compared to his experience in Somalia two years later. U.S. troops set out to capture two aides to a local warlord. Army Rangers and Delta Force operatives became pinned down during a night of pitched combat.

The casualties arrived at the airport base in waves. First a handful, then by the dozens—some 60 serious casualties in all. Marsh and two other physicians worked through the night and into the next day. Eighteen Americans and hundreds of Somalis died in the fighting, chronicled in the book ''Black Hawk Down'' by Mark Bowden, and the movie of the same name.

For Marsh, the worst was yet to come. Two days later, he was standing on the tarmac with other officers when a mortar hit. The man next to him was killed. Twelve soldiers were wounded, including Marsh.

Here is what he remembers before losing consciousness: ''A flash. Noise. I remember feeling pain.''

Shrapnel shredded his abdomen. A shard pierced an artery in his leg. Yet even as he lay bleeding from his nearly fatal wounds, he ordered soldiers to carry the injured to his side so he could perform triage. ''They were my people. I wanted to know who was hit.''

Marsh's father, who vividly recalls his son's arrival at Andrews Air Force Base two weeks later, believes the experience made him a better doctor: ''It's given him empathy and insight into people who are sick.''

Even before his injury, Marsh had talked of returning to the valley, which he always considered home, though he was largely educated in Arlington public schools.

The university's health system was looking to open a rural office in this area and show medical students the life of a country doctor—a breed that has largely vanished over the last 50 years as physicians have gravitated to specialties and urban areas.

''Rural areas can be hard on the family,'' says Claudette Dalton, an anesthesiologist who heads the university's community education program. ''There are no cultural attractions. You have to drive 10 miles to the Piggly Wiggly to get groceries.''

Marsh saw it differently.

''He goes where the need is greatest,'' says Dalton. ''There aren't many physicians who will take on all comers as patients.''

One day recently, Marsh spent the afternoon crisscrossing the back roads of this cattle-raising area south of Staunton. He made a half-dozen house calls, most to elderly, housebound patients. Testing the memory of a stroke victim, he asked her how many chickens her daughter owns. At the home of a cancer patient struggling to pay for his arsenal of medicine, Marsh left a supply of salesman's samples. In the run-down farmhouse of a man who had been acting confused, Marsh found an addling blend of outdated drugs, some of which had expired in 1986.

He would not ask for payment.

''If I sent them a bill for $150 for a house visit, they would pay,'' he explains. ''But I probably wouldn't keep them as a patient.''

They are not just his patients, he says, but ''my friends.''

That's why he attends their funerals, serves on their volunteer fire and rescue unit, makes apple butter with the Ruritan club, and is an elder in his Presbyterian church.

''You can become very close to everyone, very quickly,'' he says of this hamlet of 200, so small it lacks even a stoplight. ''If you're a good doctor, you treat people right and get involved in the community.''

It's a philosophy he's passing on to the coming generation of doctors. ''He believes we should make sure we give more to our community than just medicine,'' says Frank Petruzella, a U–Va. medical student who spent a month working with Marsh. ''He's very involved in all aspects of people's lives.''

Marsh has been involved in Carl Sprouse's life for a decade. They were in Delta Force together, and Sprouse now lives down the road.

''When my father had complications after open heart surgery, Doc Marsh would stop by at 11 or 12 at night to see him in the hospital,'' recalls Sprouse. ''He wasn't his doctor. He just has compassion for people. He was a good soldier. He's a great man.''

Marsh deflects such praise. In this small farming community that he and his family call home, he has rediscovered what he loved most about Delta Force. ''It's the same atmosphere,'' he says. ''Everybody takes care of each other, and we do our jobs.''

## PERSONAL EXPLANATION

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. GALLEGLY. Mr. Speaker, on March 7 I missed roll call vote number 52. Had I been present, I would have voted ''aye'' on the vote.

## TRIBUTE TO DR. JOE CRAIG

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mrs. MYRICK. Mr. Speaker, I rise today to honor the life and work of one of my constituents, Dr. Joe Craig.

Dr. Craig has spent his entire life working to better the lives of others. Since 1978, he has traveled overseas to the poorest of regions, including Africa and Latin America, to provide free medical and dental care. This is a special year for Dr. Craig because he is 70 years old and will be conducting his 70th and final overseas medical mission.

Dr. Craig's altruistic work also extended to his local community of Charlotte, North Carolina. He greatly helped our local Charlotte community by providing free dental services to recovering drug users and alcoholics and by counseling dozens of families through marriage and family problems. He also volunteered in the Charlotte Police Crime Lab in the 1960s before a full-time chemist was hired.

Dr. Craig is a perfect example of the selfless call to volunteerism recently highlighted by President George W. Bush. For this reason, I am honored to recognize Dr. Craig for his life work and congratulate him and his family for his 70 years of dedication to making this world a better place.

## CELEBRATING THE WOMEN OF LEWISTON/AUBURN

### HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BALDACCI. Mr. Speaker, I rise today to call my colleagues' attention to a dinner being held next week in the Lewiston/Auburn community of Maine. The event, ''Celebrating the Women of L/A,'' will honor women who have touched the lives of others in their communities.

I am proud to have the opportunity to pay tribute to the following Women of L/A here in the House of Representatives. The Honorees are Diane Anctil, Gail Baillargeon, Kathryn Beaule, Sue Capponi, Sandy Conrad, Theresa Cote, Christine Clabby, Lori Cummings, Robin Duffy, Belinda Gerry, Nancy Hinds, Patience Johnson, Rachel Kay, Kathleen Noel King, Simonne Lavoie, Linda Mynahan, Venise Pratt, Muriel Richard, Patricia Robitaille, Trena Hamblin Steele, Linda Tanguay, Ann Tourtelotte, Dr. Luz Maria Umpierre, and Kathy Varney.

Those submitting nominations were asked to briefly describe what it was about the nominee that made her such a special and important part of the community. Here are a few examples: ''She truly cares about the company's employees . . . She is interested in their lives, and she treats everyone with respect and dignity.''

''My sister has been an example to me. We came from a single parent home where our father was an alcoholic. She quit school at 16 and worked as a nurses' aide to earn money so our family could stay together. No one thought she would make anything of herself. Through hard work she proved them wrong.''

''Despite an extended career with many successes and contributions, she is always focused on the next opportunity to serve. . . . Her dedication to family and friends is equally as selfless.''

''How can a daughter even begin to explain how much her mother means to her? There are certainly not enough words in the dictionary for me to tell you who and what my mother is to me.''

''She is a loving person with a 'Heart of Gold,' who has touched the lives of many people through her love and dedication in helping others and never wanting anything in return.''

''If there could be only one person that I look up to it would be my grandmother. . . . She is the bravest, most courageous person I have ever met and no one could ever replace her.''

''Now that I'm grown up with children of my own, I love and appreciate my mother more than ever. I now know how much hard work is involved in being a good mother, although she always made it seem so effortless. . . . When people tell me how much I am like her I take that as the greatest compliment, for I hope I could be half of the woman that she is.''

''She saw my need, reached out her hand, and impacted another life—which is just what she does on a daily basis.''

These are but a few examples of the testimonials received on behalf of the honorees. They speak to the importance and influence that these women have had on their families, colleagues, and communities.

For decades, the women of Lewiston and Auburn—like those throughout Maine, the nation and the world—have raised children, served as caregivers, worked inside and outside the home, and volunteered their time and talents. They have maintained a strong and quiet foundation for our families that has nourished us all. This celebration recognizes all that women bring to families and our community.

These 24 women are all extremely deserving of this honor, and I congratulate them as they are recognized for their efforts in the home, in the workplace and in the community. I know that they are also representative of many other women throughout these communities and as we honor them, we also look around at the many other women who have made positive differences in L/A. I offer my thanks and best wishes to all the women of L/A for making Lewiston and Auburn such a strong and vibrant community.

## A RESOLUTION ADJOURNING THE HOUSE OF REPRESENTATIVES IN LOVING MEMORY AND HONOR OF WILLIAM ANDREW CANNON

### HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mrs. BONO. Mr. Speaker, The most prominent glory of a country is in its great men. A nation's spirit and its success will depend on its willingness to learn from their example. In life we shall find many men that are great, and some men that are good, but very few men that are both great and good. William Andrew Cannon was such a man.

With deepest respect and admiration, we pay homage and tribute to William Andrew Cannon, and we pause in silent reverence for his soul.

*Whereas*, William Andrew Cannon was born on August 25, 1920, a native of Sweeny, Texas, and longtime resident of the State of Mississippi, and he traversed these earthly bounds on February 28, 2002; and

*Whereas*, William Andrew Cannon was the devoted husband of Lucy de Forcade de Biaix, a member of the Italian aristocracy, whom he married on the Isle of Capri in 1945; he was the loving father of a son, Fred, and a daughter, Tina Jennie, and he was the proud grandfather of six grandchildren, Carlo, Crystel, Francesco, Elena, Lauren, and Guglielimo; and

*Whereas*, William Andrew Cannon graduated from Corinth High School in Corinth, Mississippi in 1938, and he attended Western Kentucky University School of Business in Bowling Green from 1938 to 1941, after which time he became a managing partner of the Van Bibber Lumber Plant in Fulton, Mississippi, before joining the United States Air Force to serve in World War II; and

*Whereas*, William Andrew Cannon served his country with pride and distinction during World War II; he was a pilot, stationed in Foggia, Italy, from 1943 to 1946, and he held the rank of 1st Lieutenant with the 463rd Bombardment Group of the United States 15th Air Force; and during this perilous time, along with the personnel of the 463rd Bombardment Group, he exhibited commendable efficiency in skill, devotion, courage, and determination while facing intense enemy opposition over the skies of Germany and Eastern Europe, flying gallantly through in wing formation to reach designated targets; and William Andrew Cannon, receiving an honorable discharge in May 1946, was the recipient of the Second Presidential Unit Citation for his extraordinary heroism and outstanding performance of duty in military operation against the enemy at Ploesti on May 18, 1944, and at the Daimler Benz Tank Works in Berlin on March 24, 1945; and

*Whereas*, William Andrew Cannon, upon being discharged from the United States Air Force in 1946, returned to the Van Bibber Lumber Plant in Fulton, Mississippi, serving as a partner until 1954, before joining the United States Department of Defense in 1955 in Naples, Italy, where he worked as Maintenance Control Engineer for Public Works at the Naval Support Facility until 1983, and afterwards, he received many honors for his outstanding service; and in 1983, he joined the Naval Communications Mediterranean as Facility Manager, and he retired from that post on March 31, 1990; and

*Whereas*, having received numerous awards for active service, William Andrew Cannon, at the time of his retirement, also was the recipient of the Department of the Navy's

Meritorious Award for Civilian Service, and he also received a commendation certificate for 38 years of devoted service to the United States government; and

*Whereas*, throughout his life, William Andrew Cannon was an inspiration to all the lives he touched through his courageous patriotic leadership, his ethics and integrity, his congenial nature, his constructive attitude, dedication to his country, and his forthright manner made a positive impact on those who had the pleasure of knowing him; and

*Whereas*, the passion, dedication, intelligence, patriotism, and social consciousness William Andrew Cannon brought to this great country will never be forgotten, and his influence will continue; and

*Whereas*, the passing of William Andrew Cannon on February 28, 2002, has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

*Be it resolved by the U.S. House of Representatives:*

SECTION 1.—The House of Representatives does hereby express its profound sense of sorrow upon the passing of William Andrew Cannon, and extends to his family and many friends its most heartfelt sympathy.

SECTION 2.—When the House of Representatives adjourns this day, it does so in loving memory and honor of William Andrew Cannon.

SECTION 3.—The Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to Mrs. Lucy de Forcade de Biaix Cannon, 702 Jefferson Street, Booneville, Mississippi 38829; Ms. Tina Jennie Cannon, 702 Jefferson Street, Booneville, Mississippi 38829; and Mr. Fred Cannon, BMI, 320 West 57th Street, New York, New York 10019.

## GEORGE AND PAULINE ''DIMPLES'' MURILLO CELEBRATE 50TH WEDDING ANNIVERSARY

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BACA. Mr. Speaker, it is my privilege to announce to you and to the rest of my esteemed colleagues, that on March 22, 2002, George and Pauline ''Dimples'' Murillo will celebrate their 50th wedding anniversary. I would like to join their friends and loving family in extending my most sincere congratulations.

The Murillos have devoted fifty years to each other, to their families, to their communities, and to the service of our nation. Their marriage is a true achievement.

George Murillo was born to Emillio and Vivian Murillo on July 20, 1931, in San Bernardino, California. Just a few miles away on the San Manuel Indian Reservation, Pauline was born to Martha Manuel Chacon and Pablo Ormego on February 3, 1934. The two met and later married on March 22, 1952, at St. Anne's Catholic Church in San Bernardino in a ceremony performed by Father Domas.

George served his country in the United States Army with active duty status from 1952 to 1954. He was stationed in Fairbanks, Alaska and spent six years in the Reserves receiving an Honorable Discharge in 1960.

The Murillos are a hard working American family. George went on to work for the Santa Fe Railroad for 12 years and then for Kaiser Steel in Fontana for another 18 years. He retired in 1983, but continued to work at the San Manuel Indian Bingo and Casino from 1986 to 1993. Pauline ''Dimples'' worked as a homemaker. She raised their three children in their house on Vine Street in Highland, California, where the couple lived from 1954 until recently.

Pauline ''Dimples,'' an active member of the San Manuel Band of Mission Indians, has devoted herself to educating her community about the Native American Culture, identity and tradition. She travels to various public schools and colleges in the area to teach students about her culture. She practices traditional Native American crafts making Indian cradle dolls and other arts and crafts, which she sells at Indian Pow-Wows.

The Murillos have served their community in numerous organizations. Pauline ''Dimples'' is a member of the Highland Women's Club, and both she and George are members of the Highland Senior Center providing services for the area senior citizens. The couple has made many personal contributions to this organization and to their community over the years.

The Murillos' legacy is certainly their family. The couple has been blessed with a loving family including Pauline ''Dimples'' siblings Raul ''Beanie'' Chacon, Jr., Roy Chacon, Carla Chacon, Rowena Ramos, and Sandra Marquez, and by George's siblings, Rosie Manzano and Emily Barajas. I am joined in congratulating the Murillo's by their own children, Lynn ''Nay'' Valbuena, Audrey ''Audie'' Martinez, and George ''Boy'' Murillo, and their grandchildren, Rich LeRoy, Sabrina Nakhjavanpour, Robert V. Martinez III, Sheena Martinez, and Dillon, Skye and Zeny Murillo. The Murillo's are also blessed with seven great-grandchildren, Cody and Chloe Nakhjavanpour, Selina Martinez, Robert V. Martinez IV, and Jasmine, Jaylene and Alfonso Martinez.

Mr. Speaker, on behalf of the United States Congress and the people of California, I extend our sincere congratulations to George and Pauline ''Dimples'' Murillo.

## FARMERS' MARKET NUTRITION PROGRAMS—A SERVICE FOR MICHIGAN COMMUNITIES

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BONIOR. Mr. Speaker, I rise in support of the Farmers' Market Nutrition Programs, which provide a vital link between farmers and communities in need of fresh, locally grown produce.

These programs help our small farmers sell their fresh produce, while improving access to nutritious food for seniors and low-income women and children. They play an important role in my district and in the state of Michigan. We have small produce farmers who struggle to make ends meet because they don't have enough steady customers for their products. They lose profits to the wholesalers who market their products when they cannot sell directly to their customers.

Additionally, many communities and urban areas lack grocery stores with adequate produce, which makes it hard for new mothers to provide a balanced diet for their children. Without access to transportation, many senior citizens and low-income residents are forced to settle for less nutritious options.

The WIC and Seniors Farmers' Market Nutrition Programs bring farmers and residents together in a way that helps everyone. Program participants receive coupons to be used to purchase locally grown produce. Our small farmers stay in business, and our elderly and low-income children stay healthy.

Instead of cutting these programs, we need to find ways to improve access to fresh, nutritious foods for those who need them most. Innovative pilot programs in my home state are creating new outlets for farmers to sell their produce. Several farmers' markets have been organized at senior housing facilities. These programs eliminate the transportation barrier that prevents so many elderly people from having fresh fruits and vegetables. These and other vital programs will end without continued federal funding.

The farm bill will provide over $70 billion in funding to the farmers who feed this country. I urge my colleagues on the conference committee to work together and find a way to fund the WIC and Seniors Farmers' Market Nutrition programs to at least $15 million each.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mrs. MORELLA. Madam Speaker, I rise today in recognition of Greek Independence Day. Greece and America have remained allies since America aided Greece in its struggle for independence 180 years ago.

Americans have celebrated our connection with Greece throughout our history. Because of the many contributions from Greece and Greek-Americans, President George W. Bush declared March 25th Greek Independence Day.

Our nations share a strong common belief in democracy. The ideologies of ancient Greeks became the backbone of our Declaration of Independence. And, in turn, our beliefs were displayed in their declaration of freedom from the Ottoman Empire.

Greek culture has given us more than our form of government. Buildings and memorials in Washington, D.C., and around the country, including the Capitol building and the Lincoln and Jefferson Memorials, are modeled on the Greeks' own exceptional architecture. In addition, our culture has been shaped by ancient Greek philosophy and their approach to science.

In recent history Greece has been 1 of only 3 nations that have allied with the United States in every major international conflict. During World War II, 600,000 Greeks gave their lives in the fight for freedom. For more than 50 years, Greeks and Americans have had the privilege of working together in NATO.

Greek-Americans have made many contributions in American communities. Greek-Americans commonly establish communities to maintain awareness of their cultural heritage, provide opportunities for social interaction, while preserving Greek language and traditions for future generations. Additionally, the

investments that Greek-Americans have made in the business community are unsurpassed. Through the utilization of the American tradition of small, family owned businesses the Greek-American community has prospered.

Madam Speaker, the eighth congressional district of Maryland, which I represent, has a large population of Greek-Americans. I am proud of the many contributions that they have made to Montgomery County and our nation. I join them in celebrating Greek Independence Day and urge my colleagues to join me in recognizing the achievements of Greek-Americans.

## MARCH 21, 2002 DESIGNATED AS UNITED NATIONS INTERNATIONAL DAY FOR ELIMINATION OF RACIAL DISCRIMINATION

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. LANTOS. Mr. Speaker, tomorrow, March 21, 2002, has been designated as the United Nations International Day for the Elimination of Racial Discrimination. I think it is very important for us, here in the United States to mark this critical day. Racial Discrimination is a universal, global scourge. Confronting it and finding ways to defeat it are in the critical interest of every nation including the United States. Racial discrimination, xenophobia and other forms of intolerance are one of the principal root causes of international conflict. Our global war against terrorism cannot be won until we root out the global affliction of hate and intolerance. America's experience with slavery and our long struggle to advance civil rights also compels us to play a leading role in the international effort to cleanse humanity of the stubborn and shameful stain of racism.

Tragically, in the last several years, the global community has been beset by a new wave of racial hatred. This new wave includes widespread discrimination against migrant workers in Europe and the Middle East; institutionalized racism against indigenous peoples and peoples of African descent in the Americas; and discrimination against women in the Islamic world. New forms of racism, often tied to the social and economic dislocations caused by increased globalization, are being spread by new technologies including proliferating hate sites on the internet.

Mr. Speaker, for me as the only Member of Congress who is a survivor of the Holocaust, it is particularly painful to note that the current increase in racial hate includes an intense spasm of anti-Semitism. As a delegate to the UN's World Conference Against Racism (WCAR) in Durban South Africa last summer, I witnessed a particularly vivid demonstration of this new round of hatred for Jews.

The conference's NGO forum, featured anti-Jewish rallies attracting thousands in the streets of Durban. One flyer, which was widely distributed at the rallies showed a photograph of Hitler and the question ''What if I had won?'' The answer: ''there would be NO Israel . . .'' At a press conference held by Jewish NGO's to discuss their concerns with the direction the conference was taking, an accredited NGO, the Arab Lawyers Union, distributed a booklet filled with anti-Semitic caricatures, frighteningly like those seen in the Nazi hate literature printed and distributed in the 1930's. It was the most unabashed display of anti-Jewish hate that I have seen since that period. Similar images and messages can be found again and again in newspapers and other media in the Middle East, and on hate sites on the internet.

Mr. Speaker, if the tragic events of September 11th have taught us anything it is that we cannot turn a blind eye to hatred and evil. We must actively take effective measures to eliminate racism at home and to defeat it abroad. We must make sure that our government takes effective action to prevent and punish racism in the United States. In prosecuting the global war against terror, we must demand that our coalition partners confront hate in their own societies and in their regions.

I commend our distinguished colleague and friend from California, Congresswoman LYNN WOOLSEY, for focusing our attention on this important day and on this issue. I also want to commend our distinguished colleague, Congressman JOHN CONYERS of Michigan, for introducing the bipartisan Local Law Enforcement Hate Crimes Prevention Act, which would give local law enforcement the tools and resources needed to prevent and prosecute hate crimes. I urge all Members of this House to support this legislation.

## INTRODUCTION OF A BILL TO ''END THE DOUBLE STANDARD FOR STOCK OPTIONS ACT''

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. STARK. Mr. Speaker, I rise to introduce legislation to plug a corporate tax loophole that allows companies to hide stock option expenses from their Securities and Exchange Commission (SEC) earnings reports, but allows those same companies to take the deduction on their Internal Revenue Service (IRS) tax filings. My bill would force companies to report the stock option expense on their financial earnings records if they want to continue to take the deduction on their income tax filing. I'm pleased to be joined by Reps. BARNEY FRANK and LYNN RIVERS in introducing this important bill. Senators LEVIN and MCCAIN have introduced companion legislation in the Senate.

Under current law, companies can deduct stock option expenses from their income taxes as a cost of doing business, just like employee wages. However, companies are not required to report these business expenses on their SEC financial statement to stockholders. The Financial Accounting Standards Board (FASB), the self-regulated accounting board with SEC reporting oversight, recommends that companies record stock options as an expense on their financial earnings statement, but does not require that stock options be treated as an earnings expense. In fact, stock options are the only form of compensation not treated as an earnings expense at any time. Nearly all companies relegate their stock option expenses to a footnote in their SEC report, yet these expenses are not reflected in their bottom line earnings. Among the S&P 500 companies, only Boeing and Winn-Dixie follow the advice of FASB and actually record the cost of options on both the tax and earnings ledger.

Right now, companies can replace wage compensation with stock option compensation without having to show reduced earnings on their financial statements. This loophole misleads investors, financial analysts, and workers who have their pension funds tied up in companies that offer stock options. Since companies costs are not reported on the financial earnings statement, companies' earnings appear greater than actual earnings should reflect.

Let's take the case of Enron as an example of how misleading this loophole can be. According to a study by Citizens for Tax Justice, from 1996-2000, Enron took a $600 million tax deduction for stock options. Over that same five-year period, Enron showed $1.8 billion in earnings. However, this earnings figure did not completely reflect Enron's true earnings. As we know, Enron used a number of accounting gimmicks to artificially inflate their earnings report, one of which was the decision to list all stock option compensation as a footnote in its earnings report and then exclude this compensation from its total expenses. Had Enron accurately recorded its stock option compensation it would have had to report a decrease in earnings by one-third! Furthermore, had Enron been required to report that one-third of its earnings were attributed to stock options, then employees and stockholders could have seen that company profits weren't based on real growth. According to an analyst with Bear Stearns, the earning reported by firms in the S&P 500 would have been 9 percent lower in 2000 if stock options were treated as an expense.

As Enron leaders clearly realized, company executives can prosper by means other than simply building a great company. Executives can often increase their personal wealth by creating unrealistic expectations of their company from Wall Street, rather than the old fashioned way of consistently delivering impressive growth. Consider the following two hypothetical companies. One company has a stock price that has appreciated slowly. It started at $20 and gained $2 each year for five years, raising its price to $30 today. The second company's stock also started at $20 five years ago, then zoomed to $100 after a few years but has since fallen back to $20. By any reasonable measure, the leaders of the first company have done a better job at growing a solid company, worthy of its stock price. Their share price has grown 50 percent, and they have avoided making grandiose predictions that cause Wall Street analysts to set silly targets. The second company's stock has under-performed over the long run, and scores of workers and investors have been burned by false hopes.

If the top executives of both hypothetical companies had received similar amounts of stock and both sold their shares on a regular schedule, the executives of the second company would have earned more. These executives would have made so much money selling the stock when it was trading near $100 that they would become instant multimillionaires, despite the stock's ensuing, rapid decline. Thus, the practice of failing to report stock options on earnings reports could actually encourage executives to take stock options as a

form of compensation. That way, they can earn millions of dollars, claim it as a tax deduction, and then hide it from investors. My bill corrects this perverse incentive and seeks to discourage reckless executive behavior. My bill also gives companies an incentive to report their stock option expenses in order to continue to take the tax deduction.

If stock options are a cost of doing business for tax purposes, then they should be a cost of doing business for earnings purposes. But don't just take my word for it. In a March 7th Senate Banking Committee hearing, Alan Greenspan, Chairman of the Federal Reserve Board testified:

''The truth of the matter is that if you do not expense the granting stock options or their realization in the income statement, as, indeed,, we are required in our tax forms, then you will get a pre-tax income which is higher than one can argue you really had . . . Is income being properly recorded? And I would submit to you the answer is no.''

Arthur Leavitt, former Secretary of the Securities and Exchange Commission, favors reporting publicly held stock options on SEC earnings reports. He told NPR:

''. . . If we decide to account for public stock options in a way that I think is in the public interest, I do not believe for a moment it would be the end of capitalism, nor do I believe it will have a significant negative impact on America's corporations.''

Deloitte & Touche, one of the nation's premier accounting firms, as well as Arthur Anderson, Enron's disgraced accountant, both say options should be charged to a company's income statement. Many Wall Street analysts agree. Eighty-three percent of U.S. financial analysts who responded to a survey by the Association for Investment Management Research (AIMR) also support listing stock options in the financial income statement.

The evidence is clear: this loophole should be closed. My bill to ''End the Double Standard for Stock Options'' is a much-needed fix to help prevent companies from misrepresenting their financial status to stockholders and employees. I urge my colleagues from both sides of the aisle to cosponsor this important bill and to support its enactment this year.

## PERSONAL EXPLANATION

### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BARRETT of Wisconsin. Mr. Speaker, because I remained in Milwaukee last week to undergo hernia surgery (for which I was granted an official leave by the House), I was unable to vote on rollcall Nos. 53 through 64. Had I been present, I would have voted: ''aye'' on rollcall No. 53; ''aye'' on rollcall No. 54; ''no'' on rollcall No. 55; ''aye'' on rollcall No. 56; ''aye'' on rollcall No. 57; ''aye'' on rollcall No. 58; ''aye'' on rollcall No. 59; ''aye'' on rollcall No. 60; ''aye'' on rollcall No. 61; ''no'' on rollcall No. 62; ''aye'' on rollcall No. 63; and ''aye'' on rollcall No. 64.

## RECOGNITION OF JACOB LICHT OF WEST HARTFORD, CONNECTICUT

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to commend and recognize the achievements of a remarkable young man, Jacob Licht of West Hartford, CT. Jacob, a student at William Hall High School in West Hartford, CT, won second prize and a $75,000 scholarship in the 61st Intel Science Talent Search competition in Washington, DC on March 11, 2002.

Jacob, a 17-year-old senior, was awarded second place based on his extraordinary work in developing a new mathematical theory based on the Ramsey Theory of disorder. His work manages to reinvent this theory by looking for pockets of complete disorder in sets of numbers that appear organized. Math experts have described Jacob's research as profound and groundbreaking. As a reward for his research, Jacob was granted an audience with President Bush and an asteroid will be named after him.

Yet despite all of Jacob's success and fame, he is still a modest and unassuming young man. At Hall, Jacob is not only the captain of the math team, but a volunteer math tutor as well. He is an avid sports enthusiast and loves to impersonate Elvis Presley, often entering and winning local talent competitions.

Mr. Speaker, Jacob Licht is to be applauded for his dedication, his intellect, and his humility. The Intel Talent Search competition has identified a gifted young man with the potential to change the world. Jacob, who has already been accepted to both the Massachusetts Institute of Technology and the California Institute of Technology, is clearly an exceptional and wonderful person and we applaud his achievements.

## GIRL SCOUTS OF THE USA CELEBRATES 90TH ANNIVERSARY

### HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. ALLEN. Mr. Speaker, this month marks the beginning of the celebration of Girl Scouting's 90th anniversary. During this time, more than 50 million girls have participated in this wonderful program.

One of those who benefited from years as a Brownie and Girl Scout was my wife, Diana. She recalls with great fondness the happy times she spent in troop meetings making crafts and other projects and the weeks in summer camp where she met counselors from all over the country.

Girl Scouts of the USA has kept up with the changing and expanding challenges facing girls today. At each level of Girl Scouts, girls have the opportunity to embrace traditions and learn about the changing world. The program challenges girls to develop into healthy women strengthened by strong values, a social conscience and belief in their own self-worth.

In my District, girls participate in programs overseen by the Girl Scouts of Kennebec Council. The jurisdiction of this Council is very large, encompassing one-third of the State of Maine and two-thirds of the population. The Council serves a highly diverse population—girls living in cities, small towns, and in isolated coastal areas and islands. Girl Scouting successfully meets the needs of all kinds of girls.

Girl Scouting succeeds because of its volunteers, who serve as troop leaders, trainers, cookie supervisors, trainers, and a host of other positions. Their generosity and dedication has kept Girl Scouting strong and relevant. Thanks to them, Girl Scouts of the USA will continue to help girls grow into productive citizens.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mrs. LOWEY. Madam Speaker, I am honored to rise today to commemorate the 181st anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic traditions of Greece and the United States.

On March 25, 1821, Greece declared its independence, ending nearly 400 years of domination by the Ottoman Empire and restoring a democratic heritage to the very cradle of democracy.

Throughout our history, the people of the United States and Greece have forged a strong friendship built upon the foundation of shared values of democracy and freedom. Our Founding Fathers established this nation based on the teachings of ancient Greek philosophers and their struggle to build a democratic society. And, in turn, the American experience inspired the Greek people in their struggle for independence 181 years ago.

Our shared democratic ideals have formed the basis of a strong and sustained friendship between Greece and the United States, and today, Greece remains one of our most important allies and trusted partners in the global community.

Nowhere is this more evident today than in the war against terrorism. Greece is an important member of the international coalition fighting this war. U.S. aircraft have made use of Greek airspace and airbases, Greek aircrews serve in NATO surveillance planes, and Greece has been a key partner in multilateral relief efforts for Afghanistan and Afghan refugees.

The United States has also benefited greatly from the contributions of Greek-Americans to shaping our society and building our cultural heritage. I am proud to represent a district in New York with a strong and active Greek-American community.

I am delighted to join my colleagues in commemoration of Greek Independence Day, and in celebration of the many contributions of Greece and Greek-Americans to the United States and the world.

## A TRIBUTE TO MS. NANCY STONE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I am truly honored to pay special recognition to an outstanding woman of California's 27th Congressional District, Ms. Nancy Stone. For over 15 years, Nancy has brought an abounding spirit and energy to her service in the foothills communities. Those fortunate enough to meet and work with Nancy instantly recognize her enthusiasm and passion for helping others.

A graduate of the University of California, Los Angeles with a Bachelor of Arts degree in History, Nancy currently works part time at Salomon Smith Barney in Glendale, California. She has been married to Chip Stone for 19 years and is the proud mother of Sarah and Rob.

Her dedication to her children has manifested itself in the groups and organizations which she leads and supports. She has served as the President of the Mountain Avenue Elementary School PTA and as the Vice President of the Rosemont Middle School PTA. Noted for her involvement with Seeds of Peace, an organization she helped to create to actively nurture a caring and accepting community, Nancy has dedicated herself to working for a more peaceful neighborhood environment in which to live and raise our families.

Her outstanding work with the community's young people truly sets her apart as someone who is keenly aware that our future lies with our children and in recognizing that, she has introduced innovative program ideas to help enrich the lives of all young people. She created the Community Service Learning Project in order to extol the values of unselfishness and community caring. Today the project has 600 students who dedicate approximately 10,000 volunteer hours to the community each year. Currently, she is the driving force behind efforts to open an after school teen center for the high school students of my district.

For her efforts, the community has recognized her for selflessness and unsurpassed giving. In 2001 she was named the Glendale Youth Coalition's Woman of the Year and in the same year was named as one of the Glendale News Press's 103 Most Influential People. The Crescenta Valley Chamber of Commerce named her their Woman of the Year in 1995.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Nancy Stone. The entire community joins me in thanking Nancy for her continued efforts to make the 27th Congressional District a more selfless, peaceful and accepting place to live.

## IN SUPPORT OF S. 1857

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express my support for S. 1857, Encourage the Negotiated Settlement of Tribal Claims bill.

I would like to begin by commending my friend and Co-Chair of the Native American Caucus, Representative KILDEE for introducing the companion bill H.R. 3851 and my friend NICK RAHALL, our ranking member of the Resources Committee for his dedication and work on this issue.

Through treaties, statutes and executive orders American Indians and Alaskan Natives (AI/AN) have entered into a trust relationship with the federal government. As part of this relationship AI/AN agreed to entrust the federal government with their resources such as land, natural resources, enterprises, judgement awards and investment income. Under the Department of the Interior, the Bureau of Indian Affairs (BIA) has been given the authority by the federal government to manage Indian resources and other assets.

Unfortunately, the BIA has not honored this trust relationship. Instead, they have managed to ''mismanage'' the trust accounts of 315 Indian tribes with over 1,400 accounts worth over $2.6 billion for many years.

S. 1857 will expand the current statute of limitations until 2005 allowing Indian tribes to postpone filing claims against the U.S. relating to the management of their trust fund accounts. It will enable the trust account holders the time necessary to identify where their money is going. This legislation will hold the BIA accountable for their mismanagement and squandering of Indian people's money. This past December my constituents of the Navajo Nation, Jicarilla Apache and Pueblos (over 40,000 people) did not receive their royalty checks, money they greatly depend on for rent, clothing, food and other basic necessities.

Today, the Congress has the opportunity to honor and enforce its trust responsibility to AI/AN people. I fully support S. 1857 and encourage my fellow colleagues to do the same. We must make the BIA accountable for their actions.

## TRIBUTE TO FRANCES T. BANERJEE

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to commend Frances T. (Frankee) Banerjee on twenty-five years of distinguished service to the City of Los Angeles. A very accomplished woman, Ms. Banerjee retires as the General Manager of the City of Los Angeles Department of Transportation.

Ms. Banerjee has had a successful career working in many facets of transportation, including: Research Associate in the Urban Transportation Systems Laboratory at MIT, Strategic Planning Manager for the Southern California Association of Governments (SCAG), and consultant for the United States Department of Transportation.

Since joining the City, Ms. Banerjee has served in a variety of capacities. She began as Planning Manager for the Los Angeles Community Redevelopment Agency, where she oversaw the Los Angeles Downtown People Mover Program. She then served as the Transportation Manager for the Community Redevelopment Agency before becoming the Assistant Chief Legislative Analyst in 1988.

Frankee Banerjee joined the City of Los Angeles Department of Transportation in 1994. Because of her excellent record in transportation, she was appointed by Mayor Richard Riordan as the first woman ever to hold the position of General Manager. She had the task of overseeing approximately 2,000 employees, as well as directing the activities of the Offices of Transportation Programs, Operations, Parking Management, and the Office of Organizational Support. The Office is responsible for design and development of all new projects, field and systems operations of the City's traffic signal system, transportation review of all new development, operation of the commuter express and community transit serving 26 City areas, management of parking programs, intersection control, and school crossing guard services. Under her management, the Department of Transportation has received national recognition for programs showcasing the development and deployment of advanced technologies, environmental achievements, and sensitive streetscape design.

In addition to her work with the City, Ms. Banerjee has been actively involved with numerous professional associations and has received numerous awards. Such awards include being named ''Employer of the Year 2001'' by the Women's Transportation Seminar and ''Affiliate Businesswoman of the Year 2000'' by the National Association of Business Owners.

Mr. Speaker, I would like to join Frankee Banerjee's family and friends in congratulating her on her retirement. I thank her for her exemplary performance, and her distinguished and dedicated service to the people of the City of Los Angeles. I wish her well in her future endeavors.

## COMMENDING PENTAGON RENOVATION PROGRAM

SPEECH OF

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with my colleagues in commending the great work that the Pentagon Renovation Program and its contractors have completed so far.

The renovation effort, also known as the Phoenix Project, is slated to be complete on

September 11, 2002—exactly one year after the despicable act of terror. I am proud to acknowledge that the Phoenix Project is running 6 weeks ahead of schedule.

The dedication of the government employees and independent contractors once again shows the resolve that this nation has always shown in times of adversity. In fact, initially the workers toiled around the clock to continue this extraordinary effort. They have even put up a digital clock at the site, counting down the days to September 11, 2002, to remind them of the victims who perished, with the intentions of finishing the reconstruction on September 11, 2002.

Mr. Speaker, after the terrorist attacks on September 11 on the Pentagon, 400,000 square feet of demolition work had to be carried out before the reconstruction efforts could begin. This process was expected to take 4 to 7 months, but was finished in just one month. Also, out of about 4600 displaced employees, 1500 have already returned to their old office spaces.

The speed, resiliency, and efficiency with which this project has been carried out is a reminder of the determination that our nation has, the determination that was first seen on the United and American flights, and continues to be seen in the efforts of these workers.

Mr. Speaker, before September 11, these workers were working about 5 days per week to renovate the Pentagon, but after the attack, they have put aside their own fears and returned for even longer work days. A lot of these workers lost their loved ones in these terror attacks, yet they have endured through their personal grief to offer some solace to the rest of the nation.

This reconstruction effort is more than just the rebuilding of the old Pentagon building. Additional security concerns are being addressed including updated ventilation system to guard against nuclear, biological or chemical attacks. The work continues around the clock. This is a testament to the selfless dedication that these unsung heroes have shown for the past six months.

Mr. Speaker, the workers involved with the Phoenix Project have aptly adopted the words once uttered by Todd Beamer as their motto. The sign reading ''Let's Roll'' now sits above the digital clock constantly reminding them and all of us of all the challenges that lie ahead and all the challenges that we have already overcome. I would like to assure everyone involved with this renovation project that we are behind them every step of the way in this monumental task that they have taken on with such grace.

## A TRIBUTE TO DENISE NELSON NASH, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I stand today, to recognize an outstanding woman of California's 27th Congressional District, Ms. Denise Nelson Nash. Ms. Nash's passion for community and especially the arts has made the City of Pasadena and surrounding areas, a more rich and vital environment in which to live.

Ms. Nash is a graduate of Scripps College and earned her Masters of Fine Arts from the University of Michigan. She began her professional career as a professor and has since taught at Delta College, Illinois Wesleyan University, and Borough Manhattan Community College. Noted for her passion and ability as a teacher, she was invited to be director of the contemporary dance program at the Instituto de Danza in Caracas, Venezuela.

A strong advocate of the arts and especially arts education, Ms. Nash was the director of the Plaza de la Raza School of Performing and Visual Arts in East Los Angeles and in 1985 founded Bottom Line Dance Collective, a nonprofit organization providing creative opportunities for young people throughout the Los Angeles area.

For six years, Denise served as the Director of the Arts for the City of Pasadena. In this capacity she provided leadership for the Public Art Program, arts education programs in the city's schools, community arts programs, and special projects including the Pasadena Emmy Celebration and HBO Pictures Production ''The Tuskegee Airmen.'' Currently, Denise serves as the Director of the Office of Public Events for the California Institute of Technology (Caltech).

Throughout her career, Denise has focused on using her position to enhance opportunities for others. As an advocate of the arts and community events, she has opened a realm of possibilities to young and old alike and has created an environment in which art is appreciated, respected and loved.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Denise Nelson Nash. The entire community joins me in thanking Denise for her continued efforts to make the 27th Congressional District a more vibrant and enjoyable place to live.

## AIRMAN CUNNINGHAM

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to pararescueman Jason Cunningham—one of America and New Mexico's true heroes.

Jason was one of our six brave soldiers killed during a shoot-out in the mountainous Gardez area of Afghanistan on Monday, March 4th. Jason participated in the insertion of Special Forces in the area when the helicopter he was a passenger in was brought down by machine-gun fire and a rocket propelled grenade. Jason and his six crewmembers were trying to rescue a Navy SEAL who had fallen out of the helicopter.

Jason grew up in New Mexico, spending most of his childhood in the southern part of the state, but he attended high school in Farmington and his parents currently reside in my district in Gallup, New Mexico.

Following graduation, Jason joined the Navy, finished his four years, and re-entered the armed forces, this time joining the Air Force and attending Pararescue School, from which he graduated in June of 2001.

It was in February of this year that Jason was sent to Afghanistan to join the front lines in the war against terror and left behind his loved ones for the call of duty.

Last week, Jason received a deserved heroes burial in Arlington National Cemetery where he took his place among the men and women who have, like Jason, courageously answered their country's call.

Douglas MacArthur once said, ''the soldier above all people, prays for peace for he or she must suffer and bear the deepest wounds and scars of war.'' However, I am sure that Jason's family, and the families of the other brave men and women who have died in service to their country also deeply feel the scars of war. Let us keep all the families with sons and daughters on the front lines in the war against terror in our thoughts and prayers.

## TRIBUTE TO SUSAN FLORES

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. ROYBAL-ALLARD. Mr. Speaker, it is an honor for me to recognize and congratulate Susan Flores on her 33 years of exceptional service to the City of Los Angeles. She has made significant contributions to the City government throughout her career, and I wish her the best in her retirement.

Ms. Flores entered her public service career in 1968 with the Concentrated Employment Program, where she directed the delivery of intense education, training and employment services to disadvantaged youth and adults in East Los Angeles.

Her dedication and hard work then led her to work with the City of Los Angeles' Community Development Department, where she was directly involved with planning and implementing programs funded through federal grants from the U.S. Departments of Housing and Urban Development and Health and Human Services. From 1982 to 1989, while serving as the Director of Human Services and Neighborhood Development Division, Ms. Flores ably administered the City Human Services Delivery System that provided services to the City's neediest residents. Her work addressed a variety of needs, such as childcare, legal aid, food and nutrition, homelessness and AIDS.

From 1989 to 1999, Ms. Flores was Director of the Department's Workforce Development Division, which had one hundred full-time staff and a $130 million grant from the U.S. Department of Labor to carry out the Job Training Partnership Act, Welfare-to-Work, and the

Summer Youth Employment Training Programs.

Since 1999, Susan Flores has served as the Assistant General Manager of the Community Development Department of the City of Los Angeles. She has been responsible for managing the City's federal grants that fund the Human Service, Economic Development and Workforce Development Programs. Through her work, she has been able to serve all the resident of Los Angeles by helping neighborhoods, businesses, families, adults, youth, job seekers and those in need.

I am sure that Ms. Flores is looking forward to spending more time with her husband, John, and their family. I would like to thank her for her service to the residents of the City of Los Angeles, and wish her the best in all of her future endeavors.

## 2002 GUAM SOCIAL WORK MONTH

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UNDERWOOD. Mr. Speaker, on the island of Guam, the month of March is designated as ''Social Work Month.'' For over twenty-two years, the Guam Association of Social Workers (GASW) has sponsored training conferences for human service workers of the region. This year's theme, ''Collaboration: Meeting our Social Challenges through Partnerships,'' gives participants the opportunity to acquire and share knowledge and skills in collaborative efforts. It has been recognized that current social problems could be overcome only through partnerships and cooperation between the government, private nonprofit organizations, community groups and the business community.

The highlight of ''Social Work Month'' is an awards dinner where awards for Community Service and the Social Worker of the Year was presented. This year's Community Service Award was presented to the Guam Housing and Urban Renewal Authority (GHURA). The University of Guam's Dr. Gerhard J. Schwab was chosen to receive the prestigious Social Worker of the Year Award.

The Guam Housing and Urban Renewal Authority administers grants and programs involving community planning and development, housing services, fair housing and equal opportunity. This agency has been instrumental in the revitalization of neighborhoods, the management and distribution of affordable housing, the expansion of economic opportunities, and the improvement of community facilities and services as well as emergency homeless shelters. Their programs and projects assist homeless people, the youth, the elderly as well as low and moderate income families. GHURA's efforts definitely complements this year's theme.

Dr. Schwab initially entered the field of social work in his native Austria working under the auspices of Caritas, an international Catholic Social services organization. His involvement with this group brought him, at one time, to the highlands of Papua, New Guinea where he worked with gang leaders and helped to create diversion programs for children confined in adult prisons. He commenced work on Guam in 1987, under the auspices of the Catholic Church as the Director of Youth Ministry. In 1998, the University of Michigan conferred upon him a joint Ph.D. in Social Work and Psychology. His doctoral dissertation was entitled, ''Ethnicities and Masculinities in the Making: A Challenge for Social Work in Guam.'' For the past three years, Dr. Schwab has chaired the Division of Social Work within the University of Guam's College of Nursing and Health Sciences. Through the years, he has made numerous contributions to the university, the social work community and the island of Guam.

Also deserving recognition are ''Project Beacon'' of the Pacific Daily News, a project spearheaded by Guam's daily newspaper working towards addressing the local problem of teen suicide, and ''Stand,'' a local welfare advocacy group—which were nominated this year for the Community Service Award. Jesse Sablan Catahay, Lisa Natividad, Yvonne Paulino and Patricia Stracener also deserve commendation for their contributions which earned them nominations for the Social Worker of the Year Awards.

It is worthy to note that this year marks the end of an era which signals a new beginning. The GASW has decided to dissolve and transfer its assets to the Guam Chapter of the National Association of Social Workers (NASW). Having been instrumental in bringing the NASW to Guam, the activities and ideals promoted by GASW over the years will continue to be fostered and preserved. This merger allows the Guam community access to the resources of the national association as well a voice in the formulation of NASW approaches to national social policies. I am sure that the people of Guam will reap the benefits in the years to come.

Once again, I congratulate this year's awardees, nominees, the Guam Association of Social Workers (GASW), and the Guam Chapter of the National Association of Social Workers (NASW). The people of Guam appreciate their good work.

## A TRIBUTE TO MARY ALICE O'CONNOR, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is a special honor for me to recognize Ms. Mary Alice O'Connor for her outstanding contributions to California's 27th Congressional District. Mary Alice has generously contributed over 50 years of volunteer service to the Southern California community and residents of Burbank, California are especially appreciate of her efforts on behalf of the community.

Mary Alice has lived in Burbank for 58 years, moving from Berkeley in 1944. She and her husband Ken raised two children, John and Joan Patricia. Mary Alice is the proud grandmother of three granddaughters, Christy, Kendall, and Paige.

Mary Alice has always been a strong supporter of the community. Ever since World War II when Mary Alice and a number of volunteers wrapped Christmas presents for American troops, she has dedicated herself to improving the lives of others. Since then she has been involved with the Boy Scouts and Girl Scouts, has served on the Board of Directors of the Burbank Health Care Foundation, and she currently serves as the Fundraising Committee Chairman for the Providence Saint Joseph Medical Center Capital Campaign.

Mary Alice is most noted for her dedication to the community's students and especially ensuring that all students are exposed to the arts. Over the years, she has served on numerous PTA boards and served as an elected official on the Burbank Board of Education. In promoting arts education Mary Alice worked hard to reopen the Starlight Bowl for a summer music series and she served as the first chairman of The Children's Open House at the Bowl, which introduced thousands of children each year to the joys of music, dance, poetry and theater at the Hollywood Bowl.

For her efforts, Mary Alice has been has received The National Volunteer Center Beautiful Activist Award and in 1998 received the Older American Recognition Award. In 1999 the Kiwanis Club of Burbank honored her at their Annual Gala.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Mary Alice O'Connor. The entire community joins me in thanking Mary Alice for her continued efforts to make the 27th Congressional District a community committed to our children.

## FURTHER EXPLANATION OF RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS

### HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. NUSSLE. The Fiscal Year 2003 Budget Resolution Section-By-Section Report language (Report 107–376) which further explains Section 202(b) of H. Con. Res. 353 (i.e., the application of the reserve fund for Medicare modernization and prescription drugs) is meant only as an illustrative example.

## LEASE LOT CONVEYANCE ACT OF 2002

SPEECH OF

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 706, the Lease Lot Conveyance Act of 2002 introduced by my good friend Representative Joe Skeen.

Let me begin by saying that the citizens of Sierra County, where this legislation is targeted, have been well represented by Chairman SKEEN for the past 22 years. As a member of the House Resources Committee, it was a pleasure for me to support H.R. 706 during its committee process and a greater pleasure for me to support it today as the House prepares to vote on its passage.

This legislation seeks to correct a situation that began on the Elephant Butte Reservoir in the 1930's. The Federal Government offered citizens the opportunity to build recreational homes on land leased from the U.S. Bureau of Reclamation. The covenants in the lease required leaseholders to make substantial investments on the four hundred sites released under the program. All leaseholders hoped that one day the government would privatize the land and offer it for sale. Because that has not occurred, this bill allows current leaseholders the opportunity to purchase the land.

Mr. Charles Ward, President of the Elephant Butte/Caballo Leaseholders Association, who testified before the Resources Committee last year said, ''Our hold on the lease lots we call ''home'' is tenuous, at best. We are all acutely aware we can be removed at any time due to a clause in our lease agreement which states, if the government determines there is a greater need for these lots, they can give us a 60 day notice and we must return our lease lots to their original condition.''

These homeowners deserve to know that their lease fees will not increase, and deserve to have the safety and security of a permanent home. As far as I am concerned, this is a critical economic development issue for the citizens of Sierra County in Congressman SKEEN's district.

Again, it is a pleasure to support this legislation. I look forward to working with Chairman SKEEN, during this second session of the 107th Congress on mutual issues that are of benefit to the people of New Mexico.

## INTRODUCTION OF VOTES FOR WOMEN HISTORY TRAIL ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. SLAUGHTER. Mr. Speaker, I rise today to celebrate Women's History Month by introducing an important new bill: the Votes for Women History Trail Act.

I have the great privilege to represent in Congress the City of Rochester, New York, and its suburbs—a region considered by many to be the cradle of the women's rights movement. Rochester was the proud home of Susan B. Anthony; her close friends and fellow suffragists, Elizabeth Cady Stanton and Lucretia Mott, lived nearby. Prominent civil rights activists like Frederick Douglass and Harriet Tubman, who also supported women's rights ardently, moved to the region and spent most of their adult lives there.

In 1848, the First Women's Rights Convention was held in Seneca Falls, New York. Reflecting upon this remarkable event never fails to inspire me. After only a week of planning and notice, over three hundred men and women from all over the region converged on Seneca Falls for the ''Woman's Rights Convention.'' This event heralded the beginning of a movement that would yield to women the right to vote 72 years later, and signal an ongoing struggle for equity in the home, in the workplace, and before the law.

Today, the site of the First Women's Rights Convention is the home of the Women's Rights National Historical Park, a respected unit of the National Park Service. Nearby are other important sites, such as the Hunt House, where the Declaration of Sentiments was drafted, and the M'Clintock House. Within an hour's drive, we find a host of other places important in women's history—the Harriet Tubman Home for the Aging in Auburn, the Matilda Joslyn Gage House in Fayetteville, and the Ontario County Courthouse in Canandaigua, where Susan B. Anthony was put on trial for the crime of voting.

I am proud to introduce today legislation that would link all of these sites in a way that will benefit students, scholars, and visitors alike. The Votes for Women History Trail Act directs the National Park Service (NPS) to establish an auto route connecting these various sites. The trail would be established in accordance with the recommendations contained in an NPS feasibility report funded by Congress.

This trail will allow tourists, educators, and others to connect the many sites and events critical to women's history and place them in context. It will also serve as a new tourist destination for the region, bolstering the flagging economy. Finally, it will give well-deserved prominence to the importance of women's history for our region and our nation as a whole.

I am proud to sponsor this new initiative, and I hope my colleagues will join me in supporting the Votes for Women History Trail Act. I look forward to working with the Resources Committee to ensure its timely consideration and passage.

## A TRIBUTE TO MARY PINOLA, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is my distinct honor to recognize the personal achievements of one of California's 27th Congressional District's most outstanding women. Mary Pinola has dedicated over 20 years of service to this community and it is an honor to recognize her for her continued efforts in support of so many worthwhile organizations and foundations.

Mary received her Bachelor of Arts in Sociology from California State University, Long Beach and later received from the same university, a Master of Arts degree in Speech-Communication. She completed her education by receiving her Ph.D. in Education from the University of Southern California. Mary currently serves as the Director of Development for the AAF Rose Bowl Aquatics Center and has served as the Director of Community Relations for Verdugo Hills Hospital, as an Adjunct Lecturer at California State University, Long Beach and as a High School Speech and English Teacher at Arroyo High School in El Monte, California.

Over the years, Mary has dedicated herself to founding and joining groups and organizations that truly make a positive and lasting impact on the community. Along with her husband Charles Kenny, she is a founding member of the La Cañada Educational Foundation, a Member of the Board of Directors of the Roger Barkley Community Center, and has served as the chair of countless numbers of charitable fundraisers.

More recently, Mary has been the driving force behind raising funds for the Mary Pinola/Crescenta Valley Chamber of Commerce Educational Endowment Fund. The Fund gives annual grants to educational programs throughout the Crescenta Valley. This year, the Fund grew to $66,000 and has been invested in a Donor Advised Account with the Glendale Community Foundation to ensure a legacy of charitable gifts. She has also been instrumental in raising funds for the Outdoor Science Laboratory at La Cañada Elementary School, which will be completed in the fall of 2002.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Mary Pinola. The entire community joins me in thanking Mary for her continued efforts to make the 27th Congressional District a place of extraordinary, selfless giving.

## IN HONOR OF DR. DONALD N. LANGENBERG

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. HOYER. Mr. Speaker, on April 30, Dr. Donald N. Langenberg, who has served as chancellor of the University System of Maryland for more than a decade, will retire after a lifetime of service to higher education.

Dr. Langenberg has left a mark in academe as few others have. As chancellor of the University System of Maryland, he has overseen the emergence of a nationally recognized public university system, with top-ranked programs, unprecedented levels of state funding,

and extraordinary increases in grants and contracts to conduct research. As the first chancellor of the University of Illinois at Chicago, he was instrumental in creating a campus now known for its quality and diversity. His leadership at the National Science Foundation, the University of Pennsylvania, the National Association of System Heads, and other academic groups has contributed to an era of extraordinary growth and vitality in American higher education.

Mr. Speaker, as a founding member of Maryland's K–16 Partnership for Teaching and Learning, he led the state toward an education system that will provide students a seamless transition from preschool to the college years and beyond. His work as chair of the National Reading Panel helped disseminate groundbreaking research and bold recommendations about the bedrock of education: teaching children how to read.

Dr. Langenberg has also contributed enormously to his academic field of physics, conducting research into experimental condensed matter physics and materials science. His earliest research was concerned with the electronic properties and Fermi surfaces of metals and degenerate semiconductors. A major part of his research career was devoted to the study of superconductivity, particularly the Josephson effects and nonequilibrium superconductivity. He is perhaps best known for his work on the determination of certain fundamental physical constants using the ac Josephson effect. A practical consequence of this work was the development of a radically new type of voltage standard that is now used around the world. One of the major publications resulting from this work is among the most frequently cited papers published by the Reviews of Modern Physics during the 1955–86 period, and has been dubbed a ''citation classic.'' The work has also been recognized by the award to Dr. Langenberg and his coworkers of the John Price Wetherill Medal of the Franklin Institute.

Mr. Speaker, Dr. Langenberg is the author or co-author of over one hundred papers and articles, and has edited several books. In addition to serving as Deputy Director of the National Science Foundation from 1980–1982, he has held predoctoral and postdoctoral fellowships from the National Science Foundation, the Alfred P. Sloan Foundation, and the John Simon Guggenheim Foundation. He has been a visiting professor or researcher at Oxford University, the Ecole Normale Supérieure, the California Institute of Technology, and the Technische Universität München. In addition to the Wetherill Medal, he has been awarded the Distinguished Contribution to Research Administration Award of the Society of Research Administrators, the Distinguished Achievement Citation of the Iowa State University Alumni Association, and the Significant Sig Award of the Sigma Chi Fraternity.

Dr. Langenberg has served as advisor or consultant to a variety of universities, industrial firms, and governmental agencies. He currently serves on the Board of Directors of the Alfred P. Sloan Foundation, is President of the National Association of System Heads (NASH), and is Chairman of the Board of Directors of The Education Trust, Inc. He is a member of the Business-Higher Education Forum, a partnership of the American Council on Education and the National Alliance of Business intended to foster communication among national business and education leaders. He has been President and Chairman of the Board of the American Association for the Advancement of Science (AAAS), Chairman of the Board of the National Association of State Universities and Land-Grant Colleges (NASULGC), and President of the American Physical Society (APS). He also recently concluded ten years of service on the Board of Trustees of the University of Pennsylvania and is the immediate past Chairman of the Presidents' Council of the Association of Governing Boards of Universities and Colleges (AGB).

Mr. Speaker, in addition to serving the larger public through his work on various boards, Dr. Langenberg has also served in quieter, though equally profound ways. Both through his example and through individual mentoring, he has helped develop key academic leaders for the University System of Maryland and for higher education in general. By serving as an advisor to people of talent and ability, Dr. Langenberg has helped many institutions find exceptional faculty, provosts, and presidents.

Mr. Speaker, Dr. Langenberg's lifetime of achievement and service will be celebrated on April 20 at a special retirement gala that will raise endowment funds for the Langenberg Lecture and Award, two efforts to continue his vision of education as a life-long journey of the human mind. Mr. Speaker, I know the Members of the House join me in thanking Dr. Langenberg for nearly 50 years of service in higher education and I rise to congratulate him on his well-deserved retirement.

## TRIBUTE TO COLONEL JEFFREY A. REMINGTON

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UDALL of New Mexico. Mr. Speaker, this is a sad month for the State of New Mexico and at the same time a wonderful gain for the Nation. Colonel Jeff Remington, commander of the 27th Fighter Wing at Cannon Air Force Base will be leaving on March 28. After an admirable tenure, he has been selected to command the 18th Wing, Pacific Air Forces at Kadena Air Base in Japan.

While we are disappointed to see him go, we are very grateful for the contributions he made to Cannon and eastern New Mexico in general. Since arriving in May 2000, Colonel Remington, with steadfast personal commitment, led the base with pride and honor. He continually demonstrated outstanding leadership in every manner. All who have served for or with Colonel Remington have nothing but praise and the highest personal regard for him.

He is a man of exemplary character, and the highest sense of personal honor. He epitomizes all that the concept of being involved in the United States Air Force represents.

Colonel Remington made a special emphasis on positioning Cannon Air Force Base as a community partner with the surrounding counties. He made a point to participate in local events, let the public know about the base's contributions to national defense, and in essence, became a neighbor.

He never hid the joy that he had in this particular assignment. Indeed, in an editorial he wrote for the Clovis News Journal, he wrote, ''I have the best job in the Air Force at the best base in the Air Force.''

I traveled to Cannon shortly after the events of September 11, to receive a briefing from Colonel Remington about the role that the base was playing in light of the attacks. During our meeting, he expressed his absolute confidence in the men and women who served under him at the base. It was most inspiring to see a leader who believed so much in the people he was guiding. I believe it is that type of leadership that has made him so admired and effective at Cannon.

Of course his tenure at Cannon is only one of many assignments that he has had in an Air Force career that spans twenty-five years. After graduating in 1977 from the U.S. Air Force Academy, he earned his wings as a distinguished graduate of pilot training at Williams Air Force Base, Arizona. Colonel Remington flew F–16s in Europe where he filled numerous positions, He was also a pilot for the Thunderbirds. His previous command assignments include the 80th Fighter Squadron at Kunsan Air Force Base in Korea and the 366th Operations Group at Mountain Home Air Force Base in Idaho.

Such a distinguished career has led to a number of awards and decorations including the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, and others.

Cannon Air Force Base has benefited from having such an accomplished and disciplined commander at its helm for the past two years. I know that Colonel Remington will positively impact all of his future assignments. For myself, I look very forward to meeting and working with his successor, Colonel Robert Yates, who is leaving as commander of the 355th Operations Group at Davis-Monthan Air Force Base in Arizona.

Mr. Speaker, the residents of eastern New Mexico will miss this extraordinary gentleman who served our New Mexico so well. I hope that someday, somewhere, Colonel Remington reflects on his time in the Land of Enchantment and remembers the difference he made in our community. I am proud that I had the opportunity to work with him, and I remain confident that his example will continue to live in the hearts and minds of his fellow officers.

## THE LEGACY ACT: LIVING EQUITABLY, GRANDPARENTS AIDING CHILDREN AND YOUTH

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CAPUANO. Mr. Speaker, I am pleased today to join my good friend CONNIE MORELLA in introducing important legislation to help address an issue in our nation that is only starting to receive national attention—grandparents raising their grandchildren.

According to recent data from the Census Bureau, the number of intergenerational families increased more than fifty percent between 1990 and 1998. It is estimated that more than 4 million children across America are being raised by their grandparents. Many of these children have parents who have passed away, are in prison, or are suffering from drug or alcohol addictions, while some have been taken out of abusive homes.

These intergenerational families or ''Grandfamilies'' live in rural areas, inner cities and suburbs. They come from all races and ethnicities, and live in every state in the nation. Many of these grandparents survive on fixed incomes—social security, a small pension—and face not only the rising cost of prescription drugs, but also the cost of diapers, baby formula, toys, and school clothes.

Unfortunately, our nation's housing policy has not kept up with the unique needs of these families. There is currently only one housing development in the entire country specifically designed for intergenerational families—the Grandfamilles House in Boston, Massachusetts. The House offers apartments with special features for both grandparents and children, including childproof kitchen cabinets and handicapped-accessible bathrooms. There are also activities for seniors and children, an outdoor playground and an on-site computer lab.

I am introducing the LEGACY Act in response to the growing number of communities throughout the nation that have been working to build on the model of the Grandfamilles House in Boston. The title of the legislation was inspired by an Academy-Award nominated documentary film chronicling the life of a grandmother raising her grandchildren and their struggle to move out of a Chicago housing project.

The legislation creates demonstration programs through both the Section 8 Housing Certificate Fund and the Section 202 Elderly Housing program. These demonstration projects will enable housing developers and advocacy groups additional flexibility in securing financing for this housing and providing ongoing services to intergenerational families.

In addition, the LEGACY Act clarifies that grandparents raising their grandchildren are eligible for family unification assistance, allows access to fair housing funds for education and outreach efforts about the legal issues surrounding many of these families. It also directs the Department of Housing and Urban Development to provide specialized training for their employees focused on grandparent—and other relative-headed families. Many grandparents do not have access to the services they and their grandchildren need. These training and outreach efforts will help raise the awareness of the unique issues these families face each day.

While this bill is a small step in recognizing the tremendous contributions of these grandparents, it is my hope that it will help bring this issue greater recognition. Affordable housing is only one of the many challenges these courageous grandparents face as they raise the next generation of Americans. Please Join me in supporting these families by supporting the LEGACY Act.

## A TRIBUTE TO DR. RITA VORPERIAN, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I honor today, Dr. Rita Vorperian. Dr. Vorperian currently serves as the Senior Administrator and Executive Secretary of the Armenian Relief Society of Western U.S.A. Regional Executive. In this capacity, Rita has fought hard to bring both humanitarian and economic relief to the people of Armenia and its government who are currently suffering through troubling economic times.

A native of Aleppo, Syria, Rita is a graduate of the Karen Yeppe Armenian High School of Aleppo. She attended St. Joseph University in Beirut and graduated with a three-year course in higher Armenological studies. On her arrival in the United States, Rita enrolled at the University of California, Los Angeles where she attained her Bachelor of Arts degree in Near Eastern Studies, her Masters Degree in Near Eastern Languages and Cultures, and her PhD in Armenian literature and criticism.

Her professional career is as exemplary as her educational background. She has been active in the field of journalism, making submissions to AZTAG Daily of Beirut, ASBAREZ of Los Angeles, and HATRENIK of Boston. She has also contributed essays and short stories to the literary magazine PAKINE of Beirut.

Her mastery of seven languages including: Armenian, Arabic, French, English, Turkish, Spanish and Russian has helped her in her role as an advocate for the people of Armenia around the world in serving their humanitarian needs as well as helping to preserve the cultural heritage and identity of the Armenian people.

Her work as the Senior Administrator and Executive Secretary of the Armenian National Relief Society of Western U.S.A. Regional Executive has helped establish a vital and enriched Armenian community in the 27th Congressional District and she continues to work for cultural understanding and acceptance of the Armenian prople in America.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Dr. Rita Vorperian. The entire community joins me in thanking Rita for her continued efforts to make the 27th Congressional District a more vibrant and culturally enriched place to live.

## POSTAL RATE PROCEEDINGS

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CLAY. Mr. Speaker, I rise to speak on a matter that is critically important to every individual in this country, and critically important to the welfare of our economy. I am referring to the condition of our United States Postal Service. In a proceeding now before the Postal Rate Commission, the Postal Service, which is in considerable financial difficulty, is proposing to give large mailers more than $700 million per year in unjustified discounts. The cost of these unjustified discounts will be imposed on individual citizens and small businesses who must use the United States postal system.

It has been widely reported in the press that the Postal Service has suffered financial difficulties as a result of the terrorist attacks on September 11, and the problems caused by the discovery of anthrax in the mail. What has been less reported, but which is of equal or even greater long-run significance, is the fact that important issues of public policy affecting the vital interests of the Postal Service are being debated and decided in a little-noticed proceeding before the Postal Rate Commission.

I am deeply concerned that the policy decisions about to be made by the Postal Rate Commission may cripple the Postal Service. Unfortunately, the Postal Service itself appears to be cooperating with those who seek to exploit or weaken it.

I am referring to the fact that, in a misguided effort to speed up the postal rate increases, the Postal Service has proposed, and the Postal Rate Commission seems poised to accept, rates that will subsidize large business mailers at the expense of individuals and small businesses. This may occur because the Postal Service has proposed setting presort discounts for large business mailers at a rate which cannot be justified by the cost-savings to the Postal Service when mail is presorted.

The only party opposing the proposal to establish excessive discounts for presorted mail is the American Postal Workers Union. I am well aware, of course, that postal workers have a self-interest in opposing pre-sorting of mail. To the extent that mail is pre-sorted, work that might be done by postal employees is done by private industry. Nevertheless, the arguments made by the American Postal Workers Union against excessive presort discounts are correct and should be recognized and supported. The former Chief Financial Officer of the Postal Service, Dr. Michael Riley, has provided testimony in support of the APWU position opposing these subsidies for large mailers. Dr. Riley is no advocate for union interests, nor can he be discounted as an ideologue of any kind. Dr. Riley is a businessman, and he has addressed the issue of postal rate making from a sound business perspective.

As Dr. Riley has very persuasively argued before the Postal Rate Commission, it makes no business sense—it is unsound business—to give discounts to pre-sort mailers that exceed the costs avoided by the Postal Service when mail is pre-sorted. But that is what the Postal Service is proposing to do. The Postal Service is proposing to set discounts that will, in some cases, be 125 percent of costs avoided. This is wrong, it is a wrong business decision, and it is a wrong policy. When the Postal Service was created, it was set up to be run like a private sector business. Private sector business does not give away hundreds of millions of dollars. If this decision were to be based on solid business considerations, presort discounts would be set at an amount below the cost avoided. Sound business practice would require that the discounts be set as

low as 80 percent of costs avoided, and certainly never 125 percent of costs avoided as the Postal Service is proposing.

I want to emphasize again how critically important this issue is. Universal mail service at a uniform cost to mailers is essential to a sound economy, and it is particularly important to those non-urban areas who must depend on the United States Postal Service. Every year, the United States Postal Service adds 1.7 million additional delivery points to its universal service. This is enough delivery points to be about as big as the City of Chicago. That is an enormous undertaking and it is an undertaking that is enormously important to our country. Many of the people served by the Postal Service have no other practical alternative to the U.S. mail. As this network expands, it must be maintained on a sound financial footing. But that financial footing may be undermined if the Postal Service continues on its present course.

The Postal Service already has frozen 800 capital investment programs that are important to the future health of the Postal Service. The Postal Service's 2001 Annual Report described the impact of this freeze as follows:

> The Capital plan is at extreme risk . . . for the second year in a row we will not be able to make the necessary capital investments to meet the growth demands of universal delivery.

Given the present rate proposal, these programs will continue to be frozen, further compromising the future of the Service. Furthermore, withholding $800 million in Postal Service automation spending will contribute to the unfortunate softness in the economy. For this large postal enterprise to be taking a backward stance at this important turning point in our hoped-for economic recovery will be counterproductive for all concerned.

Because the compromise proposed by the Postal Service would set rates at an artificially low level, we are facing the need for another rate increase in the near future, and that rate increase may have to be substantially larger. Predictably, there will be opposition to large postal rate increases in the future. So, by misallocating postal rates now the Postal Service is setting itself up for even greater difficulties in the future. I am afraid that difficult future is at hand.

I urge my colleagues to take note of this important issue, and I urge the Postal Service and the Postal Rate Commission to reconsider this misguided course of action.

## MARKING THE 100TH ANNIVERSARY OF THE GENEVA CHAMBER OF COMMERCE

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 100th anniversary of the founding of the Geneva Chamber of Commerce in Ontario County, New York.

When the Rev. Ninian Remick first assumed the chairmanship of the Geneva Chamber of Commerce in 1902, he and the group had a simple yet important mission: ''foster and promote the trade, manufacturing and other business interests of Geneva and . . . to enjoin upon our people the necessity of a wise and conservative expenditure of the public money.''

The Chamber's initial membership of 148 businesses began a bedrock commitment to promoting economic opportunity in the Geneva area and improving the quality of life of the community's residents.

Throughout their first century, the Geneva Area Chamber of Commerce has sponsored a wide-variety of programs and events showcasing the area, and have continually worked to promote and revitalize the city.

Today, under the leadership of incoming chairman Tom Bowers and its 580 members, the Geneva Area Chamber of Commerce is continuing a great tradition of commitment to community.

Mr. Speaker, on Friday, March 22, 2002, the Geneva Area Chamber of Commerce will hold its One Hundredth Annual Dinner Meeting, and I ask that this House of Representatives pause in its deliberations to salute the men and women, past, present and future, of the Geneva Area Chamber of Commerce on their proud record of service and accomplishment.

## A TRIBUTE TO BARBARA HUGHES, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

In honor of Women's History month, it is my honor to recognize an outstanding woman of the California's 27th Congressional District. Ms. Barbara Hughes of Tujunga, California has been pivotal in the social and economic vitality of her community and I wish to salute her efforts today.

Born and raised in Sunland-Tujunga, Barbara attended Verdugo Hills High School and currently resides on the property which her grandparents homesteaded years ago. She is married to Harry Hughes, the proud mother to three adult children: Michele, Mark and Michael and the even prouder grandmother to her five grandchildren: Justin, Travis, Jennifer, Marshall, and Jaymie.

Her involvement in the community of Sunland-Tujunga has made it one of the most vibrant areas in my district. Through her involvement with the Sun Valley Chamber of Commerce as Executive Director and then as President of its Board of Directors, Barbara has been able to plan and execute community events which have vastly improved the quality of life for the residents of Sunland-Tujunga.

She was a leader in the initial planning stages for the community's neighborhood council, she helped organize the ''Business Focus'' group which addresses the current and ongoing business needs of the community, and has been instrumental in strengthening community togetherness through an array of outstanding events. She has served as a columnist for the Foothill Leader and is currently working on publishing a community newspaper for the Sunland-Tujunga area.

Over the years she has been awarded the ''Women of Achievement'' and ''Women in History'' honors from the Sun Valley Chamber of Commerce and was recently named one of the Glendale News Press's 103 Most Influential People in the foothills communities.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Barbara Hughes. The entire community joins me in thanking Barbara for her continued efforts to make the 27th Congressional District a more vibrant and enjoyable place to live.

## AGUA FRIA NATIONAL MONUMENT TECHNICAL CORRECTIONS ACT

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. STUMP. Mr. Speaker, on January 11, 2000, President Clinton stood in front of a backdrop of the Grand Canyon and proclaimed two national monuments in Arizona using the Antiquities Act of 1906. One of the monuments created by President Clinton was the Agua Fria National Monument.

There is no doubt that the Agua Fria National Monument has values that need to be protected from encroachment. The Monument spans 71,000 acres and contains two mesas, the Perry Mesa and the Black Mesa. The Monument boasts one of the most significant systems of prehistoric sites in the American Southwest. Yet, the area is located within fifteen miles of the northern-most reaches of the Phoenix Valley. The tremendous growth of Arizona over the past decade has placed additional pressures on this region. With Cordes Junction to the north, and Black Canyon City to the south, the threat of encroachment is growing.

Mr. Speaker, since the proclamation of the Agua Fria National Monument, we have seen a tremendous increase in visitorship, as well as abuse of the lands contained in the Monument. However, nothing in the proclamation ensures the long-term protection of the resources we value. In fact, the Bureau of Land Management (BLM) reported that illegal artifact excavation occurred just days after President Clinton issued the proclamation.

Mr. Speaker, today I rise to introduce legislation, the Agua Fria National Monument Technical Corrections Act, to address the management of the Agua Fria National Monument. My intent in introducing this legislation is to ensure that Congress, the State of Arizona and the people of Arizona have a say in how these areas are managed and protected. Specifically, this legislation:

1. Codifies commitments made by the previous Administration that were not explicitly stated in the proclamation;

2. Provides the President with an opportunity to increase the size of the monument to

88,000 acres, and adjusts the boundary of the Monument to facilitate long-term resource management by the BLM and adjacent land owners;

3. Ensures that all interested parties have a voice in planning;

4. Protects the interests of the State of Arizona in managing wildlife, water and transportation;

5. Ensures that the Monument remains accessible;

6. Recognizes the educational potential of the Monument; and

7. Provides the BLM with a flexible management framework that will allow protection of the resources of the Monument.

Mr. Speaker, I have a long history in working to resolve resource management issues in the area containing the Agua Fria National Monument. Working with then-Arizona Governor Bruce Babbitt and State BLM Director Dean Bibles in the early and mid-1980's, we were able to eliminate the checkerboard land ownership pattern in the area. A few years later, I supported the Area of Critical Environmental Concern, or ACEC, designation of much of the area, as well as the establishment of the Perry Mesa National Register Archaeological District.

The BLM has historically done an excellent job of working with their constituents in managing this area. When the Agua Fria National Monument was created by proclamation, however, past collaborative management of the land and the history and tradition of these areas was ignored. In fact, a committee established by former Secretary Babbitt went as far as to discuss the construction of gondolas in the Monument.

Mr. Speaker, this legislation requires the BLM to review the Interim Management Policy, dated October 1, 2001, and to develop a comprehensive management plan for the long-range management of the Agua Fria National Monument. My goal is to ensure that the Interim Management Policy recognizes valid existing uses of the Monument, and that it is consistent with current laws and regulations.

With the increase in visitorship since the creation of the Monument, it has become clear that a new management plan that reflects the resources and values of the Monument is needed. The legislation I am introducing today requires that the BLM create a long-term management plan for the Monument within two years of enactment. While this is an aggressive schedule, I believe that it is essential if we are to address the immediacy of the threats perceived by the previous Administration.

To assist in this endeavor, the legislation creates an advisory committee to ensure that local community leaders, state representatives, conservationists, Native Americans, as well as scientists, are involved in the decision-making and planning of the Agua Fria National Monument Management Plan. Seven BLM managed monuments and national conservation areas, including the Gila Box and San Pedro National Conservation Areas in Arizona, currently benefit from advisory committees. Three additional advisory committees, recommended by former Secretary Babbitt, are awaiting publication in the Federal Register, and the Grand Staircase-Escalante National Monument Management Plan recommends the establishment of a permanent advisory council. I believe that the eight positions available on the advisory committee represent those interests that are necessary to ensure that the BLM receives broad public input, participation and support in planning and developing management strategies for the Agua Fria National Monument.

Since the creation of several monuments under the Clinton Administration, the issue of whether to modify the boundaries of these monuments has been widely discussed. This legislation moves the western boundary of the Agua Fria National Monument 400 feet to the east. The Arizona Department of Transportation has concerns that if the boundary is not modified, any future expansion of Interstate Highway 17, the main thoroughfare from central to northern Arizona, will be impossible. This small boundary adjustment may also make it feasible for the State of Arizona and the BLM to cooperatively develop and manage a new visitor center near the planned Sunrise Point Rest Area.

Mr. Speaker, it is well known that there are significant archaeological sites adjacent to the current boundaries of the monument. This legislation requires the Secretary of the Interior, in consultation with the Secretary of Agriculture, to study the lands adjacent to the existing boundaries, and make a recommendation to the President on any boundary changes to the Agua Fria National Monument. The legislation authorizes the President, subject to the study, to make any boundary adjustment necessary to enhance the protection of the archaeological resources located within the Monument and adjacent lands or that will offer expanded opportunities for public education or scientific research. This language has the potential to expand the monument to 88,000 acres.

This legislation recognizes that there are valid existing uses of the monument, including hunting, grazing and electric transmission right-of-ways. The fact that the lands are now within the boundaries of a national monument should not have an effect on their management. The archaeological resources within the Monument have existed for centuries, and the creation of the Monument has not changed their significance to Arizona's heritage. Because all uses of the Monument will continue to be governed by existing laws and regulations, it is expected that the BLM will review all aspects of land use, including grazing levels, during the planning process.

This legislation also ensures that state water rights are protected. In the original proclamation, an unspecified amount of water was reserved for the Agua Fria National Monument. In Arizona, where water is as precious as gold, we must ensure that a new or implied water reservation to the United States does not hinder management of this limited resource. This legislation allows the United States to reserve water for the Monument by following the laws of the State of Arizona.

The Agua Fria National Monument Technical Corrections Act has been reviewed and is supported by archaeologists, recreation groups and ranchers, as well as the Governor of Arizona and state agencies, including the Arizona Department of Transportation, the Arizona Game and Fish Commission and Department and the Arizona Department of Water Resources.

Mr. Speaker, I have included a letter for the record that Arizona Governor Jane Dee Hull sent to Secretary Gale Norton on April 6, 2001, outlining the State of Arizona's concerns with the monuments established in Arizona. The Governor expresses her concern that the state was not included when the decision to declare the national monuments was being weighed. Specifically, the Governor states, "I am simply asking that boundaries and proclamation language be amended where necessary to protect the best interests of the citizens of this state." Mr. Speaker, I believe that this legislation addresses these concerns and ensures that the citizens of Arizona can use and enjoy the Agua Fria National Monument for years to come.

Mr. Speaker, this legislation will protect the archaeological resources and enhance the educational opportunities of the Agua Fria National Monument. At the same time it ensures that the BLM, State of Arizona, Forest Service, private landowners, conservationists, scientists and Indian tribes work together to develop a working management plan for the future of the Agua Fria National Monument.

Mr. Speaker, I urge my colleagues to support the Agua Fria National Monument Technical Corrections Act of 2002.

JANE DEE HULL,
*State of Arizona, April 6, 2001.*

Hon. GALE NORTON,
*Secretary of the Interior,*
*Washington, DC.*

DEAR SECRETARY NORTON: Thank you very much for your letter of March 28, 2001 in regard to the impact of National Monument designations within the State of Arizona.

As you know, during the past year, five new National Monuments were declared in Arizona encompassing an estimated two million acres of Arizona. This is an area approximately equivalent in size to the combined states of Delaware and Rhode Island a land mass of such notable size carries with it a number of impacts, and I am grateful for the opportunity to share my perspective on those impacts.

As a preliminary matter, I would like to say that much of the land that lies within the boundaries of our five new National Monuments is exquisite and certainly worthy of conservation. In Arizona, we are aggressive in our pursuit of conservation, and we have several ongoing programs and projects that allow us to set aside our most magnificent scenery. Even now, we are supporting state legislation that will enable Arizona to engage in land exchanges that will result in the conservation of special State Trust lands.

My fundamental concern with the five new National Monuments is the inadequate selection process through which they were established. As a result of planning that occurred almost exclusively in Washington D.C., and not in Arizona, we have monuments with boundaries that do not protect the best of the terrain, do not give due consideration to wildlife management, do not allow vital energy transmission to cross into regions of the state, render hundreds of thousands of acres of School Trust land nearly valueless, prohibit essential roads, create uncertainty in the state's long-term water supply, and diminish the use of thousands of acres of private property.

I believe the inadequacy of the selection process was the direct result of a nearly complete failure on the part of the former administration of the Department of the Interior to provide meaningful opportunity for Arizona residents and qualified experts to participate. To highlight the absence of that participation, please note that neither I nor any member of my cabinet was ever invited to a public meeting to discuss the potential

declaration of any monument. Moreover, three of the monuments were declared with virtually no public process. The only sign that an area was under consideration for monument status was a visit to this state by the former secretary for a short hike to which a handful or supporters and select media were invited.

Please review your records to verify his claim. It would be very interesting to learn what the file has to say in regard to public participation prior to each declaration in Arizona.

Other concerns I have in regard to the monuments are site specific, and I have attached for your review a list of concerns my cabinet and I have compiled on each monument. You will notice the same concern often arises with multiple monuments. Where possible, we have also listed potential solutions to the issues raised. While the solutions may not be perfect, they certainly reflect more closely the will of those who make their home in this state.

Please note before you review this list that I am not suggesting the repeal of any monument in Arizona, nor a reduction in the size of any monument. I am simply asking that boundaries and proclamation language be amended where necessary to protect the best interests of the citizens of this state, including the certainty of their water and electricity supplies, school funding, necessary roads and sound wildlife management.

I appreciate your consideration of the following lists. If you need any additional information, I would be delighted to provide it.

Sincerely,

JANE DEE HULL,
*Governor.*

## CLASS ACTION FAIRNESS ACT OF 2002

SPEECH OF

### HON. EARL POMEROY

OF NORTH DAKOTA

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. POMEROY. Mr. Chairman, I rise In reluctant opposition to H.R. 2341, the Class Action Fairness Act.

Our system of class action litigation is in dire need of reform. Most class action cases are national in scope and should be heard in federal court, where like claims may be combined and uniform decisions rendered. Under the current system, however, these interstate suits are often filed in state or county court, where the decision of a local judge and jury may affect the laws of all 50 states. As a former state insurance commissioner, I am deeply troubled that a jury panel in a class action case in Mississippi or New Mexico could effectively overturn state regulations in my home state of North Dakota.

In addition, by allowing interstate class action claims to be filed in any of the thousands of local courts across the country, the likelihood is increased that a plaintiffs lawyer will find at least one judge who is willing to entertain a claim that most people would consider to be without merit. Once a sympathetic judge is found, the plaintiffs' attorney can leverage nationwide settlements that all too often provide little benefit to the actual plaintiffs but enormous benefit to the attorney.

As important as it is to reform class action litigation, I am concerned that this legislation could have the effect of closing the courthouse door to even meritorious class action suits. The bill places a significant new responsibility on federal courts without providing the resources necessary to carry out that responsibility. The only study on record indicates that this legislation would burden federal courts to the point that class action cases could not be heard a timely fashion. As serious as the abuses are in the current system, we cannot risk denying access to our civil justice system for people who are the victims of wrongdoing.

With additional time, we could have further evaluated the workload of the federal courts and crafted legislation that would ensure that class reform did not result in class action repeal. In scheduling this legislation, I regret that the majority leadership did not allow us that time. We have not heard the last of this issue. I took forward to continuing to work on this issue so that we have reform the class action system without denying the opportunity for worthy class action cases to be heard.

## A TRIBUTE TO LUCIA G. REYES, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I would like to pay special recognition to Ms. Lucia G. Reyes, an outstanding woman of California's 27th Congressional District. Over the years, Lucia has been an outspoken proponent for women's issues and has helped bring those issues to the forefront of my community.

Lucia currently serves as a project manager for the Keck School of Medicine at the University of Southern California. She is overseeing a very exciting clinical trial to determine the effectiveness of a T Cell Vaccine to treat Secondary Progressive Multiple Sclerosis. If effective, this treatment may prove a powerful weapon in the fight against this debilitating and deadly disease.

Lucia's positive energy can be seen all around the City of Pasadena. She has thrown herself into activities with the expressed purpose of making the lives of those around her better. She serves as a Commissioner on the City of Pasadena's Commission on the Status of Women in which she focuses on addressing the specific concerns and needs of women throughout the community. Her tireless efforts are to ensure the future provides the freedom and dignity each human deserves.

Complimenting her role on the Commission, Lucia also serves on the boards of Planned Parenthood of Pasadena and Pasadena's Cinco de Mayo. She serves as a religious instructor at St. Andrew's Catholic Church, volunteers at Pasadena's Youth Center, and is a committee member of the Adelante Mujur Latina Conference and HOPE'S Latina Symposium.

Her breadth of volunteer work is remarkable and all who have the opportunity to work beside her are better off for the experience. The women of my district and especially the women in the City of Pasadena could find no better advocate than Lucia.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Lucia Reyes. The entire community joins me in thanking Lucia for her continued efforts to make the 27th Congressional District a more accepting place in which to live.

## IN RECOGNITION OF ROBERT H. STERN

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Robert H. Stern, who dedicated so much of his life to serving the community in which he had lived. From his childhood up until his death, Mr. Stern spent the majority of his time preserving and improving the business district of Steinway Street in Queens. For his many contributions within the community at large, we honor him.

The family business, ''Sig Stern'' was opened in the early 1920's by Robert Stern's father. For over fifty years it was considered ''the'' children's store of Steinway Street. After his father's death, Robert ran Sig Stern, Inc. In 1975, Robert closed Sig Stern, and embarked onto a successful second career as a real estate broker.

Throughout his life, Robert Stern's passion was the successful, community oriented development of Steinway Street. Sensing that Business Improvement Districts were the salvation to commercial strips, Mr. Stern worked hard to bring the business improvement district to Steinway Street. At the time of his passing, Robert was President of the Steinway Street Business Improvement District. Steinway Street and its surrounding community acknowledges a huge debt of gratitude for its past, present and future success.

This vibrant neighborhood center of commerce is part of the legacy Mr. Stern leaves

from his commitment and dedication to the people of Queens.

Robert Stern passed away on November 19, 1998. He was survived by his wife, Irene, children Ronnie and Randy Stause, Stacey and Richard Block, grandchildren Jackie and Brett Strause, David and Daniel Block, brother William and sister Ellin.

Mr. Speaker, I am pleased to bring to your attention the outstanding life and work of Mr. Robert H. Stern, I ask that my colleagues join me in recognizing the contributions Mr. Robert H. Stern had made to the New York community.

## A TRIBUTE TO JOAN-PATRICIA O'CONNOR, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I have the privilege today of recognizing an outstanding woman of California's 27th Congressional District. Ms. Joan-Patricia O'Connor has dedicated her professional career to the support of non-profit associations, educational institutions, and community organizations.

JP is a graduate of both Pomona College in Claremont, California and the University of Southern California in Los Angeles. After earning double M.A. degrees, in Journalism and Public Relations, JP remained at USC as a member of the School of Journalism's Public Relations part-time faculty. She currently serves as the Dean of the Association of Management track at ASAE's School of Management in addition to teaching Membership Marketing at the same institution. She has developed a program for UCLA's Extension Program and is called on frequently as a guest lecturer.

JP began her consulting and marketing firm over 25 years ago, directing her efforts to the world of non-profit groups and associations. She has helped countless organizations recruit volunteers, raise funds, and attract participants. Due to her efforts on behalf of these groups; JP has created a sense of volunteerism and giving which permeates the community.

JP's volunteer service is enhanced by her professional expertise. She currently serves as the President of the Board of the Burbank YMCA where along with the Board she completed a strategic plan for the facility, which serves over 28,000 adults and children. She also serves on the Board of the Burbank Noon Rotary as the scholarship chair and newsletter editor.

For her countless efforts JP has twice been named one of the ''Outstanding Young Women in America'' and was awarded a Fellowship by the American Society of Association Executives, a honor she shares with fewer than 200 people nationwide.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Joan-Patricia O'Connor. The entire community joins me in thanking JP for her continued efforts to make the 27th Congressional District a place of extraordinary volunteerism and superior giving.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mr. BONIOR. Madam Speaker, I am pleased to join the Greek American community in celebrating the 181st anniversary of Greek independence.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson: ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.''

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Clair Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day.

I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

## A TRIBUTE TO ELLEN DAIGLE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I would like to pay special honor to an outstanding woman of my Congressional District, Ms. Ellen Daigle. Ellen is a true inspiration for all those who strive each day for their American Dream. Working to both expand her small business and improve her community, she can certainly be held up as one of my community's most precious citizens.

Her business, Ellen's Silk-screening, has grown steadily since she first began producing her personalized T-Shirts from her garage 25 years ago. Today she employs over a dozen people and provides hundreds of products for schools, businesses, and the community.

Ellen's success has not gone without notice. She has been named to Los Angeles Business Journal's list of Top 100 Women-Owned Businesses twice in the last five years. She has also been honored by Business Life magazine as a ''Woman of Achievement'' and by the National Association of Businesswomen with induction into its Millennium Hall of Fame.

Her activism in the community has been outstanding. She has always felt that businesspeople have an obligation to donate their time and talents to ensure the vitality of the communities' in which they live and work. Ellen has served as a Park Commissioner for the City of South Pasadena, founded the group, ''South Pasadenans for Responsible Intelligent Growth'' and began ''Expanding Horizons,'' a program for local students to help them learn about career choices and the local job market. Because of her service to the City of South Pasadena's parks programs, the California Parks and Recreation Society bestowed upon her their greatest honor.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Ellen Daigle. The entire community joins me in thanking Ellen for her continued efforts to make the 27th Congressional District a more enjoyable place to live.

## PAYING TRIBUTE TO RYAN RANDALL PATTERSON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district, Ryan Randall Patterson. His hard work and dedication have been rewarded with a great opportunity to pursue higher education and compete in one of the nation's most esteemed science competitions. Ryan recently won the 2002 Intel Science Talent Search, and as he celebrates his achievement, I would like to commend him for his determination and self-sacrifice in achieving this

honor. I've personally met Ryan and words cannot explain how impressed I was with this young man and his achievements. He is certainly a well deserving recipient of this honor and I am pleased to represent him and his family in Colorado.

Ryan, a student at Central High School in Grand Junction, designed and built a glove that translates American Sign Language into text on a portable screen. This invention has taken him to the international level in Intel's Science Talent Search, a competition that he won both this year and last. This incredible invention is just the latest in a long list of electronic devices that Ryan has developed over the years. Ryan's fascination with electronics began in the third grade on a simple circuit board, and he has been exploring new possibilities in electronics ever since. His curiosity and determination have certainly paid off. At 18 years of age, Ryan has won over $192,000 in scholarships, $15,750 in cash, two laptop computers, and two trips to Sweden to attend the Nobel Prize ceremonies. Throughout all of his achievements, Ryan has maintained his integrity and modesty. He hopes to use his gift for electronics and inventing to improve people's lives, particularly the lives of the disabled.

Mr. Speaker, the innovation and commitment demonstrated by Ryan Randall Patterson certainly deserves the recognition of this body of Congress, and this nation. Ryan's achievements serve as a symbol to aspiring science students throughout Colorado, and indeed the entire nation. The recognition that Ryan has received is proof that hard work, attention to your studies, and a passionate pursuit of your goals can lead to great rewards. The opportunities offered as a result of winning the 2001 and 2002 Intel Science Talent Search are incredible and they certainly are going to a well deserving individual. Congratulations Ryan, and good luck in your future endeavors. You are a future leader in this country, and I am quite confident that this will not be the last honor you receive.

## TRIBUTE TO FORMER JOHNSON COUNTY, KANSAS, SHERIFF FRED ALLENBRAND

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to former Johnson County, Kansas, Sheriff Fred Allenbrand, who died on February 15th, at age 68.

For half of his life—34 years—Fred Allenbrand served as sheriff of Kansas' fastest growing county, which now comprises two-thirds of the population of the Third Congressional District. Elected in 1966, he served until his retirement in 2002, and oversaw the sheriff's office during a time span when Johnson County grew from a collection of small communities to a major suburban hub of the Kansas City metro area. Dismantling the patronage system that previously had been the hallmark of the sheriff's office, he professionalized the workforce, improved pay and benefits and modernized the force's equipment and facilities.

Fred Allenbrand is survived by his wife, Ramona, daughters Cindy Barnes and Karen Wiggin, and son Kent, as well as by seven grandchildren. He will be remembered as a humane, progressive public servant, who was a kind, honest man of great integrity. I worked with him for twelve years as Johnson County District Attorney. I learned much from Fred about our criminal justice system and about people. Fred Allenbrand was my friend.

It is fitting that 2000 people attended his memorial service, including hundreds of law enforcement officers. Following the service, a funeral procession that was estimated by the Johnson County Sun to be three miles long traveled to his internment site. Mr. Speaker, I include with this remembrance an obituary of Sheriff Allenbrand that appeared in the Kansas City Star.

[From the Kansas City Star, Feb. 16, 2002]

FORMER COUNTY SHERIFF FRED ALLENBRAND DIES

(By Tony Rizzo and Finn Bullers)

Fred Allenbrand, who served longer than any other Johnson County sheriff, died Friday at age 68.

Allenbrand took over a 25-member department in January 1967 and retired in January 2001, after building it into a law enforcement agency with more than 400 employees.

''His contributions to Johnson County law enforcement are too numerous to mention,'' said his successor, John Foster. ''But if there's one thing he should be remembered for, it's the integrity he maintained during his 34 years in office.'' Growing up on a Johnson County farm, one of 13 children, Allenbrand used to wave from horseback at passing squad cars. He was so enamored of police work that he took a $200 a month pay cut to the department as a deputy in 1958,

''I loved it,'' he said of his early career in an interview before his retirement.

He quickly progressed through the ranks and by 1962 was a lieutenant, but he was demoted after backing the wrong man in the election for sheriff. The experience prompted him to run for sheriff in 1966.

After winning the election, Allenbrand moved to dismantle the political system that had led to his demotion. He worked for a civil-service system to protect deputies' jobs, and he worked for better pay and benefits for employees.

''He totally removed any kind of patronage from the system before a time it was regularly done. I think that was the key to his popularity,'' County Commissioner Annabeth Surbaugh said. ''You couldn't fix the deal in Johnson County. He was honest to the end.''

Throughout his tenure as sheriff, Allenbrand sought to keep his department abreast of advances in law enforcement while keeping pace with the county's tremendous population growth.

''You have to be willing to change,'' Allenbrand said in the pre-retirement interview. ''If you're not willing to change, you'd better not live in Johnson County.''

Today the department runs a crime laboratory open to every police department in the county and two jails that hold more than 500 prisoners.

Toward the end of his tenure, Allenbrand took some heat for problems associated with construction of one of those facilities—the county's jail at New Century AirCenter.

The project, which Allenbrand oversaw, experienced cost overruns, construction delays and trouble with the security system. The jail officially opened in July 2000, three years behind schedule.

The complex is named after the former sheriff, and more than 230 prisoners are held in the detention center.

When he retired, Allenbrand said he was also proud of the employment opportunities for women and minorities, and the cooperation among all the county's police agencies that was developed while he was sheriff.

He was one of the driving forces behind the establishment of a professional police academy in the county.

Herb Shuey, department historian and a retired deputy, described Allenbrand ''as the most important sheriff in the history of the department.''

In a book about the Sheriff's Department, Shuey said Allenbrand made himself a first-rate administrator and politician, but at his core he was always a police officer first.

''His compassion is well known and his respect for the law is equally known,'' Shuey wrote. ''More importantly for the citizens of Johnson County, his attitudes filter down and through his subordinates.''

After he was first elected sheriff, Surbaugh said, ''no one ever really gave him any competition. And the reason is, how can you fight honesty, integrity, consistency and fair government? He had a fire in his belly.''

## PAYING TRIBUTE TO OTTO ''TINK'' SNAPP

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Otto ''Tink'' Snapp of Pueblo, Colorado who peacefully left us on a Monday morning, February 18, 2002. Tink was a popular member of the community and was often sought by many for his listening ear, advice, and warm smile. He served his country and fellow Coloradans for over a half century, and as his family and friends mourn his loss, I would like to take this opportunity to highlight his accomplishments and generosity to his fellow man.

Tink began his service to this country in 1942 as a member of the Army Air Force in China, serving in the hostile China-Burma-India Theater. It was in this area during World War II that our nation fought and held Japanese advances into China. Tink, along with thousands of soldiers and airmen, braved the hazards of the environment to ensure that democracy and freedom reigned throughout the world.

After the war, Tink returned to his native Pueblo and continued his service to his community as an employee of Minequa Bank. Over the years he served in several positions; beginning as the bank bike messenger and eventually rising to the position of executive vice president. Tink's is the kind of story that lends substance to the American Dream. His long career spanned almost fifty years, ending in 1994 with his retirement at the age of 75.

Tink was well known throughout the community as an avid sportsfan who enjoyed a wide range of sports, from golf and tennis to basketball and softball. For over twenty-three years, he traveled as a referee at home and on the road to ensure fair and unbiased officiating for local Colorado sporting events. Tink also served his community as a deacon and elder of the First Presbyterian Church and as a member of his local Masonic Order, and the Colorado Bankers Association.

Mr. Speaker, it is my privilege to pay tribute to Otto ''Tink'' Snapp for the great strides he

took in establishing himself as a valuable leader in the Pueblo community. His loving wife Lorraine, sons Ronald and Bruce, and stepson Scott survive him. His dedication to family, friends, work, and the community certainly deserves the recognition of this body of Congress, and this nation. Although Tink has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my regrets and deepest sympathies to his family and friends during their time of remembrance and bereavement.

## A PRAYER FOR AMERICA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. KUCINICH. Mr. Speaker, I offer this prayer for America.

(to be sung as an overture for America)

My country 'tis of thee. Sweet land of liberty of thee I sing. . . . From every mountain side, let freedom ring. . . . Long may our land be bright. With freedom's holy light. . . .

Oh say does that star spangled banner yet wave. O'er the land of the free and the home of the brave?

America, America, God shed grace on thee. And crown thy good with brotherhood from sea to shining sea. . . .

I offer these brief remarks today as a prayer for our country, with love of democracy, as a celebration of our country. With love for our country. With hope for our country. With a belief that the light of freedom cannot be extinguished as long as it is inside of us. With a belief that freedom rings resoundingly in a democracy each time we speak freely. With the understanding that freedom stirs the human heart and fear stills it. With the belief that a free people cannot walk in fear and faith at the same time.

With the understanding that there is a deeper truth expressed in the unity of the United States. That implicit in the union of our country is the union of all people. That all people are essentially one. That the world is interconnected not only on the material level of economics, trade, communication, and transportation, but innerconnected through human consciousness, through the human heart, through the heart of the world, through the simply expressed impulse and yearning to be and to breathe free.

I offer this prayer for America.

Let us pray that our nation will remember that the unfolding of the promise of democracy in our nation paralleled the striving for civil rights. That is why we must challenge the rationale of the PATRIOT Act. We must ask why should America put aside guarantees of constitutional justice?

How can we justify in effect canceling the First Amendment and the right of free speech, the right to peaceably assemble?

How can we justify in effect canceling the Fourth Amendment, probable cause, the prohibitions against unreasonable search and seizure?

How can we justify in effect canceling the Fifth Amendment, nullifying due process, and allowing for indefinite incarceration without a trial?

How can we justify in effect canceling the Sixth Amendment, the right to prompt and public trial?

How can we justify in effect canceling the Eighth Amendment which protects against cruel and unusual punishment?

We cannot justify widespread wiretaps and internet surveillance without judicial supervision, let alone with it.

We cannot justify secret searches without a warrant.

We cannot justify giving the Attorney General the ability to designate domestic terror groups.

We cannot justify giving the FBI total access to any type of data which may exist in any system anywhere such as medical records and financial records.

We cannot justify giving the CIA the ability to target people in this country for intelligence surveillance.

We cannot justify a government which takes from the people our right to privacy and then assumes for its on operations a right to total secrecy.

The Attorney General recently covered up a statue of Lady Justice showing her bosom as if to underscore there is no danger of justice exposing herself at this time, before this administration.

Let us pray that our nation's leaders will not be overcome with fear. Because today there is great fear in our great Capitol. And this must be understood before we can ask about the shortcomings of Congress in the current environment. The great fear began when we had to evacuate the Capitol on September 11. It continued when we had to leave the Capitol again when a bomb scare occurred as members were pressing the CIA during a secret briefing. It continued when we abandoned Washington when anthrax, possibly from a government lab, arrived in the mail.

It continued when the Attorney General declared a nationwide terror alert and then the Administration brought the destructive PATRIOT Bill to the floor of the House.

It continued in the release of the bin Laden tapes at the same time the President was announcing the withdrawal from the ABM treaty.

It remains present in the cordoning off of the Capitol. It is present in the camouflaged armed national guardsmen who greet members of Congress each day we enter the Capitol campus. It is present in the labyrinth of concrete barriers through which we must pass each time we go to vote.

The trappings of a state of siege trap us in a state of fear, ill-equipped to deal with the Patriot Games, the Mind Games, the War Games of an unelected President and his undetected Vice President.

Let us pray that our country will stop this war. ''To provide for the common defense'' is one of the formational principles of America.

Our Congress gave the President the ability to respond to the tragedy of September 11. We licensed a response to those who helped bring the terror of September 11th. But we the people and our elected representatives must reserve the right to measure the response, to proportion the response, to challenge the response, and to correct the response.

Because we did not authorize the invasion of Iraq.

We did not authorize the invasion of Iran.

We did not authorize the invasion of North Korea.

We did not authorize the bombing of civilians in Afghanistan.

We did not authorize permanent detainees in Guantanamo Bay.

We did not authorize the withdrawal from the Geneva Convention.

We did not authorize military tribunals suspending due process and habeas corpus.

We did not authorize assassination squads.

We did not authorize the resurrection of COINTELPRO.

We did not authorize the repeal of the Bill of Rights.

We did not authorize the revocation of the Constitution.

We did not authorize national identity cards.

We did not authorize the eye of Big Brother to peer from cameras throughout our cities.

We did not authorize an eye for an eye.

Nor did we ask that the blood of innocent people, who perished on September 11, be avenged with the blood of innocent villagers in Afghanistan.

We did not authorize the administration to wage war anytime, anywhere, anyhow it pleases.

We did not authorize war without end.

We did not authorize a permanent war economy.

Yet we are upon the threshold of a permanent war economy. The President has requested a $45.6 billion increase in military spending. All defense-related programs will cost $400 billion.

Consider that the Department of Defense has never passed an independent audit.

Consider that the Inspector General has notified Congress that the Pentagon cannot properly account for $1.2 trillion in transactions.

Consider that in recent years the Department of Defense could not match $22 billion worth of expenditures to the items it purchased, wrote off, as lost, billions of dollars worth of intransit inventory and stored nearly $30 billion worth of spare parts it did not need.

Yet the defense budget grows with more money for weapons systems to fight a cold war which ended, weapon systems in search of new enemies to create new wars. This has nothing to do with fighting terror.

This has everything to do with fueling a military industrial machine with the treasure of our nation, risking the future of our nation, risking democracy itself with the militarization of thought which follows the militarization of the budget.

Let us pray for our children.

Our children deserve a world without end. Not a war without end. Our children deserve a world free of the terror of hunger, free of the terror of poor health care, free of the terror of homelessness, free of the terror of ignorance, free of the terror of hopelessness, free of the terror of policies which are committed to a world view which is not appropriate for the survival of a free people, not appropriate for the survival of democratic values, not appropriate for the survival of our nation, and not appropriate for the survival of the world.

Let us pray that we have the courage and the will as a people and as a nation to shore ourselves up, to reclaim from the ruins of September 11th our democratic traditions.

Let us declare our love for democracy. Let us declare our intent for peace.

Let us work to make nonviolence an organizing principle in our own society.

Let us recommit ourselves to the slow and painstaking work of statecraft, which sees peace, not war as being inevitable.

Let us work for a world where someday war becomes archaic.

That is the vision which the proposal to create a Department of Peace envisions. Forty-three members of Congress are now cosponsoring the legislation. Let us work for a world where nuclear disarmament is an imperative. That is why we must begin by insisting on the commitments of the ABM treaty. That is why we must be steadfast for nonproliferation.

Let us work for a world where America can lead the day in banning weapons of mass destruction not only from our land and sea and sky but from outer space itself. That is the vision of H.R. 3616: A universe free of fear. Where we can look up at God's creation in the stars and imagine infinite wisdom, infinite peace, infinite possibilities, not infinite war, because we are taught that the kingdom will come on earth as it is in heaven.

Let us pray that we have the courage to replace the images of death which haunt us, the layers of images of September 11th, faded into images of patriotism, spliced into images of military mobilization, jump-cut into images of our secular celebrations of the World Series, New Year's Eve, the Superbowl, the Olympics, the strobic flashes which touch our deepest fears, let us replace those images with the work of human relations, reaching out to people, helping our own citizens here at home, lifting the plight of the poor everywhere.

That is the America which has the ability to rally the support of the world.

That is the America which stands not in pursuit of an axis of evil, but which is itself at the axis of hope and faith and peace and freedom. America, America. God shed grace on thee. Crown thy good, America.

Not with weapons of mass destruction. Not with invocations of an axis of evil. Not through breaking international treaties. Not through establishing America as king of a unipolar world. Crown thy good, America. America, America. Let us pray for our country. Let us love our country. Let us defend our country not only from the threats without but from the threats within.

Crown thy good, America. Crown thy good with brotherhood, and sisterhood. And crown thy good with compassion and restraint and forbearance and a commitment to peace, to democracy, to economic justice here at home and throughout the world.

Crown thy good, America. Crown thy good America. Crown thy good.

## PAYING TRIBUTE TO SISTER MARILYN BEAVAIS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and pay tribute to a wonderful woman and true caretaker of the community. Sister Marilyn Beavais of Pueblo, Colorado has dedicated her life to assisting others in times of hardship and great need. This year as she celebrates her fiftieth year as a nun and forty-seventh as a nurse, I would like to highlight her accomplishments and kind heart before this body of Congress.

Last year, after a lifetime of volunteering for her community and its residents, Sister Marilyn retired from public service. She had been active with providing support and assistance to those in need through a wonderful organization known as Pueblo Services for Empowerment and Transformation for Well-Being. This organization, through efforts of volunteers like Sister Marilyn, has taught the less fortunate important skills and attitudes to improve their current standards of living. As a result of their kindness, many people today can credit the organization with providing the tools to improve their lives.

Since retirement, Sister Marilyn still maintains an active schedule and now spends her time volunteering for St-Mary-Corwin's Good-Medicine program. This program assists the community with general healthcare screenings and checkups to ensure a healthy population throughout the area. Her nursing and gentle disposition are a vital contribution to helping those in need, and I cannot begin to tell you how proud I am of her efforts.

Mr. Speaker, Sister Marilyn Beavais embodies the spirit of kindness and sacrifice that we all should strive for in our daily lives. She has helped many individuals in need over the years and I am proud to represent her in my district. Sister Marilyn has been a model citizen to the community and I extend my thanks to her and her efforts, and am proud to bring her accomplishments to the attention of this body of Congress. Keep up the good work Sister Marilyn, and good luck in your future endeavors.

## CONDEMNATION OF CHURCH BOMBING IN ISLAMABAD, PAKISTAN

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PITTS. Mr. Speaker, I would like to extend my deepest sympathies and condolences to the families and communities of the Americans, Pakistanis, Afghans, Iranians, Iraqis, Ethiopians, Sri Lankans, British, Swiss, Germans, Australians, and Canadians who were killed or wounded in the barbaric church bombing in Islamabad, Pakistan on Sunday, March 17, 2002. I commend President Bush for his statement that we will bring those responsible to justice and I look forward to his action against the perpetrators. And, I greatly appreciate President Musharraf's condemnation and subsequent action to find and punish the criminals.

Men who seek to murder peaceful religious believers, particularly in the midst of their service of worship of God, reveal the depth of their uncivilized, brutal nature. Once again, extremists are using violence to attempt to intimidate people and gain power. These criminals who murder in cold blood, just like those who attacked the peaceful Pakistani worshipers in October of last year, must be brought to justice.

Mr. Speaker, my heart goes out to those families and their loved ones. To the families and friends of those killed, please know that our hearts and prayers are with you in this time of suffering and mourning. The Americans killed and wounded in Pakistan were there to serve our nation and to serve people in Pakistan and the surrounding nations through their work in our Embassy or through NGOs. They are to be applauded and commended for their sacrificial service during this time of great difficulty in our world. And, they are to be admired for they have now paid the ultimate price for their service—they have given their lives.

## SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SHAW. Mr. Speaker, this month is Women's History Month. In considering the integral role women have played in making America the great nation it is today and their daily contributions to the growth of our economy and the stability of American families, we are reminded yet again how important it is to ensure Social Security will continue to provide the economic security women need and deserve after a lifetime of sacrifice and hard work.

In looking at Social Security's history, it is no wonder it is so important to women. The first woman to serve as a Presidential Cabinet Member-Secretary of Labor Frances Perkins—was Chairwoman of the committee that designed Social Security, and the first beneficiary to receive a monthly benefit was also a woman—Ida May Fuller.

Social Security's lifetime inflation-adjusted benefits, spouse and survivor benefits, and progressive benefit formula provide critical protections for women, because they live longer, earn less, take time away from the workforce to care for kids, and have less pension and asset income than men. Without Social Security, more than half of elderly women would live in poverty.

Although Social Security has successfully provided an effective safety net for two-thirds of a century, Social Security is facing serious financial challenges. Beginning in 2016, payroll taxes won't be enough to cover promised benefit payments and Social Security will call on the Treasury to make good on its obligations to the trust funds. Soon thereafter, payroll taxes taken out of the wages of our hard-working kids and grandkids will be the only source of revenue—and they will cover only 73% of benefits, and even less than that in future years. If we fall to enact a plan to save Social Security, the consequences would be devastating for millions of Americans, especially women.

For these reasons, restoring Social Security's solvency for the 21st century and beyond is a national priority for the public, Congress, and the President. We need to stop poisoning the well of bipartisanship, set aside political demagoguery, and fulfill our duty as Members of Congress by working together toward this goal. We can start building a foundation of common ground by taking a modest step to enhance Social Security benefits for women, without jeopardizing the financial position of the trust funds.

I've worked with the Social Security Administration to identify potential enhancements

that we could make to help women, while ensuring the costs will not affect Social Security's ability to make benefit benefits in the long-term. I have found three provisions that, while modest in terms of overall impact, represent real help for just over 120,000 women when implemented. Today these provisions are being introduced as the Social Security Benefit Enhancements for Women Act of 2002.

These provisions increase benefits for certain widows, allow more disabled widows to qualify for disabled widow benefits, and enable certain divorced spouses to receive benefits sooner. These enhancements are particularly necessary, because elderly and disabled widows and divorced spouses are more likely to live in poverty.

Back in December, virtually all the Members of the House of Representatives voted to save Social Security soon, without benefit cuts or tax increases. I sincerely hope that by coming together to enhance benefits for women, we will build further consensus that will help us make the progress that is so desperately toward our larger commitment of saving Social Security for our kids and grandkids. We must not allow shortsightedness and election-year politics come between us and this goal; otherwise, our kids and grandkids will pay the price.

## TRIBUTE TO MISSION, KANSAS, MAYOR SYLVESTER POWELL

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to Mayor Sylvester Powell, of Mission, Kansas, who died on March 6th, at the age of 82. Sylvester Powell served as mayor of his northeast Johnson County community, which is located in the Third Congressional District, from 1955–65 and from 1977 until his death.

Sylvester Powell was born on May 12, 1919, in Springfield, Ohio. He was drafted into the Army in March 1941, and after the bombing of Pearl Harbor, entered Officer's Candidate School. He was commissioned as a second lieutenant and eventually attained the rank of captain. He served as a company commander in General George Patton's Third Army during the war. While in the Army, he met his future wife, Merle Cline, and they were married on July 21, 1943. Mayor Powell is survived by Merle, their son, Stephen, and their daughters, Janet and Dianne.

After leaving the Army and receiving an undergraduate degree from Wittenberg College, Sylvester attended law school at the University of Kansas City [now the University of Missouri-Kansas City], graduating in 1949. He was to practice law for the next 47 years, representing defendants in personal injury litigation.

The Powells moved to Mission in 1951, where he helped write the city charter that year, which established the city limits. Sylvester was elected to the city council in 1953 and was first elected mayor in 1955. As the Johnson County Sun recently noted: "Through Powell's tenure, Mission grew from a sleepy community to the vital retail area it is today. Many improvements were made to the city's infrastructure during the Powell years. But perhaps Powell's greatest legacy was the $8 million Sylvester Powell, Jr., Community Center, which opened in May 1999 . . . The almost 3-year-old community center was an instant success and surprised both detractors and backers by covering its operational expenses."

I knew Syl personally. As a lawyer and a public official he was truly outstanding. But most of all, Syl was a good friend who will be missed by his friends and his community.

Mr. Speaker, I am taking this opportunity to place in the RECORD two recent pieces from the Kansas City Star regarding Mayor Sylvester Powell: an obituary that the paper carried on March 7th and a column by Mike Hendricks, reflecting the character and ability of the man whom we knew as "Syl," that the Star carried on the following day. I am proud to have known Sylvester Powell. As the Johnson County Sun said in a March 6th editorial: "People often wonder what one person can do. Syl Powell showed them." My only regret is that we will not soon see his kind in public service again.

[From the Kansas City Star, Mar. 7, 2002]

SYLVESTER POWELL JR., LONGTIME MAYOR OF MISSION, DIES AT 82

(By James Hart and Grace Hobson)

Mission Mayor Sylvester Powell Jr., who helped build the town he loved into a prosperous suburb, died Wednesday night. He was 82..

A World War II veteran and Kansas City trial lawyer, Powell was regarded by many as the dean of Kansas mayors. He served Mission in that capacity between 1955 and 1965, took a "12-year vacation" and returned to office in 1977, winning every election for the post since then, most recently in 2001.

"The people don't put somebody back in office that many times unless he's well-respected," said Police Chief Bob Sturm, who worked with Powell for more than 30 years.

Powell had suffered lung problems and had been hospitalized for weeks, Sturm said. The mayor loved his city, Sturm said, the way he loved his family and his church.

Officials in the city of nearly 10,000 will ask residents to lower their flags to half-staff today. A memorial service has not yet been scheduled.

Powell was fond of telling others how, when he first became mayor in 1955, Johnson Drive was a two-lane road and the city had an operating budget of about $38,000.

He was elected to the City Council in 1953, and one of his first acts as a public official was to help place a traffic light at the intersection of Nall Avenue and Johnson Drive—a project he researched himself by recording traffic with a stopwatch.

Several decades and more than a few traffic lights later, Mission stands as a model municipality with a vibrant downtown and a solid tax base. Some of Powell's proudest accomplishments included his work to help with the development of Mission Center Mall, Johnson Drive's success as a retail area and construction of the community center that today bears his name.

"I like that little city and seeing progress made," Powell once said of Mission.

The secret behind the city's success, most people agreed, was the gruff trial lawyer who served as mayor. Powell, known as "Syl" around town, liked to visit the Mission City Hall every morning when he didn't have an appearance in court.

"He's a person who . . . takes a stand and says, 'OK, this is what we're going to do,'" Westwood Mayor Bill Kostar said in February.

While some critics said Powell held the city's reins too tightly, he clearly was in control of city government during his tenure.

The city did not hire a professional administrator until last year, after a consultant recommended the move.

"I don't think they're going to flnd anybody who can run the city better than I do," Powell said in 2000.

Last year, the city's management became a campaign issue in Powell's first election challenge since 1985, and he pledged to hire a professional.

City Councilman Lloyd Thomas, who has served since 1976, said Mission's strong financial position today was the result of Powell's control over the city's finances throughout the years.

"That's what you call being frugal," Thomas said recently. "He spends the taxpayers' money just like he does his own. He's very frugal with it."

Powell was able to build the city's sales tax base with development projects that didn't sacrifice Mission's small-town feel, Kostar said. That's a formula other mayors in northeast Johnson County want to emulate, he added.

Asked once why he stayed in office so long, Powell said: "Sometimes I think about retiring, but it's like giving up something dear to you. If you're running the city well, they ought to keep you in."

Councilwoman Laura McConwell will become Mission's new mayor.

[From the Kansas City Star, Mar. 8, 2002]

LUCKY FOR MISSION, MAYOR WAS TOUGH

(By Mike Hendricks)

When I read Syl Powell's obituary yesterday, the first thing that came to mind was the time he hijacked the Olympic torch.

No single act better defined the longtime mayor of Mission and the hardball politics he practiced, a style we don't see much of anymore.

It was 1996, the year of the Atlanta Games. Metropolitan Kansas City was to be part of the symbolic torch run. But the original route bypassed much of Mission, the northeast Johnson County town of 10,000 Powell had watched over like the overprotective father of a teen-age daughter.

The idea was for runners to cut through Mission on a short stretch of Shawnee Mission Parkway, but there wasn't going to be much chance for the city's residents to see it.

Powell had an idea. What if the torch run made a detour down Mission's main street, Johnson Drive?

"The torch is something we may not get a chance to see again, and I thought the people of Mission should be able to see it," Powell said at the time.

Naturally, Olympics officials blew him off. Theirs was an international organization. Who was Powell but mayor of some pipsqueak town in the Kansas City suburbs?

Talk about a miscalculation. When the Olympics officials failed to respond to Powell's polite request, he turned Don Corleone and made an offer they couldn't refuse. Then he embarrassed them by letting the world know.

"I said, 'I hate to do this, but whether you like it or not, you're going to come down Johnson Drive . . . I'm going to barricade (Shawnee Mission Parkway) with public works, and you won't have a choice.'"

A threatened Olympic blockade? Sure enough, they changed the route.

It recalled the time Powell vowed to pull Mission out of the Mission Chamber of Commerce if the organization changed its name.

Powell liked to have his way—and sometimes he played rough to get it.

Some called the Olympic torch threat self-centered, childish, an embarrassment.

Yes. Sure. Exactly. And it was bloody marvelous, too.

Not only did the power play illuminate Powell's character, but it was the kind of leadership we miss so much in local politics these days. Strong and uncompromising.

Of course, Powell was no T.J. Pendergast and no one ever questioned his honesty or accused him of accepting a payoff. But in his way, he was as tough as Boss Tom, a rarity in an era when most local politicos would rather get along than get their way for the benefit of the community.

There are a lot of wimps out there. I'd like to think that if Sylvester Powell Jr. had been mayor of Kansas City rather than Mission all these years, there'd have been a whole lot less hand-wringing downtown.

Cantankerous, shrewd, arrogant and big-hearted, that was Powell. He insisted on building a Cadillac of a community center for his constituents. And he saw to it that his name was on it.

I once labeled Powell Mission's ''mayor for life.'' He was that. Thirty-five of the last 47 years, he was Mission's chief executive. Critics deplored his overbearing style. But when he died Wednesday at the age of 82, few residents of his tidy little town had called anyone else Hizzoner.

By the way, when the Olympic torch came through here this year, I noticed that the route through Johnson County came nowhere near the Mission city limits.

Probably just a coincidence.

## PEACE AND NUCLEAR DISARMAMENT: A CALL TO ACTION

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. KUCINICH. Mr. Speaker, in this time of national crisis, it is important for all those who love our country to speak out. I offer these thoughts in a spirit of reconciliation.

''. . . Come my friends, 'tis not too late to seek a newer world,'' . . .—Alfred Lord Tennyson.

If you believe that humanity has a higher destiny, if you believe we are all ultimately perfectable, if you believe we can evolve, and become better than we are; if you believe we can overcome the nihilistic scourge of war and someday fulfill the dream of peace and harmony on earth, let us begin the conversation today. Let us exchange our ideas. Let us plan together, act together and create peace together. This is a call for common sense, for peaceful, nonviolent citizen action to protect our precious world from widening war and from stumbling into a nuclear catastrophe. The climate for conflict has intensified, with the struggle between Pakistan and India, the China-Taiwan tug of war, and the increased bloodshed between Israel and the Palestinians.

United States' troop deployments in the Philippines, Yemen, Georgia, Columbia and Indonesia create new possibilities for expanded war. An invasion of Iraq is planned. The recent disclosure that Russia, China, Iraq, Iran, Syria, North Korea, and Libya are considered by the United States as possible targets for nuclear attack catalyzes potential conflicts everywhere.

These crucial political decisions promoting increased military actions, plus a new nuclear first-use policy, are occurring without the consent of the American people, without public debate, without public hearings, without public votes. The President is taking Congress's approval of responding to the Sept. 11 terrorists as a license to flirt with nuclear war.

''Politics ought to stay out of fighting a war,'' the President has been quoted as saying on March 13th 2002. Yet Article 1, Section 8 of the United States Constitution explicitly requires that Congress take responsibility when it comes to declaring war. This President is very popular, according to the polls. But polls are not a substitute for democratic process. Attributing a negative connotation here to politics or dismissing constitutionally mandated congressional oversight belies reality:

Spending $400 billion a year for defense is a political decision. Committing troops abroad is a political decision. War is a political decision.

When men and women die on the battlefield that is the result of a political decision. The use of nuclear weapons, which can end the lives of millions, is a profound political decision. In a monarchy there need be no political decisions.

In a democracy, all decisions are political, in that they derive from the consent of the governed.

In a democracy, budgetary military and national objectives must be subordinate to the political process. Before we celebrate an imperial presidency, let it be said that the lack of free and open political process, the lack of free and open political debate, and the lack of free and open political dissent can be fatal in a democracy.

We have reached a moment in our country's history where it is urgent that people everywhere speak out as president of his or her own life, to protect the peace of the nation and world within and without.

We should speak out and caution leaders who generate fear through talk of the endless war or the final conflict.

We should appeal to our leaders to consider their own bellicose thoughts, words and deeds are reshaping consciousness and can have an adverse effect on our nation.

Because when one person thinks: fight! he or she finds a fight. One faction thinks: war! and starts a war. One nation, thinks: nuclear! and approaches the abyss.

Neither individuals nor nations exist in a vacuum, which is why we have a serious responsibility for each other in this world. It is also urgent that we find those places of war in our own lives, and begin healing the world through healing ourselves. Each of us is a citizen of a common planet, bound to a common destiny. So connected are we, that each of us has the power to be the eyes of the world, the voice of the world, the conscience of the world, or the end of the world. And as each one of us chooses, so becomes the world.

Each of us is architect of this world. Our thoughts, the concepts. Our words, the designs. Our deeds, the bricks and mortar of our daily lives. Which is why we should always take care to regard the power of our thoughts and words, and the commands they send into action through time and space.

Some of our leaders have been thinking and talking about nuclear war. In the past week there has been much news about a planning document which describes how and when America might wage nuclear war. The Nuclear Posture Review recently released to the media by the government:

1. Assumes that the United States has the right to launch a pre-emptive nuclear strike.

2. Equates nuclear weapons with conventional weapons.

3. Attempts to minimize the consequences of the use of nuclear weapons.

4. Promotes nuclear response to a chemical or biological attack.

Some dismiss this review as routine government planning. But it becomes ominous when taken in the context of a war on terrorism which keeps expanding its boundaries, rhetorically and literally.

The President equates the ''war on terrorism'' with World War II. He expresses a desire to have the nuclear option ''on the table.'' He unilaterally withdraws from the ABM treaty. He seeks $8.9 billion to fund deployment of a missile shield. He institutes, without congressional knowledge, a shadow government in a bunker outside our nation's Capitol. He tries to pass off as arms reduction, the storage of, instead of the elimination of, nuclear weapons.

Two generations ago we lived with nuclear nightmares. We feared and hated the Russians who feared and hated us. We feared and hated the ''godless, atheistic'' communists. In our schools, we dutifully put our head between our legs and practiced duck-and-cover drills. In our nightmares, we saw the long, slow arc of a Soviet missile flash into our very neighborhood.

We got down on our knees and prayed for peace. We surveyed, wide eyed, pictures of the destruction of Nagasaki and Hiroshima. We supported the elimination of all nuclear weapons. We knew that if you ''nuked'' others you ''nuked'' yourself.

The splitting of the atom for destructive purposes admits a split consciousness, the compartmentalized thinking of Us vs. Them, the dichotomized thinking, which spawns polarity and leads to war. The proposed use of nuclear weapons, pollutes the psyche with the arrogance of infinite power. It creates delusions of domination of matter and space.

It is dehumanizing through its calculations of mass casualties. We must overcome doomthinkers and sayers who invite a world descending, disintegrating into a nuclear disaster. With a world at risk, we must find the bombs in our own lives and disarm them. We must listen to that quiet inner voice which counsels that the survival of all is achieved through the unity of all.

The same powerful humanity expressed by any one of us expresses itself through each of us. We must overcome our fear of each other, by seeking out the humanity within each of us. The human heart contains every possibility of race, creed, language, religion, and politics. We are one in our commonalities. Must we always fear our differences? We can overcome our fears by not feeding our fears with more war and nuclear confrontations. We must ask our leaders to unify us in courage.

We need to create a new, clear vision of a world as one. A new, clear vision of people working out their differences peacefully. A new, clear vision with the teaching of nonviolence, nonviolent intervention, and mediation.

A new, clear vision where people can live in harmony within their families, their communities and within themselves. A new clear vision of peaceful coexistence in a world of tolerance.

At this moment of peril we must move from paralysis of fear. This is a call to action: to replace expanded war with expanded peace. This is a call for action to place the very survival of this planet on the agenda of all people, everywhere. As citizens of a common planet, we have an obligation to ourselves and our posterity. We must demand that our nation and all nations put down the nuclear sword. We must demand that our nation and all nations:

Abide by the principles of the nuclear Non-Proliferation Treaty. Stop the development of new nuclear weapons. Take all nuclear weapons systems off alert. Persist towards total, worldwide elimination of all nuclear weapons.

Our nation must: Revive the Anti Ballistic Missile treaty. Sign and enforce the Comprehensive Test Ban Treaty. Abandon plans to build a so-called missile shield. Prohibit the introduction of weapons into outer space.

We are in a climate where people expect debate within our two party system to produce policy alternatives.

However both major political parties have fallen short. People who ask ''Where is the Democratic Party?'' and expect to hear debate may be disappointed. When peace is not on the agenda of our political parties or our governments then it must be the work and the duty of each citizen of the world. This is the time to organize for peace. This is the time for new thinking. This is the time to conceive of peace as not simply being the absence of violence, but the active presence of the capacity for a higher evolution of human awareness.

This is the time to conceive of peace as respect, trust, and integrity. This is the time to tap the infinite capabilities of humanity to transform consciousness which compels violence at a personal, group, national or international levels. This is the time to develop a new compassion for others and ourselves.

It is necessary that we do so, for at this moment our world is being challenged by war and premonitions of nuclear annihilation. When terrorists threaten our security, we must enforce the law and bring terrorists to justice within our system of constitutional justice, without undermining the very civil liberties which permits our democracy to breathe.

Our own instinct for life, which inspires our breath and informs our pulse, excites our capacity to reason. Which is why we must pay attention when we sense a threat to survival.

That is why we must speak out now to protect this planet and: Challenge those who believe in a nuclear right. Challenge those who would build new nuclear weapons. Challenge those who seek nuclear re-armament. Challenge those who seek nuclear escalation. Challenge those who would make of any nation a nuclear target. Challenge those who would threaten to use nuclear weapons against civilian populations. Challenge those who would break nuclear treaties. Challenge those who think and think about nuclear weapons, to think about peace.

It is practical to work for peace. I speak of peace and diplomacy not just for the sake of peace itself. But, for practical reasons, we must work for peace as a means of achieving permanent security. It is similarly practical to work for total nuclear disarmament, particularly when nuclear arms do not even come close to addressing the real security problems which confront our nation, witness the events of September 11, 2001.

It is practical to work to make war archaic. That is the purpose of HR 2459. It is a bill to create a Department of Peace. HR 2459 seeks to make non-violence an organizing principle in our society. It envisions new structures to help create peace in our homes, in our families, in our schools, in our neighborhoods, in our cities, and in our nation. It aspires to create conditions for peace within and to create conditions for peace worldwide. It considers the conditions which cause people to become the terrorists of the future, issues of poverty, scarcity and exploitation. It is practical to make outer space safe from weapons, so that humanity can continue to pursue a destiny among the stars. HR 3616 seeks to ban weapons in space, to keep the stars a place of dreams, of new possibilities, of transcendence.

We can achieve this practical vision of peace, if we are ready to work for it. People worldwide need to be meet with likeminded people, about peace and nuclear disarmament, now. People worldwide need to gather in peace, now. People worldwide need to march and to pray for peace, now. People worldwide need to be connecting with each other on the web, for peace, now.

We are in a new era of electronic democracy, where the world wide web, numerous web sites and bulletin boards enable new organizations, exercising freedom of speech, freedom of assembly, freedom of association, to spring into being instantly.

We need web sites dedicated to becoming electronic forums for peace, for sustainability, for renewal and for revitalization. We need forums which strive for the restoration of a sense of community through the empowerment of self, through commitment of self to the lives of others, to the life of the community, to the life of the nation, to the life of the world.

Where war making is profoundly uncreative in its destruction, peacemaking can be deeply creative. We need to communicate with each other the ways in which we work in our communities to make this a more peaceful world. I welcome your ideas. We can share our thoughts and discuss ways in which we have brought or will bring them into action.

Now is the time to think, to take action and use our talents and abilities to create peace: in our families, in our block clubs, in our neighborhoods, in our places of worship, in our schools and universities, in our labor halls, in our parent-teacher organizations.

Now is the time to think, speak, write, organize and take action to create peace as a social imperative, as an economic imperative, and as a political imperative. Now is the time to think, speak, write, organize, march, rally, hold vigils and take other nonviolent action to create peace in our cities, in our nation and in the world. And as the hymn says, ''Let there be peace on earth and let it begin with me.''

This is the work of the human family, of people all over the world demanding that governments and non-governmental actors alike put down their nuclear weapons. This is the work of the human family, responding in this moment of crisis to protect our nation, this planet and all life within it. We can achieve both nuclear disarmament and peace, as we understand that all people of the world are interconnected, we can achieve both nuclear disarmament and peace. We can accomplish this through upholding an holistic vision where the claims of all living beings to the right of survival are recognized. We can achieve both nuclear disarmament and peace through being a living testament to a Human Rights Covenant where each person on this planet is entitled to a life where he or she may consciously evolve in mind, body and spirit.

Nuclear disarmament and peace are the signposts toward the uplit path of an even brighter human condition wherein we can through our conscious efforts evolve and reestablish the context of our existence from peril to peace, from revolution to evolution. Think peace. Speak peace. Act peace. Peace.

## IN SUPPORT OF H.R. 4009

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. ISSA. Mr. Speaker, I and my fellow colleagues are introducing legislation today because the Immigration and Naturalization Service (INS) has not sufficiently proven to Congress that they can fix their organization on their own, and because they are continually being plagued by the same problems year in and year out. We are offering H.R. 4009 because we believe accountability is integral to any organization.

The INS has been inept, irresponsible and deficient in their ability to the performance of their duties. This bill will make the entire organization responsible, from the highest level down to the entry-level employee, by taking away restrictions on dismissing INS employees and placing them in the same category as FBI employees. This bill will also make permanent the authority of the Attorney General to remove, suspend, and impose other disciplinary actions on the employees of the Immigration and Naturalization Service (INS). We are introducing this legislation in direct response to a hearing that was held on March 19, 2002 in the Judiciary Committee.

During the hearing, Commissioner Ziglar accepted responsibility for his Agency's action, or non-action. However, I am not confident that this will be the last time he will come before the Immigration and Claims Subcommittee for his Agency's mistakes.

My legislation will give the Department of Justice and the INS the proper tools to promote accountability. I believe it is a good first step on a long journey towards INS reform.

## PAYING TRIBUTE TO JOHN WOODARD

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Mr. John Woodard, an incredible man, who recently passed away at the age of 76. John was loved by each and every person whose life he touched, and he will be sorely missed

by all who knew and loved him. He was a person of unquestioned integrity and of unparalleled morality, and is truly an inspiration to us all. As his family mourns his loss, I believe it is appropriate to remember John and pay tribute to him for his warm heart, and his many contributions to Saguache County and the State of Colorado.

John was born and raised on his family's homestead just southeast of Saguache, Colorado, which was founded in the 1890s by his grandfather and great-uncle. He completed his higher education at Colorado State University, and then returned to the ranch, working with the land as both a rancher and a cowboy. John was a life-long rancher and ranching educator, creating pamphlets and other materials on the subject. During World War II, he took time off from ranching to serve his country in the Pacific theatre. John continued his service to his fellow citizens by becoming Saguache County Commissioner, selflessly serving three terms beginning in 1958. His service and dedication to his community and to his state are exactly the attributes that made John the incredible person that he was. I, along with the people of Saguache County, am grateful for all of the hard work and passion that he lent to his job and to his fellow citizens.

Mr. Speaker, we are all terribly saddened by the loss of John Woodard, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that he left with all of us. His dedication to the community of Saguache County was extraordinary, though his life was more so. John Woodard's life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

## COMMENDATION OF THE MOBILITY PROJECT

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PITTS. Mr. Speaker, I would like to commend the work of The Mobility Project, an organization which serves the underprivileged with disabilities in other nations.

The Mobility Project has distributed wheelchairs and other mobility aids, along with surplus medical supplies and physical therapy equipment, free of charge to the disabled poor in Vietnam, Mexico, El Salvador, Nicaragua, Pakistan, Afghanistan, and refugee camps in Kashmir. The volunteers with The Mobility Project give a tremendous amount of time and thorough care into ensuring that each wheelchair or mobility aid is properly adjusted to the individual for whom it is intended.

As you may know, in many places of the world the disabled are resented or are pushed out of active participation in society. Some are even left in as virtual prisoners in their rooms. The work of The Mobility Project gives hope to people and offers an avenue for the disabled to be productive members of their society. In addition to giving wheelchairs and other aids to those in need, The Mobility Project helps to provide remedial education, sports programs, and job training for the disabled poor.

I have seen the faces of refugees and other suffering people who have received the gift of mobility as a result of the work of this organization. I watched the face of a young Pakistani girl who received a wheelchair—it will change her life.

Mr. Speaker, it is important to honor those in our world and in our nation who quietly, humbly, and ably serve people in need. The Mobility Project volunteers, particularly President and co-founder and Vice President and co-founder Ray Terrill, are role models for us all.

## COMMENDING KANSAS YOUTH FOR THEIR COMMITMENT TO COMMUNITY SERVICE

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MOORE. Mr. Speaker, I would like to congratulate and honor three young students from my district who have achieved national recognition for exemplary volunteer service in their communities. Ashley Wright, Aishling O'Connor, and Emily Gipple have been named three of my state's top 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.

Miss Wright is being recognized for forming a vocal music performance class for developmentally challenged adults in her community. Miss O'Connor is being recognized for her effort to raise over $30,000 to build an intergenerational playground for an inner-city neighborhood. Miss Gipple is being recognized for starting a school club that helps foreign exchange and limited-English speaking students make friends and integrate successfully into both the school and community.

In light of numerous statistics that indicate Americans are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution these young citizens have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Miss Wright, Miss O'Connor, and Miss Gipple are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past seven years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 125,000 young people participating since its inception.

Miss Wright, Miss O'Connor, and Miss Gipple should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Miss Wright, Miss O'Connor, and Miss Gipple for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play an important role in our communities, and that America's spirit continues to hold tremendous promise for the future.

## INTRODUCTION OF THE SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SHAW. Mr. Speaker, today I am introducing the ''Social Security Program Protection Act of 2002'' to provide the Social Security Administration with the additional tools they need to fight activities that drain resources from Social Security and undermine the financial security of beneficiaries.

Many Social Security and Supplemental Security Income beneficiaries have individuals or organizations called ''representative payees'' appointed by the Social Security Administration to help manage their financial affairs when they are not capable. At present nearly 7 million beneficiaries entrust their financial arrangements to ''rep payees.'' Representative payees safeguard income and make sure expenditures are made for the beneficiary's good. Most of them are conscientious and honest, however, some are not. The current precautions have not prevented abuse as well as hoped. This bill raises the standards for representative payee positions and imposes stricter regulation and monetary penalties on those who fail their duties and their clients.

This bill also picks up where our 1996 legislation ended in stopping benefit payments to those who have committed crimes. In that year, Congress passed provisions denying Supplemental Security Income benefits to those individuals fleeing to avoid prosecution or confinement. Fugitive felons, however, can still receive Title II benefits that come directly out of the Social Security trust funds. This is not right and this legislation denies the money to those fleeing justice.

My legislation also provides tools to further protect the integrity of Social Security programs, protect Social Security employees from harm while conducting their duties, expand the Inspector General's ability to stop perpetrators of fraud through new civil monetary penalties, and prevent persons from misrepresenting themselves as they provide Social Security-related services.

My legislation not only prevents fraud and protects the Social Security programs, it also helps those who are legitimately seeking to receive benefits. Provisions from the Attorney Fee Payment System Improvement Act of 2001 to improve the attorney fee withholding process are also included in this bill. These provisions cap the current fee assessment and extend withholding to Supplemental Security Income claims, so more individuals with disabilities are able to receive needed help navigating a complex application process for benefits.

And finally, this legislation continues the great work of the Ticket to Work and Work Incentives Improvement Act, helping individuals

with disabilities to have a better, more dignified and independent life.

Mr. Speaker, if your constituents complain about abuses in the Social Security programs, or are angry at fugitive felons receiving government benefits, then become a supporter of this legislation. Show those at home that you care about this program and the people who depend on it and join me in getting this legislation passed this year.

## PAYING TRIBUTE TO CHANCE KITTEL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to bring to your attention the story of a truly courageous young man from my district. Chance Kittel of Grand Junction, Colorado, has recently overcome great obstacles, and a potentially life long handicap, to beat the odds. Today, he lives a full and active life. It is my honor to tell the story of Chance today, for his life speaks volumes about courage in the face of difficult and trying circumstances.

During Christmas of 1997, Chance and his family, like many families that time of year, were preparing their home with lights and decorations for the upcoming holiday season. It was during this time an unfortunate accident occurred and injured young Chance. As he and his father Randy were placing the lights over a tree, a power line was accidentally caught in the light string. As a result, Chance was badly burned, suffering second and third degree burns to his left arm, his head, and stomach. In saving his son's life, his father also suffered terrible burns to his arms as he pulled Chance free of the lights.

After his initial treatment, Chance was taken to Children's Hospital and began a long ordeal of pain and suffering on the road back to recovery. Chance's forty-three day hospital stay involved numerous treatment techniques and surgeries to repair his badly damaged body. This initial stay was followed by returns to undergo five additional surgeries to complete his healing process. I am proud to report that today, Chance has recovered remarkably well and now leads a normal and active life. His recovery is amazing when you consider that at times, his hope of recovery was slim and potentially physically inhibiting. But Chance beat the odds, worked hard, put trust in his doctors and parents, Randy and Tori, and today is healed.

Mr. Speaker, Chance's story is similar to this nation's as we move through these difficult and healing times. Many Americans suffered on that tragic day in September, and today they are on their own road to recovery. I believe Chance's optimism and story of recuperation is a symbol of hope to them all; that despite the odds and the obstacles in their way, they can persevere and recover their lives, as well. Chance, you have a bright future ahead, and if you continue to fight with the determination and diligence you have demonstrated in your struggle, there is nothing that will stand in your way. It is an honor to represent you and good luck in your future endeavors.

## MIDDLE EAST PEACE PROCESS

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. ISSA. Mr. Speaker, I rise today to urge the Administration to continue its diplomatic efforts to end the violence in the Middle East. Today I introduced H. Res. 374, which affirms the House's commitment to the principles stated in UN Security Council Resolution 1397 and expresses support for the diplomatic efforts of the General Anthony Zinni, to restart the peace process in the Middle East. This resolution is a positive statement of our support for the Israeli and Palestinian people who are needlessly suffering. It is also a statement of support for President Bush's renewed diplomatic initiative to bring both parties back to the peace table.

Over the past 18 months, the Israeli and Palestinian people have been locked in a cycle of violence that has only grown worse with each passing day. The violence has become particularly bloody in recent weeks, with over 270 Palestinian and Israeli people killed in the month of March alone.

There are two unmistakable conclusions that we must draw from this violence. First, it is clear that there is no military solution to the conflict. Palestinian terrorists must know that murdering innocent civilians and forcing the Israeli people to live in fear will not be tolerated and can never lead to a fair, just, or lasting peace. Likewise the Israeli government must also know that the indiscriminate use of force against Palestinian civilians, the targeting of medical personnel and ambulances, and effectively forcing the entire Palestinian population to live under house arrest, will only further enrage the Palestinian people. It will also do little to provide security to the Israeli people.

Second, it is now painfully obvious that the United States cannot afford to remain on the sidelines of this conflict. It is clearly in our national interest to see a comprehensive, just, and lasting resolution to this issue—to see, as UN Security Council Resolution 1397 states, ''two sovereign states able to reside in peace with one another.'' Over the past 18 months, both sides have demonstrated that, left to their own devices, peace will remain an impossible goal. It is time for the United States to reinvest its diplomatic resources in this conflict, and to push both sides back to the peace table.

Mr. Speaker, I remain stubbornly optimistic that peace is inevitable. As the Israeli statesman Abba Eban once said, ''nations are capable of acting rationally—but only after they have exhausted all the other alternatives.'' Mr. Speaker, I believe that maybe, just maybe, the nations of the Middle East have finally exhausted all the alternatives and are ready to make peace.

I am encouraged by Saudi Crown Prince Abdullah's proposal to have ''full normalization'' of relations with Israel as part of the package for a negotiated political settlement. This proposal, coming from one what has historically been one of Israel's fiercest enemies, should be fully embraced and encouraged by our government. My good friend and colleague, JOHN DINGELL and I have sent a letter to President Bush asking him to continue to further develop this idea with the Saudi government. I look forward to the upcoming Arab Summit, where this idea will be made into a concrete proposal, and I hope and pray that one day we will see the men, women, and children of the Holy Lands, live in peace together.

## THE MILITARY TRIBUNAL AUTHORIZATION ACT OF 2002

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. KUCINICH. Mr. Speaker, I rise as an original cosponsor of the Military Tribunal Authorization Act of 2002, introduced today by Representative CONYERS. This legislation is the companion bill to one introduced earlier by Senator LEAHY.

On November 13, 2001, President Bush issued a military order enabling the President to order military tribunals for suspected terrorists, bypassing the American criminal justice system, its rules of evidence and its constitutional guarantees. The order directs the Secretary of Defense to issue regulations detailing how the tribunals will be conducted. As of today, these regulations have not been released.

Shortly after the announcement of the military order I sent a letter to the President, along with thirty-nine other Members, expressing our opposition to the use of military tribunals and its violation of Constitutional rights. Article 1, Section 8 of the United States Constitution, gives Congress both the power ''To declare War'' as well as the power ''To define and punish . . . Offenses against the Law of Nations.'' Unfortunately, Congress has not been consulted in this unilateral establishment of the tribunals. We urge the Secretary of Defense to use this legislation as a guide in promulgating regulations on military tribunals. If the President is determined to go forward with the tribunals this legislation will ensure that constitutional and civil rights are protected.

First, the bill defines who may be tried by military tribunal. Only non-United States citizens who assisted in the September 11 attacks, found outside of the United States and who are not prisoners of war can face trial in a military tribunal.

Next, the bill lays out the procedural requirements to ensure a ''full and fair'' hearing against the accused. For example, the accused must have a right to independent counsel, the ability to cross-examine witnesses and the right to obtain exculpatory evidence from the prosecution. Defendants must be presumed innocent until proven guilty and that guilt must be determined beyond a reasonable doubt. Defendants will also be afforded the right to appeal to the U.S. Court of Appeals for the Armed Forces.

I would like to point out that these procedures in no way provide special protections to suspected terrorists. Rather these rules are drawn from sources of international law and the Military Rules of Evidence. For years the State Department has strongly opposed the use of secret courts in countries such as Russia, China, Egypt and Peru. Last summer China held secret trials of U.S.-based scholars on espionage charges. One of the scholars was a U.S. citizen and another two were U.S.

permanent residents. We demanded full due process for Americans charged with a crime in a foreign country and we should not set a different standard for non-citizens.

The legislation also provides regulations for the detainment of suspects and the conditions of detainment. For example, detainees must be provided with the basic necessities such as adequate food, water and medical attention. In addition, it also allows the free exercise of religion.

Lastly, the legislation requires all proceedings to be made public unless it is determined that closed proceedings are necessary for the safety of involved parties including witnesses or judges. This openness will prove to all Americans and to the world that we have respect for basic Constitutional rights. The horrible events of September 11 should not cause us to reject the American system of justice.

## IN COMMEMORATION OF THE GIRLS SCOUTS' 90-YEAR COMMITMENT TO AMERICAN GIRLS

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MOORE. Mr. Speaker, for the past 90 years, the Girl Scouts of the United States of America (GSUSA) have been pursuing a mission to help all girls grow to be strong, positive contributors to society. Established on March 12, 1912, with a group of 18 girls, GSUSA has since grown to a membership of nearly 3 million girls nationwide, with an alumni base of over 50 million women.

The mission of GSUSA is to empower all girls to develop to their full potential. Activities encouraging strong values, leadership, responsibility, confidence, and friendship have been core elements of the Girl Scout program. The GSUSA seeks to enable young women to grow into strong citizens by teaching money and financial management, health and fitness, global awareness, and community service. Millions of Girl Scouts have, through resources provided through the GSUSA, been introduced to the arts, science, math, and technology.

In my home state of Kansas, 50,000 girls and adults participate in Girl Scouts. Local initiatives have included: an anti-violence program for girls and mothers; a ''Beyond Bars'' program encouraging Girl Scout activities with incarcerated mothers; girls' sport programs that teach health and fitness skills, as well as allowing young female athletes the opportunity to meet professional female athletes; and several other initiatives designed to teach self-confidence, values, integrity, and leadership.

I commend the Girl Scouts of the U.S.A. for their support, dedication, and commitment to American girls, and I applaud them, on this, their 90th anniversary.

## AIRLINE WORKERS AND VICTIMS OF TERRORISM MORTGAGE RELIEF ACT OF 2002

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RUSH. Mr. Speaker, on September 13, 2001, in response to the September 11th tragedy, Secretary Mel Martinez of HUD directed all FHA-approved lenders to provide a 90-day mortgage forbearance for families with FHA insured mortgages who were affected by the recent terrorist attacks. ''Affected, borrowers are those individuals who were passengers or crew on the four hijacked airliners (American Airlines 11 and 77, United Airlines 93 and 175), individuals employed on September 11, 2001, in or near the World Trade Center, or in the Pentagon, and individuals whose financial viability was affected by the . . . events of [that] day.'' (HUD Mortgage Letter 01–21.)

As evidenced by the $15 billion bail out that followed the events of September 11, the effects felt by the airline industry were amongst the most immediate and devastating experienced within the corporate world. It follows naturally, that the devastation experienced by the airlines was ultimately felt by the 150,000+ employees whose financial viability was affected by the ongoing wave of post-September 11th lay offs.

Also affected by the tragic events of September 11th, are the families of those killed, who have experienced considerable difficulty in meeting their financial obligations. And while Congress, in creating the September 11th Victims Compensation Fund, has worked hard to stem the financial devastation felt by thousands of families after September 11th, there are some who may be falling through the cracks.

Fortunately there is a measure, which if revived and applied to parties affected by the events of September 11th, can help.

The Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 accomplishes this goal by:

Adopting the expired language of HUD Letter 01–21;

Making clear that the moratorium on FHA foreclosure outlined in HUD Letter 01–21 must apply to (1) laid off employees of foreign and domestic air carriers and (2) laid off employees of manufacturers aircraft used by foreign or domestic carriers;

Expanding for all eligible borrowers, the 90-day forbearance to 180 days from enactment;

Requiring the Secretary of HUD to inform mortgagees of the aforementioned changes;

Also, those eligible for compensation under the so-called ''9–11 fund,'' (PL 107–42), would be covered until receipt of compensation money;

Those who opt to forgo the compensation money by bringing suit, (§ 405(c)(3)(B)(i)), would still be eligible for forbearance for 18 months after enactment, or until verdict rendered in the first lawsuit, whichever comes first, if suit is brought during the 180 day forbearance period; and

The bill also stipulates that coverage under the Act would not count as a ''collateral source'' as defined by the Compensation Fund language. (§ 405(b)(3) provides that the Special Master ''shall reduce the amount of compensation . . . by the amount of the collateral source compensation the claimant has received or is entitled to receive. . . .'')

In light of HUD Letter 01–21, as well as Congressional concerns over the health of the airline industry, and the financial well-being of the families of victims of September 11th, the Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 would afford Congress the perfect opportunity to give both groups the added assistance that they deserve.

## THE ABANDONED HARDROCK MINES RECLAMATION ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Abandoned Hardrock Mines Reclamation Act. This bill is designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west.

THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products.

However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by a ''bust'' when mines were no longer profitable—because ore bodies were exhausted or not economically recoverable with contemporary technology, or because of depressed mineral prices. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

The full scope of these problems is hard to estimate because many of these old mines are in remote regions and because a complete inventory does not exist. Some states and federal agencies have done some inventory work, but in 1996 the General Accounting Office, after reviewing available data, found that many

agencies had not done thorough surveys and those that did showed a range of results. For example, GAO's report showed that the U.S. Forest Service listed about 25,000 abandoned mine sites within its boundaries, while the U.S. Bureau of Mines reported 12,500 sites on Forest Service lands. On the other hand, the Mineral Policy Center, a private non-profit group, has estimated that over 560,000 sites exist on public and private land. As a first step, my bill would provide a source of funds to assist states to complete inventories.

But if we do not know exactly how big the problem is, we already know enough to recognize more than inventories will be needed to fully address it. In particular, we know that timely solutions will require efforts by more entities than just the federal government. We need to assist and encourage the states, local governments, and Indian Tribes—as well as private groups—to join in the work of cleaning up these sites.

OBSTACLES TO CLEANUPS

However, right now there are two serious obstacles to their involvement.

One obstacle is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. For example, the 1996 GAO report found that the U.S. Forest Service estimated it would cost $4.7 billion to clean up abandoned mine sites on its lands alone—and many other sites are on lands managed by other federal agencies.

Another obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines. They have not wanted to be required to secure long-term pollution discharge permits and thus face long-term costs and potentially stiff fines and penalties.

For example, near the Keystone ski resort in Colorado is an abandoned mine, named the ''Pennsylvania Mine.'' Each minute, the tunnel of this mine releases between 30 and 200 gallons of orange-tinted, highly acidic water into Peru Creek. That mountain stream flows into the Snake River, which in turn feeds into Dillon Reservoir in Summit County—a major source of drinking water for many people in our state. To reduce this health risk, the state, with some private and federal partners, began working to have the contaminants from this mine filtered out by a wetland and other methods. However, this effort has come to a halt—partly because of technical problems with the cleanup method, but more importantly because of a recent judicial decision regarding a similar situation in California. In that case, the court ruled that ''good Samaritans''—like the parties working on the Pennsylvania Mine cleanup—could be held liable under the Clean Water Act for creating a ''point-source'' discharge from a wetland and other techniques and thus be liable for permits, costs and penalties. Faced with that prospect, the Colorado volunteers abandoned the effort.

In short, in this case the valiant and laudable efforts of volunteers were frustrated by the very laws that are designed to stem this type of pollution.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values. For example, that is just what is happening in the case of some abandoned mines above the communities of Jamestown and Ward in Boulder County. These sites are creating water quality concerns for these communities and others downstream, and the Environmental Protection Agency has been considering placing this old mining region on the Superfund list. That would mean that eventually the sites could receive attention and cleanup. In the meantime, however, these communities have to live with a potential Superfund designation and all the issues and concerns associated with that designation.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

WESTERN GOVERNORS WANT ACTION

For years, the Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject. The most recent, adopted in August of last year, was entitled ''Cleaning Up Abandoned Mines'' and was proposed by Governor Bill Owens of Colorado along with Governors Guinn of Nevada, Janklow of South Dakota, and Johnson of New Mexico.

That resolution begins by pointing out that these sites are ''responsible for threats and impairments to water quality'' throughout the west and also often are safety hazards. It notes that their cleanup is ''hampered by two issues—lack of funding and concerns about liability.'' And it says that Congress should ''protect a remediating agency from becoming legally responsible [unless they would be otherwise] . . . for any continuing discharges . . . after completion of a cleanup project'' and that ''reliable sources of funds that do not divert from other important Clean Water programs should be identified and made available for the cleanup of hardrock abandoned mines in the West.''

The bill I am introducing today is based directly on those recommendations by the Western Governors. It addresses both the lack of resources and the liability risks to those doing cleanups.

OUTLINE OF THE BILL

*Title 1. Funds for Cleanups*

First, the lack of resources. To help fund cleanup projects, the bill would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund clean up of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production. Those fees are deposited into the Abandoned Mine Reclamation Fund and used to fund reclamation of sites that had been mined for coal and then abandoned before enactment of SMCRA. Similarly, my bill provides for fees on mineral production from producing hardrock mines.

In developing this part of the bill, I have followed the lead of a 1999 resolution of the Western Governors Association. That resolution (proposed by Governors Guinn of Nevada and Leavitt of Utah), notes that ''While society has benefited broadly from the metal mining industry, problems created by some abandoned mine lands [are] a significant national concern . . . [and] industry can play an important role in the resolution of these problems through funding mechanisms'' as well as in other ways.

In accord with that suggestion, the bill provides for fees that would apply to hardrock mines on federal lands or lands that were federal before issuance of a mining-law patent. The fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines and associated sites.

In developing the bill, I decided that a one-fee-fits-all approach would not be fair. Instead, the bill provides for only modest fees and a sliding scale based on the ability of mines to pay.

Mines Exempt from Fees

To begin with, the bill would entirely exempt mines with gross proceeds of less than $500,000 per year. That means many—probably most—small operations, such as Alaskan prospectors working individual placer claims, will not be liable for any fees under the bill.

Calculation of Fees

For more lucrative mines, fees would be based on the ratio of net proceeds to gross proceeds. If a mine's net proceeds were under 10% of gross proceeds, the fee would be 2% of the net proceeds. For mines with net proceeds of at least 10% but less than 18% of gross proceeds, the fee would be 2.5% of net proceeds. Mines where the net proceeds were at least 18% but less than 26% of gross proceeds would pay a fee of 3% of net proceeds. If the net proceeds were at least 26% but less than 34% of gross proceeds, the fee would be 3.5% of net proceeds. Where the net proceeds were at least 34% but less than 42% of gross proceeds the fee would be 4% of net proceeds. Mines with net proceeds equal to at least 42% but less than 50% of gross proceeds would pay a fee of 4.5% of net proceeds. And mines whose net proceeds were 50% or more of the gross proceeds would pay a fee of 5% of the net proceeds.

For the purpose of calculating these fees, the bill defines gross proceeds as the value of any extracted hardrock minerals that are sold, exchanged for good or services, exported

ready for use or sale, or initially used in manufacture or service. Net proceeds are defined as how much of the gross proceeds remain after deducting the costs of mine development; mineral extraction; transporting minerals for smelting or similar processing; mineral processing; marketing and delivery to customers; maintenance and repairs of machinery and facilities; depreciation; insurance on mine facilities and equipment; insurance for employees; and royalties and taxes.

Based on Nevada Model

This method of calculating fees is similar to that used by the State of Nevada, which collects similar production-based fees from mines in that state. However, the fees in my bill are more moderate than those set by the Nevada law in one important respect—Nevada imposes its maximum fee rate on all mines with net proceeds of $5 million or more, regardless of the ratio between those net proceeds and the gross proceeds. My bill does not do that—instead, all of its fees are based on the ratio. In other words, under my bill a mine with earnings (i.e., net proceeds) of more than $5 million per year still might pay the minimum fee if those earnings were less than 10% of the gross proceeds.

Estimated Proceeds from Fees and Use of Fund

There are not sufficient data available to say exactly how much money would go into the new reclamation fund each year under my bill. However, the United States Geological Survey does have information about the number of operating copper and gold mines and the State of Nevada has data about the money raised by their similar fee system. By extrapolating from those data, it is possible to estimate that the fees provided for in my bill would generate about $40 million annually for the Abandoned Minerals Mine Reclamation Fund.

Funds in the new reclamation fund would be available for appropriation for grants to States to complete inventories of abandoned hardrock mine sites, as mentioned above. A state with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, and again subject to appropriation, money from the new reclamation fund would be available for cleanup work at eligible sites.

To be eligible, a site would have to be within a state subject to operation of the general mining laws that has completed its statewide inventory. Within those states, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund.

The Interior Department could use money appropriated from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new ''good Samaritan'' permits provided for in Title II of the bill.

Among eligible sites, priorities for funding would be based on the presence and severity of threats to public health, safety, general welfare, or property from the effects of past mining and the improvement that cleanup work could make in restoration of degraded water and other resources. The first priority would be for sites where effects of past mining pose an extreme danger. After that, priorities would be sites where past mining has resulted in adverse effects (but not extreme danger) and then those where past mining has not led to equally serious consequences but where cleanup work would have a beneficial effect.

Further, the bill recognizes that in Colorado and other states there are often concentrations of abandoned mining sites that vary in the severity of their threat to the public health and the environment but that can and should be dealt with in a comprehensive manner. Therefore, it provides that sites of varying priority should be dealt with at the same time when that is feasible and appropriate.

*Title II. Protection for ''Good Samaritans''*

Second, the threat of long-term liability. To help encourage the efforts of ''good Samaritans,'' the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain standards and requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (''NPDES'') permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

I think such protection would encourage more efforts to resolve problems like those at the Pennsylvania Mine.

Together, these two programs could help us begin to address a problem that has frustrated federal and state agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history. The Pennsylvania Mine and the Jamestown area are but two examples—others can be found throughout the west. And as population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable.

## PAYING TRIBUTE TO RAYMOND PETERSON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Raymond Harold Peterson who recently passed away in Grand Junction, Colorado on February 17, 2002. Raymond, also known as Ray, will always be remembered as a dedicated contributor to his community and this nation. His passing is a great loss for his family and a town that relied on Ray for his kind heart, knowledge, and friendship.

Raymond was born in Iowa in 1920 and served his country gallantly in World War II. As a member of the U.S. Army Fourth Infantry Division, Raymond served in Germany during the latter part of the war. His actions and wounds were recognized several times throughout the course of the war, notably with the Bronze Star Medal for Valor and the Purple Heart Medal for wounds sustained in combat. Following his service to his country in the war, Raymond married his sweetheart Kathleen in November of 1945, eventually settling in Colorado. There he worked for the General Services Administration at the Denver Federal Center until his retirement in 1967.

Raymond remained involved in his community throughout his life and was often found immersed in his true passion, nature. He is survived by his loving wife Kathleen, daughters Judith and Connie, and several grandchildren and great-grandchildren. I know the passing of a love one is difficult, but I hope his family finds comfort in knowing that Raymond's kindness and generosity will live on through his family and friends.

Mr. Speaker, Raymond Peterson will be greatly missed by the many whose lives he has touched in the community, and this nation. As a veteran, Raymond fought to uphold the values that we as Americans cherish dearly today and throughout his career he worked for his fellow citizens. I am grateful to Raymond and the many others of his generation who gave of themselves selflessly so that we may enjoy the freedom of democracy today. It is with a solemn heart that we say goodbye and pay our respects to a patriarch of the Peterson family and the Grand Junction community.

## IN RECOGNITION OF THE GIRL SCOUTS OF AMERICA

### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the Girl Scouts of America. The Girl Scouts turn 90 years old this year, and have a long and progressive history in our country.

The Girl Scouts were started in 1912 by Juliette Gordon Lowe. Her belief that all girls should experience physical, mental and spiritual growth through community involvement soon grew from a 18 member organization in 1912, to a 70 thousand member organization in 1920.

Over the past 90 years, the Girl Scouts have: sold war bonds during World War One; led community relief efforts during the Great Depression; helped tackle illiteracy with then First Lady, Barbara Bush; and most recently, Girl Scouts donated a personal gift of one dollar each to help support the children of Afghanistan—no small amount with a membership of nearly 4 million girls.

Within the Senior Girl Scouts division, young women are challenged to serve their community through Gold Award projects. Scouts strive for two years to earn a series of required badges, pins and patches. A scout must then plan and execute a year-long Gold Award project under the guidance of a certified volunteer. The Gold Award is the Girl Scouts highest award, with less than 4,000 scouts receiving the award each year,

Mr. Speaker, I encourage my colleagues to support their local Girl Scout chapter and participate in at least one Gold Award ceremony in the next year in order to fully appreciate the hard work and enormous effort each Girl Scout must exert to achieve her goal.

## CENTRAL AMERICAN SECURITY ACT (CASA)

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce the Central American Security Act (CASA). This legislation has strong bi-partisan support, and would give Salvadorans, Guatemalans and Hondurans the same opportunity to adjust their immigration status that Congress extended to Nicaraguans and Cubans in 1997.

In 1997, Congress passed the Nicaraguan and Central American Relief Act (NACARA) which offered drastically different immigration relief for Nicaraguans and Cubans than it did for Salvadorans and Guatemalans, despite similar political situations in El Salvador, Guatemala,'and Honduras. Immigrants arriving here from these countries were all fleeing similar circumstances. As a result of this disparity in treatment, there are many undocumented Central Americans in the United States today who are hard-working, taxpaying, long-term residents with no way to regularize their immigration status. Our bill would resolve the contradiction.

While there are strong equity and fairness arguments to provide ''parity'' to Salvadorans, Guatemalans and Hondurans, we are equally interested in the key U.S. foreign policy and national security interests in Central America that are served by the proposal.

After suffering through a string of brutal civil wars, these countries now have moderate, democratically-elected governments. They have made great progress in respecting human rights and the rule of law. These are pro-American, multi-party democracies where political violence has been largely eliminated. Yet, these emerging democracies remain fragile, ravaged by natural disasters and beset by economic hardship. We must do what we can to help and nurture them.

Hard-working Salvadorans, Guatemalans and Hondurans in the United States send billions of dollars home to their families every year. These funds strengthen democratic institutions and provide for basic human needs. They amount to significantly more than we could ever hope to provide in foreign aid. Cutting off these remittances would renew economic and political instability in the region, undermine efforts to combat terrorism and drug trafficking, and generate massive new migration to the United States.

According to the INS, as many as 8 million undocumented immigrants live in the U.S. today. This is a situation profoundly affecting our national security, and we should make every effort to change it for the better. While we do not have the resources to find and identify all of the undocumented aliens in our country, we must give them some incentive to come forward and identify themselves. CASA would provide that incentive to bring some of these aliens out of the shadows and encourage them to register with the federal government.

Mr. Speaker, it is in our best interest to enhance domestic security efforts and to ensure the economic and political stability of Central America. Therefore, I urge all of my colleagues to support this fair and equitable legislation.

## SOCIAL SECURITY PRIVATIZATION

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RUSH. Mr. Speaker, there has been a considerable amount of debate on how to reform our Social Security System and make it solvent. There is no question that we need to reform Social Security. The Social Security Trustees estimate cash flow deficits in the system starting in 2016 with a bankruptcy date of 2038. It is also estimated that the system will only be able to pay 73 percent of promised benefits. There are many reasons contributing to this depletion, such as increase life expectancies and lagging birth rates. However, the crux of the issue is how we reform Social Security without raising payroll taxes, cutting benefits or allowing the government to invest in stock markets.

In May 2001, President Bush established a 16-Member Commission on Social Security to make recommendations on how to reform Social Security. As you know, the Commission issued a final report last December that proposed three alternative models for Social Security reform that focuses on personal accounts as a central component.

In two of the proposed alternative models, the Commission claims that low income workers and Minorities will fare better if they invest part of their Social Security taxes in stocks and bonds. The rationale is that Minority groups such as African-Americans are heavily dependent on Social Security benefits during retirement and often have little or no pension savings or other sources of income. Specifically the two alternative models call for the following:

Alternative Model 2: Workers can voluntarily redirect 4 percent of their payroll taxes up to $1000 annually to a personal account (the maximum contribution is indexed annually to wage growth). No additional contribution from the worker would be required.

Alternative Model 3: Personal Accounts are created by a match of part of the payroll tax—2.5 percent up to $1000 annually (indexed annually for wage growth)—for any worker who contributes an additional 1 percent of wages subject to Social Security payroll taxes.

It is unfortunate that the Commission failed to realize that you cannot help low income workers and Minorities based on a plan that cuts benefits up to 46 percent. These proposals would subject everyone to this benefit cut, not just workers who choose to have an individual account. Finally, Social Security privatization would expose individual workers and their families to much greater financial risk. Under privatization, Social Security benefits would no longer be determined primarily by a worker's earnings and the payroll tax contributions he or she made over their career. Rather, benefit levels would be determined by the volatile stock market.

While it is true that Social Security faces a long-term challenge, diverting revenue from Social Security into private accounts will seriously undermine our commitment to the retirement security of American seniors.

## PAYING TRIBUTE TO CORPORAL CHRISTOPHER CHANDLER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to welcome home an outstanding Marine and true American hero. Marine Cpl. Christopher Chandler recently returned home from protecting and fighting for our country in Afghanistan. As a young marine, Christopher traveled far from American soil to ensure that the attacks of September 11th on this country would not go unanswered. He has recently returned home to Colorado and I would like tell his story before this body of Congress and this nation.

Corporal Christopher Chandler is a member of the 1st Light Armored Reconnaissance Battalion, 1st Marine Division of the 15th Marine Expeditionary unit. He was stationed at the Kandahar International Airport in Afghanistan to ensure peace reigned in the region. While on patrol on December 16th, he was injured in an enemy blast, resulting in the loss of his left foot and injury to his hand. Following initial treatment, he was moved to Walter Reed Army Medical Center where he recently finished the initial healing process and began rehabilitation. For wounds sustained in combat, Christopher Chandler was awarded the Purple Heart medal.

As his rehabilitation continues, Christopher thrives on the tenacity he demonstrated in his endeavor to become a United States Marine. He has refused to let his injury harm his spirit and has recovered remarkably strong. Believe it or not, Christopher now desires to return to active service. He is a remarkable young man, and if he continues to prod ahead through his life with the diligence and commitment to success he has achieved thus far, there is no limit to his future potential.

Mr. Speaker, I am truly honored today to recognize Corporal Christopher Chandler before this body of Congress and this nation. His selfless sacrifice to his country serves as a

model for all Americans who desire to serve their country in the most difficult and trying of circumstances. Many young men and women are now serving their nation without regard to personal safety to ensure we enjoy the freedoms our forefathers paid for so many years ago. We are proud of and honor you Christopher, good luck with your recovery, and good luck in your future endeavors.

## SIKH ACTIVIST DETAINED IN CANADA AND BRITAIN AT BEHEST OF INDIAN GOVERNMENT

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BURTON of Indiana. Mr. Speaker, Dr. Bhagwan Singh Sandhu, a leader of the Sikh Students Federation, was detained at the airports in Vancouver and in London last month, apparently at the behest of the Indian government. According to information I have received, Dr. Sandhu was detained overnight and interrogated by Canadian intelligence agents who were in constant contact with Indian officials in Delhi. According to Dr. Sandhu, he was told that he was a terrorist, yet no evidence to support this claim was produced by authorities in Canada. The same thing apparently happened to him on his arrival in London. All records of his interrogation were retained by the Indian regime.

Mr. Speaker, the Indian Government appears to be trying to capitalize on the world's heightened concerns about terrorism to harass innocent Sikhs beyond its own borders. In the case of Dr. Sandhu, it appears that India manipulated our friends in Canada and Great Britain so that they would detain Dr. Sandhu. The Council of Khalistan has issued an excellent press release on the detention of Dr. Sandhu. It is very informative. I would like to place it in the RECORD at this time.

[From the Council of Khalistan, Mar. 11, 2002]

SIKH ACTIVIST ARRESTED IN CANADA AND ENGLAND AT BEHEST OF INDIAN GOVERNMENT

INDIA TERRORIZING SIKHS INTERNATIONALLY

WASHINGTON, D.C., March 11, 2002.—Dr. Bhagwan Singh Sandhu, a leader of the Sikh Student Federation, was arrested at the Vancouver airport on February 12 on the instructions of the Indian government. Canadian intelligence agents interrogated Dr. Sandhu while they were in constant touch with Indian intelligence in Delhi. They offered no evidence of any involvement by Dr. Sandhu in any terrorist activity in India or any other country. Yet he was labeled a terrorist by the Canadian intelligence operatives. They locked him in a cold, small cell with only a cement bench to lie down on. The following evening, February 13, he was put on a plane to London.

When Dr. Sandhu arrived in London, the British, acting at the behest of the Indian government arrested him. He was interrogated and searched, then held in jail overnight. He was then sent back to India. The Indian government kept all the papers related to his arrest and detention. When he arrived in India, he was arrested again. He had to get medical attention due to his injuries from his arrests. His letters of protests to the Canadian, British, and Indian authorities have gone unanswered.

''This arrest shows the true face of Indian secularism,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization that leads the Sikh Nation's struggle for independence. ''These illegal arrests show that the Hindu nationalists will reach anywhere to destroy Sikhs and other minorities,'' he said. ''They attacked the Golden Temple in 1984. They have attacked Christian churches, schools, and prayer halls. It has been an ongoing pattern of repression,'' he said.

''It is shameful that the Canadian and British governments have gone along with India's repression by illegally arresting and harassing Dr. Sandhu,'' said Dr. Aulakh. ''Dr. Sandhu is a victim of India's tyrannical, fanatical drive to eliminate all minority populations in the service of rampaging Hindu cultural imperialism,'' he said. ''It is clear that the agents at the airports in Vancouver and London were working at the behest of the brutal Indian government, perhaps at its direction since they were apparently in constant contact with Delhi.''

The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashrairi Muslims have been killed since 1988. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities. A report issued last year shows that 52,268 Sikh political prisoners are held in Indian jails, as well as tens of thousands of others. On February 28, 42 Members of the U.S. Congress wrote to President Bush, asking him to work to get these political prisoners freed. Since Christmas 1998, Christians have felt the brunt of the attacks. Priests have been murdered, nuns have been raped, churches have been burned, Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death.

Last year, a cabinet member said that everyone living in India must be a Hindu or be subservient to Hindus. In July 1997, Narinder Singh, a spokesman for the Golden Temple, told National Public Radio, ''The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority.''

''The only way to escape this government-supported violence and tyranny is for the Sikhs, Christians, Muslims, and other minorities to claim their freedom from India,'' Dr. Aulakh said. ''That is the only way to prevent the Hindu theocracy from wiping us out,'' he said. ''We must launch a Shantmai Morcha (peaceful agitation) to liberate Khalistan,'' he said.

''Sikhs are a separate nation and ruled Punjab until 1849. No Sikh leader has signed the Indian constitution. The people of South Asia must have self-determination now,'' Dr. Aulakh said. ''India is on the verge of disintegration, as Steve Forbes predicted in the current issue of Forbes magazine,'' he said. ''Khalistan will be free by 2008.''

## FALUN GONG

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to speak out against the religious persecution of Falun Gong practitioners in mainland China. Falun Gong representatives believe that over 100,000 Falun Gong practitioners have been arrested. Tens of thousands have been thrown into labor camps without trial, and at least 1,000 healthy practitioners have been put into mental hospitals and have suffered illegal psychiatric abuse. It has also been reported that between 365 and 1,600 people have been killed in police custody.

It is thought that there are as many as 100 million Falun Gong practitioners worldwide. Falun Gong believers hold that this spiritual practice instills the three principles of truthfulness, compassion and tolerance. They would merely like the opportunity to peacefully practice their beliefs without fear of torture or imprisonment.

Mr. Speaker, I ask my colleagues to join me in supporting Falun Gong and its practitioners' quest for peace and tolerance.

## A TRIBUTE TO DR. SOSSINA HAILE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is a special privilege to recognize an outstanding woman of California's 27th Congressional District. Dr. Sossina M. Haile is a well-respected and valuable member of the educational community in my district and her work as a professor and advisor are important in helping to shape the face and scope of research in this country.

Dr. Haile received her Bachelor of Science degree in Math, Science and Engineering from MIT and went on to receive her M.S. degree in the same discipline from the University of California, Berkeley. She returned to her alma mater, MIT, where she earned a Ph.D.

She began her professional career in education at the Max-Planck-Institut fur Festkorperforschung in Stuttgart, Germany as a Fulbright then Humboldt Fellow between October 1991 and August 1993. She served as the Department of Materials Sciences and Engineering's Battellee Assistant Professor at the University of Washington from September 1993 to September 1996. In the fall of 1996 she became an Assistant Professor in the Materials Science Department at the California Institute of Technology and I am happy to announce that she was recently granted an Associate Professorship at Caltech in the fall of last year.

Over her academic years, Dr. Haile has compiled an impressive and outstanding list of

notable awards and accomplishments. She was named an award recipient as a National Young Investigator from 1994 to 1999 and was presented the Hardy Award in 1997 for exceptional promise of success in materials science. In 2000 she was honored with the Coble Award in recognition of outstanding research in ceramic science and in 2001 was presented with the J. Wagner Award for significant contributions towards the understanding of high-temperature, ion-conducting materials.

One of her greatest contributions to our community is the research which she is undertaking and the doctoral, masters, and senior theses students which she is guiding along this journey. Dr. Haile's time and efforts are certainly appreciated not only by the science community but also by the sixteen students which she mentors and guides so well.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Dr. Sossina Haile. The entire community joins me in thanking Sossina for her continued efforts to make the 27th Congressional District a place of academic excellence and continued research success.

## HOMELAND SECURITY ISSUES

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PUTNAM. Mr. Speaker, in order to maintain our position in the world economy America's border security must be highly efficient, posing little or no obstacle to legitimate trade and travel. Yet, America's borders—land, air or sea—are our first line of defense in the war on terrorism. Our budget makes a bold step toward establishing the border of the future. It begins the process of integrating active measures abroad to screen goods and people, inspections at the border, and measures within the United States to ensure compliance with entry and import permits. Federal border control agencies are provided more resources to establish a seamless information-sharing system that allows for coordinated communication with the broader law enforcement and intelligence gathering communities. Funding the use of advanced technology to track the movement of cargo and the entry and exit of individuals is essential to the task of managing the movement of hundreds of millions of individuals, conveyances, and vehicles.

Customs: The 2003 Budget increases the inspection budget of the Customs Services by $619 million, for a total of $2.3 billion. This additional funding increases the ability of the Customs Service to fulfill its critical border security role. Specifically, the additional resources in the 2003 Budget will allow the Customs Service to achieve two key objectives: Acquisition of Additional Personnel and New Technology.

Coast Guard: The 2003 Budget increases funding for the Coast Guard's homeland security-related missions (protecting ports and coastal areas, as well as interdiction activities) by $282 million, to an overall level of $2.9 billion. After September 11, the Coast Guard's port security mission grew from approximately 1–2 percent of daily operations to between 50–60 percent today. However, we must recognize that the Coast Guard's other important missions, such as suppressing illegal immigration, drug interdiction and search and rescue remain vital to our constituents and coastal communities.

INS: We have also included sense of the House language that the $380 million in Function 750 will be used by the Immigration and Naturalization Service to implement a visa tracking system.

SUPPORTING FIRST RESPONDERS

America's first line of defense in any terrorist attack are our ''first responders''—local police, firefighters, and emergency medical professionals. Properly trained and equipped first responders have the greatest potential to save lives and limit casualties after a terrorist attack. The FY 2003 Budget directs $37.7 billion to homeland security, up from $19.5 billion in 2002.

As a first step in our commitment to improving ''consequence management'' we passed H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2001. H.R. 3448 is intended to better prepare America for bio-terrorist threats or other public health emergencies by improving America's ability to respond effectively and quickly to such threats. This sweeping legislation will cover everything from public health preparedness and improvements, to enhancing controls on deadly biological agents, to protecting our food, drug and drinking water supplies. Our Budget proposes to spend $3.5 billion on enhancing the homeland security response capabilities of America's first responders—a greater than 10-fold increase in Federal resources to ensure that the people on the frontline of our defense have the training, equipment and technology necessary to protect them and protect our homeland.

DEFENDING AGAINST BIOLOGICAL TERRORISM

One of the most important missions we have as a Nation is to be prepared for the threat of biological terrorism—the deliberate use of disease as a weapon. An effective bio-defense will require a long-term strategy and significant new investment in the U.S. health care system to defend against attacks on our population and economic attacks against our agricultural infrastructure. The President's Budget for 2003 devotes $2.4 billion to jump-starting the research and development process needed to provide America with the medical tools needed to support an effective response to bio-terrorism.

This new funding will focus on: (1) Infrastructure. Strengthen the State and local health systems, including by enhancing medical communications and disease surveillance capabilities, to maximize their contribution to the overall bio-defense of the Nation. (2) Response. Improve specialized Federal capabilities to respond in coordination with State and local governments, and private capabilities in the event of a bioterrorist incident and build up the National Pharmaceutical Stockpile. (3) Science. Meet the medical needs of our bioterrorism response plans by developing specific new vaccines, medicines, and diagnostic tests through an aggressive research and development program. (4) Agriculture. I introduced HR 3198 because I believe threats of agricultural bioterrorism should receive the same level of priority as other terrorist threats. The FY 2003 budget makes important steps in this direction by calling for $74.4 billion in spending, an increase of $11 billion over the FY 2002 budget, and $6 billion above actual budget outlays in FY 2001. Significant funding increases in the agriculture budget that relate to homeland security and the protection of agriculture are a $48 million increase for animal health monitoring, a $19 million increase in the Agricultural Quarantine Inspection (AQI) program for improved point-of-entry inspection programs and a $12 million increase for programs to expand diagnostic, response, management and other technical services within the Animal Plant Health Inspection Services (APHIS).

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Nuclear weapons technology is now almost 70 years old, chemical and biological weapons technology is almost 100 years old. Nuclear weapons, and other weapons of mass destruction, are no longer the exclusive province of the major powers of the First World. Since the Soviet Union became a nuclear power in 1949 five countries have established significant arsenals of nuclear weapons; China, France, Russia, the United Kingdom, and the United States. India, Pakistan, Israel, and possibly North Korea are also reported to have nuclear weapons.

With the break up of the Soviet Union, nuclear weapons materials and production equipment may be available on the international black-market or may be transferred from one state to another. Additional countries may therefore be able to develop nuclear weapons if they are able to obtain fissile material. Even terrorist groups may acquire and use radiological weapons that use a conventional explosive to disperse deadly radioactive material, evidence of such intentions has reportedly been found in Afghanistan.

Our Budget recognizes the importance of non-proliferation to our Homeland Security effort. The resolution accommodates the President's request for $1.12 billion for Defense Nuclear Nonproliferation in fiscal year 2003, a 39 percent increase over pre-September 11th funding: including International Nuclear Materials Protection, (increased 67 percent, to $233 million) Nonproliferation Research and Development, (increased 38 percent to $284 million) and Fissile Materials Disposition, (accommodates the President's funding request of $350 million, a 40-percent increase above the previous year).

While much of our past focus has been on the non-proliferation of nuclear weapons we must recognize that other weapons of mass destruction, such as chemical and biological weapons, also pose a very real and present threat. Earlier this week, President Bush articulated his administration's doctrine for dealing with this threat, ''Men with no respect for life must never be allowed to control the ultimate instruments of death. Against such an enemy, there is no immunity, and there can be no neutrality.'' Our Budget provides the President with the resources he needs to continue our non-proliferation efforts and, if necessary, confront any nation posing a threat with chemical, biological or nuclear weapons.

## PAYING TRIBUTE TO DALE SHERFEY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Penrose, Colorado. Over the years, Dale Sherfey has distinguished himself as a businessman, a community leader, and a vital participant in maintaining civic responsibilities throughout the region. Dale's achievements are impressive, and it is my honor to recognize several of those accomplishments today. Dale is a generous soul whose good deeds and actions certainly deserve the recognition he has recently received.

Dale is the owner and operator of a local feed store in Penrose, a successful business he has run for many years. He has carried on a long tradition of quality guidance and service to his many clients in the area, resulting in an operation dedicated to remaining true to high standards of honesty and integrity. His success in the industry has led to several honors including a recent tribute presented by the Colorado House of Representatives.

Throughout his success, Dale and wife Kathy, have remained active in their community. They have actively volunteered their time and energies to many local community organizations and Dale is frequently seen about the area lecturing to 4–H groups and farmers.

Mr. Speaker, Dale Sherfey's achievements have also recently been rewarded by his community through the Penrose Chamber. The chamber named Dale the Penrose Chamber Distinguished Citizen of the Year, an award given to an outstanding and well deserving individual who has selflessly given of themselves to directly benefit their community. It is now my honor to congratulate Dale on his most recent and well-deserved award from this organization by bringing his good deeds to the attention of this body of Congress, and this nation. Dale, you have been a model citizen for Penrose and Colorado and I extend my thanks for your efforts. Keep up the good work and good luck to you and your wife Kathy in your future endeavors.

## CELEBRATING AS AFGHAN GIRLS RETURN TO SCHOOL

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. SOLIS. Mr. Speaker, I rise today to celebrate the end of a five-year ban on girls attending school in Afghanistan.

On Saturday, for the first time since the oppressive Taliban regime usurped control of Afghanistan, young women will finally be able to return to the process of learning without fear of punishment, violence or even death.

It is fitting that we celebrate this new beginning today—March 21st, New Year's Day in Afghanistan—for today is truly a new day for this desert nation in central Asia.

Today, home schools that were deemed illegal under Taliban rule are moving out from beneath the cloak of secrecy and into the light of legitimacy.

Today, girls who once shared a few outdated books and a handful of pens and notebooks now have access to some of the 40,000 stationary kits, 10,000 School-in-a-Box kits, 7.8 million, textbooks and 18,000 chalkboards provided by the UNICEF Back-to-School Campaign.

Today, women and girls who once hid their instruments of learning under their shawls as they cautiously made their way home after a lesson can now carry books through the streets without fear.

Prior to the civil war that propelled the Taliban to power, women in Afghanistan, and especially the capital of Kabul, were highly educated and employed.

Seventy percent of school teachers, 50 percent of civilian government workers and 40 percent of doctors in Kabul were women.

And at Kabul University, females comprised half of the student body and 60 percent of the faculty.

In fact, the Afghani Constitution, which was ratified in 1964, had an equal rights provision for women contained within it.

It is clear that in order for women in Afghanistan to regain a position of equality, quality education programs must be made available to the girls in Afghanistan.

I commend UNICEF and the Interim Afghan Government for the Back-to-School effort and look forward to seeing more than 1.5 million children on the school-house steps on Saturday.

## NO—TO REVIVING MILITARY CONSCRIPTION

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. PAUL. Mr. Speaker, I rise to introduce legislation expressing the sense of Congress that the United States government should not revive military conscription. Supporters of conscription have taken advantage of the events of September 11 to renew efforts to reinstate the military draft. However, reviving the draft may actually weaken America's military. Furthermore, a military draft violates the very principles of individual liberty this country was founded upon. It is no exaggeration to state that military conscription is better suited for a totalitarian government, such as the recently dethroned Taliban regime, than a free society.

Since military conscription ended over 30 years ago, voluntary armed services have successfully fulfilled the military needs of the United States. The recent success of the military campaign in Afghanistan once again demonstrates the ability of the volunteer military to respond to threats to the lives, liberty, and property of the people of the United States.

A draft weakens the military by introducing tensions and rivalries between those who volunteer for military service and those who have been conscripted. This undermines the cohesiveness of military units, which is a vital element of military effectiveness. Conscripts are also unlikely to choose the military as a career; thus, a draft will do little to address problems with retention. With today's high-tech military, retention is the most important personnel issue and it seems counter-productive to adopt any policy that will not address this important issue.

If conscription helps promote an effective military, then why did General Vladisova Putilin, Chief of the Russian General Staff, react to plans to end the military draft in Russia, by saying ''This is the great dream of all servicemen, when our army will become completely professional . . .?''

Instead of reinstating a military draft, Congress should make military service attractive by finally living up to its responsibility to provide good benefits and pay to members of the Armed Forces and our nation's veterans. It is an outrage that American military personnel and veterans are given a lower priority in the federal budget than spending to benefit politically powerful special interests. Until this is changed, we will never have a military which reflects our nation's highest ideals.

Mr. Speaker, the most important reason to oppose reinstatement of a military draft is that conscription violates the very principles upon which this country was founded. The basic premise underlying conscription is that the individual belongs to the state, individual rights are granted by the state, and therefore politicians can abridge individual rights at will. In contrast, the philosophy which inspired America's founders, expressed in the Declaration of Independence, is that individuals possess natural, God-given rights which cannot be abridged by the government. Forcing people into military service against their will thus directly contradicts the philosophy of the Founding Fathers. A military draft also appears to contradict the constitutional prohibition of involuntary servitude.

During the War of 1812, Daniel Webster eloquently made the case that a military draft was unconstitutional: ''Where is it written in the Constitution, in what article or section is it contained that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine had no foundation in the Constitution of the country. It is enough to know that the instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children, by the provisions of our government.''

Another eloquent opponent of the draft was former President Ronald Reagan who in a 1979 column on conscription said: ''. . . it rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea.''

President Reagan and Daniel Webster are not the only prominent Americans to oppose

conscription. In fact, throughout American history the draft has been opposed by Americans from across the political spectrum, from Henry David Thoreau to Barry Goldwater to Bill Bradley to Jesse Ventura. Organizations opposed to conscription range from the American Civil Liberties Union to the United Methodist Church General Board of Church and Society, and from the National Taxpayers Union to the Conservative Caucus. Other major figures opposing conscription include current Federal Reserve Chairman Alan Greenspan and Nobel Laureate Milton Friedman.

In conclusion, Mr. Speaker, I ask my colleagues to stand up for the long-term military interests of the United States, individual liberty, and values of the Declaration of Independence by cosponsoring my sense of Congress resolution opposing reinstatement of the military draft.

## A.D. AND SHIRLEY McGREGOR: A GIFT OF LOVE AND GENEROSITY

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to honor a very special couple, A.D. and Shirley McGregor of Spaulding Township, Michigan, as they prepare to celebrate fifty years of marriage and a loving commitment to each other and their community. They have not only shared their tremendous capacity for love and giving with their son, Allen, his wife, Nancy, and granddaughter, Nicole, but they have both literally and figuratively played Santa Claus and Mr. Claus for much of the citizenry of Saginaw County.

The list of the many volunteer organizations graced by the McGregors' efforts over the years is long and impressive, including the Michigan Avenue Baptist Church in Saginaw, the Salvation Army, various rescue missions, the Sagniaw County Historical Society, CROP Walk for the Hungry, the Saginaw Fair and a host of other non-profits.

Of particular note is their involvement with Saginaw Community Hospital, where they have spent untold hours entertaining and helping patients. Elderly patients and others have derived much pleasure from the McGregors' musical interludes, with A.D. leading the singalong and Shirley at the piano playing ''God Bless America'' or ''Let Me Call You Sweetheart.'' During the Christmas holiday season, the McGregors have become synonymous with the Yuletide spirit as they have donned red coats and white-furred hats to dress as Santa Claus and Mrs. Claus for visits to area hospital and charitable events.

Those familiar with volunteer work in Saginaw can hardly remember a time when the McGregors were not involved in one or another activity. A.D. and Shirley have volunteered for various organizations since before they were married at Fordney Avenue Baptist Church in 1952. In fact, as a young girl, Shirley used to accompany her father, Elmer Hopkins, when he sang and played the organ for local organizations. Both A.D. and Shirley learned at an early age that they had a responsibility to return some of their blessings to the wider community.

Mr. Speaker, I ask my colleagues to join me in congratulating A.D. and Shirley for fifty years of marital happiness and for a lifetime of loving and giving. I am confident their kind hearted generosity will continue to know no bounds.

## PAYING TRIBUTE TO JOE JESIK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Joe Jesik and recognize his contributions to this nation. A resident of Pueblo, Colorado, Joe began his service as a sailor during World War II when he joined the Navy and served in the Pacific Theatre. During his tour, Joe was stationed on the light cruiser USS *Honolulu*, which was involved in numerous engagements and battles throughout the South Pacific. He was recently awarded several decorations for his service over fifty years ago, and it is my pleasure to recognize his awards and service before this body of Congress and this nation today.

The USS *Honololu* was in involved numerous engagements throughout the war and is credited with the sinking of a Japanese cruiser, four destroyers, and four enemy aircraft. Joe's exploits and service to his country were recently brought to light by his immediate family through a surprise ceremony attended by almost two hundred relatives. At the ceremony, Joe was presented with several long overdue decorations for his service to his nation during the war. Among the decorations awarded at the ceremony are the Navy Good Conduct Medal, the American Campaign Medal, the World War II Victory Medal, the Navy Presidential Unit Citation Ribbon, the Navy Unit Commendation Medal, and the Philippine Presidential Unit Citation Ribbon. Thanks to his loving family of twelve sons and daughters, and his dedicated wife Lucille, Joe is now properly recognized by his nation for his service to our armed forces and commitment to his nation.

Mr. Speaker, it is a great privilege that I recognize Joe Jesik and his selfless sacrifice to this nation. Many men and women of his generation gave their lives long ago so that today we can enjoy the right and privilege of freedom. Joe Jesik served selflessly in a time of great need, bringing credit to himself, to his family, and a grateful nation. It is an honor to recognize the service of this veteran before this body of Congress today, as he certainly deserves the thanks of this grateful nation. Thanks Joe for your service, and good luck in your future endeavors.

## HONORING ELAINE CARDONICK

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BORSKI. Mr. Speaker, I rise today in honor of Elaine Cardonick, a devoted teacher who gave the last days of her life to her students at the Loesche Elementary School in Northeast Philadelphia. Mrs. Cardonick, despite being very ill, would not allow her class of autistic children to be disturbed and upset by her absence. She was with her class when the tragic events of September 11th occurred, and finally went to the emergency room following the subsequent early closing of schools. Mrs. Cardonick passed away in the hospital the following day.

Elaine Cardonick began teaching in 1964 and was a special education teacher for most of her long and distinguished career. Over the course of thirty-seven years, she was an inspiration to hundreds of young children who are challenged daily to achieve their best in school and in life.

Mrs. Cardonick's actions in putting her students' welfare before her own are a shining example of what love and duty really mean. She was an inspiration to the students and faculty at the Loesche Elementary School and will be remembered as a hero.

On March 22, 2002, a plaque will be dedicated by the faculty at the Loesche Elementary School, in memory of Elaine Cardonick. Each year, the plaque will be engraved with the name of a ''special'' child who, despite having a disability or handicap, made every effort to achieve their best. This award was created to commemorate the courage and determination that Mrs. Cardonick exemplified throughout her career, and especially in September of 2001.

Elaine' love and kindness touched the lives of so many: her students, her colleagues, and her family. She is survived by her husband, three children, and three grandchildren. She will be missed by all who knew her.

Mr. Speaker, I salute Mrs. Elaine Cardonick and the ideals she represented and inspired in all of her students at the Loesche Elementary School in Philadelphia.

## HONORING ANNE CONSIDINE FOR TWENTY-FIVE YEARS OF SERVICE TO CYHA

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CAPUANO. Mr. Speaker, I rise today to honor a very special person from my district. Special, because she embodies the characteristics of a special place. Anne Considine is an extra-ordinary person who has demonstrated how an individual can impact their corner of the world in very ordinary ways. Her corner of the world is Charlestown, Massachusetts, where she is being honored this Saturday evening for her twenty-five years of dedicated service to the Charlestown Youth Hockey Association (CYHA).

Plain and simple, Anne Considine is a ''hockey mom''. Long before the political pundits of the 1990's realized the power soccer moms have in impacting political change, Anne Considine was improving her community through youth hockey. Piling the children into the family car for early morning ice time is an expected duty of a hockey parent in Boston. However, twenty-five years ago in most families, and in most neighborhoods, that would have been dad's job alone. Long before women reached Olympic and World Cup glory through hockey and soccer, Anne Considine was known as someone who could tighten a mean skate. Anne's influence in her community did not stop at the rink or at the doorstep

of her home at 10 Tufts Street in the Bunker Hill Housing Projects.

Anne's dedication to the neighborhood of Charlestown is well known throughout the community. Anne's passion for hockey, however, is what allowed her to reach out to her community and her neighbors as someone whose opinions should be respected. As a CYHA coach, president and parent, there was no one more tenacious on the bench or in the boardroom. As tough a competitor as Anne could be at times, people dealing with her knew that she possessed a hockey attitude spurred from a mother's love. This was a passion not limited to just her children but was felt by all the children of Charlestown Youth Hockey. During Anne's tenure with CYHA, her guidance was available to all the athletes regardless of their ability to play or pay. Anne's leadership resulted in the initiation of the Green Team, which allows youth that can not afford the ever-escalating costs of playing hockey to realize a dream. To some of these kids just being able to take the ice as a youth is as big a hockey career to which they aspire.

Charlestown has seen many of its young hockey players move on to compete at the high school and college level. Some are fortunate enough to have enjoyed professional careers. Still others have won Olympic Gold. These exceptional athletes were no more important to Anne than those whose careers peaked at the youth level. Regardless of how far the skills developed at the Charlestown rink took these young athletes, the lessons learned from Anne Considine's wisdom and caring went with them. Rinks and neighborhoods from as far away as Chicago, St. Louis, Lake Placid, Peoria, Florida, Nashville, Cleveland, Plattsburg and Hampton Roads, to name a few, have felt the influence of one woman's love of hockey and her hometown.

Mr. Speaker, I leave here tonight proud to say that the next generation of Considine's can be found mucking it up in the corners at the Charlestown Rink. This is a tribute to Anne's lasting impact on youth hockey in Charlestown. On behalf of all the hockey players in Charlestown—past, present, and future—I want to thank Anne Considine for her years of dedication to the Charlestown Youth Hockey Association.

## KYRGYZSTAN'S RELEASE OF AZIMBEK BEKNAZAROV

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SMITH of New Jersey. Mr. Speaker, yesterday authorities in Kyrgyzstan released Azimbek Beknazarov, a parliamentarian who had been in jail since January 5. The decision was made after disturbances in the Ak-Su District of Jalal-Abad, Mr. Beknazarov's native region in southern Kyrgyzstan. In an unprecedented outburst of violence on March 17, six people were killed and scores wounded when police opened fire on demonstrators. Mr. Beknazarov has pledged not to leave the area and his trial has been postponed indefinitely while the authorities and the public catch their breath and reassess the situation.

The incident and the events leading up to it are alarming—not only for Kyrgyzstan but for the United States, which is now basing troops in the country and expects to be in the region for the foreseeable future. Despite attempts by some Kyrgyz officials to pin the blame on a mob of demonstrators fired up by alcohol, the real cause of the bloody riot was popular discontent with an unresponsive government reaching the boiling point.

Kyrgyz authorities have accused Mr. Beknazarov of improperly handling a murder case when he was an investigator in a district prosecutor's office years ago. In fact, it is widely believed that Beknazarov's real transgression was to suggest that Kyrgyzstan's parliament discuss the country's border agreement with China, which would transfer some territory from the tiny Central Asian state to its giant neighbor.

This is reflective of Akaev's intensified efforts to consolidate his power while cracking down on dissent and opposition. In February 2000, President Akaev rigged the parliamentary election to keep his main rival—Felix Kulov, who had served as Vice President and in other high-level positions—from winning a seat in the legislature. The observation mission of the Organization for Security and Cooperation in Europe (OSCE) openly questioned the results in Kulov's district, and said the election had fallen far short of international standards. Subsequently, Kulov was arrested and could not participate in the October 2000 presidential election, in which Akaev faced no serious contenders and was easily re-elected.

Kulov is serving a 7-year jail term and now faces new criminal charges. Amnesty International considers him a political prisoner. Last December I chaired a hearing of the Helsinki Commission which focused on the deterioration of human rights in Kyrgyzstan. Mr. Kulov's wife was able to attend the hearing and offered her perspective on the current political climate in her country.

The independent and opposition media in Kyrgyzstan have also been under severe pressure, usually in the form of libel cases which official authorities use to fine newspapers out of existence so they cannot report on corruption. In January 2002, the authorities issued Decree No. 20, which would introduce mandatory official inventory and government registration of all typographical and printing equipment, while imposing stricter controls on its imports. Decree No. 20 would also threaten U.S. Government plans to establish an independent printing press in Kyrgyzstan. Furthermore, the decree will be used against religious groups, both Muslim and Christian, by blocking their ability to produce religious material and by calling for an ''auditing'' of all religious communities that create publications. While the pretext of the decree is to combat ''religious extremists,'' the decree has clear implications for religious communities out of favor with the government, as well as with opposition groups. The State Department has urged Kyrgyzstan to repeal Decree No. 20 but so far, Bishkek has stubbornly refused.

So when legislator Azimbek Beknazarov was arrested on January 5, his colleagues in parliament, members of opposition parties and human rights activists reacted strongly to the latest step in an ongoing campaign to clamp down on civil society. Since January, hundreds of people, including parliamentarians, have gone on hunger strikes to demand his release. Protests and demonstrations have continued throughout, which the police have either ignored or roughly dispersed. The U.S. Government, the OSCE and international human rights groups have called for Beknazarov's release, but President Akaev, hiding behind the fig leaf of ''executive non-interference in judicial deliberations,'' contends that the case must be decided by the courts. His position is an absurd pretense in a country where the courts are under state influence, especially in sensitive political cases. More to the point, this stance is simply no longer credible, considering the widespread belief that Beknazarov's imprisonment was politically motivated and the public's lack of confidence in the government's good faith.

Finally, pent-up tensions exploded two days ago, when demonstrators and police clashed, with tragic consequences. Kyrgyz officials have accused organizers of unauthorized pickets and rallies of responsibility for the violence. In an address to the nation, President Akaev described the events as ''an apparent plot [in which] a group of people, including prominent politicians, staged unauthorized mass rallies simultaneously.'' He said the events were ''another move in the targeted activities of opposition forces to destabilize the situation in the country. They have been engaged in these activities for the last few years.''

Mr. Speaker, I would contend that the riots in Jalal-Abad Region were the predictable outcome of frustration and desperation. Askar Akaev, by falsifying elections and repressing freedom of expression, has made normal politics impossible in Kyrgyzstan. A long-suffering populace, which has seen its living standard plummet while corrupt officials grow rich, has signaled that enough is enough. The authorities have heard the message and now have to make a critical decision: either to try to find a common language with society or to crack down. If they choose the former, Kyrgyzstan may yet realize its promise of the early 1990s; if they choose the latter, more confrontations are likely, with unpredictable ramifications for Kyrgyzstan and its neighbors.

The United States has a real stake in the outcome. We are in Central Asia to make sure terrorists cannot use the region to plan attacks on us or recruit new members. But all the region's states are led by men determined to stay in power indefinitely. This means they cannot allow society to challenge the state, which, in turn, insures that discontented, impoverished people with no other outlets could well be attracted by radical ideologies.

We must make it plain to President Akaev that we are serious when we declare that our war on terrorism has not put democracy and human rights on the back burner. And we must insist that he implement his OSCE commitments, as well as the pledge he made in last month's bilateral Memorandum of Understanding with the United States. That document obligates Kyrgyzstan to ''confirm its commitment to continue to take demonstrable measures to strengthen the development of democratic institutions and to respect basic human and civil rights, among which are freedom of speech and of the media, freedom of association and public assembly, and freedom of religion.''

The events earlier this week have given us a wake-up call. We had better understand properly all its implications.

## AFGHAN GIRLS RETURN TO SCHOOL

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. LEE. Mr. Speaker, I rise today to honor a remarkable event that will be taking place this week in Afghanistan. For the first time in five years, Afghan girls will be allowed to enroll in school without fear of the Taliban.

The collapse of the Taliban regime has enabled the Afghan citizens to enjoy new personal freedoms that were once forbidden.

Under the Taliban regime, women and girls were not allowed to go to school to attain a basic education. Many illegal schools were set up in private homes during the repressive regime because women and girls did not want to give up their education. During this time, if any of these underground schools were discovered, these women and girls wound up in jail, were severely beaten, or sometimes even killed.

This week marks a time for celebration. Women and girls will no longer be threatened and harmed from pursuing their right to an education. I celebrate with the Afghan women and girls on their return to school and join my colleagues in celebrating this momentous event in empowering women around the world.

## THE HOSPITALIZED VETERANS FINANCIAL ASSISTANCE ACT OF 2002

### HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mrs. DAVIS of California. Mr. Speaker, today I have the pleasure to introduce the Hospitalized Veterans Financial Assistance Act of 2002 and thank my Veterans Affairs Committee colleagues, Committee Ranking Member LANE EVANS, Benefits Subcommittee Ranking Member SILVESTRE REYES, and fellow Benefits Subcommittee member CORRINE BROWN who have joined me on this important legislation.

I would also like to thank the authors of the Independent Budget who brought this critical issue to our attention. In short, current law subjects many hospitalized veterans to a financial hardship. Let me explain further.

An inequity exists in current law controlling the beginning date for payment of increased compensation based on periods of incapacity due to hospitalization or convalescence. Hospitalization in excess of 21 days for a service-connected disability entitles the veteran to a temporary total disability rating. This rating is effective the first day of hospitalization and continues to the last day of the month of hospital discharge. Similarly, where surgery for a service-connected disability necessitates at least I month's convalescence or causes complications, or where immobilization of a major joint by cast is necessary, a temporary total rating is awarded effective the date of hospital admission or outpatient visit.

While the effective date of the temporary total disability rating corresponds to the beginning date of hospitalization or treatment, under current law (38 U.S.C. §5111) the effective date for payment purposes is delayed until the first day of the month following the effective date of the increased rating.

This provision deprives veterans of any increase in compensation to offset the total disability during the first month in which temporary total disability occurs. This deprivation and consequent delay in the payment of increased compensation often jeopardizes disabled veterans' financial security and unfairly causes them hardships.

The Hospitalized Veterans Financial Assistance Act of 2002 would allow for payment of benefits in all hospitalization and convalescent claims to begin effective the first day of the month in which hospitalization or treatment begins.

Mr. Chairman, once again the nation's soldiers, sailors, airmen, and Marines are on foreign soil either engaged directly with an enemy or on alert to respond as necessary to assure our citizens' right to live in freedom. Let us in Congress assure these dedicated men and women that we will provide for those who bear today's and tomorrow's battles and not force them to endure a financial hardship.

President Abraham Lincoln said it best, ". . . what is fairly due from us here, in the dispensing of patronage, towards the men who, by fighting our battles, bear the chief burthen of saving our country . . . is that, other claims and qualifications being equal, they have the better right; and this is especially applicable to the disabled soldier."

## TRIBUTE TO MR. CLIFFORD C. LAPLANTE

### HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. DICKS. Mr. Speaker, I rise today to pay tribute to a longtime friend and a great American, Mr. Clifford C. LaPlante. Cliff is about to retire after more than 50 years of dedicated service to our country and to the defense and aerospace community.

Born and raised in upstate New York, Cliff began his most distinguished career in the aeronautical arena with the U.S. Air Force during the Korean War. An acquisition specialist, Cliff dedicated himself to ensuring that American forces were equipped with the most capable equipment that American industry could provide. As we hear in the media about the critical roles of Air Force systems such as the C–5 Galaxy and the KC–135 aerial refueling fleet, I would point out to my colleagues that these systems were developed and deployed under the watchful eye of Cliff LaPlante.

As an Air Force legislative affairs officer, Cliff became well known to the members of the Armed Services and Appropriations Committees. He quickly became an asset to members and staff alike for his concise and timely responses to the many questions that arose during consideration of Defense department budget requests. The reputation Cliff developed as a trusted and admired member of the Air Force reflect great credit on himself as well as the U.S. Air Force.

My personal association with Cliff began in 1970 when Cliff decided to forego a much-deserved promotion to full Colonel in favor of joining The Boeing Company as its first full time liaison representative to the Congress. During his eight years with Boeing, Cliff continued the fine legislative work he had begun with the Air Force and he became involved in many vital defense programs such as the AWACS, the Airborne Command Post and the KC–135 re-engining program.

In 1979, Cliff began the General Electric Company chapter of his career, which has lasted twenty-three years. Cliff continued to build on the legislative work he began during his tenures with the Air Force and Boeing and was at the very center of the major defense issues of the day. Cliff distinguished himself with his role in the KC–135 re-engining program and during "The Great Engine War" where GE competed, and won, a place for its F110 engine on the F–16. American business schools now view "The Great Engine War" as a classic case study on how defense procurement should be done.

Now, after more than 50 years of dedicated service to his country, the Congress and the aerospace community, Cliff is about to retire from GE and will begin what is perhaps his most noble endeavor. Together with his wife, Cecilia, Cliff has established a charitable foundation, "Children Come First," that is dedicated to helping underprivileged children in Peru. Those of us who have worked with Cliff know that he will bring the same spirit and vigor that has exemplified his past undertakings to his foundation and that he will certainly continue to "Bring Good Things to Life" for underprivileged kids.

Mr. Speaker, I know I speak for all my colleagues in the House who have known and worked with Cliff over the years when I say we will miss him but wish him well in the next chapter of his fascinating career.

## HONORING OTTERBEIN COLLEGE, NCAA MEN'S DIVISION III NATIONAL CHAMPIONS

### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TIBERI. Mr. Speaker, while the big school college basketball championship is still to be decided, we in Central Ohio are already celebrating the Otterbein College Cardinals' victory in the NCAA Men's Division III championship game. The Cardinals came from 11 points behind in the second half to crush Elizabethtown 102–83 and bring the national title home to Westerville, Ohio.

The victory topped a spectacular season for Coach Dick Reynolds and his squad. The Cardinals finished first in the tough Ohio Athletic Conference during the regular season, then won the conference tournament en route to an overall 30–3 record. It's a homegrown success story too, with every player coming from the Buckeye State and 11 of them from the Central Ohio area.

Otterbein is no stranger to basketball success. The Cardinals' title came in their third trip to the Final Four in Reynolds' 30 years with the program.

Their games weren't on ESPN and you won't find them on your tournament bracket sheet. But some of the best basketball in the

country is played on the Division III level. We're proud that Otterbein College, the best of the best, has brought a national title to Central Ohio.

## PERSONAL EXPLANATION

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SHAYS. Mr. Speaker, on March 19, I was in Florida participating in my close friend Ted Winpenny's wedding as his best man and therefore, missed four recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted yes on recorded vote number 65, yes on recorded vote number 66, yes on recorded vote number 67, and yes on recorded vote 68.

## CONGRATULATING THE GIRL SCOUTS OF THE U.S.A. ON ITS 90TH ANNIVERSARY

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RYAN of Wisconsin. Mr. Speaker, this month the Girl Scouts of the U.S.A. (GSUSA) is celebrating its 90th anniversary. Additionally, the Girl Scout Council of Kenosha County is celebrating its 80th anniversary. I would like to recognize the accomplishments of the Girl Scouts in Wisconsin's First Congressional District: the Girl Scout council of Kenosha County, the Girl Scouts of Badger Council, and the Girl Scouts of Racine County.

Juliette Gordon Low believed girls needed a supportive community for girls and young women to develop physically, mentally, and spiritually. On March 12, 1912, Ms. Low assembled twelve girls in Savanna, Georgia, for the first Girl Scout meeting. The idea spread quickly. In 1918, six years after that inaugural meeting, Kenosha County organized its first meetings and joined the Girl Scout movement. Four years later, in 1922, the Girl Scouts of the U.S.A. awarded the Girl Scout Council of Kenosha County its official charter.

The Girl Scout Law, on which the Girl Scout mission rests, encourages all girls to uphold values such as honesty, fairness, and responsibility, while developing respect and compassion for the world around them. Girl Scouts continue to build on this foundation by adopting the practice of these values to the contemporary issues facing girls today.

In contrast to those first twelve Scouts 90 years ago, Girl Scouts today is comprised of over 2.7 million girls and 900,000 adult volunteers in the U.S. Globally, that number tops 10 million members in over 140 countries. Currently, the Girl Scout Council of Kenosha County proudly maintains an active membership of 3200 Scouts. To put that in perspective, one in nine girls are involved in Girl Scouting nationwide, while in Kenosha County, one in every five girls is a Girl Scout.

Girl Scouts depends on its volunteers and its community. As with all Girl Scout Councils, the secret behind the success of Scouting is the hard work of the adult volunteers. This well-qualified team of volunteers works with the Council to organize and encourage the Scouts. Additionally, the support of the community is integral to the Girl Scouts. Troop meetings take place in local schools, churches, and other community centers, and outreach activities require the cooperation of community businesses and organizations. The strength of these relationships is visible in Southeastern Wisconsin. The adult members, businesses, and organizations work together to open doors for young women to learn and expand their horizons.

For 90 years, Girl Scouts has empowered girls with the values and skills it takes to become the next generation of leaders. The Girl Scout Council of Kenosha County, the Girl Scouts of Badger Council, and the Girl Scouts of Racine County, like Councils all over the world, are helping girls to grow strong and build the necessary foundation to be successful in all they do. It is with admiration that I congratulate the Girl Scouts and all who support them on the first 90 years of remarkable service, and with enthusiasm that I wish them all the best on the next 90 years.

## INTRODUCTION OF THE ''GUN SHOW BACKGROUND CHECK ACT of 2002''

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Gun Show Background Check Act of 2002'', legislation designed to close the loophole in federal gun laws which allow criminals to buy firearms at gun shows. I am Joined by Representatives FRANK, BERMAN, NADLER, LOFGREN, WATERS, MEEHAN, DELAHUNT, WEINER, ACKERMAN, ANDREWS, BROWN, CLAY, CROWLEY, CUMMINGS, DAVIS (IL), DEGETTE, HASTINGS (FL), JACKSON (IL), KILPATRICK, LEE, MARKEY, SCHAKOWSKY, and WEXLER.

As you know, under current law federal firearms licensees are required to maintain careful records of their sales, and under the Brady Act, to check the purchaser's background with the National Instant Criminal Background Check System (NICS) before transferring any firearm. However, a person does not need a federal firearms license—and the Brady Act does not apply—if the person is not ''engaged in the business'' of selling firearms pursuant to federal law. My bill corrects these deficiencies by (1) requiring background checks for all firearms sales at gun shows, (2) defining gun shows to include any event at which 50 or more firearms are offered or exhibited for sale and (3) by improving firearm tracing measures—in the event that a firearm becomes the subject of a law enforcement investigation.

I do not believe we can close a loophole by opening a dozen more. We should not weaken the Brady law by shortening background checks to 24 hours—thereby allowing more than 2,200 additional felons, fugitives and stalkers to purchase guns in an 18 month period; we should not allow states to limit the search of individual records to ''disposition information''—which, as you may know, excludes mental health records and restraining orders; and we should not create an unprecedented exemption that would allow a gun trafficker to sell thousands of guns from his home without conducting any background checks.

Considering the many recent tragedies and threats of violence we have had in our nations schools and the recent reports indicating that the U.S. gun industry sold numerous guns to members of Osama bin Laden's ''al Qaida'' terrorist network, the importance of enacting legislation that will promote a more secure nation can not be overstated.

It's time for smarter, better gun safety prevention and enforcement. The bill we are introducing today will move us in that direction, I am hopeful that Congress will move quickly to enact this worthwhile and timely legislation.

## HONORING P.J. CORR

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CROWLEY. Mr. Speaker, I rise today to honor P.J. Corr. Mr. Corr will be recognized on Saturday, March 23rd for his many achievements, and for his years of loyalty to the Cavan P&B Association.

P.J. Corr was born in the parish of Mullahoran in Ireland. He is the eldest son of the late Patrick Corr and Cecilia Corr, nee Lynch. They were the proud parents of four children, P.J., Thomas (deceased), Peter who lives in England and Nuala who resides in Dublin.

Mr. Corr completed his formal education at Loungduff National School and was later employed in Dublin by James Caffrey of Jervis Street, a well-known Cavan man. After four years in Dublin, Mr. Corr immigrated to New York where he found employment for eight years in the A&P Supermarket.

In late 1957, Mr. Corr joined the fighting 69th Regiment serving on active duty for six months and the reserves for eight years, eventually reaching the rank of Company Sergeant. In 1965, Corr went to work for Danny Brady, also a Cavan man. After two years, he joined the staff of Killarney Rose and remained there for twenty years. After working in the financial district, he moved on to the restaurant business, working as a manager at the Greentree Restaurant for fifteen years.

In addition, Mr. Corr is very socially involved. He has been a member of the Cavan P&B Association for the last forty years and was the President of the football club from 1985 to 1987. An ardent golfer, Corr is also a member of the Cavan Golf Club. He presently serves as the President of the Mullahoran Social Club, and is a member of clubs such as the Irish American Society of Nassau, Suffolk and Queens, the Greenville Irish American Club, the Michael J. Quill Irish Culture Center in East Durham and the Ancient Order of Hibernians Division 9 Bronx County.

On a more personal note, Corr met the lovely Kathleen McGovern from Blacklion West Cavan in 1959. In 1963, the couple was married. Together, they have three children; Patrick, who is one of the New York's Bravest, Thomas, a member of 32BJ and Noreen who is married to NYPD Sergeant Gerry Dowling. In 1992, Kathleen passed away, God rest her soul.

Mr. Speaker, please join me and the many friends, family and colleagues of P.J. Corr in commending P.J. Corr for his lifetime of service to this nation, his community and his family. We look forward to his continued leadership and inspiration in the years to come and we wish him continued happiness and success.

## HONORING UNITED NATIONS INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor the United Nations International Day for the Elimination of Racial Discrimination. As the world celebrates this day, we must reflect and take action against the existing discrimination and hate within our borders. Since the terrorist attacks on September 11th, thousands of assaults have been reported across the country on people of South Asian, Arab, Muslim, Sikh, and Jewish backgrounds. By October 11th, the Arab Anti-Discrimination Committee had already collected more than 700 reports of hate crimes in the month following September 11th. People have been physically and verbally attacked, others shot and killed, temples were firebombed, and houses were vandalized. Innocent Americans, touched by the devastation of September 11th like the rest of us, must not be singled out for hate just because of their skin color or religious beliefs.

We in Congress condemn this hate and violence. But we must do more. It is time to take the next step and strengthen our current laws to protect victims who are chosen because of their gender, sexual orientation, race, religion, or disability. It is our duty. It is especially important that our children learn that hate crimes will not be tolerated. This is why we must pass H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act of 2001, which would elevate the status of hate crimes within federal law and ensure that state governments and local police have the tools needed to fight and prosecute these crimes. This bill would not take away the ability of state and local authorities to continue prosecuting most hate crimes. It would allow federal officials to assist overstretched states and local officials investigate and prosecute these crimes. It would also provide states and localities with grants designed to combat hate crimes committed by juveniles.

Sadly, the prevalence of hate crimes goes beyond the backlash from September 11th. The Southern Poverty Law Center estimates that last year alone, over 50,000 hate crimes took place. In the summer of 1999, the Midwest, including my district in Illinois, was rocked by the killing spree of Benjamin Nathaniel Smith. A follower of the World Church of the Creator, Benjamin Smith killed Ricky Byrdsong, an outstanding role model in the community and a constituent, and Won Joon Yoon, a student at Indiana University. The Jewish Community in my district was also assaulted on the Sabbath with rounds of gunfire.

The weekend after the September 11th attacks, I marched in solidarity with the South Asian, Arab, Muslim, Sikh, and Jewish communities to stand against the terrorist attacks and the attacks on the community. I saw not only overwhelming sadness, but the fear of violence on the faces of those walking with me. Members of my community and the district that I represent were afraid to send their children to school. They did not want to leave their homes even to go grocery shopping. But I also saw the commitment from community members to combat bigotry and racism.

Those who commit hate crimes perpetuate the sense of terror in our communities and undermine the ideals of our nation. This is why it is so important that hate crimes be recognized for what they are and punished accordingly. These crimes not only devastate victims and their family and friends, but they devastate the community to which the victim belongs. This community becomes stricken with grief as well as the fear that they could be next. The violence inflicted on those based solely on skin color or religion violates the very essence of what our nation is about. Our country represents tolerance and acceptance. We must pass the Local Law Enforcement Hate Crimes Prevention Act. I am proud to represent one of the most diverse districts in the nation and I will work to protect and honor the civil rights of all our people, without any exceptions.

## INTRODUCTION OF THE MEDICARE AND MEDICAID NURSING FACILITY QUALITY IMPROVEMENT ACT OF 2002

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. CAMP. Mr. Speaker, today I introduce the Medicare and Medicaid Nursing Facility Quality Improvement Act of 2002.

This session, legislation has been introduced on numerous important long term care issues ranging from criminal background checks for nursing home staff to additional funding for the Medicaid program that provides the lion's share of financing for long term care. A variety of other financing and regulatory proposals have been introduced or are being discussed. This gives us an important opportunity to discuss a broad range of options intended to improve the quality of care provided to residents in long term care facilities. Today, I am introducing legislation that would improve the quality of care in our nations nursing homes where thousands of our most frail and elderly seniors live. It is my hope that these provisions perhaps combined with other valuable proposals can be enacted into law.

My legislation will provide incentives for the best facilities to improve and give facilities experiencing quality of care issues additional opportunities provide better care for residents. I believe the changes will also focus regulatory efforts on improving outcomes, fostering innovation and ensuring that the federal and state oversight system is more fair and accurate, to the benefit of residents and providers alike. This legislation would:

Alleviate the shortage of well-trained staff. The legislation would restore the ability of more facilities to train nurses aides in order to help hundreds of facilities in Michigan as well as many others across the nation respond more effectively to the shortage of long term care workers and to the needs of their residents. Unfortunately, current law prevents nursing facilities from training nurses aides on site for a full two years after the original problem that led to the prohibition on training is remedied. This penalty is highly counterproductive. It does not serve the interests of residents and hinders rather than enhances the provision of quality care.

Flexibility and Innovation. The legislation would allow for an eight state survey and certification waiver demonstration program so states can adopt innovative regulatory process for nursing homes that focus on improving resident outcomes. Sates should work together with consumers, providers, labor representatives and other involved parties to craft innovative systems that can improve the quality of care. For example in the state of Washington there is broad support among all key stakeholders for such a waiver, and I believe other states would come forward with valuable waiver applications if such a process were available. In addition, states would be given some narrow additional discretion to work within the current enforcement process to avoid any unintended consequences of current law which could harm resident quality of life.

Establish incentives and additional opportunities for technical assistance to help all facilities improve the quality of care. The legislation would establish a range of incentives to encourage nursing homes that are providing the best possible care to exceed their already high standards, while facilitating the provision of technical assistance and advice on best practices to facilities that need to improve care for residents. Such measures will help both good facilities to implement even more effective care practices and assist those that face challenges in their efforts to provide excellent services. Current law provides many penalties to deter and punish those who provide low quality care but strangely absent are incentives for the overwhelming majority of responsible nursing facilities to improve the quality of care.

Insure fair and accurate survey results. Residents, families and health care providers are best served if all disputes concerning surveys of long term care facilities can be resolved quickly and cost-effectively through an independent review process. In fact, in my home state of Michigan providers and regulators are able to resolve many disputes through an independent dispute resolution process. Unfortunately, in many states the process is not independent enough of the state regulatory agency to provide for fair and impartial review. Our independent process in Michigan, as well as the independent systems in several other states can offer many lessons for the nation. Michigan also believes additional steps are needed to insure that all citations, even those that do not result in the immediate imposition of a penalty, can be subject to an appeal. Basic fairness and the principles of due process require us to allow nursing facilities to appeal all publicly reported deficiencies.

Ensure proper medical care. The legislation would prevent government inspectors from overturning the orders of patient's own physicians. Inspectors are charged with evaluating the medical condition of nursing home patients and for making sure nursing facilities provide the best possible care. However some inspectors, even though they are not physicians,

overturn doctor's orders. The changes could endanger a resident's health. Patients do not lose the right to the care prescribed by a personal physician simply because they have entered a nursing facility. When government inspectors substitute their judgment for that of a physician, nursing home providers must choose between the doctor's orders and government sanctions. An efficient and fair system requires that without fear of punishment, nursing home providers be allowed to follow a doctor's orders in keeping with the best interest of their residents. Optimal quality care means that patients should enter nursing homes with the assurance that the care prescribed by their physician is the care they will receive.

I hope this legislation fosters a constructive debate over the best ways to improve care for residents and that involved stakeholders can come together to reach consensus on the need for changes in the current system. I am pleased that already the Michigan Association of Homes and Services for the Aging, the American Association of Homes and Services for the Aging, Lutheran Services in America, the Council for Health and Human Service Ministries of the United Church of Christ and the Catholic Health Association support this legislation. I appreciate the input I have received from others as well and look forward to working with other key stakeholders in long term care and interested members of Congress. As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort.

## RECOGNIZING THE MANY INDIVIDUALS WHO HAVE SIGNED A ''PEACE PLEDGE'' TO STOP THE SPREAD OF WAR TO IRAQ

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. KUCINICH. Mr. Speaker, more than 3,000 individuals from 40 countries and 48 states have signed the Campaign of Conscience Peace Pledge. ''I support peace for Iraq. I grant permission to use my name and city publicly as an opponent of the ongoing economic and bombing war on Iraq, and of any escalation of that war.'' This Peace Pledge has been endorsed by the American Friends Service Committee, Arab-American Anti-Discrimination Committee, Episcopal Peace Fellowship, Education for Peace in Iraq Center, Fellowship of Reconciliation, Lutheran Peace Fellowship, Voices in the Wilderness, and Washington Physicians for Social Responsibility.

A state breakdown of signatories is below with a representative sample from Ohio.

Priscilla Smith, Akron; Helen Thompson, Akron; Gary Blaine, Akron; Sara Cutlip, Akron; Tom Gentry, Jr., Akron; John Howell, Athens; Lynda Nyce, Bluffton; Jean Temple, Brunswick; Amy Spangler, Chillicothe; William Joiner, Cincinnati; Cynthia Maxey, Cleveland; Patti Flanagin, Cleveland Heights; Brenda Joyner, Cleveland Heights; Francis Chiappa, Cleveland Hts.; Mark Chupp, Cleveland Hts.; Melissa Bragg, Columbus; Connie Hammond, Columbus; Morton Saunders, Jr., Copley;

Nathan Ruggles, Cuyahoga Falls; Robert Williams, Cuyahoga Falls; Christina Irene, Dayton; Jana Schroeder, Dayton; Ramona Nash, Dublin; Marion Kim, East Canton; Sarah Ile, Eaton; Joan Slonczewski, Gambier; Margaret Banning, Gambier; Susan Klein, Girard; William Nichols, Granville; Mike Pesa, Kent; Russell Andrews, Jr., Kent; Brad Clinehens, Maplewood; Michall Zabib, Massillom; Susan Mcgarvey, Nashport; Jane McCullam, Newbury;

Diana Roose, Oberlin; Sadie Taylor, Oberlin; Richard Taylor, Oberlin; Geraldine S. McNabb, Oberlin; Ryan Van Lenning, Oxford; Patrick G. Coy, Peninsula; Erin Nash, Shade; Lydia Kuttab Brenneman, St. Marys; Donna Schall, Stow; Sharon Havelak, Sylvania; Matthew Wallace, Toledo; Nandor Szentkiralyi, Toledo; Robert Gibson, Warren; Elizabeth Gibson, Warren; Heather Brutz, Warrensville Heights; Kyle Kunst, Wooster; Rev. Richard Judy, Youngstown.

STATE BREAKDOWN

Alaska—8,
Alabama—8,
Arkansas—3,
Arizona—49,
California—236,
Colorado—73,
Connecticut—34,
District of Columbia—20,
Delaware—5,
Florida—66,
Georgia—26,
Hawaii—4,
Idaho—8,
Illinois—115,
Indiana—32,
Iowa—39,
Kansas—11,
Kentucky—13,
Louisiana—7,
Maine—20,
Maryland—74,
Massachusetts—160,
Michigan—61,
Minnesota—38,
Mississippi—2,
Missouri—46,
Montana—7,
North Carolina—86,
North Carolina,
North Dakota,
Nebraska—12,
New Hampshire—30,
New Jersey—62,
New Mexico—18,
Nevada—9,
New York—214,
Ohio—91,
Oklahoma—7,
Oregon—32,
Pennsylvania—213,
Puerto Rico—1,
Rhode Island—18,
South Carolina—9,
South Dakota—4,
Tennessee—11,
Texas—74,
Utah—4,
Virginia—35,
Vermont—20,
Washington—402,
Wisconsin—56,
West Virginia—1,
Unspecified—92.

## GREEK INDEPENDENCE DAY

SPEECH OF

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 19, 2002*

Mr. LEWIS of California. Madam Speaker, March 25, 2002, marks 181 years since Greece declared its independence from the occupying Ottoman Empire. On March 25, 1821, the Greeks rose against the tyranny with an overwhelming conviction to defeat an overpowering foe. After 400 years of lingering repression and oppression, the brave elected to take a stand and fight for valued liberty and independence. Ultimately, freedom prevailed.

Since September 11, Greece has joined our effort to fight terrorism and bring those responsible for that heinous act to justice. We share the common goal of deterring future terrorist acts. Although it is and will be a difficult fight, unity and alliance with Greece is one of the keys to our ultimate victory.

The war of independence that Greece fought, and ultimately won, reminds us today that independence and liberty do not come without cost. We look to these shared values to help us endure these trying times.

Madam Speaker, we as Americans are inspired by the Greek people and recognize the struggles they have overcome to attain independence. I congratulate them on 181 years of freedom.

## A PROCLAMATION HONORING WILLIAM CROWE

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. NEY. Mr. Speaker, whereas, William Crowe has received the Excellence in Education award from the North Central Association of Colleges and Schools; and

Whereas, William Crowe has been with Buckeye Local High School for 29 years; and

Whereas, William Crowe has worked to bring the joy of learning into the lives of his students; and

Whereas, William Crowe must be commended for his service to the community, taking on numerous leadership roles for the betterment all;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing William Crowe as a recipient of the 2002 Excellence in Education Award.

## RECOGNIZING THE USS ''RALPH TALBOT'' FOR EXEMPLARY SERVICE

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to take the time to recognize the meritorious service of the destroyer USS *Ralph Talbot* during World War II.

Mr. Frank Urbanowicz, who lives in Janesville, Wisconsin, has worked tirelessly to establish formal recognition of the destroyer's actions through the Presidential Unit Citation. While the Navy has not acted, I would like to share with you a brief history of the destroyer and the significance of its actions.

Early in her career, the USS *Ralph Talbot* entered World War II during the attack on Pearl Harbor. The destroyer reacted immediately, retaliating with gunfire and later patrolling the area in search of enemy submarines.

As the war in the Pacific intensified in 1942, the USS *Ralph Talbot* found herself near the Soloman Islands where, at Savo Island, the destroyer engaged in a heated exchange of gunfire with the enemy that left the ship badly damaged.

After repairs the USS *Ralph Talbot* reentered the conflict in 1943, taking an active role in late June and July with the New Georgia campaign in the Soloman Islands. Her vital actions include rescuing 300 survivors from the downed ship USS *McCawley,* providing cover to landing troops, and bombing enemy-held areas. These engagements had prompted a recommendation for the Presidential Unit Citation by Commander Destroyer Squadron Twelve.

The USS *Ralph Talbot* continued patrol and escort duties in the region, as well as landing cover. In 1945, the destroyer commenced duties near Japan, facing difficulty early on with a kamikaze attack that again brought considerable damage. The attack, though, failed to dampen the resolve of the USS *Ralph Talbot* and her crew. She went on to continue patrolling and escorting for the remainder of the war. Following the war, the destroyer was used in atomic tests that ultimately led to her decommission, thus ending a career that earned 12 battle stars during World War II.

I share this with you in the hope that we may honor the dedication and fearless service of the USS *Ralph Talbot* and her crew. The efforts of this destroyer played a vital role in one of the most decisive times in our modern history.

Mr. Speaker, for these reasons, I commend the service of the USS *Ralph Talbot* and believe we can all look to her with appreciation and gratitude.

## INTRODUCTION OF DUTY SUSPENSION BILL

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation to suspend the duty imposed on an ingredient used to develop products used by North Carolina farmers. Glufosinate-ammonium is the active ingredient used in two key herbicides, Liberty and Rely. Liberty is used to control weeds, particularly by corn and soybean growers. Rely controls nutrient and water robbing weeds and grass that plague apple, grape and tree nut growers.

Glufosinate-ammonium is the major cost component in the production of these herbicides, and the manufacturer of this ingredient will be suspending production for more than a year to retool its production facilities. Suspending the duty on this ingredient, currently assessed a tariff of 3.7%, will allow for increased importation of Glufosinate-ammonium so that production of these important herbicides will not be interrupted.

I have been informed that there are no U.S. producers of Glufosinate-ammonium so the bill should receive approval by the U.S. International Trade Commission. I urge the Ways and Means Committee to act on my legislation when it considers the next miscellaneous tariff bill in the coming months.

## THE SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MATSUI. Mr. Speaker, I am pleased to join with the Chairman of the Social Security Subcommittee, Mr. SHAW, in introducing this bill aimed at making improvements in benefits for women under the current Social Security system.

In order to maintain fiscal responsibility, we were limited in the number and scope of the improvements we were able to make. However, the disabled widows, divorced retirees, and widows whose husbands died shortly after retirement who are affected by these improvements will certainly benefit from these changes.

Equally important as the benefit changes themselves, however, is what this bill symbolizes. It shows the importance of maintaining and preserving the defined-benefit Social Security system we have today. It shows how we are able to improve the fortunes of needy beneficiaries by building on the existing structure of the Social Security system. And it shows how the two parties are able to work together once they agree on the goal: to put aside Social Security privatization and instead improve Social Security's guaranteed, lifelong, secure benefits.

I look forward to the swift adoption of these important benefit enhancements.

## IN HONOR OF TERESA JOHNSON-HUNT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Teresa Johnson-Hunt in recognition of her tireless energy and passionate commitment to her community.

Teresa, affectionately called ''Terry'', is the third oldest of seven children born to the late Nathaniel and Louise Haywood Johnson of Panama. She came to New York in the early sixties to pursue a career as a Fashion Designer. She graduated from the Mayer School of Fashion Design and the Fashion Institute in New York City.

She was employed as an Assistant Fashion Designer for twelve years at several prominent fashion houses in the ''Fashion District''. Her career took her to many interesting places and gave her the chance to meet many influential people. One of her most memorable moments was her assignment to design costumes for a group of performers for the New York Metropolitan Opera.

Her professional accomplishments, include a certificate in Word Processing from Brooklyn College and a certificate in Health Administration from the City of New York of New York's Health Services Administration. After attending LaGuardia Community College, she decided to change careers and enter the field of healthcare. She started this new chapter in her life by volunteering as an EKG Technical Aide at what was then Greenpoint Hospital. She quickly decided that the caring and sensitivity to the pain and suffering of the patients affected her too personally so she decided not to continue in the health field. She immediately decided to refocus her studies. After taking business and computer courses at LaGuardia Community College, she obtained employment at Community Board No. 5 in Brooklyn. She currently serves as Assistant to the District Manager.

Her tireless energy and sincere concern for the well being and improvement of those whom she serves so willingly and graciously is commendable. Terry is extremely proud to be a member of the National Council of Negro Women as well as the Women's Caucus. She is a member of St. Claire's Roman Catholic Church. She is married to Von R. Hunt, a former professional musician. She is the mother of two children, Delina and Gregory and the proud grandmother of Jenille, Gregory Jr., Obassi and Basaar.

Mr. Speaker, Teresa Johnson-Hunt has tireless energy and sincere concern for the well-being and improvement of the community and its residents. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly hard working woman.

## MUSIC LEGEND PAT BOONE

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. WAMP. Mr. Speaker, I ask my colleagues to join me in honoring a man, who has entertained millions in song and dance for more than two generations while giving of himself to help people in need all across the country.

Pat Boone, a direct descendant of pioneer Daniel Boone, was the second most popular singer of the late 50s behind Elvis Presley and sold more than 45 million records. He is ranked as the No. 10 singles artist of all time, with a repertoire that exceeds those of Aretha Franklin, Billy Joel and Frank Sinatra. He also managed to finish his college degree, graduating magna cum laude from Columbia University in New York City in 1958.

He was born Charles Eugene Boone in 1934 in Jacksonville, Florida, and moved with his family to Tennessee in 1936. Boone grew up in the Nashville, Tennessee area, where he began singing in public at the age of 10. While still in his teens, he married Shirley Foley in 1953, the daughter of country star Red Foley. Their marriage has endured to this day and they have four daughters: Cherry, Lindy, Debby and Laury.

The following year in 1954, Boone recorded his first of four singles for the Republic label in Nashville and appeared on Arthur Godfrey's Talent Scouts and Ted Mack's Amateur Hour, winning both. A short while later Boone was signed to the Dot label, one that he would stay with throughout his run on the charts from 1955 to 1962. His first top-40 song on the Billboard pop charts was Two Hearts, a cover of an R&B hit for The Charms, which went to No. 16 for Pat in 1955.

Boone projected a smooth style and a clean-cut, wholesome all-American image. His

next offering was a cover of Fats Domino's Ain't That A Shame, a song that propelled both Fats and Boone to stardom. He followed with a cover version of El Dorados' At My Front Door, which quickly became his second record to teach the Top Ten.

Boone had his own way of doing R&B songs. His formula worked and his records sold well. He took on Little Richard, recording Tutti Frutti and Long Tall Sally, both of which he made into big hits. By 1957 Boone's popularity had skyrocketed and the movie and television producers came calling. He appeared in 15 films, including Bernardine, April Love, and State Fair. From 1957 to 1960 he hosted his own television series The Pat Boone/Chevy Showroom. His final top-40 song was a novelty record, Speedy Gonzalez in 1962 and it peaked at number six.

Boone also had a number of country hits in the 70s, with singles Indiana Girl and Texas Woman and albums I Love You More And More Each Day and The Country Side Of Pat Boone. Pat has also been popular in the United Kingdom, where he had 27 records reach the top 40.

Pat Boone has always been a man of deep, personal faith. Over and over again, he has acted on his faith to help other people.

He should be recognized most of all for his self-sacrificing devotion to charity work and for simply carrying out God's call to love Him and to love others. Boone wrote a best-selling autobiography and dedicated the proceeds to establish a Christian college in Villanova, Pennsylvania. He has served as the national spokesman for the March of Dimes, National Association of the Blind and many other charities. Boone served for 18 years as the entertainment chairman and host of the National Easter Seal telethon, which raised over $600 million for handicapped and disabled children.

Mr. Speaker, today I honor the great Pat Boone on behalf of the hundreds and hundreds of children whose lives have been made better through Bethel Bible Village children's home in my hometown of Chattanooga, TN. For 25 years, Pat has not just associated his name with Bethel Bible Village, but he has put his heart and soul into its success. Each year, for the past 25 years, he has sponsored their largest fundraiser, the Pat Boone Bethel Spectacular, which has raised over $1.3 million to help children in the Chattanooga area whose lives have been shattered by crime and troubled homes. Pat's involvement has brought national recognition to Bethel Bible Village, which has allowed them to expand their ministry exponentially. Pat Boone is a true friend to these children and his personal testimony has had such a positive influence on their lives.

Pat Boone is a recording legend and humanitarian role model who understands that the true joy of giving occurs when one doesn't expect anything in return. Over his 40-year career as an entertainer, he has worn the hats of musician, actor, author, and radio host. His tireless commitment to helping others personifies the Biblical instruction that, ''to whom so ever much is given, much is also required.''

## IN HONOR OF PASTOR PAULINE WILLIAMS GRIFFIN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Pastor Pauline Williams Griffin in recognition of her work as a leader in the Church of God in Christ Jesus, an educator, a counselor, community leader, professional woman, wife and mother.

Pauline Williams Griffin was born in Angier, North Carolina. She received her elementary and the first part of her secondary education in Lillington, North Carolina. After her family moved to New York City in 1944, she graduated from Erasmus Hall High School in Brooklyn. she went on to attend Pace University, Bank Street College and The College for Human Services.

Her Bishop, Dr. W.H. Amos, Chief Apostle of the Church of God in Christ Jesus, appointed her Elder of the Church of God in Christ Jesus, N.D. in 1965. Elder Griffin moved rapidly within this setting, as she became the state Mother of the Church of God in Christ Jesus for New York State. She is currently the General Mother as well as a Board Member of the Bank Street College Community Day Care Action Coalition. She is the Director of the Church of God in Christ Jesus Day Care Center as well as the Executive Director of the Church of God in Christ Jesus After-School Program at P.S. 81 in Brooklyn. Elder Griffin is also a member of Community Planning Board No. 3. She serves as the Director of a comprehensive program for young people which includes personal and health counseling and has been directly responsible for the enrollment of 60 students in the program of College for Human Services. In addition, she is Vice President of the Movement for Meaningful Involvement in Child Care. Elder Griffin serves as Vice President of the United Minorities, Inc., is a member of the New York State Citizens Coalition for Children Inc. and the Chairperson of the Concerned Foster and Adoptive Parents Support Group, Inc. as well as belonging to a host of professional organizations.

Pauline is married to Elder Clifton Griffin and is blessed with two lovely daughters, two sons and a beautiful granddaughter.

Mr. Speaker, Pastor Pauline Williams Griffin is a dedicated leader of her community and her church. She is committed to teaching the word of God and bringing the word to the greater community. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

## RE-REGISTRATION CAMPAIGN DENYING RELIGIOUS FREEDOM IN AZERBAIJAN

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SMITH of New Jersey. Mr. Speaker, the ongoing re-registration campaign for religious organizations conducted by the State Committee for Relations with Religious Organizations, headed by Chairman Rafik Aliev potentially violates Azerbaijan's commitments to religious freedom as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Azerbaijan must take steps commensurate with its commitments under the Helsinki Final Act and subsequent OSCE documents to ensure the freedom of the individual to profess and practice their religion or belief, alone or in community with others.

The State Committee, created last year to replace the Religious Affairs Directorate, has broad administrative powers, which Chairman Aliev seems willing to utilize in an attempt to ban minority religious communities through denial of legal registration. Recent reports indicate that of the 407 religious groups previously registered, only approximately 150 are currently under consideration for re-registration by the State Committee. An additional 200 organizations were unsuccessful in their initial application due to technical errors and were asked to resubmit these requests. While I am pleased that 80 groups have been approved, reportedly most are Muslim, I hope that the State Committee is not specifically discriminating against minority faiths or religious groups.

Despite the extension of the re-registration deadline to the end of March, there is legitimate concern that groups will be arbitrarily denied registration, and thereby legal status, despite fulfilling all requirements. In addition, although this is the third registration campaign since 1991, reportedly about 2,000 more religious groups remain unregistered. Recently, a senior official at the State Committee declared unregistered groups will be closed down.

The fear that the State Committee will refuse to register religious groups for arbitrary reasons is supported by several statements from Chairman Aliev himself. For instance, he declared the State Committee hoped to introduce more stringent regulations to govern both religious organizations and individuals. He also said the State Committee can request a court to suspend activities of any religious organization conducting activities deemed illegal or found to undermine national security. The State Committee has also limited the ability for religious communities to import religious material. Reportedly, Chairman Aliev also stated ''religious organizations must be controlled'' and that ''religion is dangerous.'' This flies in the face of President Heydar Aliyev's November 1999 public statements supporting religious freedom in Azerbaijan.

Also of concern are the heavy-handed actions against religious groups by Azeri Government officials and police officers. For example, on January 18, 2002, National Security Ministry officers raided an unregistered Protestant church, Living Stones, which was meeting in a private apartment. The police and security officers searched the residence and seized religious literature. Ten individuals who were attending the meeting were taken into custody, transferred to a police station and interrogated. While eight individuals were released, two church leaders, Yusuf Farkhadov and Kasym Kasymov, were given two-week prison sentences for violating Article 310 of the Administrative Code, which addresses ''petty hooliganism.'' The reported justifications for the raid was that the church is not registered. However, Living Stones had attempted to register with the government, but only after 1½

years of waiting did the government decide their application contained errors and must be resubmitted. In addition, the church is listed as a branch of the Nehemiah Protestant Church, which is registered.

Many other religious communities are also concerned. It is feared the Ashkenzai Jewish community will not be successful in registering, because the State Committee is favoring a separate Jewish group. The liquidation suit brought by Chairman Aliev against the Love Baptist Church in the Narimanov district court continues to drag on. Liquidating the church due to alleged statements by its pastor is a disproportionate penalty and contravenes OSCE commitments. Illegal closures of churches by local officials, as in the case of the Gyanja Adventist Church on February 24, 2002, have not been halted by the State Committee. The closure of mosques under the pretext of state security is also a concern, as the government could ban unpopular groups, despite no proof of illegal activity.

The Helsinki Final Act commits that ''the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.'' Mr. Speaker, I urge President Aliyev to ensure that the re-registration process is accomplished in accordance with Azerbaijan's OSCE commitments. In light of statements by Chairman Aliev, it is apparent the State Committee is perverting the re-registration process to arbitrarily deny legal registration to selected religious communities. The government must take the necessary steps to protect the right of individuals to profess and practice their faith by registering religious organizations, in keeping with Azerbaijan's commitments as a participating OSCE State.

In closing, Mr. Speaker, I am greatly alarmed by the re-registration campaign in Azerbaijan. This being the third time in a decade the government has required registration, it would seem Azerbaijan will continually ''sift'' minority religious groups until all are made illegal. Therefore, it is my hope that the Azeri Government will choose to honor its OSCE commitments and allow religious communities to register without harassment or bureaucratic roadblocks. Members of Congress will be watching to see if groups highlighted in this statement are harassed because of their mention.

## A TRIBUTE TO JACQUELINE EUROPE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise today in honor of Jacqueline Europe for her dedication to her community.

Jacqueline founded the ''Reach for the Stars'' Child Development Center, a Christian centered day school approximately five years ago. Her motto is ''every child is born with gifts and talents, and is capable of learning and becoming scholastically gifted.'' Her vision is to expand the facility to include pre-kindergarten through the sixth grade, as well as continued service of the nursery school to accommodate the needs of her community. Jacqueline also co-founded the ''Childcare Providers Business Coalition Inc.'' whose forum is to make daycare providers a strong united political force. The agenda for the coalition is to effectuate positive changes in the childcare profession.

She is also a very active member of the Bedford Central Presbyterian Church, as a choir member, spiritual counselor and teacher for the Saturday Math and Reading program. She has been recognized as a ''2001 Visionary'' and as a ''2001 Woman History Maker.''

Mr. Speaker, Jacqueline Europe is devoted to serving her community. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me honoring this truly remarkable woman.

## PERSONAL EXPLANATION

### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. SHOWS. Mr. Speaker, regarding Roll Call votes on yesterday, March 19, 2002:

On Roll Call 65, I would have voted YEA on Approving the Journal.

On Roll Call 66, I would have voted YEA on the Motion to Suspend the Rules and Agree to 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.

On Roll Call 67, I would have voted YEA on the Motion to Suspend the Rules and Pass, as Amended H.R. 2509, the Bureau of Engraving and Printing Security Printing Amendments Act.

On Roll Call 68, I would have voted YEA on the Motion to Suspend the Rules and Pass H.R. 2804, regarding the James R. Browning United States Courthouse.

## A TRIBUTE TO REVEREND DR. HENRIETTA SCOTT FULLARD

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Dr. Henrietta Scott Fullard's dedication to her community.

Reverend Dr. Henrietta Scott Fullard's life can be phrased as one of high achievements and a steward of educational excellence. One word that best describes her is ''Teacher.'' The word teacher maybe simple but a word that carries powerful meaning. Throughout her life, she has strived for educational excellence. She earned a Bachelor of Science in Chemistry, a Master in Arts and a Master of Divinity. In addition, she received an honorary Doctor of Education and a Doctor of Divinity. Reverend Dr. Fullard has used her educational experiences and talents to not only serve as an educator on the high school level but as an advisor and principal. She was appointed the first principal of the newly formed Mathematics, Science Research and Technology Magnet School in Cambria Heights, NY. Through her leadership and vision, she established educational partnerships with the National Aeronautics and Space Administration (NASA) and the Department of Agriculture to have the students participate in science and technology research.

As a reverend, while Dr. Fullard was establishing her education agenda, she also served as a minister. She maintained a dual career for several years. Now, retired from her many years of service with the New York City Board of Education, she is currently serving as pastor of the Bethel AME church in Arverne, New York. Her ministerial focus is to develop and promote programs and services that instill community empowerment, economic development, job opportunities and capital investments. With this charge, she founded the Bethel Arverne Home Health Aide Training Program. Since the program's inception, the program has successfully graduated three classes. In addition, she continues to be actively involved in many community, civic associations, and fraternal organizations.

Reverend Dr. Fullard has been a steward of both educational and spiritual upliftment for the Brooklyn community. Reverend Dr. Fullard is truly an educator. And, today it is my pleasure to bring her achievements to the attention of my colleagues.

## RECOGNITION OF MARK GRIMMETTE

### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. HOEKSTRA. Mr. Speaker, I rise today in recognition of the hard work and achievement of Mr. Mark Grimmette, who won the silver medal in the doubles luge at the Salt Lake City Winter Olympic games. Mr. Speaker, this is not the first time Mr. Grimmette has won an Olympic medal. He also won a bronze medal at the Winter Olympic games held in Nagano, Japan in 1998. In winning the bronze, Mr. Grimmette helped end a 34-year medal drought for America in the Olympic luge event.

In addition to his excellence in the Olympics, Mr. Grimmette is also a three-time U.S. national champion in the luge with his doubles partner, Brian Martin. The duo won the World Cup championship in 1998, and won two bronze medals during the 2001–2002 World Cup season.

Mr. Grimmette took his first luge slide at the age of 14 on a track he helped build in his hometown of Muskegon, Michigan, which is located in the 2nd Congressional District of Michigan. That slide began a momentous journey that has taken him to the top in Olympic achievement and ultimately earned him recognition as one of the world's best lugers.

Mr. Speaker, Mark Grimmette represents a proud and longstanding Olympic tradition in Michigan. He has earned much deserved recognition for his accomplishments, and I salute him on his recent Olympic success.

## IN RECOGNITION OF JOHN BROWNE, CHIEF EXECUTIVE OF BP

### HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize John Browne, chief executive of BP for his distinctive leadership on the issue of climate change. In 1997, at Stanford University, John Browne took a bold step; he broke from his peers in the oil and gas industry and set a target to significantly reduce greenhouse gas emissions from company operations. The target he set was a ten percent reduction below a 1990 baseline by the year 2010.

Just last week this same man again stood before an audience at Stanford to announce that the company had achieved the target, and done so eight years ahead of schedule. Importantly, this was done at no net cost to the company. Mr. Browne further announced that BP would continue its quest to reduce the carbon intensity of its activities and stabilize carbon emissions at current levels while growing the company. This, he said, would be achieved through focusing on technology improvements, gains in efficiency and through offering less carbon intensive products to customers.

Mr. Speaker, the actions on the part of John Browne and BP clearly demonstrate that a little bit of initiative can go a long way. This is leadership—we need more of it here in the U.S. on the matter of climate change, because this issue is not going to go away.

I applaud the achievements of John Browne and the progressive company that he leads.

## HONORING ROY C. NICHOLS

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Ms. LEE. Mr. Speaker, I rise today to honor Bishop Nichols for his lifetime of national and international public service. He has been a tireless champion for economic, social and civil justice for more than 50 years.

He once stated, ''education is critical in achieving national goals. Most people forget that the U.S. Constitution was written as a mission statement to establish social justice . . . And, public schools must foster a sense of justice under which people of diverse economic, social, and racial backgrounds can become great.''

In his efforts to help bring equity to underserved communities, Bishop Nichols has served as Chairman of Oakland's Human Relations Commission and President of the Sequoyah Heights Board of Directors. He has also served as a consultant, lecturer, preacher, interim pastor and Bishop in Residence.

In the late '50s and throughout the 60's, Bishop Nichols, then Pastor of Downs Memorial United Methodist Church in North Oakland, joined with national leaders to advocate for civic, economic, social and educational justice in the Bay Area. He was chair of the Berkeley NAACP Education Committee, President of the Berkeley Board of Education (four years before the school district became the first to voluntarily integrate schools), and hosted the first Black Panthers' Breakfast.

Since 1968, Bishop Nichols has worked from several different positions to raise the principles of justice in the faith community. He was a member of the Executive & Central Committees of the World Council of Churches of Geneva, Switzerland; President of Christian Associates in Western Pennsylvania; President of the Council of Bishops for the United Methodist Church; President of the New York Council of Church Executives; and President of Africa University's Development Committee.

Finally as we honor him tonight, I want to thank him on behalf of the entire 9th Congressional District for being a great religious and civil leader. Bishop Nichols has been a friend who has shared his wisdom and has given me support.

I take great pride in joining Bishop Nichols' friends and colleagues to salute the extraordinary Roy C. Nichols.

## BRING SOCIAL SECURITY PRIVATIZATION TO THE FLOOR FOR DEBATE

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. MATSUI. Mr. Speaker, last year the President convened a special, hand-picked commission to study Social Security reform. Unfortunately, the commission was comprised entirely of those who support private accounts as a precondition to any reform proposals they might consider. In December 2001, the commission disbanded after releasing a report in which it detailed three privatization options, each of which cuts benefits and requires massive general revenue transfers to finance private accounts.

President Bush continues to advocate these untested privatization plans as the single solution to Social Security's future financing challenges, but he has thus far been unwilling to submit these schemes to the rigors of the legislative process of advocacy, testimony, and amendment. If these plans are indeed credible options, they should be treated as such. They should be marked up in the House Ways and Means Committee and brought as soon as possible to the House floor for debate and a vote. Should any one of the measures prove feasible or desirable, it would subsequently be sent to the Other Body for additional debate and votes. Should both houses agree, the legislation would then be sent to the President of the United States for his signature or veto.

Sadly, it appears unlikely that Social Security privatization will follow this rational and democratic course. The Republicans refuse to place this issue on the agenda. They have scheduled no markups, no debate, and no votes on what will be a radical change to the most successful program in American history. Meanwhile, the President has indicated that he intends to move forward with these proposals next year.

Mr. Speaker, Social Security is a critically important program for millions in America, and the American people deserve an honest debate on these proposals now. That is why I am introducing this legislation. It is the only way the American people will get the debate they deserve.

Simply put, if neither the President nor the Republican majority in the House will submit the President's privatization plans to the light of day, others will be forced to do it for them. It is with a sincere hope for an open and fair debate that I introduce this legislation to the House of Representatives. I now call on the Republican majority to bring this legislation to the floor.

## IN TRIBUTE TO GLEN AND SALLY BECERRA

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to two of my constituents and friends, Glen and Sally Becerra, who for the second year are chairing the Simi Valley Education Foundation's Lew Roth Dinner.

Few passions are more important to the future of America than the education of our children. Lew Roth epitomized that passion during 23 years as a School Board trustee in my hometown of Simi Valley, California. We registered in different parties, but we were bound by that belief. He was a true teacher and a good friend.

Lew founded the Simi Valley Education Foundation in 1989 to provide the business community and individuals with an avenue to improve our schools. The Lew Roth awards were founded after Lew died in 1991 to recognize other school personnel who share Lew's passion for educating our children. Awarded during a gala dinner celebration, the awards honor a classified school employee, a manager, a teacher and a volunteer. This year's recipients are PTA volunteer Annette Morgan, Garden Grove School Principal Lynn Friedman, Santa Susana School cafeteria manager Linda Pistachio, and longtime educator Peggie Noisette. They join an elite group more important than any Hall of Frame promoted regularly on television.

This year's gala, to be held on Friday at the Ronald Reagan Presidential Library, is a festive gathering that brings the community together to recommit to Lew's ideals and his vision. It is an important fund-raiser for the nonprofit foundation, and provides a large share of the funds the foundation spends each year for teacher grants, classroom technology and other educational needs. The success of the evening helps shape the success of the foundation for the coming year.

And, the success of the evening depends largely on the people who chair the event, the caliber of an active foundation board, and the cadre of other volunteers they assemble to assist them. It's a huge commitment and one that Glen and Sally Becerra have taken on twice. It is anticipated that the galas last year and this year will have raised about $200,000 for the foundation.

I know personally of Glen's and Sally's commitment to family and community. They have two young children who are the loves of their lives. Sally is a dedicated mother and Glen a dedicated father who together actively nurture their children. In addition to serving as a foundation board member, Glen is a city councilman. They have long been active in their community, like their parents before them.

Mr. Speaker, I know my colleagues will join me in congratulating Gland and Sally Becerra on another successful event and thank them for their dedication and ensure our children receive a rich and rewarding education.

## INTERNATIONAL TAX SIMPLIFICATION AND FAIRNESS FOR AMERICAN COMPETITIVENESS ACT OF 2002

### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill, the ''International Tax Simplification and Fairness for American Competitiveness Act of 2002.'' The world economy continues the process of globalizing at a pace unforeseen a few years ago. Our trade laws and practices as well as our commitment to the World Trade Organization have encouraged the expansion of U.S. business interests abroad. However, our tax policy lags far behind and seems out of sync with our trade policy. In fact, our international tax policy seems to promote consequences that may be contrary to the national interest.

The United States is the largest trading nation in the world. In 2000, the value of our exports and imports of goods and services was about $2.5 trillion, or 25% of our GDP. Although the U.S. is not as dominant in the world markets as in the past, foreign earnings from 1990–1997 represented a greater percentage (17.7%) of all U.S. corporate net income than 40 years ago (7.5%). So our economy is becoming more trade dependent than ever.

We confront an economy in which U.S. multinationals face far greater competition in global markets. At the same time, U.S. companies depend more than ever on these markets for a much larger share of profits and sales. In light of these circumstances, the effects of tax policy on the competitiveness of U.S. companies operating abroad is of greater consequence today than ever before.

As we continue to discuss fundamental reform of our tax system. I believe it imperative to address the area of international taxation. In an Internal Revenue Code that is a monument to complexity, there is no area that contains as many difficult and complicated rules as international taxation. Further, it cannot be stressed enough as to the importance of continued discussion between the Congress and Treasury to simplify and make fair our international tax laws. The Treasury's publicly expressed intent to work with Congress this year to pursue meaningful simplification is very encouraging. The Joint Committee on Taxation issued a simplification report last year containing many simplification proposals. Some relating to the international tax area have been included in the bill.

No one is under any illusion that the measure being introduced removes all complexity or breaks bold new conceptual ground. It is also recognized that the enactment of the bill in its entirety is not likely. It is a list of options from which to choose for an appropriate Ways and Means Committee tax bill. I believe, however, that the enactment of any portion of this legislation would be a significant step in the right direction. Likewise, there are cost implications to enactment. There may well be trade-offs in this regard as we pursue other changes in the tax and trade areas. Lastly, the bill attempts to avoid rifle shot provisions or to create situations for abuse. The bill is subject to an ongoing review to make sure these situations do not exist.

The legislation would enhance the ability of the United States to continue as the preeminent economic force in the world. If our economy is to continue to create jobs for its citizens, we must ensure that the foreign provisions of or our income tax law do not stand in the way.

There are many aspects of the current system that should be reformed and greatly improved. These reforms would significantly lower the cost of capital, the cost of administration, and therefore the cost of doing business for U.S.-based firms. This bill addresses a number of such problems, including significant anomalies and provisions whose administrative effects burden both the taxpayers and the government.

The focus of the legislation is to make the international area more rational. In general, the bill seeks in modest but important ways to: (1) simplify this overly complex area, especially in subpart F of the Code and the foreign tax credit mechanisms; (2) encourage exports; and (3) enhance U.S. competitiveness in other industrialized countries.

In summary, the law as now constituted frustrates the legitimate goals and objectives of U.S. businesses and erects artificial and unnecessary barriers to U.S. competitiveness. Neither the largest U.S.-based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mind-numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules that taxpayers can understand and the government can administer? I believe the proposed changes in this bill represent a creditable package and a further step toward reform in the international tax area and urge your support.

## TRIBUTE TO JOHN ''JACK'' DELMAGE

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 20, 2002*

Mr. OSE. Mr. Speaker, I rise today to honor a constituent of mine, Private First Class John ''Jack'' Delmage, who served our nation in combat during World War II. Born March 24, 1919, Jack Delmage was 22 when he volunteered to join the Army as our nation joined the war. This week, more than 50 years later, Jack will finally receive full recognition for his service.

Jack Delmage joined the elite 551st Parachute Infantry Battalion where he earned his Parachutist Badge, known as ''Jump'' Wings. The 551st has an illustrious record of achievements, including the Army's first daylight combat jump and the capture of the first German general. During his early missions, Jack earned the Combat Parachutist Badge with Bronze Star and the Combat Infantryman's Badge. As a result of his actions on August 15, 1944 in Operation Anvil Dragoon, Jack earned the French Croix de Guerre Medal with Silver-Gilt Star, awarded by the President of France to the 551st Infantry Battalion for the magnificent bravery displayed in the capture of Draguignan. In addition, the Kingdom of Belgium awarded the 551st a commemorative ribbon for their efforts.

During his distinguished military service in World War II, Jack Delmage earned a number of service medals, including: the Bronze Star, the Purple Heart, the Army Good Conduct Medal, the American Campaign medal, the European-African-Middle Eastern Campaign Medal, the World War II Victory Medal, and most recently, the Presidential Unit Citation for extraordinary heroism displayed during the Battle of the Bulge.

Through an unfortunate misunderstanding, his comrades believed Jack was killed in action during the Battle of the Bulge, and as a result, Jack never received these service medals. I am proud to join Jack Delmage this Saturday, March 23, 2002, in a ceremony to receive the medals and recognition he has earned and deserves.

# *Daily Digest*

## HIGHLIGHTS

**Senate agreed to H. Con. Res. 360, Adjournment Resolution.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S2193–S2310***

**Measures Introduced:** Twenty-six bills and two resolutions were introduced, as follows: S. 2040–2065, and S. Res. 230–231. **Pages S2260–61**

**Measures Reported:**

H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building''.

H.R. 1749, to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building''.

H.R. 2577, to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the ''Bob Davis Post Office Building''.

H.R. 2876, to designate the facility of the United States Postal Service located in Harlem, Montana, as the ''Francis Bardanouve United States Post Office Building''.

H.R. 2910, to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the ''Norman Sisisky Post Office Building''.

H.R. 3072, to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the ''Vernon Tarlton Post Office Building''.

H.R. 3379, to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building''.

H. Con. Res. 339, expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

S. 1222, to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building''. **Pages S2259–60**

**Measures Passed:**

***Adjournment Resolution:*** Senate agreed to H. Con. Res. 360, providing for an adjournment of the House of Representatives and a recess or adjournment of the Senate. **Pages S2219–20**

***Indian Lands:*** Senate passed 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, clearing the measure for the President. **Page S2307**

***Relative to the Death of Herman Talmadge:*** Senate agreed to S. Res. 231, relative to the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia. **Pages S2307–08**

**Energy Policy Act:** Senate continued 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 S2194–S2219, S2221–22, S2223–29, S2231–39**

Adopted:

By 97 yeas to 1 nay (Vote No. 56), Reid (for Daschle/Leahy) Amendment No. 3040 (to Amendment No. 2917), to express the sense of the Senate on the fair treatment of Presidential judicial nominees. **Pages S2199–S2219**

Craig Amendment No. 3049 (to Amendment No. 3016), to clarify the definition of biomass. **Pages S2221–22**

Collins/Snowe Amendment No. 3058 (to Amendment No. 3016), to clarify the definition of ''repowering or cofiring increment.'' **Pages S2233–34**

Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Page S2194**

Bingaman Amendment No. 3059 (to Amendment No. 2917), to authorize rural and remote community electrification grants. **Pages S2234–35**

Bingaman Amendment No. 3060 (to Amendment No. 2917), to strike section 264 with respect to rural construction grants. **Pages S2234–35**

Bingaman Amendment No. 3061 (to Amendment No. 2917), to permit the Department of Energy to transfer uranium-bearing materials to uranium mills for recycling. **Pages S2234–35**

Bingaman (for Cantwell) Amendment No. 3062 (to Amendment No. 2917), to define the term ''traffic signal module''. **Pages S2234–35**

Bingaman (for Cantwell) Amendment No. 3063 (to Amendment No. 2917), to provide test procedures for traffic lights. **Pages S2234–35**

Bingaman (for Cantwell) Amendment No. 3064 (to Amendment No. 2917), to establish an efficiency standard for traffic lights. **Pages S2234–35**

Bingaman (for Cantwell) Amendment No. 3065 (to Amendment No. 2917), to clarify those entities eligible to participate in the Renewable Energy Production Incentive program. **Pages S2234–35**

Murkowski (for Inhofe) Amendment No. 3066 (to Amendment No. 2917), to insert provisions relating to electric energy. **Pages S2234–35**

Bingaman (for Bayh) Amendment No. 3067 (to Amendment No. 2917), to include geothermal heat pump efficiency among the technologies to be reviewed under section 1701 of the bill. **Pages S2234–35**

Bingaman (for Akaka) Amendment No. 3068 (to Amendment No. 2917), to provide for the updating of insular area renewable energy and energy efficiency plans. **Pages S2234–35**

Bingaman/Murkowski Amendment No. 3069 (to Amendment No. 2917), to provide for access to the Alaska natural gas transportation project. **Pages S2234–35**

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 S2194, S2235–36**

Wyden Amendment No. 3041, to provide additional flexibility to covered fleets and persons under title V of the Energy Policy Act of 1992. **Pages S2198–99**

Rejected:

By 40 yeas to 58 nays (Vote No. 55), Kyl Amendment No. 3038 (to Amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity. **Pages S2194–95**

By 47 yeas to 51 nays (Vote No. 57), Lott Amendment No. 3033 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Pages S2194, S2199–S2219**

By 39 yeas to 57 nays (Vote No. 58), Murkowski Amendment No. 3052 (to Amendment No. 3016), to protect State portfolio requirements. **Pages S2225–29**

By 37 yeas to 58 nays (Vote No. 59), Kyl Amendment No. 3057 (to Amendment No. 3016), to allow the Governor of a State the ability to waive certain provisions of the Federal mandate, if the provisions would adversely effect retail electric customers of the State, with respect to the application of the Federal renewable portfolio standard. **Pages S2231–33**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Pages S2194–S2219, S2221–22, S2223–29, S2231–39**

Feinstein Modified Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets. **Page S2194**

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. **Page S2194**

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 S294**

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Page S2194**

Landrieu/Kyl Amendment No. 3050 (to Amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment. **Pages S2224–25**

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Page S2236**

During consideration of this measure today, Senate also took the following action:

By unanimous-consent, Lott Amendment No. 3033 (listed above) was considered a first-degree amendment. **Page S2195**

By unanimous-consent, Senate vitiated the March 12, 2002 adoption of Murkowski/Daschle Amendment No. 2996 (to Amendment No. 2917), to provide for rural and remote community development block grants. **Page S2234**

A unanimous-consent agreement was reached providing that Graham Amendment No. 3070 (listed

above) be in order notwithstanding the adoption of Bingaman Amendment No. 3016 (listed above).

Page S2308

**Committee Authority:** A unanimous-consent agreement was reached providing that on Friday, March 22, 2002, the Committee on the Budget have until 4 p.m., to report the budget resolution, notwithstanding an adjournment of the Senate. Page S2308

**Nominations Confirmed:** Senate confirmed the following nominations:

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

8 Air Force nominations in the rank of general.

26 Army nominations in the rank of general.

2 Coast Guard nominations in the rank of admiral.

2 Navy nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. Pages S2306–07, S2309–10

**Nominations Received:** Senate received the following nominations:

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

Kenneth Y. Tomlinson, of Virginia, to be Chairman of the Broadcasting Board of Governors.

Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency.

Robert Davila, of New York, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Lex Frieden, of Texas, to be a Member of the National Council On Disability for a term expiring September 17, 2004.

Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Kathleen Martinez, of California, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Carol Hughes Novak, of Georgia, to be a Member of the National Council On Disability for a term expiring September 17, 2004.

Patricia Pound, of Texas, to be a Member of the National Council On Disability for a term expiring September 17, 2002.

Carmel Borders, of Kentucky, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Douglas Carnine, of Oregon, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Robin Morris, of Georgia, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Jean Osborn, of Illinois, to be a Member of the National Institute for Literacy Advisory Board for a term of two years. (New Position)

Kathleen P. Utgoff, of Virginia, to be Commissioner of Labor Statistics, United States Department of Labor for a term of four years.

Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.

Amy J. St. Eve, of Illinois, to be United States District Judge for the Northern District of Illinois.

Henry E. Autrey, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Richard E. Dorr, of Missouri, to be United States District Judge for the Western District of Missouri.

David S. Cercone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Timothy J. Savage, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Ronald Henderson, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of thirteen years. (New Position)

39 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

5 Navy nominations in the rank of admiral.

Routine lists in the Army, Navy. Pages S2308–09

**Messages From the House:** Page S2259

**Measures Referred:** Page S2259

**Measures Placed on Calendar:** Page S2259

**Executive Reports of Committees:** Page S2260

**Additional Cosponsors:** Pages S2261–62

**Statements on Introduced Bills/Resolutions:** Pages S2262–89

**Additional Statements:** Pages S2254–59

**Amendments Submitted:** Pages S2289–S2305

**Authority for Committees to Meet:** Pages S2305–06

**Record Votes:** Five record votes were taken today. (Total—59) **Pages S2195, S2219, S2229, S2233**

**Adjournment:** Senate met at 9:45 a.m., and adjourned at 8:24 p.m., until 10 a.m., on Friday, March 22, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2308).

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS—D.C. COURTS

*Committee on Appropriations:* Subcommittee on District of Columbia concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities from Jasper Ormond, Interim Director, Court Services and Offender Supervision Agency, Cynthia E. Jones, Director, Public Defender Service, Rufus G. King III, Chief Judge, Superior Court, and Annice M. Wagner, Chair, Joint Committee on Judicial Administration, all of the District of Columbia.

## APPROPRIATIONS—NIH

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine proposed budget estimates for fiscal year 2003 for the National Institutes of Health of the Department of Health and Human Services, after receiving testimony from Ruth L. Kirschstein, Acting Director, National Institutes of Health, Department of Health and Human Services.

## CARGO TRANSPORTATION SECURITY

*Committee on Appropriations:* Subcommittee on Transportation concluded hearings to examine how the Department of Transportation will work with state and local authorities in order to face security challenges presented by transportation of cargo by air, sea, and land, after receiving testimony from John Magaw, Under Secretary for Security, RAdm. Paul J. Pluta, USCG, Assistant Commandant for Marine Safety and Environmental Protection, Joseph Clapp, Administrator, Federal Motor Carrier Safety Administration, Allan Rutter, Administrator, Federal Railroad Administration, Ellen G. Engleman, Administrator, Research and Special Programs Administration, and Cpt. Christopher McMahon, Special Assistant to the Secretary of Transportation, on behalf of the Maritime Administration, all of the Department of Transportation.

## DEFENSE AUTHORIZATION

*Committee on Armed Services:* Subcommittee on Readiness and Management Support concluded open and closed hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on U.S. Armed Forces readiness for all assigned missions, after receiving testimony from Paul W. Mayberry, Deputy Under Secretary of Defense for Readiness; Lt. Gen. Gregory S. Newbold, USMC, Director of Operations (J–3), Joint chiefs of Staff; Lt. Gen. David D. McKiernan, USA, Deputy Chief of Staff, G3, Operations and Plans, United States Army; Lt. Gen. Emil R. Bedard, USMC, Deputy Commandant for Plans, Policy, and Operations, Headquarters, United States Marine Corps; Lt. Gen. Charles F. Wald, USAF, Deputy Chief of Staff for Air and Space Operations, Headquarters, United States Air Force; and RAdm. Joseph J. Krol, Jr., USN, Director, Navy Plans, Policy, and Operations, Chief of Naval Operations.

## ACCOUNTING AND INVESTOR PROTECTION

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded 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, and the potential need for a more responsive federal securities law, receiving testimony from Harvey L. Pitt, Chairman, Securities and Exchange Commission.

## BUSINESS MEETING

*Committee on the Budget:* Committee ordered favorably reported an original concurrent resolution, setting forth the fiscal years 2003–2012 budget for the Federal Government.

## NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the nominations of Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration, Vice Adm. Thomas H. Collins, to be Commandant, United States Coast Guard, Department of Transportation, James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere, and certain nominations for promotion in the Unites States Coast Guard.

## CHICAGO AIRPORT CAPACITY

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine airport capacity expansion plans in the Chicago area, focusing on runway construction, and the reduction of aircraft noise, after receiving testimony from Senators Bayh, Durbin, and Grassley; Representatives Hyde, Kirk, Manzullo, and Visclosky; Woodie Woodward,

Associate Administrator for Airports, Federal Aviation Administration, Department of Transportation; Illinois Governor George H. Ryan, and Kirk Brown, Illinois Secretary of Transportation, Springfield; Chicago Mayor Richard M. Daley, John Harris, Chicago Department of Aviation, and Sam Skinner, U.S. Freightways, all of Chicago, Illinois; and John Geils, Suburban O'Hare Commission, Bensenville, Illinois.

## NOMINATION

*Committee on Finance:* Committee concluded hearings on the nomination of Randal Quarles, of Utah, to be Deputy Under Secretary of the Treasury for International Affairs, after the nominee testified and answered questions in his own behalf.

## CORPORATE TAX SHELTERS

*Committee on Finance:* Committee held hearings on proposed legislation that would enhance the corporate tax shelter regulations implemented by the Department of Treasury in 2000 by providing a protection from penalties in order to encourage disclosure of potentially abusive transactions, after receiving testimony from B. John Williams, Chief Counsel, and Larry R. Langdon, Commissioner, Large and Mid-Size Business Division, both of the Internal Revenue Service, and Mark A. Weinberger, Assistant Secretary for Tax Policy, all of the Department of the Treasury.

Hearings recessed subject to call.

## BUSINESS MEETING

*Committee on Governmental Affairs:* Committee ordered favorably reported the following bills:

H.R. 169, to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, with amendments;

S. 803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, with an amendment in the nature of a substitute;

S. 1867, to establish the National Commission on Terrorist Attacks Upon the United States, with an amendment;

S. 1811, to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees, with an amendment;

S. 1822, to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over;

H.R. 577, to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised;

H.R. 2305, to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council;

S. Res. 187, commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle's office, with an amendment;

H. Con. Res. 339, expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment;

S. 1222, to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building'';

S. 1892, to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building'';

H.R. 3379, to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building'';

S. 1906, to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the ''Major Lyn McIntosh Post Office Building'';

H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building'';

H.R. 1749, to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building'';

H.R. 2577, to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the ''Bob Davis Post Office Building'';

H.R. 2876, to designate the facility of the United States Postal Service located in Harlem, Montana, as the ''Francis Bardanouve United States Post Office Building'';

H.R. 2910, to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the ''Norman Sisisky Post Office Building''; and

H.R. 3072, to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the ''Vernon Tarlton Post Office Building''.

## BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following bills:

S. 1992, 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, with an amendment in the nature of a substitute; and

S. 1335, to support business incubation in academic settings, with an amendment.

## DISABILITIES ACT

*Committee on Health, Education, Labor, and Pensions:* Committee held hearings to examine the implementation of the Individuals With Disabilities Act, as it applies to children and schools, receiving testimony from Robert H. Pasternack, Assistant Secretary of Education for Special Education and Rehabilitative Services; Lilliam Rangel-Diaz, National Council on Disability, Washington, DC; Bob Vaadeland, Minnewaska Area Schools, Glenwood, Minnesota; Robert Runkel, Montana Office of Public Instruction/Division of Special Education, Helena; Kim Goodrich Ratcliffe, Columbia Public Schools, Columbia, Missouri; and Valerie Findley, Des Moines, Iowa.

Hearings recessed subject to call.

## FBI REFORM

*Committee on the Judiciary:* Committee concluded hearings on S. 1974, to make needed reforms in the Federal Bureau of Investigation, and to examine the Department of Justice Inspector General report regarding records, information, and technology management issues addressed after the handling of the Oklahoma City bombing investigation, after receiving testimony from Robert J. Chiaradio, Executive Assistant Director, Bob E. Dies, Chief Technology Officer, and Bill Hooten, Assistant Director for Records Management, all of the Federal Bureau of Investigation, and Glenn A. Fine, Inspector General, all of the Department of Justice.

## HOMELAND SECURITY

*Committee on the Judiciary:* Subcommittee on Crime and Drugs concluded hearings on S. 924, to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods, and to examine the funding needs of state and local law enforcement programs to meet the demands of homeland defense, including the Community Oriented Policing Services (COPS) program, after receiving testimony from Mayor Patrick Henry Hays, North Little Rock, Arkansas, on behalf of the United States Conference of Mayors; Mayor Glenda E. Hood, Orlando, Florida, on behalf of the National League of Cities; Michael J. Szczerba, Wilmington Department of Police, Wilmington, Delaware; William J. Johnson, National Association of Police Organizations, and David B. Muhlhausen, Heritage Foundation Center for Data Analysis, both of Washington, DC; and Tommy Ferrell, Adams County Sheriff's Department, Natchez, Mississippi, on behalf of the National Sheriff's Association.

## BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nominations of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.

# House of Representatives

## Chamber Action

The House was not in session today. Pursuant to the provisions of H. Con. Res. 360, the House stands adjourned until 2 p.m. on Tuesday, April 9, 2002.

## Committee Meetings

### AGRICULTURE, RURAL DEVELOPMENT AND FDA APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FDA. Testimony was heard from the following officials of the FDA, Department of Health and Human Services: Lester Crawford, Deputy Commissioner; Daniel Troy, Chief Counsel; and Jeffrey Weber, Acting Senior Associate Commissioner, Office of Management and Systems.

### LABOR, HHS AND EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education held a hearing on Center for Disease Control and Prevention. Testimony was heard from David W. Fleming, M.D., Deputy Director, Science and Public Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

### REPORT—U.S. STOCKPILE

*Committee on Armed Services:* Special Oversight Panel on Department of Energy Reorganization held a hearing on the findings and recommendations of the report of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile. Testimony was heard from John S. Foster, Chairman, Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile.

### ASSESSING THE ASSISTIVE TECHNOLOGY ACT

*Committee on Education and the Workforce:* Subcommittee on 21st Century Competitiveness held a hearing on ''Assessing the Assistive Technology Act of 1998.'' Testimony was heard from public witnesses.

### GLOBAL CROSSING BANKRUPTCY

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing entitled ''The Effects of the Global Crossing Bankruptcy on Investors, Markets, and Employees.'' Testimony was heard from John Morrissey, Deputy Chief Accountant, SEC; and public witnesses.

### EPA CABINET ELEVATION

*Committee on Government Reform:* Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on ''EPA Cabinet Elevation-Federal and State Agency Views.'' Testimony was heard from Nikki L. Tinsley, Inspector General, EPA; John Stephenson, Director, Natural Resources and the Environment, GAO; Karen A. Studders, Commissioner, Pollution Control Agency, State of Minnesota; and Jane T. Nishida, Secretary, Department of Environment, State of Maryland.

### COMBATING TERRORISM

*Committee on Government Reform:* Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on ''Combating Terrorism: Protecting the United States—Part II.'' Testimony was heard from Peter Verga, Special Assistant, Homeland Security, Office of the Secretary of Defense; Stephen McHale, Deputy Under Secretary, Transportation Security, Transportation Security Administration, Department of Transportation; William A. Raub, Deputy Director, Office of Public Health Preparedness, Department of Health and Human Services; Kenneth O. Burris, Director, Region IV (Atlanta), FEMA; and the following officials of the Department of Justice: James Caruso, Deputy Assistant Director, Counter Terrorism, FBI; and Joseph R. Greene, Acting Deputy Executive Associate Commissioner, Field Operations, INS.

### FEDERAL GOVERNMENT TRANSITION TO ELECTRONIC GOVERNMENT

*Committee on Government Reform:* Subcommittee on Technology and Procurement Policy held a hearing on ''Turning the Tortoise Into the Hare: How The Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government.'' Testimony was heard from the following officials of the GAO: Randy C. Hite, Director, Information Technology Systems Issues; and Dave McClure, Director, Information Technology Management Issues; Mark Forman, Associate Director, Information Technology, OMB; Lee Holcomb, Chief Information Officer, NASA; Debra Stouffer, Deputy Chief Information Officer for IT Reform, Department of Housing and Urban Development; Mayi Canales, Deputy Chief Information Officer, Department of the Treasury; Laura Callahan, Deputy Chief Information Officer, Information Technology Center,

Department of Labor; Janet Barnes, Chief Information Officer, OPM; and Lloyd Blanchard, Chief Operating Officer, Office of Management and Administration, Office of the Associate Deputy Administrator, SBA.

## OVERSIGHT

*Committee on the Judiciary:* Subcommittee on Immigration and Claims held an oversight hearing on ''The INS and Office of Special Counsel for Immigration Related Unfair Employment Practices.'' Testimony was heard from the following officials of the Department of Justice; Juan Carlos Benitez, Special Counsel, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices; and Joseph R. Greene, Acting Deputy Executive Associate Commissioner, Field Operations, INS; and public witnesses.

## OVERSIGHT

*Committee on Resources:* Subcommittee on National Parks, Recreation, and Public Lands held an oversight hearing on the Status of the Future Visitor Center and Associated Fundraising Efforts at the Gettysburg National Military Park. Testimony was heard from Senator Santorum; the following officials of the Department of the Interior: Paul Hoffman, Deputy Assistant Secretary, Fish, Wildlife, and Parks; and David Hollenberg, Associate Regional Director, National Heritage Partnerships, N. E. Region, National Park Service; and Robert C. Wilburn, President, Gettysburg National Battlefield Museum Foundation, York, Pennsylvania.

## SOUTHEAST ASIA ISSUES

*Permanent Select Committee on Intelligence:* Subcommittee on Human Intelligence, Analysis and Counterintelligence and the Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on Southeast Asia Issues. Testimony was heard from departmental witnesses.

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# COMMITTEE MEETINGS FOR FRIDAY, MARCH 22, 2002

*(Committee meetings are open unless otherwise indicated)*

## Senate

No meetings/hearings scheduled.

## House

*Committee on Government Reform,* Subcommittee on the District of Columbia, hearing on ''Privacy vs. Security: Electronic Surveillance in the Nation's Capital,'' 9 a.m., 2154 Rayburn.

*Next Meeting of the SENATE*

10 a.m., Friday, March 22

Senate Chamber

**Program for Friday:** Senate will be in a period of morning business.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, April 9

House Chamber

**Program for Tuesday:** To be announced.

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