United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, THURSDAY, JUNE 6, 2002 No. 73

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 6, 2002.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

Rabbi Dov Hazdan, The Ner Tomid K, Staten Island, New York, offered the following prayer:

Our Father who art in Heaven, we stand before Thee as the world faces very dangerous and troubling times. We seek Thy blessing and guidance for peace and tranquility for all mankind.

Bless Thou our glorious land of liberty, our leaders and these representatives who are charged with the great responsibility of directing the affairs of our Nation. May Thy spirit dwell richly within them as they manifest abiding courage and sincere faith, in the cherished traditions of our Founding Fathers, to work for freedom, justice and peace. Grant them loving kindness and patience, understanding and foresight so that they will ever be warmed by Thy love and nurtured by Thy teachings.

May the United States of America under God remain a symbol of freedom and a watchtower from which rays of light and hope shall be beamed to those who are now living in darkness and despair. Hasten the day when the great hope of universal peace will prevail throughout the world with justice and freedom for all people. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. HASTINGS of Florida 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.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 37, nays 363, not voting 34, as follows:

[Roll No. 213]

YEAS—37

Becerra	Honda	Mink
Bishop	Jefferson	Olver
Capuano	Johnson, E. B.	Rangel
Carson (IN)	Jones (OH)	Rodriguez
Clay	Kennedy (RI)	Sanders
Conyers	Kucinich	Simmons
Delahunt	Langevin	Stupak
Doggett	Lee	Tierney
English	Markey	Velazquez
Evans	Matsui	Waters
Filner	McDermott	Woolsey
Hastings (FL)	McNulty	
Hinchey	Miller, George	

NAYS—363

Abercrombie	Boyd	Cummings
Ackerman	Brady (PA)	Cunningham
Aderholt	Brady (TX)	Davis (CA)
Akin	Brown (FL)	Davis (FL)
Allen	Brown (OH)	Davis (IL)
Baca	Brown (SC)	Davis, Jo Ann
Bachus	Bryant	Davis, Tom
Baird	Burr	Deal
Baker	Burton	DeFazio
Baldacci	Buyer	DeGette
Baldwin	Calvert	DeLauro
Ballenger	Camp	DeMint
Barcia	Cannon	Deutsch
Barr	Cantor	Diaz-Balart
Barrett	Capito	Dicks
Bartlett	Capps	Dingell
Bass	Cardin	Dooley
Bentsen	Carson (OK)	Doolittle
Bereuter	Castle	Doyle
Berkley	Chabot	Dreier
Berman	Chambliss	Duncan
Berry	Clayton	Dunn
Biggert	Clement	Edwards
Bilirakis	Clyburn	Ehlers
Blagojevich	Coble	Emerson
Blumenauer	Collins	Eshoo
Boehlert	Condit	Etheridge
Boehner	Costello	Everett
Bonilla	Cox	Farr
Bonior	Coyne	Fattah
Bono	Cramer	Ferguson
Boozman	Crane	Flake
Borski	Crenshaw	Fletcher
Boswell	Crowley	Foley
Boucher	Culberson	Forbes

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Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
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Hansen
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Istook
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Jackson-Lee (TX)
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Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
LaFalce
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
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Levin
Lewis (CA)
Lewis (KY)
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Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
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Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
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Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
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Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
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Simpson
Skeen
Skelton
Slaughter
Smith (MI)
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Smith (WA)
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Spratt
Stark
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Strickland
Stump
Sullivan
Sununu
Sweeney
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Taylor (MS)
Taylor (NC)
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Thompson (CA)
Thompson (MS)
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Turner
Udall (CO)
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Walden
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Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—34

Andrews
Armey
Barton
Blunt
Callahan
Combest
Cooksey
Cubin
DeLay
Ehrlich
Engel
Gilchrest
Gordon
Goss
Gutierrez
Hilleary
Houghton
Kaptur
Kirk
Kolbe
Lantos
Lewis (GA)
Lowey
Meek (FL)
Moran (VA)
Rahall
Reynolds
Riley
Towns
Traficant
Walsh
Watts (OK)
Wexler
Young (AK)

□ 1028

Messrs. GILMAN, DAN MILLER of Florida, LARSON of Connecticut, POMEROY, UDALL of New Mexico, QUINN, KILDEE, AKIN, BERRY, BOEHLERT, SHAW and Mrs. CAPPS changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, the following Members were unavailable for rollcall vote 213 this morning, on the Motion to Adjourn, due to a meeting we were holding with President of Egypt Hosni Mubarak at Blair House relating to the Middle East Peace Process:

The gentleman from Alabama (Mr. CALLAHAN), the gentleman from Arizona (Mr. KOLBE), the gentleman from Florida (Mr. GOSS), the gentleman from California (Mr. LANTOS), myself, the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Virginia (Mr. MORAN), and the gentlewoman from New York (Mrs. LOWEY).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that 1-minutes will be postponed until the end of the day.

□ 1030

PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas the President's constitutional duty is to faithfully execute the laws of the United States, and

Whereas, under the Constitution, treaties have the status of ''supreme law of the land,'' equally with other laws, and

Whereas, the President does not have the authority to repeal laws, and

Whereas, the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile Treaty in particular, without the consent of Congress, and

Whereas, the President unilaterally withdrew the United States of America from the Anti-Ballistic Missile Treaty of 1972 without seeking or obtaining the consent of either house of Congress; therefore be it

Resolved, That the President should respect the Constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the Anti-Ballistic Missile Treaty.

POINT OF ORDER

Mr. HYDE. Mr. Speaker, I make a point of order that the resolution does not constitute a question of privilege under rule IX of the rules of the House.

Mr. Speaker, I would like to speak specifically to the parliamentary issue before the House, whether the resolution offered by the gentleman from Ohio constitutes a question of privilege. The starting point for this inquiry is the rules of this institution, and in particular rule IX which governs questions of privilege.

Rule IX states that in order for a resolution to constitute a question of privilege of the House, it must deal with matters ''affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings'' or ''affecting the rights, reputation and conduct of the Members, Delegate or the Resident Commissioner, individually, in their representative capacity only.''

An important clarification of this rule is set forth in section 702 of the House Rules and Manual. That section states that, under applicable House precedents, ''rule IX is concerned not with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House.''

Mr. Speaker, in this connection I think it is important to emphasize the gentleman's resolution relates to the termination of a treaty. As we all know, the Constitution gives the House of Representatives no role in the approval of treaties. Under article 2, section 2, clause 2 of the Constitution, the Senate alone has the prerogative to review treaties and approve their ratification by the President. Until the Senate grants its approval, a treaty may not be ratified and enter into force.

In the case of the antiballistic missile, or ABM, treaty, which is the subject of this resolution, the Senate approved ratification of the treaty on August 3, 1972, and President Nixon ratified it 2 months later. Once this happened, the ABM treaty became the supreme law of the land pursuant to article 6, clause 2 of the Constitution. All of this happened without any involvement by the House of Representatives, which is as it should be under the Constitution. In addition, the treaty itself under article 15 states that ''each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty.''

The sponsor of this resolution argues that even though the House of Representatives had no role in bringing the ABM treaty into force, we somehow have an indispensable constitutional role in deciding whether to approve the termination of the treaty. I could understand someone in the Senate making such an argument about the prerogative of the Senate in such matters, but I am mystified how anyone could read such a prerogative into the Constitution for the House of Representatives.

More to the point, the Supreme Court has told us that not even the Senate has such a prerogative. In 1979 in the case of Goldwater v. Carter, the Supreme Court rejected a claim by former Senator Goldwater that President Carter had acted unconstitutionally by abrogating our mutual defense pact with Taiwan without first obtaining the Senate's permission to do so. I happen to share some of Senator Goldwater's reservations about President Carter's action with regard to our commitments to Taiwan. But disagreeing with the substance of the action is very different from claiming that the action itself was unconstitutional. That is in effect what the Supreme Court told Senator Goldwater when it threw his case out of court.

I would urge the sponsor of this resolution to take that lesson to heart. He certainly has the right to disagree with President Bush's decision, and I would welcome a debate on any properly framed legislation he might want to offer addressing that decision, or questions of missile defense more generally. But it ill serves this institution, to say nothing of the Constitution, to accuse the President of violating the Constitution when Supreme Court precedent and 215 years of practice make clear that the President was fully within his rights to act as he did.

Out of respect for this institution and our Constitution, I would urge the gentleman to withdraw his resolution. Failing that, I would urge the Chair to rule the resolution out of order, and I would urge my colleagues to sustain that ruling if appealed.

The SPEAKER pro tempore. Does the gentleman from Ohio wish to be heard?

Mr. KUCINICH. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, I would like to begin by thanking my good friend from Illinois and letting him know that this is not about the ABM treaty. This is really about the role that this institution has in a democracy. Mr. Speaker, almost 226 years ago, the Founders of this great Nation cast off the yoke of imperialism and declared their independence from the tyranny of King George III. Soon after, these United States weaved from the sturdy threads of justice and democracy a Constitution to serve as the ultimate guardian of rule by the people and for the people. Over two centuries later, these documents still comprise the fabric of our Republic.

Unfortunately, Mr. Speaker, this fabric is today being steadily frayed by an executive that does not respect the constitutionally protected role of this Congress in the governance of our Nation. The President insists that he has the unilateral authority to terminate treaties; but article 1, section 1 of our Constitution clearly states, quote, ''all legislative powers shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.''

The Constitution empowers Congress to establish laws and charges the President with carrying out these laws. Nowhere in this Constitution does it give the President the authority to repeal laws. Only Congress has the authority to undo its legislative work. Yet this is exactly what the President has done, unilaterally repeal a law, the ABM treaty, that was constitutionally enacted by joint action of the legislature and executive, Senate ratification and Presidential signature.

The Constitution sets up the legislature and the executive as coequal and separate branches of government. Allowing the President to execute only those laws he agrees with obliterates our carefully constructed system of checks and balances. If the President acts both as the maker and the executor of laws, why have a Congress at all? Such action was so offensive to liberty that Thomas Jefferson cited it in the Declaration as a grievance warranting disaffiliation with Britain. Thomas Jefferson chafed at the actions of King George and others, quote, ''suspending our legislatures and declaring themselves vested with power to legislate for us in all cases whatsoever.''

Mr. Speaker, your decision today to grant privilege to this motion should take into consideration the grave challenge to the Constitution the President has made in his unilateral withdrawal from a treaty; but your decision, Mr. Speaker, will and must turn on House precedent. My motion to raise a question as to the privileges of this House under rule IX falls under section 702 of the rule and, Mr. Speaker, section 702 of this rule, which I have highlighted here in green in the Jefferson manual, and I would ask my colleagues to look at this because these are the rules that we play by. Section 702 of this rule states, ''The constitutional prerogatives of the House also include its function with respect to treaties.'' I am going to read that again. The constitutional prerogatives of the House, of the House, also include its function with respect to treaties.

Hind's notations in this book contains 36 precedents. Thirty-five of them do not have any bearing on this issue today, but one of them does, Mr. Speaker, and I believe that one establishes the precedent for my motion today. I refer specifically to notation 1505. On March 2, 1835, the House agreed to the following resolution which read in part, ''Resolved, that in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained.''

Why did the House pass a resolution stating that a treaty should be maintained? The treaty with France was done to settle claims by the U.S. against France for the confiscation of American vessels and cargo. At the time France confiscated American property, our two countries were hostile towards each other. The treaty of 1831, then, was an act of diplomacy intended to prevent the resumption of hostilities through the diplomatic resolution of claims. President Andrew Jackson was unhappy with French compliance with the treaty, which in his opinion was too slow. President Jackson, according to ''A Diplomatic History of the American People'' by Thomas Bailey, was thoroughly aroused. ''The French,'' he was reported to have shouted, ''won't pay unless they're made to.'' He declared that Congress should authorize the Federal Government to seize French property.

According to another source, ''A Diplomatic History of the United States'' by Samuel Flagg Bemis, ''Further negotiation,'' Jackson declared, ''was out of the question.'' In other words, Mr. Speaker, President Jackson wanted to withdraw from the treaty with France. The House, wanting to support the President, gave the President the authority to make contingent preparations to meet any emergency growing out of relations with France. But, and this is a critical point, Mr. Speaker, the House did not authorize the President to withdraw from the treaty. Rather, the House asserted the opposite, that the treaty should be maintained. Congress insisted that the President not rule out of question further negotiation with France as his rhetoric and actions suggested he wanted to.

□ 1045

Instead, Congress in effect told him he had to continue negotiating with France.

Now, I ask my colleagues today, who here has the courage, like our vaunted predecessors in this hallowed body, to assert Congressional prerogative? Who here will challenge a power grab by the chief executive?

The world's geopolitical trash bin is already littered with treaties and agreements unilaterally discarded by the United States under this administration. Congressional requests for testimony and information are routinely ignored. Our insistence on our oversight role is scoffed at. We must assert our role in this treaty withdrawal in order to prevent further erosion of constitutional authority.

Mr. Speaker, in 1835 the House of Representatives asserted its prerogative with respect to treaties, and that law is why this reference is in this manual. It did not permit the President to unilaterally withdraw from the treaty with France as he clearly intended to do and as he stated his intention to do so. Instead, through action in this House, Congress affirmed that the treaty with France be maintained. This episode, Mr. Speaker, set a precedent for this House that bears directly on this resolution today.

My resolution states, ''Resolved, that the President should respect the constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the Antiballistic Missile Treaty.'' In other words, before the President

unilaterally withdraws the United States from a treaty, he should seek approval of the Congress, as the Congress of 1835 asserted.

Mr. Speaker, it is my belief that the privileges of this House as set forth by a precedent in 1835 have been violated by the President. My motion claims that a privilege of this House has been violated, and it is a privilege that sits on 167 years of precedent.

Mr. Speaker, indeed, in more than two centuries, only a handful of treaties have been unilaterally terminated by the President. In the vast majority of those cases, one or both of the Houses of Congress consented.

My motion, Mr. Speaker, deserves to be heard today. Supreme Court Justice Frankfurter ruled 50 years ago, ''The accretion of dangerous power does not come in a day. It does come, however, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.''

Mr. Speaker, at issue today are not the specifics of the ABM treaty, the merits of missile defense or any other policy considerations. At issue is whether this House of Representatives, this Congress, will stand up to an imperial President.

''The history of the present king of Great Britain,'' wrote Thomas Jefferson in this declaration, ''is a history of repeated injuries and usurpations.''

How many injuries and usurpations must this Congress endure before it fights back? How much longer will we allow this executive to trample on our Constitution? I urge the Speaker to allow this motion to be heard, and I urge my colleagues to defend this document, our Constitution of the United States, which establishes the centrality of the role of this Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Illinois (Mr. HYDE) wish to be heard further on the point of order?

Mr. HYDE. I would like to be heard further on my point of order.

Mr. Speaker, if the gentleman from Ohio, who is my good friend and someone for whom I have the utmost respect, but if his theory has any substance, then the Mutual Defense Treaty with Taiwan which President Carter abrogated unilaterally must have undergone resurrection. It was improperly terminated then, and how many treaties over the years have been terminated without the involvement of the House that have now experienced Easter?

Now, it is a matter of fact that the treaty itself provided a means for revocation and the Senate ratified the treaty in all of its verbiage in all the four corners of the document, and article 15, section 2, as ratified by the United States Senate pursuant to the Constitution, says, ''Each party shall in exercising its national sovereignty have the right to withdraw from this treaty,'' et cetera, et cetera.

The President was required to give 6 months notice, he did give 6 months notice, and June 13 of this year equals the 6-month period where the revocation becomes final.

So the Congress was involved in the treaty ratification pursuant to the Constitution, which gives the House no role in ratifying treaties. The rule the gentleman referred to talks about the House's role in implementing treaties through legislation. Yes, we have that role, we always have. But that is a far cry from saying we must approve a termination of a treaty which, by its terms, provided a process for revocation by the President.

Mr. KUCINICH. Mr. Speaker, may I respond.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, my good friend from Illinois would be interested to hear the words of a constitutional law scholar who wrote in the New York Times on August 29, 2001, and this is from Professor Bruce Ackerman, he said, ''Presidents can't terminate statutes they don't like. They must persuade both houses of Congress to join in a repeal. Should the termination of treaties operate any differently? The question first came up in 1798. As war intensified in Europe, America found itself in an entangling alliance with the French under treaties made during our own revolution. But President John Adams did not terminate these treaties unilaterally. He signed an act of Congress to declare the treaties heretofore concluded with France no longer obligatory on the United States. The next case was in 1846. As the country struggled to define its northern boundary with Canada, President James Polk specifically asked Congress for authority to withdraw from the Oregon Territory Treaty with Great Britain and Congress obliged with a joint resolution. Cooperation of the legislative and executive branches remained the norm, despite some exceptions, during the next 125 years.''

That is from constitutional scholar Bruce Ackerman.

Furthermore, citing my good friend from Illinois who spoke of Goldwater versus Carter, another constitutional scholar, Peter Weiss, said in a work called The President, the Constitution and the ABM Treaty, ''It is generally believed that Congress lost this case, Goldwater versus Carter, precluding further challenges to unilateral presidential termination. But as a vast number of commentators have pointed out and as the following analysis will show, this is a vast oversimplification of the extraordinary complex set of judicial rulings. In fact, Congress' role in treaty termination is very much alive. As Chief Judge Wright of the D.C. Circuit, quoted with approval by Justice Rehnquist of the Supreme Court, said in the Goldwater case, Congress has a variety of powerful tools for influencing foreign policy decisions that bear on treaty matters. In the first stage of the constitutional debate between 24 members of Congress and President Carter, Judge Oliver Gasch of the District Court of the District of Columbia District found that the plaintiffs had standing to invoke the aid of his court and their suit was not barred by the political question doctrine. In approaching the substantive question of treaty termination authority, on which the Constitution is silent, Judge Gasch first reviewed the history of two centuries of treaty termination. He found that, while there have been some apparently unchallenged instances of unilateral termination by the President, most of these involved 'commercial situations where the need for the treaty or the efficacy of it was no longer apparent.' ''

More significantly, Mr. Speaker, he found out that ''The great majority of the historical precedents involved some form of mutual action whereby the President's notice of termination received the affirmative approval of the Senate or of the entire Congress.''

I want to conclude by stating this. He says, ''The President invoked his foreign affairs power in support of his position,'' citing the famous, or infamous, depending on one's views, dictum in Curtiss-Wright, that he is ''the sole organ of the Federal Government in the field of international relations.''

But that case involved an executive agreement, not a treaty, and Judge Gasch dismissed the argument in the following terms: ''While the President may be the sole organ of communication with foreign government, he is clearly not the sole maker of foreign policy. In short, the conduct of foreign relations is not a plenary executive power.''

Mr. HYDE. Mr. Speaker, may I be heard further?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HYDE. Mr. Speaker, the Constitution, section 2, says he shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

I have looked through this document. It does not say a single blessed thing about revocation or termination of treaties. It talks about the making of them, and it is the Senate who advises and consents, with two-thirds in support.

Now, I would like to ask my dear friend if there is any merit or substance to his position, how many votes of the House will it take to ratify a termination and where do you find that?

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois, but Members should not be yielding back and forth.

Do any other Members wish to be heard?

Mr. KUCINICH. Mr. Speaker, I would like to answer the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, the gentleman from Illinois speaks to the Senate's ability to make treaties.

Mr. HYDE. Ratify.

Mr. KUCINICH. Ratify treaties. But it does not speak to the President's authority to break treaties which he has no authority to do, as the treaty is a law.

Mr. HYDE. Mr. Speaker, if I may be heard further, but the treaty itself, Mr. Speaker, provides a mechanism for terminating the treaty, and that treaty was ratified by a two-thirds vote of the Senate, which involved the House constitutionally. So, I just do not see what the gentleman's complaint is.

The SPEAKER pro tempore. The Chair would remind Members that they are to make their points to the Chair.

Mr. KUCINICH. Mr. Speaker, my good friend, the gentleman from Michigan (Mr. KILDEE), points out that in article VI it says, ''This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made,'' and all treaties made, ''or which shall be made under the authority of the United States, shall be the supreme law of the land.''

It is a law and the President cannot unilaterally break a law. It is not his right under the Constitution.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to be recognized?

Mr. KIRK. Mr. Speaker, I seek to be recognized on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KIRK. Mr. Speaker, I rise to support the gentleman from Illinois (Chairman HYDE) in his objection on this motion.

The gentleman from Ohio refers to House rule 9 preserving the integrity of the House, but he does not refer to article II of the Constitution, which clearly places the power to ratify treaties not in this body, but in the Senate.

□ 1100

He does not refer to the text of the ABM treaty, which reads as follows, in article 15, part 1: ''Each party shall, exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interest. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty,'' which the President has done.

This power is given directly to the President to respond to increased threats from missiles by withdrawing from the outdated 1970s document.

This motion by the gentleman from Ohio (Mr. KUCINICH) ignores settled Supreme Court decisions regarding the abrogation of the treaty with Taiwan. This motion does not refer to the SHAHAB III Iranian missile program, the Iraqi Scud program, the North Korea No Dong missile program, all pointed at the U.S. Armed Forces. It makes no reference to the 39 Scud missiles that fell on Israel and the growing missile threat to our Israeli allies.

Under the terms of the Constitution, giving this power to the Senate, not to the House, in a treaty which specifically allows the President to withdraw from it, and relevant Supreme Court decisions regarding the abrogation of the treaty, and in light of the growing missile threat from rogue nations to the United States and our allies, the President has duly executed this authority and the House has no role.

In sum, Mr. Speaker, this is a treaty, not a law. A treaty should be regarded as a statute, especially with regard to implementing legislation requiring House action. That is not present here, and the motion should be ruled out of order.

The SPEAKER pro tempore (Mr. LAHOOD). Does any other Member wish to be heard?

Mr. NADLER. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this is a very, very important debate. I want to commend the gentleman from Ohio (Mr. KUCINICH) for bringing this resolution before the House.

I would direct my remarks particularly to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

There are two texts that are key here. One is the provision in article 6 of the Constitution that the gentleman from Ohio read a few minutes ago: ''The Constitution and the laws of the United States, which should be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land.''

A treaty is a law, in exactly the same sense as any other law made pursuant to the Constitution of the United States. It is treated exactly the same. That is the first point.

The gentleman from Illinois read from the ABM treaty, and he read a sentence that says, and I do not have the exact words, and the gentleman from Illinois may wish to give me the exact words, but the parties shall have the authority to withdraw from the treaty. I think that is what the gentleman read, that the ''parties'' shall have the authority to withdraw from the treaty.

But who are the parties? The party is the United States, not the President. Indeed, the President, who signed it, Richard Nixon, I think, would we say that only Richard Nixon has the authority to withdraw from the treaty, or Richard Nixon's successors? No, the parties to the treaty are a country. The United States signs the treaty. Someone may sign on behalf of the United States, but the United States is the party to a treaty; so the United States may, according to its constitutional processes, whatever they may be, and that is what we are discussing here, withdraw from a treaty.

So that language in the treaty is not particularized to the President. The question is: How does the United States withdraw from a treaty? I submit this is a very important debate and should not be ruled out of order. It may be the resolution, it may be that we need further study of this.

Maybe one could make a case, I do not think so, but maybe one could make a case that rather than a vote of both Houses to withdraw from the treaty, we should need a two-thirds vote of the Senate, because that is how we got into it. I would not think so, but it may be.

But the fact is, it is the law. The Constitution in article 6 says that the treaty which shall be made under the authority of the United States shall be the supreme law of the land. We cannot permit, in a democratic society, the President by himself or any other person by himself to repeal a law. That is not our system.

It is, frankly, puzzling to me, it has been puzzling for a long time, and I think this opens a number of questions, that we have various trade treaties which do not get two-thirds votes in the Senate and require votes in the House and Senate. I do not understand why they are not treaties. There are provisions in the Constitution that we seem to have conveniently forgotten about.

I think that this provision is very clear: a treaty is a law, exactly the same as any other law. It can be repealed in the same way, and the language of the gentleman from Illinois, that the distinguished chairman cited in the treaty itself, simply says the parties may withdraw from the treaty; but the party in this case is the United States.

The parties it refers to are the United States and Russia and China; China did not sign it, but France, and whoever else signed the treaty. A party to a treaty has always been held in law to be the country, not the individual who signed on behalf of the country.

The SPEAKER pro tempore. The gentleman recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, the gentleman reminds us that a treaty is the supreme law of the land, and then says that the President cannot abrogate the law unilaterally without some legislative action.

I suggest that the President has followed the law to the letter. The law is in the treaty. The treaty itself provides a mechanism for withdrawing from the treaty: ''Each party shall, in exercising its national sovereignty. . . . '' How do we exercise our national sovereignty? The gentleman would suggest a plebiscite throughout the country.

The very words of the treaty, which are the supreme law of the land, have been observed by the President. So that argument is a nullity.

Secondly, do all Members, and I am asking this rhetorically, do all Members concede the Taiwan defense treaty as still valid and that President Carter's termination of it was illegal, and of no force and effect? They have

to hold that position if they hold the position they are arguing today.

I submit this is not a privilege of the House.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the distinguished gentleman from Illinois (Mr. HYDE) for his recounting of the past history with the Taiwan agreement. I might not be quoting specifically from the Constitution, but past errors do not suffice for allowing us to continue in that path.

What we have not done, Mr. Speaker, is to focus on the language that the distinguished gentleman from Ohio (Mr. KUCINICH) has offered. The language specifically said: ''Resolved, that the President should respect the constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the antiballistic missile treaty.'' Nowhere does it distinguish between House and Senate. The gentleman is only asking that the President not unilaterally withdraw from the ABM treaty.

If we look to the Constitution, we will find that there are three articles that begin our Constitution: article I, the legislative branch; article II, the executive branch; and article 3, the judicial branch. None of those branches are elevated higher than the next branch. These are three equal branches of government.

What we argue today is section 9 does allow a privileged resolution, if I might use the quote from rule IX of the privileged motion, ''. . . must deal with the rights of the House and the dignity of the House.''

The House is a reflection of the American people. The right of the House is to be part of a Congress that, in joint collaboration with the executive, then makes a determination as to whether the people of the United States withdraw from the ABM treaty.

The resolution does not ask for the House to act. It simply says it seeks the approval of Congress. We are asking that the President seek the approval of Congress; that before he moves forward with the final decision on the ABM treaty, he does not make a unilateral decision.

I believe, Mr. Speaker, this comes within the privileged motion. It comes within the rights of the House, the House being a reflection of the American people. I believe that it is clear that between the three branches of government, there is no superior branch.

As we know, those who escaped persecution and came to found the 13 Colonies in the United States of America decided to try to escape despotism and the oppression of a single ruler. Specifically, the Founding Fathers established three equal branches of government.

I believe we are abdicating our responsibilities as a House of Representatives, and therefore, the Congress of the United States, by suggesting that a President can unilaterally withdraw from a treaty as important as the Antiballistic Missile Treaty.

I would argue that rule IX does stand and does comply, or at least the motion of the gentleman from Ohio (Mr. KUCINICH) does comply with rule IX. It is a privileged motion. It protects the rights of the House. It should be adhered to, and we should be allowed to debate this very important statement and resolution on behalf of the dignity of the House, on behalf of the rights of the House, on behalf of the rights of the people of the United States of America and in reflection of the Constitution of the United States that indicates article 1, 2, and 3 are equal; and that, if by some error, we allow an erroneous action to take place under President Carter, that we should not continue such and we should begin to turn the tide by suggesting that the Congress has a viable role in ensuring that a unilateral decision as important as the ABM treaty should not be made by a single branch of the government, and that is the executive.

The SPEAKER pro tempore. Are there other Members who wish to be heard?

The Chair intends to recognize the gentleman from Pennsylvania (Mr. WELDON), the gentlewoman from California (Ms. LEE), and the gentleman from Ohio (Mr. KUCINICH), and the gentleman from Illinois (Mr. HYDE). That should conclude debate on the point of order and the Chair will be prepared to rule.

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I support the position of the distinguished chairman. He is absolutely correct.

I would be happy to debate the merits of the President's decision in this body any day under an open process. But the gentlewoman from Texas just said that this House has the prerogative and that no one of our three branches is, in fact, greater than the other. I agree with her.

In fact, let us look at our constitutional history. When a Senator, a Member of the other body, challenged the actions of President Carter in his abrogation of the treaty with Taiwan, a Senator, who was part of the ratification of that treaty, went to the Supreme Court.

Now, the Supreme Court is the third branch of our government. As the gentlewoman said, none of the three branches are above the other. The Supreme Court would not even hear the case. The Supreme Court said that there is no standing of the Senator.

The Supreme Court is that third branch of our government that interprets the Constitution, not some scholar from Harvard, not some independence analyst. The Supreme Court issued an order saying to a Member of the other body: You have no standing. You have no standing to bring an action against the President, even though he in fact abrogated a treaty, which was allowed within the terms of the treaty.

So this debate has no basis. It has no substance. In fact, my colleagues on the other side have not even answered the question if they would in fact agree with what the gentleman from Illinois (Mr. HYDE) said, that, therefore, the treaty of Taiwan is still in place, because this issue is about the substance of the ABM treaty.

Let us have that debate. The gentleman can offer a bill, and we will debate it on the floor of the House as a sense of the Congress. But there is no standing, as determined by the Supreme Court.

Mr. Speaker, I include for the RECORD this brief one-paragraph statement by the Supreme Court in their opinion that the Senator had no standing in objecting to what President Carter did.

The SPEAKER pro tempore. Members may insert materials in the RECORD following disposition of the point of order.

The SPEAKER pro tempore. The gentlewoman from California (Ms. LEE) is recognized briefly.

Ms. LEE. Mr. Speaker, I want to commend the gentleman from Ohio for this very important debate with regard to our constitutional duties and our responsibilities.

Of course, I rise in support of the question of the privileged resolution, for this resolution. The rules actually state that a motion may be considered as a privilege when the integrity of the House is in question, so this integrity, I believe, is at stake when the President seeks to unilaterally revoke the laws of this Nation by single-handedly withdrawing from the ABM treaty.

The Constitution, and we have heard the debate this morning, it does not give the President the authority to repeal laws. That is a congressional function.

Article 1, section 1 of the Constitution says: ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.'' Foreign policy is not the exclusive domain of the executive. Congress has the right and the duty to fulfill its share of the balance of powers. That is what this is about.

I strongly support this privileged resolution to uphold the ABM treaty to protect American citizens and to uphold congressional authority. This is central to our democracy. The privileges of the House also reinforce these principles. Rule IX states that the constitutional prerogatives of the House also include its function with respect to treaties.

The treaty with France of July 4, 1835, and the House resolution stating that the treaty should be maintained is also precedent for today's motion. So we must stand up for these rights and

for the public interest. That is what this debate is about.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized briefly.

Mr. KUCINICH. Mr. Speaker, I want to thank the Speaker for his indulgence in this extremely important debate.

If my colleagues' arguments are correct, then the House of Representatives in 1835 acted unconstitutionally when it passed the resolution stating that the Treaty of France ''should be maintained.'' But, Mr. Speaker, in fact, no court has ever found that, in 167 years, that the House acted unconstitutionally in 1835. It is, therefore, not for opponents to say that the House has no role in treaty termination today.

My motion is therefore both constitutional, Mr. Speaker, and within the rules of the House. A party to a treaty is the country, not a specific President. In a democracy, a President is not sovereign. In America, the people are sovereign.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from Ohio (Mr. KUCINICH) presents a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from Ohio asserts a congressional prerogative over withdrawal from treaties by the United States and resolves that the President should not withdraw from a certain treaty absent the approval of the Congress.

The gentleman from Ohio argues that the Constitution has delegated to the Congress specific responsibility with regard to treaties. As argued by the gentleman from Illinois (Mr. HYDE) and as stated in section 702 of the House Rules and Manual, however, rule IX does not support a resolution as a question of privilege when the constitutional prerogatives of the Congress, as a legislative branch, are involved. Rather, it is properly involved only with regard to the privileges of the House, as a House.

□ 1115

The Chair was presented with an analogous situation on May 6, 1921. On that occasion, Speaker Gillett held that a resolution presenting a legislative proposition as a question of constitutional privilege under the 14th Amendment did not qualify as a question of the privileges of the House.

Speaker Gillett's rationale bears repeating: ''The whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.''

Before Speaker Gillett's ruling in 1921, Speaker Reed in 1898 had also ruled that the ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules, without precedence as matters of privilege.

The Chair has evaluated similar resolutions in more recent years and determined in each case that a question of privilege was not presented. On February 7, 1995, a resolution invoking several Constitutionally-derived Congressional powers and prerogatives and resolving that an investigation be undertaken into Presidential actions allegedly infringing on such powers was offered as a question of privilege. In ruling that the resolution did not present a question of privilege, Speaker Gingrich stated: ''Although the resolution may address the aspect of the legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House.''

On November 4, 1999, the Chair again ruled that a resolution alleging a certain imbalance in trade, invoking the Constitutionally-derived Congressional power to regulate interstate and foreign commerce, and resolving that the President act to alleviate the imbalance did not present a question of the privileges of the House.

Thus the Chair will continue today to adhere to the same principles enunciated by Speaker Gillett. The Chair holds that an assertion that the Constitution has reserved for Congress certain power with respect to treaties does not render a measure purporting to address the executive branch's exercise of such power a question of the privileges of the House.

The gentleman from Ohio (Mr. KUCINICH) has cited page 400 of the House Rules and Manual in support of his argument that resolutions invoking constitutional prerogatives with respect to treaties involve questions of the privileges of the House. The citations listed on page 400 of the Manual are from the second volume of Hind's Precedents at sections 1502 through 1537. The Chair would note that these examples, including section 1505, are merely instances where the House voted on or debated its proper or desired role in certain matters arising under the Constitution with respect to treaties. They are not occasions where resolutions on such topics were presented as questions of privilege. In particular, the example recorded in section 1505 involved a joint resolution reported by the Committee on Foreign Affairs and not considered as privileged on the floor.

The Chair would also note that the relief sought in the resolution offered by the gentleman from Ohio (Mr. KUCINICH) is in the nature of a desired policy objective. It does not seek to vindicate ''the rights of the House collectively, its safety, dignity, or the integrity of the proceedings.''

Accordingly, the Chair rules that the resolution offered by the gentleman from Ohio (Mr. KUCINICH) does not constitute a question of privileges of the House under rule IX, and may not be considered at this time.

Mr. KUCINICH. Mr. Speaker, I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore (Mr. LAHOOD). The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HYDE

Mr. HYDE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Illinois (Mr. HYDE).

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

RECORDED VOTE

Mr. KUCINICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 214]

AYES—254

Aderholt	Costello	Granger
Akin	Cox	Graves
Armey	Cramer	Green (WI)
Bachus	Crane	Grucci
Baird	Crenshaw	Gutknecht
Baker	Cubin	Hall (TX)
Ballenger	Culberson	Hansen
Barr	Cunningham	Hart
Bartlett	Davis (FL)	Hastings (WA)
Barton	Davis, Jo Ann	Hayes
Bass	Davis, Tom	Hayworth
Bereuter	Deal	Hefley
Berman	DeLay	Herger
Biggert	DeMint	Hilleary
Bilirakis	Diaz-Balart	Hobson
Bishop	Doolittle	Hoekstra
Blumenauer	Dreier	Holden
Blunt	Duncan	Horn
Boehlert	Dunn	Hostettler
Boehner	Edwards	Hulshof
Bonilla	Ehlers	Hunter
Bono	Ehrlich	Hyde
Boozman	Emerson	Isakson
Brady (TX)	English	Issa
Brown (SC)	Everett	Istook
Bryant	Ferguson	Jenkins
Burr	Flake	John
Burton	Fletcher	Johnson (CT)
Buyer	Foley	Johnson (IL)
Callahan	Forbes	Johnson, Sam
Calvert	Fossella	Jones (NC)
Camp	Frank	Kanjorski
Cannon	Frelinghuysen	Keller
Cantor	Gallegly	Kelly
Capito	Ganske	Kennedy (MN)
Capuano	Gekas	Kerns
Carson (OK)	Gibbons	King (NY)
Castle	Gillmor	Kirk
Chabot	Gilman	Knollenberg
Chambliss	Goode	Kolbe
Coble	Goodlatte	LaHood
Collins	Goss	Latham
Cooksey	Graham	LaTourette

Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Blagojevich
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boucher
Combest
Gilchrest
Greenwood
Houghton
Kingston
Lewis (GA)
Riley
Serrano
Smith (WA)
Traficant

□ 1143

Mr. WYNN and Ms. SCHAKOWSKY changed their vote from ''aye'' to ''no.''

Messrs. SANDLIN, COSTELLO, OTTER, BLUMENAUER, BAIRD and MOORE changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WELDON of Pennsylvania. Mr. Speaker, I include for the RECORD this brief one-paragraph statement by the Supreme Court in their opinion that the Senator had no standing in objecting to what President Carter did.

[GOLDWATER ET AL. v. CARTER, PRESIDENT OF THE UNITED STATES, ET AL.]

[444 U.S. 996; 100 S. Ct. 533; 62 L. Ed. 2d 428; 1979 U.S. Lexis 4144]

[**533] Certiorari granted, judgment vacated, and case remanded with directions to dismiss the complaint. Mr. Justice Marshall concurs in the result. Mr. Justice Powell concurs in the judgment [*997] and filed a statement. Mr. Justice Rehnquist concurs in the judgment and filed a statement in which The Chief Justice, Mr. Justice Stewart, and Mr. Justice Stevens join. Mr. Justice White and Mr. Justice Blackmun join in the grant of the petition for writ of certiorari but would set the case for argument and give it plenary consideration. Mr. Justice Blackmun filed a statement in which Mr. Justice White joins. Mr. Justice Brennan would grant the petition for writ of certiorari and affirm the judgment of the Court of Appeals and filed a statement. Reported below.—U.S. App. D.C. , F.2d .

□ 1145

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks with respect to the debate on the point of order just concluded.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, those remarks will appear after the proceedings in the RECORD.

There was no objection.

PERMANENT DEATH TAX REPEAL ACT OF 2002

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 435 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 435

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2143) to make the repeal of the estate tax permanent. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 435 is a modified closed rule providing for the consideration of H.R. 2143, the Permanent Death Tax Repeal Act of 2001. The rule provides 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be debatable for 1 hour equally divided by a proponent and an opponent.

The rule waives all points of order against the substitute and provides for one motion to recommit with or without instructions.

Mr. Speaker, when Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001, providing for the phaseout and eventual repeal of Federal death taxes on American families, an arcane rule applicable only in the other body required that these long overdue reforms be abandoned after 10 years, in 2011.

The original version of the legislation, passed here in this Chamber, contained no such time limitation, and for good reason. That is because the ability of a family or business to plan for the future is seriously undermined whenever major uncertainty exists about the likely tax impact of important financial decisions. In truth, the net effect of the other body's decision to ''sunset '' the death tax repeal is to tell anyone planning to die 10 or more years from now that they might want to reconsider speeding things up. That

is not an attempt to be funny, Mr. Speaker, it is the cold hard truth.

The issue of death tax repeal has been debated in this Chamber for decades, and the arguments are well known. Last year, when justice was finally done for America's farmers, small businessmen, death tax supporters found a loophole giving them one last chance to prevent America's hard-working families from passing on to their children what they have built up during their lifetimes. Today, Mr. Speaker, thanks to the author of this legislation, the gentleman from Florida (Mr. WELDON), we have a chance to close that unfair loophole once and for all.

It will be said here today that we have no authority to bind future Congresses and, of course, that is correct. We do, however, have the authority and the responsibility to act on behalf of this Congress and the farmers, the families and the small business people we represent. We should do this, Mr. Speaker, loudly and clearly by adopting this rule and passing the underlying bill, H.R. 2143.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 5½ minutes, and I would first like to thank the gentleman from Washington, on the basis of age the junior Mr. HASTINGS, for yielding me the time.

Mr. Speaker, today, this body has the opportunity to send a message loud and clear to Republicans: Playing politics with Americans' lives is no longer an acceptable practice. When this body passed a $1.6 trillion tax cut that disproportionately benefitted the wealthiest of Americans, it laid the foundation for the deterioration of our strong economy which previously had been capable of coping with even the most dire of circumstances.

We were wrong when we passed the tax cut then, and we are wrong today in trying to make a huge portion of it permanent. This is fiscal mismanagement of the highest order and rank politics of the lowest kind. Go ahead and call me a modern day Robin Hood, looking out for all the human needs of all Americans, or just call me fiscally responsible; but repealing the sunset for the estate tax is the next phase in the majority's efforts to provide tax cuts to the wealthy at the expense of 99 percent of this country who will not benefit by this legislation.

Realize, Mr. Speaker, that less than one-half of 1 percent of all estates would be helped by a repeal of the estate tax. And even these estates would pay significantly less in taxes because of the lower rates and higher exemption that is already in place. Those who would benefit, and I impute no motive if this bill passes today, on present-day income, President Bush's family stands to gain $5 million, Vice President CHENEY's family stands to benefit anywhere from $9 to $40 million, the former Enron chairman Kenneth Lay's family stands to benefit $59 million, and the families of the entire Bush cabinet together stand to gain as much as $332 million.

According to the Wall Street Journal, not a paper that I frequently cite or that I am frequently cited in, the Republicans could make permanent any of the other tax cuts included in last year's tax bill and they would help more people and cost Social Security less than the total cost of repealing the estate tax.

Mr. Speaker, if our economy was growing like it was before last year's obese, obtuse, and downright obnoxious tax cut, I would be the first one to support cutting taxes. But our economy is not growing. In fact, it is hurting. So I ask this: How can we possibly continue to fund a war on terrorism that may never end, ensure the solvency of Social Security, keep our schools from crumbling, provide adequate care coverage for all children, and cut taxes at the same time?

The simple answer is that we cannot. It is just not fiscally possible. As a matter of fact, today President Bush will make an address to the Nation in which he will call for the establishment of the Homeland Office of Security as a Cabinet-level position. I advocated this in legislation as many as 8 months ago, but President Bush, in order to achieve this as I did when I advocated it, is going to require more resources.

8.1 million Americans are unemployed, and more than 116,000 people lose their jobs every month, 9,000 in the last 2 days. Equally, displaced workers, as a result of September 11, still have no health care coverage, and the unemployment insurance coverage that Congress extended last year is once again about to expire. How about helping the unemployed?

Other pressing needs? The uninsured. Currently 38.7 million-plus Americans, or more than 14 percent of all our total population, have zero access to health care. The majority of them are children and seniors, and more than two-thirds of them fall under the poverty line. How about helping the uninsured?

Want more? What about a prescription drug plan for seniors? Last year Congress authorized $300 million for such a plan. However, it never delivered. How about helping seniors?

Still not convinced? Do not even get me started on what we did not do for election reform.

Mr. Speaker, we have got serious problems in this country that demand serious solutions. Tax cuts to the rich never have been and never will be the solution to our problems.

Aiding the poor, the young, the elderly, the infirm should be the role and the responsibility of each political party. Rather, helping those who need help is a role of a responsible and decent government.

If this body fails to recognize this guiding principle, then we are failing those that we are here to serve.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and in strong support of this legislation. It is all about fairness. And I listened to my friend from Florida (Mr. HASTINGS) talk about the issue of job loss. Mr. Speaker, it is interesting to note that 70 percent of the family-owned businesses in this country don't make it to the second generation; 87 percent of the family-owned businesses do not make it to the third generation. And, Mr. Speaker, when you focus on the issue of job creation and economic growth, seeing small family-owned businesses fail in large part due to the very punitive death tax that exists in this country is one of the things that costs jobs. And as we talked about the very important need for a flow of revenues to deal with what the President will call for tonight, and that is the establishment of the Homeland Security position as a Cabinet-level post, we are going to need revenues for that, and that is why economic growth is so important.

Mr. Speaker, it was preposterous when we saw the plan put into place for the phaseout of the death tax over a 10-year period require at the end a reversion to what is current law. What will that mean? That will mean that anyone today, any member of this body today who votes against making permanent repeal of the death tax, will be voting in favor of one of the largest tax increases in the history of this country. Why? Simply because when this measure does in fact phase out in 2011, we revert, as I said, to current law. That is wrong. And what is it doing? It is jeopardizing the ability of the American people to plan, to make long-term plans. People have said, gosh, let us wait for 5 years and see what the budget situation will be like at that point.

Mr. Speaker, people engage in estate planning. People look towards the future. People plan for their children and their grandchildren, and that is why the idea of saying you have to live with this uncertainty over the next decade is a gross disservice to the American people who are out there working hard, trying to get this economy growing.

Mr. Speaker, I believe that it is very important for us to take this step. It is very important for us to allow those who are creating jobs and creating opportunity for Americans to have the chance to plan. So I urge a yes vote for this very fair rule which does in fact provide a substitute for the Democrats and a motion to recommitting so they will have two bites of the apple, and at the end of the day I am convinced that

we should defeat their measure that is a substitute and, of course, the previous question, and overwhelmingly pass this very important and very fair proposal.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, that this measure affects less than one-half of 1 percent of all taxpayers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. DREIER) to respond.

Mr. DREIER. Mr. Speaker, when we talk about those who are directly impacted by repeal of the death tax, if we think about those men and women who are middle-income wage earners whose jobs are jeopardized because of a loss of estates because of that tax, they are the ones that are being hit most by this. And that is why to say that it is a very small portion is misleading.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I rise in opposition to the rule. The rule does allow our substitute, and I will speak about our substitute in a moment.

Unfortunately, the pay-for feature of our substitute placed into the bill to avoid loss of revenue to the general fund was struck on a point of germaneness. Our preference would have been to have a rule that made in order the pay-for and waived objection on germaneness rule. Plain speak, they could have allowed our pay-fors had they wanted to. Why did they not want the pay-fors?

The other side of the aisle did not want the pay-fors in this bill because they do not want this House to vote on disallowing U.S. corporations seeking tax shelters by relocating in the Bahamas or offshore in other tax havens across the world. The pay-for we sought would have disallowed those corporations moving offshore after September 11.

We think it is pretty disgusting at a time when the country was rallying together in the wake of the terrorist attack, there were some in corporate tax planning departments trying to revoke the citizenship status of their corporation and redomicile offshore for purposes of getting that tax status. That is the vote we wanted. That is why we will be having the vote on the previous question, what the vote on the previous question will represent. Should we allow corporations to flee our shores for purpose of attaining citizenship in tax havens? We think not. We think that was a good pay-for for this measure.

Let me talk about the substitute, and I commend the Committee on Rules for making the substitute in order. I would have preferred the pay-fors, and urge a vote against the rules because it did not allow the pay-fors. The substitute will allow an important discussion today. This is not about estate tax versus no estate tax. The issue before this body is reform of the estate tax now versus repeal next decade. Reform January 1, 2003, versus repeal in the year 2011, four Congresses from now.

The substitute will bring the estate tax exclusion to $6 million for a couple. That means $6 million or below, no estate tax. It takes care of the estate tax problem for 99.7 percent of the families in this country. What does the majority proposal do about this group? Nothing. In the year 2003 under their proposal, an estate over $2 million per couple, it will be taxed. For us, 2003, if an estate below $6 million, no tax. It is immediate relief.

Mr. Speaker, 2004, $6 million and below under the Democrat substitute, no tax; under the Republican bill, $3 million there is a tax. That is half the relief of ours. The year 2005, $6 million for the substitute, again half the relief under the Republican plan.

Mr. Speaker, we are going to hear all afternoon about family farmers and small businesses. Make no mistake about it, it is the Democrat substitute that gives relief and gives relief now effective January 1, 2003. Through the year 2008, our relief is better. Why should the majority plan leave that estate exposure at their lower levels for the next 6 years when the Democrat substitute brings it up to $6 million now?

Our plan makes 99.7 percent of the families in this country have no estate worries whatsoever. Why not take the approach of reform today? Let us deal with this problem now and not go the repeal route later.

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

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

Mr. Speaker, I rise in very strong support of this rule. People do not choose when they die; but under the current law, they only have a 1-year window of dying free from the estate tax.

I know all Members believe that is not right. It cannot be right. We have to vote to make permanent repeal of the death tax included in last year's historic tax relief bill.

It is the small businesses and family farms that must be sold to pay the estate tax. And even more people sell their assets before they die so the burden of the death tax is not left to their loved ones.

Permanently repealing the death tax removes unfair double taxation on American families. Even with the repeal of the death tax, all assets transferred from one generation to the next would still be subject to capital gains tax when they are sold.

Simply put, there is no need for the unfair death tax, and every single Member in this body should vote for its permanent repeal. Just look at the diverse organizations that are supporting the repeal: the National Black Chamber of Commerce; the Hispanic Business Roundtable; National Federation of Independent Businesses; National Association of Counties; National Indian Business Association; National Association of Women Business Owners; Black Women Enterprises; the Latino Coalition and there are many, many more.

Mr. Speaker, let us make the death tax repeal permanent. I urge all Members to support the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today in support of the substitute being offered by the gentleman from North Dakota (Mr. POMEROY) on behalf of the Democrats. This is not about a death tax; this is about pure greed. The ranking member mentioned Mr. Ken Lay of Enron because his estimated estate tax savings will be $59 million. The second in command, Jeffrey Skilling, he will get $55 million. This is about greed; that is what it is about. We are not backing off.

This substitute raises the personal exemption for estate taxes to $3 million per person, $6 million per couple. The gentleman from North Dakota (Mr. POMEROY) just mentioned this will assist 99.7 percent of those who pay estate taxes. Who are those three-tenths of a percent that we left out? In other words, it will help small businesses and farmers without exploiting their circumstances to provide yet another perk for the very, very wealthiest of Americans. There is a reason we have to be responsible here. There is a reason we cannot simply usher through drastic tax cuts for the wealthy, and that reason is our national debt. In the 2 minutes that I will speak here, the national debt interest, the interest on that debt will rise $2 million, just the interest on the debt. These are wasted dollars paying interest on debt rather than paying down the debt. Who has become the party of austerity, I would like to know.

These are wasted dollars, paying interest on debt rather than paying down the debt. Today the national debt is well over $6 trillion. Today's estate tax proposal would cut revenues by $55.8 billion in 2012. The estimated impact of making the repeal permanent would total $109 billion.

Mr. Speaker, this is pure greed. We cannot accept it. We must accept the Pomeroy substitute.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), the author of this legislation.

Mr. WELDON of Florida. Mr. Speaker, let me start out by first saying that this is a fair rule. It gives the minority

an opportunity for a substitute. I think they can also do a motion to recommit.

I am certainly very pleased and honored that the Committee on Rules and our leadership has sought to bring this bill to the floor for a vote. We passed the tax relief package last year, and there was a provision in the bill that sunsetted all of the provisions in this bill. I think that was most unfortunate, but I understand the nature of the problem, although I do not support it over in the Senate. But the political realities of that body were such that this is what we ended up with.

I think it is very unfortunate to have a sunset provision in any of the tax relief packages. I am hearing today from working-class families in my district, and in particular I spoke to a gentleman who works at Kennedy Space Center who just had a second baby. He discussed how the tax reductions, the increase in the child tax credit is really helping him and his family.

The concern I had about the inheritance tax sunset was very, very specific in that I heard from people, indeed right after we passed that bill, I talked to a small businessman in my congressional district who told me he did not know what to do with his estate plan. Of course as we all know, we have this inheritance tax, and many, many Americans engage in very complicated estate planning to avoid paying the estate tax.

I personally think that is very, very inefficient. I also think the death tax is immoral. If someone has worked all their life and paid their taxes, and been a small businessman creating jobs, and we in the Federal Government have been collecting Federal withholding and Social Security tax for years, to come along and tax the after-tax assets of those people, I think it is morally wrong.

My good friend said what do I do with my estate planning? If I die in 2010, it would be okay for me to eliminate my estate plan. I am paying all these lawyers and accountants. But if I die after 2011, the estate tax comes roaring back. I am going to just keep my complicated estate plan. This guy has 400 employees. He has created hundreds of jobs. We as a Nation are benefiting from his work. Millions of dollars are collected in taxes every year off him and the people who work in his business.

Mr. Speaker, I felt very, very strongly. We specifically had to repeal, if the inheritance tax repeal was going to work properly as we intended, if we want to create jobs and enable small businesses to be passed from the person who started that small business to their sons or daughters, we needed to get rid of the sunset provision; and that is why I introduced the bill.

Mr. Speaker, I want to say a few words about the Democratic substitute. I note today it is true if we pass the Democratic substitute we will cover the vast majority of people. But as we all know, with inflation in time we will no longer be covering the vast majority of people.

The other concern I have about that is we create an environment where there is no tax on the first $3 million, but then like a 50 percent tax on every dollar after that which is a huge marginal rate. As we know, every person with an estate will do everything possible to develop an estate plan so that their estate is less than $3 million at the time of their death.

In the short run it may solve the problem, but in the long run I think it is going to perpetuate the problem. It is really picking winners and losers. I do not think we should do that. I think the estate tax is immoral, and I applaud the Committee on Rules for bringing forth a fair rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to the gentleman from Florida (Mr. WELDON) that the moral argument falls on deaf ears from this gentleman from Florida when we have hungry children, seniors and people that are infirm that are unable to proceed in life in a meaningful way.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

□ 1215

Ms. ESHOO. Mr. Speaker, I rise today in opposition to the rule and to speak on the choices that are before us. I think that they are really two very distinct choices and they are different. They both deal with the death tax, the estate tax, but they are different in terms of what they accomplish. My constituents have said to me over and over and over again that they support an elimination of the death tax when it comes to them. This is a debate about how to accomplish it. They want it to be immediate and they want it to be permanent. They want it to be fair. They understand that there are the Bill Gateses of the country that have benefited enormously from our system and our economy and our democracy. So there is a fairness to those huge, huge, huge sums of money that are passed down from one generation to another and that our country should be paid something.

The Pomeroy legislation addresses permanency, fairness, fiscal responsibility and immediacy. For a married couple, $6 million. So if you have an estate of $6 million or less, you do not pay a dime in taxes. That resolves 99.7 percent of the problems and the irritations and the complaints that people have registered with us. It does not have any capital gains tax in it. My Republican friends, under their bill, your house increases, if you paid $50,000 and when you die your home is worth $1 million, you are going to pay a capital gains tax on that.

So under the Pomeroy bill, families, family farms, businesses are all going to win and we are not going to have to pay over $1 trillion in the next decade out of our Federal budget. This makes eminent sense. It is fair. I urge my colleagues to vote for the Pomeroy bill. It is the best one to come down the pike.

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

Mr. CUNNINGHAM. Mr. Speaker, I have a family in San Diego. They are not in my district. I called him a Hispanic American and he corrected me and said, ''I'm a Mexican American, Congressman.'' That gentleman has since passed away. When he immigrated to California over 60 years ago, his family bought a piece of dirt down along the border. It is rock. You still look at it today and it looks like rock and dirt and you cannot grow anything on it and it was basically worthless. But that family worked and saved to buy that piece of land. Like most urban sprawl areas, that land became very valuable. The gentleman died. They had six children. When the tax bill on that property came up, because he did not have money to hire lawyers and to set their estate and probate and all the different things that you can do today, they tried to split the land and sell half of it just because of the interest on the default for the tax, and it did not even cover the penalty. Then they had to sell the rest of it. So those six children ended up with nothing. This is a low-income Hispanic family that had some valuable property that they wanted to hang on to for the family, and the estate tax did away with it.

I am from California, but I grew up in a little town in Shelbina, Missouri. Right there, farmers are having second and third jobs just to hang on to their property. The property, the farm, if they sold it, is probably worth a lot of money, but they sure do not make a lot of money. When that family member dies, that valuable property, the government wants to come in and tax it above 55 percent, and those families cannot afford to pay that tax so they have to sell it off, and all of that 200 years of work into a piece of land, the government takes it, and that is wrong.

Does anybody know where the death tax reared its early head? Not to pay for a war but it was Karl Marx's and Engels' Communist Manifesto. Fact: Karl Marx knew that if you took property away from people and the benefits and things that they had, you could control the bourgeoise, the rich versus the poor, just as my colleagues, day after day, tax breaks for the rich, use class warfare every day. The Democrat socialists of America mantra is government control of health care, government control of education, government control of private property, the highest tax possible and higher socialized spending and cut military. That is in their agenda.

That is what they are trying to do. They want higher taxes. They have never found a tax that they do not like. Yet they want to take private property

away from farmers and the rest of the people. I think that is wrong.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

The Democratic substitute helps people right now. The Republican bill might help people 10 years from now. The chairman of the House Committee on Ways and Means admitted as much to the Committee on Rules Tuesday night.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, we are here today because the Republicans say, well, there was a glitch in the estate tax repeal last year, some kind of a loophole. Well, guess what? The Republicans controlled the House, the Senate and the presidency, and they wrote the entire bill. The reason the estate tax is sunset was because even last year when they were projecting a $5.6 trillion surplus, they could not afford to finance the full repeal of the estate tax on the most wealthy families in America. And guess what? Now with a $300 billion deficit, the Social Security lockbox looted and no prospect except deficits for the future, they are saying, ''Oh, it was a glitch, it was a loophole, we couldn't anticipate it,'' and they want to pass a bill today that will go to 3,000 families a year instead of 53 million Social Security recipients starting in the year 2010. Yes, families, those 3,000 whose estates are worth more than $6 million.

There is an alternative. We have it before us, a fair, affordable and permanent alternative that would take care of every small business, family farm and family forestry operation that I know about. I am concerned about them. I do not want them to prematurely harvest the trees or break up the farms or sell the family business.

The gentleman from California talked about the small businesses would lose their jobs because of the estate tax on estates over $6 million. Like perhaps Ken Lay's small business? He already cost thousands of people their jobs and he will get $59 million under their proposal. Ken Lay, the thief, gets $59 million more.

Then, of course, the small businesses that are being run by Secretary O'Neill. He will get $51 million under this. I am not aware that he is running a small business. This is a huge windfall being taken directly from the broken-open Social Security lockbox and being transferred into the pockets of the most wealthy Americans.

They say, ''Well, they've already paid taxes.'' No, Bill Gates has not paid taxes on his $50 billion fortune. It is unrealized capital gains. If he died today under this bill, there would never be any taxes paid on that $50 billion.

What you are doing is not fair, it is not affordable, it loots Social Security. What we are offering is a fair alternative for family farms, small businesses and other individuals. $6 million is enough of an exemption.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, there was a time in this country that if someone went into business in some of the urban areas, they would get a visit by someone from a crime family who would say something like this: ''We'll let you go in business, and if you lose everything, it's your loss. But if you make profits, I want 35 percent of your profit every year. If you sell this business, we are going to take 20 percent of the sale price.''

If the government found that out, they would arrest them, indict them and put them in jail. But even the Mafia would not come along and say, ''If you die we are going to value your company and take half of it.'' That is exactly what the Federal Government is doing. The Mafia would realize if you kept that business moving to a new generation, it would generate more revenues, maintain more jobs and in the long run they would be better off.

The death tax is a job-killer, but more than anything, it is immoral.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today to recognize the hard-working people of America who have played by the rules and have paid their fair share. Decent, law-abiding, tax-paying Americans are the backbone of this country, Mr. Speaker, and the salt of the earth. They are the farmers of southwest Georgia, the family business owners all across this country from the Atlantic to the Pacific. All across this land are Americans who have paid taxes their entire lives, only to face a final taxing event at death. They paid the taxes during their lifetimes and should not be charged again because they happen to die.

The death tax represents all that is unfair and unjust about the tax structure in America because it undermines the life work and life savings of Americans who want only to pass on to their children and grandchildren the fruits of their labor and the realization of their American dream.

In my State of Georgia, farmers, many of whom are widowed women and the children of deceased farmers, are faced with losing their family farms because of this harsh tax. Employees of small and medium-size family businesses, many of whom are minorities, are at risk of losing their jobs because their employers are forced to pay the unfair and exorbitant death taxes levied upon them. Funeral homes, newspaper publishers, radio station owners and garment manufactures are all affected, all across the demographic spectrum.

Mr. Speaker, although reasonable minds can differ on this issue, I believe that the death tax is politically misguided, morally unjustifiable and downright un-American. Let us vote today to finally eliminate the death tax and return to the American people and their progeny the hard-earned fruits of their labor.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, let me first associate myself with the remarks just made by my friend from Georgia. He is exactly right, as we both rise to support the bill later today, and I rise to support the rule right now. This is a tax that needs to be eliminated and this law needs to be taken totally off the books.

We will hear today many other proposals of how we might change it here or change it there or set a new limit nonindexed for inflation at some time in the future. This law needs to be taken off the books. This tax was put on American families, American businesses, to pay for World War I in 1918. We won World War I. We paid for the war. All the bonds have long since been paid off, but this tax is still on the books. Leaving any portion of it in the law allows future Congresses to come back and once again ensure that more and more families have to see the undertaker and the IRS at the same time. It is unconscionable. It should not be what happens to families at the end of a productive career. It should not be what happens to the families that run the kind of businesses, run the kind of farms that the gentleman from Georgia just mentioned. These businesses have been built over years of labor. These farms have been put together over years of labor and hard work. Taxes have been paid on the money that came in. There is no reason for the Federal Government to come in one final time and make it impossible for a family business to continue to be a family business. There is no reason for us to continue to have a law on the books that was designed to pay for a war that has long since been over, has long since been paid for.

This is the day we have a chance to send a specific message to the American people and to our friends in the other body that we want this tax eliminated.

Mr. HASTINGS of Florida. I yield myself 30 seconds, Mr. Speaker. Let me see if I can set this thing straight. I represent an area that has 50 percent of all of the winter vegetables grown. Not one single family farmer has indicated to me that this measure is going to benefit them in any way. I also represent the third highest number of small businesses in the United States of America who receive the first highest number of grants. Government investment is helpful in stimulating this economy. Enough of this foolishness.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

□ 1230

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

Mr. Speaker, the American middle class is getting angry. At a time when the richest 1 percent of the population already owns more wealth than the bottom 95 percent, what we are seeing is the CEOs of large corporations who contribute huge sums of money into the political process giving themselves giant compensation packages worth hundreds of millions of dollars, and then they cut back on the wages and health benefits of their workers. These CEOs take tax breaks from the government, corporate welfare, and they move our jobs to China. They are setting up offshore accounts in Bermuda so they do not have to pay any taxes into our government. They are cooking their books through Arthur Andersen and others so they do not have to pay their fair share of taxes.

What this whole bill is about is nothing more than absolute greed. The richest people in this country, who hold $25,000-a-plate fund-raising dinners here in Washington, they are saying to Congressmen, ''Give us huge tax breaks. We do not care about veterans, who now are wait-listed when they need to get into the VA health system. Forget about them. We need giant tax breaks.''

Let us blow up Social Security. Let us forget about the elderly people, who cannot find doctors who will treat them through Medicare or Medicaid. Let us not worry about the middle class, who cannot afford college education because the Federal Government has not kept pace in financial aid in those programs.

What we are looking about now is ugliness, is greed, is the richest people in this country, who already own so much of this Nation, saying to Congress, give us more, give us more, give us more. Forget about the middle class, forget about working families, forget about the poor.

Mr. Speaker, I am strongly opposed to the Republican proposal.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would tell you, I am a veteran, the gentleman that just spoke is not, and I would say that the gentleman's party over there in 1993 talked about decreasing the tax for the middle class. They could not help themselves. When they controlled the House, the White House and the Senate, they increased even the tax on the middle class.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 10 seconds to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, would my friend from California deny that today veterans all over the United States are being wait-listed, cannot get into the VA system because of lack of adequate funding for our veterans, and, at the same exact time, Congress gives huge tax breaks to the rich?

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I represent Malibu, California, and surrounding towns that are even better off. We pay the estate tax, and I am proud that my district would send me here to oppose this rule and to oppose this bill.

America is under attack. Patriotism is not watching fireworks, it is sacrificing for your country. Our men and women in uniform are doing that, and it would seem to me that if we are going to ask for sacrifice, it should include asking the wealthiest one-half of 1 percent of Americans to pay taxes, as they have even under Ronald Reagan. The generations that fought World War I and fought World War II were patriotic enough to pay this tax, and yet we are told our generation lacks that patriotism. I am here to say that is not true.

But speaking of patriotism, what about these corporations that flee our shores, that tap into our markets and will not pay our taxes, that are Enroning the people of America and incorporating in the Cayman Islands? Vote against this rule, because it will not allow our colleague, the gentleman from North Dakota (Mr. POMEROY), to include in his substitute provisions that would impose tax on those companies that are fleeing our shores.

One of my colleagues from California stood in this well and said that the estate tax should be repealed because Karl Marx was in favor of an estate tax. What an interesting argument.

Mr. Speaker, they, the Republicans, are getting ready. They are waiting for next year, because they will be down here on this floor pointing out that Karl Marx was in favor of social insurance and said so in his writings, and they will tell you that we must repeal Social Security to prove we are not Marxists. And they will have an additional argument. They will tell us we cannot afford Social Security because, after all, we just reduced our revenues by over $1 trillion over a 10-year period by repealing the estate tax.

Vote against the rule and against the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am here to stand for our elderly, our sick, our poor, our workers, America's middle class, who do not benefit from a regressive tax system.

The purpose of the estate tax is to mitigate the accumulation of wealth by family lineage. That makes for a fairer society in which future generations all start with more or less the same opportunities. Democracy needs an estate tax. By contrast, monarchies are characterized by not having estate taxes.

The estate tax is the most progressive of any of the Federal taxes. According to the Internal Revenue Service, out of the approximately 2.3 million deaths in 2000, only 1.9 percent of estates pay the estate tax. These numbers can be contrasted with the income tax, where about 70 percent of families and single individuals owe tax.

The concept of an estate tax goes far back into history. There is evidence of a 10 percent tax on transfers of property at death in ancient Egypt, as early as 700 B.C. Later the Greeks and Romans adopted estate death taxes.

My good friend, the gentleman from California (Mr. CUNNINGHAM), will be glad to know that the perpetuation of large estates within the new monied royalty during the Industrial Revolution led, not Karl Marx, but a Republican President, Theodore Roosevelt, to call for a progressive tax on all beyond a certain amount, either given in life or devised or bequested upon death, to any individual, a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand on more than a certain amount to any one individual.

Without the estate tax, the tax burden is more squarely placed on middle and low income workers and their wages. The estate tax ensures that inherited wealth bears more tax burden than earned wages that are the result of work and effort. Estate taxes reduce the concentration of wealth and foster our democracy.

Mr. Speaker, I offered an amendment to preserve the progressive tax system and to repeal all estate tax provisions in the Economic Growth and Tax Relief Reconciliation Act of 2001 so the money would go for a prescription drug benefit.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

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

Mr. Speaker, let us call this bill for what it is. Unfortunately, it is another Republican raid on Social Security and Medicare. This bill will raid the Social Security and Medicare trust funds at the exact moment the baby-boomers begin to retire. When increased interest on the debt is factored in, this bill will cost nearly three-quarters of a trillion dollars in the decade after 2012, at the same time when Social Security must absorb a huge increase in retirees. In the year 2012 alone, this bill will cost $56 billion, and the cost just keeps growing from there.

This bill begins at the very top and takes a decade to bring relief to small businesses and family farms at the bottom. Most of the benefits of estate tax repeal go to the wealthiest 1 percent of people, a number that is now running at 23,000 estates per year. While this bill repeals the estate tax for the wealthiest first, it provides no immediate relief for small family-owned estates, which are the ones most in need.

This bill is really a disaster. People need to pay their fair share. We need

not to take care of the wealthiest people, we need to take care of the people with the family farms and others. We ought not to be raiding Social Security and Medicare.

I oppose the rule and I oppose the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, last year this Congress passed one of the largest tax increases in history. That was during the spring. What we have seen, though, is at that time they said, ''We have surpluses projected. We can afford it.''

Well, first came the economic downturn, and then came September 11, and here we are a year later, the surpluses have evaporated, the Congressional Budget Office is projecting deficits as far as the eye can see, and we are at the bottom of the hole, but now we keep digging it with this bill today.

But it seems people just do not realize that. If we permanently repeal the estate tax, it will cost as much as $1 trillion over 10 years. To make matters worse, most of the $1 trillion will go only to the estates of one-half percent of all estates. So we are providing this tax cut not to people who are no longer with us, but to their estates.

It seems to me it would be better to provide a tax cut to two-member working families out there that would be permanent, instead of worrying about the estate, which only affects a very small percentage of the people in the country.

Why are we talking about passing a tax cut that will benefit the wealthiest 2 percent of Americans when we have deficits as far as the eye can see? What happened to our fiscal responsibility? We are already tapping the Social Security trust fund surplus every year for the next 10 years, and my colleagues will say, oh, we are using it for defense and the anti-terrorism war.

Well, that is just not true. It is because of the tax cuts that were passed last year and because now we are going to try to make them permanent.

Again our fiscal responsibility is out the window. Unless we address the problem of revenue shortfalls, that invasion by the tax cut of the Social Security trust fund will get deeper and longer lasting. We should be putting our financial house in order and stopping the raid on Social Security, but here we are taking up another piece of legislation that further threatens the solvency of the Social Security program and the economic health of our Nation. That is so true.

We have a projected $250 billion deficit next year. It is going to grow for the next 10 years. Yet we are providing a permanent tax cut? Where is the reason on this?

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida is recognized for 2 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, if the previous question is defeated, I will offer an amendment to this rule that makes in order the Corporate Patriot Enforcement Act, offered by the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY), who have worked hard on this measure, which was stripped from the bill in the Committee on Rules. Their amendment would prevent corporations from fleeing overseas to avoid paying their rightful share of income tax.

It is outrageous, Mr. Speaker, that we are allowing American companies to move offshore strictly for the purposes of avoiding their tax obligation. They are not moving their entire company to Bermuda, Mr. Speaker, they are just planting a post office box in the middle of some sunny desert isle and calling themselves an overseas company.

But are they relying on the Bahamian navy to defend them if they are attacked? Of course not. Are they relying on Bermuda to build roads that bring business to their doors or for the police to keep their companies safe at night? Of course not. Those public services they want to keep right on enjoying courtesy of the United States taxpayer. Well, that is wrong, and the majority knows it, and all Americans know it.

We are in a time of war, Mr. Speaker. That is a fact. And if we are going to give this huge tax break to one-half of 1 percent of all the estates, then the least that we can do is to ask of the beneficiaries of this tax break to fulfill their lawful corporate tax responsibility.

All of the money to pay for this tax break, Mr. Speaker, $99 billion over 10 years, is coming out of the Social Security trust fund. The majority does not think it has to be paid for. Well, that is wrong, and we want to give the Republicans one last chance to do the right thing.

By defeating the previous question, we can tell the tax evaders to come home and protect Social Security. We can make everyone in this country proud knowing that we are all pulling together to pay our fair share. I urge a no vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

Mr. Speaker, let me remind my colleagues that this is a fair rule. It allows for a Democrat substitute, and we can debate that, and if desired, we can vote on that substitute. It also allows for a motion to recommit. We can have a vote on that.

But the fact is, this body has spoken on the issue of a death tax several times. It is time to make this death tax relief permanent. It is time to adopt this rule and defeat the previous question and the underlying remarks.

Mr. Speaker, let me conclude that the previous question is an exercise in futility because the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, I include for the RECORD an explanation of the previous question.

The material referred to is as follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XIX (''Previous Question'') provides in part that: ''There shall be a motion for the previous question, which, being ordered, shall have the effect to cut off all debate and bring the House to a direct vote on the immediate question or questions on which it has been ordered.''

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

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

H.R. 2143—PERMANENT DEATH TAX REPEAL OF 2001

In the resolution strike ''and (3)'' and insert the following:

''(3) the amendment printed in Sec. 2 of this resolution if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)''

Sec. 2.

At the end of the bill, add the following title:

TITLE—PROVISIONS CURBING ABUSIVE TAX SHELTERS

Subtitle A—Clarification of Economic Substance Doctrine

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction are substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law referred to in section 6662(i)(2), and the requirements of this subsection shall be construed as being in addition to any such other rule of law.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

Subtitle B—Penalties

SEC. 211. INCREASE IN PENALTY ON UNDERPAYMENTS RESULTING FROM FAILURE TO SATISFY CERTAIN COMMON LAW RULES.

(a) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF FAILURE TO SATISFY CERTAIN COMMON LAW RULES.—

''(1) IN GENERAL.—To the extent that an underpayment is attributable to a disallowance described in paragraph (2)—

''(A) subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent', and

''(B) subsection (d)(2)(B) and section 6664(c) shall not apply.

''(2) DISALLOWANCES DESCRIBED.—A disallowance is described in this subsection if such disallowance is on account of—

''(A) a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(m)(2),

''(B) a lack of business purpose for such transaction or because the form of the transaction does not reflect its substance, or

''(C) a failure to meet the requirements of any other similar rule of law.

''(3) INCREASE IN PENALTY NOT TO APPLY IF COMPLIANCE WITH DISCLOSURE REQUIREMENTS.—Paragraph (1)(A) shall not apply if the taxpayer discloses to the Secretary (as such time and in such manner as the Secretary shall prescribe) such information as the Secretary shall prescribe with respect to such transaction.''.

(b) MODIFICATIONS TO PENALTY ON SUBSTANTIAL UNDERSTATEMENT OF INCOME TAX.—

(1) MODIFICATION OF THRESHOLD.—Subparagraph (A) of section 6662(d)(1) of such Code is amended to read as follows:

''(A) IN GENERAL.—For purposes of this section, there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) $500,000, or

''(ii) the greater of 10 percent of the tax required to be shown on the return for the taxable year or $5,000.''

(2) MODIFICATION OF PENALTY ON TAX SHELTERS, ETC.—Clauses (i) and (ii) of section 6662(d)(2)(C) of such Code are amended to read as follows:

''(i) IN GENERAL.—Subparagraph (B) shall not apply to any item attributable to a tax shelter.''

''(ii) DETERMINATION OF UNDERSTATEMENTS WITH RESPECT TO TAX SHELTERS, ETC.—In any case in which there are one or more items attributable to a tax shelter, the amount of the understatement under subparagraph (A) shall in no event be less than the amount of understatement which would be determined for the taxable year if all items shown on the return which are not attributable to any tax shelter were treated as being correct. A similar rule shall apply in cases to which subsection (i) applies, whether or not the items are attributable to a tax shelter.''

(c) TREATMENT OF AMENDED RETURNS.—Subsection (a) of section 6664 of such Code is amended by adding at the end the following new sentence: ''For purposes of this subsection, an amended return shall be disregarded if such return is filed on or after the date the taxpayer is first contacted by the Secretary regarding the examination of the return.''

SEC. 212. PENALTY ON PROMOTERS OF TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.

(a) PENALTY.—

(1) IN GENERAL.—Section 6700 of the Internal Revenue Code of 1986 (relating to promoting abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) PENALTY ON SUBSTANTIAL PROMOTERS FOR PROMOTING TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.—

''(1) IMPOSITION OF PENALTY.—Any substantial promoter of a tax avoidance strategy shall pay a penalty in the amount determined under paragraph (2) with respect to such strategy if such strategy (or any similar strategy promoted by such promoter) fails to meet the requirements of any rule of law referred to in section 6662(i)(2).

''(2) AMOUNT OF PENALTY.—The penalty under paragraph (1) with respect to a promoter of a tax avoidance strategy is an amount equal to 100 percent of the gross income derived (or to be derived) by such promoter from such strategy.

''(3) TAX AVOIDANCE STRATEGY.—For purposes of this subsection, the term 'tax avoidance strategy' means any entity, plan, arrangement, or transaction a significant purpose of the structure of which is the avoidance or evasion of Federal income tax.

''(4) SUBSTANTIAL PROMOTER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'substantial promoter' means, with respect to any tax avoidance strategy, any promoter if—

''(i) such promoter offers such strategy to more than 1 potential participant, and

''(ii) such promoter may receive fees in excess of $500,000 in the aggregate with respect to such strategy.

''(B) AGGREGATION RULES.—For purposes of this paragraph—

''(i) RELATED PERSONS.—A promoter and all persons related to such promoter shall be treated as 1 person who is a promoter.

''(ii) SIMILAR STRATEGIES.—All similar tax avoidance strategies of a promoter shall be treated as 1 tax avoidance strategy.

''(C) PROMOTER.—The term 'promoter' means any person who participates in the promotion, offering, or sale of the tax avoidance strategy.

''(D) RELATED PERSON.—Persons are related if they bear a relationship to each other which is described in section 267(b) or 707(b).

''(4) COORDINATION WITH SUBSECTION (a).—No penalty shall be imposed by this subsection on any promoter with respect to a tax avoidance strategy if a penalty is imposed under subsection (a) on such promoter with respect to such strategy.''

(2) CONFORMING AMENDMENT.—Subsection (d) of section 6700 of such Code is amended—

(A) by striking ''PENALTY'' and inserting ''PENALTIES'', and

(B) by striking ''penalty'' the first place it appears in the text and inserting ''penalties''.

(b) INCREASE IN PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—The first sentence of section 6700(a) of such Code is amended by striking ''a penalty equal to'' and all that follows and inserting ''a penalty equal to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by such person from such activity.''

SEC. 213. MODIFICATIONS OF PENALTIES FOR AIDING AND ABETTING UNDERSTATEMENT OF TAX LIABILITY INVOLVING TAX SHELTERS.

(a) IMPOSITION OF PENALTY.—Section 6701(a) of the Internal Revenue Code of 1986 (relating to imposition of penalty) is amended to read as follows:

''(a) IMPOSITION OF PENALTIES.—

''(1) IN GENERAL.—Any person—

''(A) who aids or assists in, procures, or advises with respect to, the preparation or presentation of any portion of a return, affidavit, claim, or other document,

''(B) who knows (or has reason to believe) that such portion will be used in connection with any material matter arising under the internal revenue laws, and

''(C) who knows that such portion (if so used) would result in an understatement of the liability for tax of another person,

shall pay a penalty with respect to each such document in the amount determined under subsection (b).

''(2) CERTAIN TAX SHELTERS.—If—

''(A) any person—

''(i) aids or assists in, procures, or advises with respect to the creation, organization, sale, implementation, management, or reporting of a tax shelter (as defined in section 6662(d)(2)(C)(iii)) or of any entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), and

''(ii) opines, advises, represents, or otherwise indicates (directly or indirectly) that the taxpayer's tax treatment of items attributable to such tax shelter or such entity, plan, arrangement, or transaction and giving rise to an understatement of tax liability would more likely than not prevail or not give rise to a penalty,

''(B) such opinion, advice, representation, or indication is unreasonable,

then such person shall pay a penalty in the amount determined under subsection (b). If a standard higher than the more likely than not standard was used in any such opinion, advice, representation, or indication, then subparagraph (A)(ii) shall be applied as if such standard were substituted for the more likely than not standard.''

(b) AMOUNT OF PENALTY.—Section 6701(b) of such Code (relating to amount of penalty) is amended—

(1) by inserting ''or (3)'' after ''paragraph (2)'' in paragraph (1),

(2) by striking ''subsection (a)'' each place it appears and inserting ''subsection (a)(1)'', and

(3) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following:

''(3) TAX SHELTERS.—In the case of—

''(A) a penalty imposed by subsection (a)(1) which involves a return, affidavit, claim, or other document relating to a tax shelter or an entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), and

''(B) any penalty imposed by subsection (a)(2),

the amount of the penalty shall be equal to 100 percent of the gross proceeds derived (or to be derived) by the person in connection with the tax shelter or entity, plan, arrangement, or transaction.''

(c) REFERRAL AND PUBLICATION.—If a penalty is imposed under section 6701(a)(2) of such Code (as added by subsection (a)) on any person, the Secretary of the Treasury shall—

(1) notify the Director of Practice of the Internal Revenue Service and any appropriate State licensing authority of the penalty and the circumstances under which it was imposed, and

(2) publish the identity of the person and the fact the penalty was imposed on the person.

(d) CONFORMING AMENDMENTS.—

(1) Section 6701(d) of such Code is amended by striking ''Subsection (a)'' and inserting ''Subsection (a)(1)''.

(2) Section 6701(e) of such Code is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''.

(3) Section 6701(f) of such Code is amended by inserting '', tax shelter, or entity, plan, arrangement, or transaction'' after ''document'' each place it appears.

SEC. 214. FAILURE TO MAINTAIN LISTS.

Section 6708(a) of the Internal Revenue Code of 1986 (relating to failure to maintain lists of investors in potentially abusive tax shelters) is amended by adding at the end the following: ''In the case of a tax shelter (as defined in section 6662(d)(2)(C)(iii)) or entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), the penalty shall be equal to 50 percent of the gross proceeds derived (or to be derived) from each person with respect to which there was a failure and the limitation of the preceding sentence shall not apply.''

SEC. 215. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE TAX SHELTER INFORMATION WITH RETURN.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include with its return of Federal income tax any information required to be included under section 6011 with respect to a reportable transaction shall pay a penalty in the amount determined under subsection (b). No penalty shall be imposed on any such failure if it is shown that such failure is due to reasonable cause.

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—The amount of the penalty under subsection (a) shall be equal to the greater of—

''(A) 5 percent of any increase in Federal tax which results from a difference between the taxpayer's treatment (as shown on its return) of items attributable to the reportable transaction to which the failure relates and the proper tax treatment of such items, or

''(B) $100,000.

For purposes of subparagraph (A), the last sentence of section 6664(a) shall apply.

''(2) LISTED TRANSACTION.—If the failure under subsection (a) relates to a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011, paragraph (1)(A) shall be applied by substituting '10 percent' for '5 percent'.

''(c) REPORTABLE TRANSACTION.—For purposes of this section, the term 'reportable transaction' means any transaction with respect to which information is required under section 6011 to be included with a taxpayer's return of tax because, as determined under regulations prescribed under section 6011, such transaction has characteristics which may be indicative of a tax avoidance transaction.

''(d) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under section 6662.''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 of such Code is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include tax shelter information on return.''

SEC. 216. REGISTRATION OF CERTAIN TAX SHELTERS WITHOUT CORPORATE PARTICIPANTS.

Section 6111(d)(1)(A) of the Internal Revenue Code of 1986 (relating to certain confidential arrangements treated as tax shelters) is amended by striking ''for a direct or indirect participant which is a corporation''.

SEC. 217. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subtitle shall apply to transactions after the date of the enactment of this Act.

(b) SECTION 211.—The amendments made by subsections (b) and (c) of section 211 shall apply to taxable years ending after the date of the enactment of this Act.

(c) SECTION 212.—The amendments made by subsection (a) of section 212 shall apply to any tax avoidance strategy (as defined in section 6700(c) of the Internal Revenue Code of 1986, as amended by this subtitle) interests in which are offered to potential participants after the date of the enactment of this Act.

(d) SECTION 216.—The amendment made by section 216 shall apply to any tax shelter interest which is offered to potential participants after the date of the enactment of this Act.

Subtitle C—Limitations on Importation or Transfer of Built-In Losses

SEC. 221. LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(1) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in paragraph (2) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(2) PROPERTY DESCRIBED.—For purposes of paragraph (1), property is described in this paragraph if—

''(A) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(B) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(3) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of paragraph (1), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in paragraph (2) which is transferred in such transaction would (but for this subsection) exceed the fair market value of such property immediately after such transaction.''

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(2) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 222. DISALLOWANCE OF PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property over its fair market value immediately after the contribution.''

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 of such Code (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 of such Code is amended by inserting ''or with respect to which there is a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 of such Code is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the basis of such partner's interest in the partnership.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 of such Code is amended to read as follows:

''SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS.''

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 of such Code (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 of such Code is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 of such Code is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds 10 percent of the aggregate adjusted basis of partnership property immediately after the distribution.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 of such Code is amended to read as follows:

''SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION.''

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

Subtitle D—Prevention of Corporate Expatriation To Avoid United States Income Tax

SEC. 231. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to

restore the estate tax, to limit its applicability to estates of over $3,000,000, and for other purposes.''

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 223, nays 201, not voting 10, as follows:

[Roll No. 215]

YEAS—223

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

NAYS—201

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

NOT VOTING—10

Brown (FL)
Chambliss
Combest
Gilchrest
Houghton
Lewis (GA)
Napolitano
Serrano
Simpson
Traficant

□ 1309

Mr. RUSH and Mr. CUMMINGS changed their vote from ''yea'' to ''nay.''

Mr. TANCREDO changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 195, not voting 12, as follows:

[Roll No. 216]

YEAS—227

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

Upton	Watts (OK)	Wilson (NM)
Vitter	Weldon (FL)	Wilson (SC)
Walden	Weldon (PA)	Wolf
Walsh	Weller	Young (AK)
Wamp	Whitfield	Young (FL)
Watkins (OK)	Wicker	

NAYS—195

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

NOT VOTING—12

Carson (OK)	Harman	Sandlin
Chambliss	Houghton	Serrano
Combest	Lewis (GA)	Smith (MI)
Gilchrest	Lynch	Traficant

□ 1319

Mr. ISRAEL changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 435, I call up the bill (H.R. 2143) to make the repeal of the estate tax permanent, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 435, the bill is considered read for amendment.

The text of H.R. 2143 is as follows:

H.R. 2143

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 ''Permanent Death Tax Repeal Act of 2001''.

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) in subsection (a) by striking ''shall not apply—'' and all that follows and inserting ''(other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.'', and

(2) in subsection (b) by striking '', estates, gifts, and transfers''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 107–494, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read and shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Dying has been euphemistically called ''buying the farm,'' but for many Americans today, reality is that when they die, they have to sell the farm. The argument that two iron clad rules of life are death and taxes are currently linked in the law today in the most bizarre fashion, and that is, although we still have the certainty of death and taxes, the interrelated consequence of each is timed unfortunately to the question of when someone dies.

How in the world have we gotten ourselves into this particular situation? The House has voted twice to repeal the death tax, not just for 10 years, permanent repeal. However, in dealing with the other body, given the arcane rules of the other body, we currently have the situation in which the death tax is reduced, then ended and then reinstated.

Providing real tax relief today currently has a hook tomorrow, and one of the things we need to do is to make sure that we move the permanency of the estate tax repeal so that those who awaken on New Year's Day 2011 are not faced with a massive tax increase.

Mr. Speaker, I reserve the balance of my time, and I yield the remainder of my time to the gentlewoman from Washington (Ms. DUNN) of the Committee on Ways and Means and ask unanimous consent that the gentlewoman control the remainder of my time.

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

There was no objection.

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

I want to thank the chairman of the committee for allowing us to adjourn the full committee hearing that really dealt with runaway corporations trying to avoid their legal tax liability and going to foreign countries. The chairman agreed that our full committee should be here on the floor to deal with this important piece of legislation, rather than have our full committee over there in a hearing room listening to testimony when we did not intend to legislate. It was not his fault that we had a conflict of a major bill in the committee and a major bill on the floor. So his acceptance of the motion to adjourn means a great deal to us on the Committee on Ways and Means, and I would like to thank him for it.

As he said, yes, death and taxes are with us; but he omitted saying, but so was politics, because the only reason that this bill is on the floor is not just because this is an election year, but because we are nearing the election and who are the ones that make the campaign contributions? It is not those people who are the low-income people. It is not our old folks that are looking for prescription drugs, and it certainly is not our kids who are looking for a decent education.

I would say that if anyone looked and found out who the beneficiaries would be, it would be less than 1 percent of the taxpayers of the United States of America, those who are blessed not only with high income and great estates, but those who are blessed with a whole lot of great Republican friends that would like to have them even extend benefits.

Some of the Members of the House who have thought to do this at a time of war, to take a bill that is going to cost over the next 10 years, including the debt service, close to $1 trillion, to do this without making permanent the 10 percent tax cut or the child credit, to do this when we do not even have a decent prescription drug bill is just immoral, indecent and obscene; but it is an election year. We should have expected that this would happen, and so we accept what the Republican leadership would want to do, and that is, to bring this to the floor at a time when our Nation is at war and certainly not demanding this.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), chairman-to-be, one of the outstanding members of the House. He is not on the Committee on Ways and Means, but I assure my colleagues that what he has to say should be of great benefit, not only to this august body,

but to the people of the United States of America who are dedicated to winning this war against terrorism, but not at the expense of our commitment to the people of the United States.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding the time to me.

Last fall, the House passed legislation that contained a $254 million tax break for Enron, and the public was so amazed that some people refused to believe what this House had done. Well, guess what? Today we are trying to do it again.

This legislation is even more generous to Enron executives than last year's retroactive repeal of the corporate alternative minimum tax. This bill would give tax breaks worth over $300 million to the estates of Enron executives. The same people that looted the company, deceived the public, cooked the books, and bankrupted thousands of employees are going to get hundreds of millions of dollars under today's legislation.

This bill is not about protecting family farms and small businesses. They are all well protected by the gentleman from North Dakota's (Mr. POMEROY) amendment. It is about doing favors for well-connected campaign contributors, like Enron CEO, Ken Lay.

The repeal of the estate tax made no sense last year when we had surpluses; but now we are facing mounting deficits, and it is an insane policy. The people who will pay for this tax break for the super-rich are working families. No matter what the Republicans say, there is only one source of money for a tax break of this magnitude, the Social Security trust fund.

Here is a picture, if I might show it to my colleagues, of one of the many major beneficiaries of this bill, Jeffrey Skilling. His estate will receive a $55 million tax break under this bill. As some analysts have calculated, this will be paid for by raiding the Social Security contributions of 30,000 American workers. No one can justify that policy.

Enron executives are not the only ones who make out like bandits under this bill. So does the Bush Cabinet. At the same time that President Bush is calling on the Nation to make shared sacrifices, he is pushing legislation that would give his estate and the estates of the wealthiest members of his cabinet $100 million or more in tax breaks.

□ 1330

That is not a cabinet that reflects American diversity. That is a cabinet that reflects American millionaires, and this bill will give them even more money.

Vice President CHENEY's family alone will make up to $40 million if this bill passes.

This is craziness. We are in a war, and we cannot afford to be giving money to the super rich at the expense of those who are working to pay for the costs of that tax break. And no one can justify giving Mr. Skilling a $55 million tax break or Mr. CHENEY a $40 million one. In fact, the Republicans ought to be too ashamed to even try.

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

Mr. Speaker, we are here today to fulfill a pledge we made a year ago. The Congress succeeded last year in phasing out the death tax by 2010. Unfortunately, due to a quirk in budget rules on the other side of the Capitol, it will snap back to life January 1, 2011. We believe this is unfair and that it is unacceptable. It is bad tax policy and it must be changed.

It is important to recognize the lack of permanence has real consequences, Mr. Speaker, for small business owners and family farms. Without permanence, they will continue to have to spend thousands of dollars every single year to put together expensive estate plans and to purchase life insurance policies just to ensure that business can survive to the next generation.

The sudden reappearance of the death tax in 2011 creates the ridiculous situation where a person who dies on December 31, 2010 would not be subject to death taxes, but if he had lived one more day his heirs would be forced to pay death taxes of up to 55 percent.

The opponents of the repeal parade the same tired reasons for keeping the death tax. They say it only helps the super wealthy. Not true. According to the IRS, 85 percent of the estates that paid the tax in 1999, our most recent figures, were valued at between $2.5 million, and many of these were small businesses. Any capital-rich, cash-poor business, like a trucking company, for example, or a hardware store or construction company or a family-owned newspaper, would undoubtedly be valued at more than $2.5 million.

Why not simply provide a special exemption for small businesses and farms? We have already tried that, Mr. Speaker, and we have been shown that it does not work. The formula for applying the exemption is far too onerous and it is too complicated. It was so unworkable that the American Bar Association recommended that we repeal it because it was only taking into consideration between 1 and 3 percent of small businesses, small farms, and small estates. It did not work.

More importantly, a carve-out of that sort of exemption affirms the flawed notion that it is fair to tax somebody at the end of their life because they were successful. These are assets that already have been taxed once, and many times more than that.

Death tax repeal attracts support from both sides of the aisle and from a diverse group of interests. Conservation organizations, like the Nature Conservancy, support repeal because they are very worried about the forced sale of valuable property to developers. In one fell swoop a parcel of land that has been in the family for generations is sold simply to pay that death tax and must be paid in cash within 9 months of the death of the owner.

Minority business groups, like the Black Chamber of Commerce and the Hispanic Business Roundtable support repeal because they understand it takes more than one generation to build a business that will be in the family. Why should the death tax stand in the way of their attempt to realize the American Dream?

Women business owners support repeal. They are well aware of the threat the death tax poses to their hard work. According to one recent survey, 40 percent of women business owners claim that the death tax would force the sale of all or part of their businesses.

Opponents also claim that repealing the death tax will entrench our Nation's wealthy elite. They maintain that the tax represents the best intentions of meritocracy, in which citizens begin life without financial advantages. But their populist sentiments are simply misguided.

The death tax is an insult to hard-working Americans and it penalizes entrepreneurs for their successes. Mr. Speaker, we spend a huge amount of time and energy encouraging Americans to save for retirement, to save for the unexpected, to save for their children. We should not punish them at the end of their life for doing the right thing. The death tax has no moral, economic, or social justification and it should be repealed completely.

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

Mr. MATSUI. Mr. Speaker, I ask unanimous consent to control the remainder of the time of the gentleman from New York (Mr. RANGEL).

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

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of California (Mr. STARK), a member of the Committee on Ways and Means.

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

Mr. STARK. Mr. Speaker, let us understand and cut through all this nonsense about small businesses and small farms. Many of us in this Congress pay a lot of income tax. I do. I have been very fortunate. My children will perhaps inherit from me when I pass on money in the amounts that they may have to pay in an estate tax.

But the fact is, and I am joined in this observation by the Buffet and the Gates families, who hardly can be called liberals, and who have a lot, lot more money than most of us in Congress, and they find it abhorrent that we should try and protect children and give children millions of dollars.

Now, no one is in any danger of losing a business, because the Code currently, first of all, allows people with small businesses that are privately

held to pass those on at a deep discount, sometimes 30 and 40 percent off their value because they are illiquid. Secondly, it gives 15 years at very low interest rates, even less than 6 percent, for these beneficiaries to pay off any estate tax.

So I have always said, and my children are getting a little sick of hearing me say it, that when I move on and they get a chance to inherit our family business, if they can get a business with about a 50 percent downpayment given to them free, and the other 50 percent that they only have to pay off over 15 years at less than 6 percent, if they cannot operate that business and make enough money to pay off their fair share of taxes, they are too dumb to get the business, and I did not do the right thing and their mother did not do the right thing in raising them.

So it is a matter of fairness. This is an attempt by the Republicans to create a nobility, a group of people who have never earned anything in this country, as most of my Republican colleagues on the Committee on Ways and Means have not. None of them ever had a business. They have either worked at the public trough all their lives or inherited a business. So when we hear about free enterprise and passing on businesses, they are really talking about pandering to the very rich, who they hope will contribute to keep them in office.

Let us get behind this. It is not to protect the family farms, it is not to protect the small businesses, it is there to protect a stream of campaign contributions from the very rich who will benefit most from this bill. I urge my colleagues to vote ''no.''

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to remind the gentleman from California that the death tax extracts $4 billion from the State of California to the Federal Government, money that might be used to assist him in the problems in the State of California.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON), who is the author of the bill we debate today.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Colleagues, let us remember what this debate is really all about. There are a lot of people who want to reopen the whole issue of the inheritance tax, but we already passed a phaseout of the inheritance tax in this body last year. I think it was fairly overwhelming, the vote, and I think a lot of Democrats voted for phasing out the inheritance tax. Because of a quirk in the rules in the other body, the inheritance tax is phased out and then in 2011 it comes back.

The reality is that for many people, small business owners in particular, and they are the group this tax most adversely affects, when they try to pass their small business to their heirs, 67 percent of them fail. And one of the biggest reasons they fail is because they get hit by this inheritance tax. They frequently have to lay off employees. And those people right now do not know what to do because the inheritance tax comes back in 2011. Many of them are maintaining elaborate estate plans specifically because of the feature in our bill.

This really does affect jobs. Most of the job growth in my district over the last 7½ years has been from small businesses. And the only way to deal with this is to get rid of that sunset provision. That is why I introduced this bill. An economic analysis has been done on this, and getting rid of this feature can add up to $150 billion to our economy over the next 10 years. It can affect 200,000 jobs.

I personally believe that if we leave these resources in the economy and create jobs out there, the Federal Government will actually take in more money, not less money, by getting rid of this very onerous tax.

The other thing I want to say is that these people have already paid their taxes. They paid their taxes all of their lives, they created jobs, and the people in those companies paid the Federal withholding, paid the FICA tax, yet after they are dead we would tax them again. It is wrong.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, the chairman asked how did we get here. Well, actually, we got here by people in this country who led it who said this is the proper policy that we have, to have an estate tax.

Thomas Jefferson outlawed primogenitor and he did it in saying we are taking an axe to the foot of America's pseudoaristocracy. The decision was made in the very beginning that we did not want to have an aristocracy in this country.

Now, Theodore Roosevelt, who signed this into law, and I remind everyone here he was a Republican, said, ''The man of great wealth owes a particular obligation to the State because he derives special advantages from the mere existence of government.''

In this debate, in my State, Mr. Gates, Sr. spoke to the law school on this issue and he said this: ''One day a child was about to be born, and it was brought to God. And God said to the child, you are either going to be born in Zimbabwe or in the United States. You can choose. But when you die, I have many works and I need money. So if you go to the United States, you have to give half of it back when you die.'' Now what do you think the child would choose?

We live in the best country in the world, with the most opportunity, with the most freedom. And we have that because we give people a continuing chance. We do not allow the accumulation of aristocracy and wealth that we have had in Europe and other parts of the world. It was a decision at the very beginning. We did not want a king, we did not want lords and nobles and earls and so forth that could keep their lands forever.

That is why most of us are in this country, because we came from countries where we were serfs. Mine were Irish and they were German. Some were Polish, some were Italian, some were Japanese. All of them came here because of the opportunity. And when we start having an aristocracy that controls it all, we do real damage to America as we know it.

Now, even more important is what will happen to the giving, the charitable giving in this country. Seattle University had a consultant look at this issue and he said that more than half of the giving to the Seattle University will dry up if we get rid of the inheritance tax. Now, everybody said, of course, these people are going to pile it all up and they will give more. Come on. Why would my colleagues be pushing to get hold of it all if you were going to give more? You can give more now and actually deal within your taxes, but they are not.

This is a way of saying to everybody in this country we all have an opportunity. We all can do very well here. But when you die, you give back to the society that made it possible. Vote ''no'' on this bill.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to remind my colleague and good friend from Washington State that it was, in fact, Woodrow Wilson, a Democrat president, who in 1916 signed the death tax into law, not Teddy Roosevelt.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), who is a very strong member of the House Committee on Ways and Means and who is very involved in this debate.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, only in our government are you given a certificate at birth, a license at marriage, and a bill at death. It is tax, tax, tax. It is the grim reaper every day.

Death taxes can wipe out a lifetime of work. That is why this House should vote to end this unfair tax once and for all. Permanentize it.

For many small businesses, death taxes are a death sentence. We have already voted to repeal the tax, and I want to empower small business owners to go on making their businesses successful instead of planning for their own demise. But unlike a villain in a bad movie, this tax brings back to life in a few years the grim reaper.

□ 1345

Tax, tax, tax. This House did not pick up the rules that prevented permanent repeal of the death tax. Today we will overwhelmingly pass permanent repeal. Many of our Democrat colleagues are arguing for something less

than full repeal. Class warfare does not work on this issue. Americans strive to be successful, and when they share the fruits of their labor with their children, Americans support full repeal of the death tax. They do not want a toll booth on the road to meet their maker. Mr. Speaker, just as you cannot be a little bit dead, the death tax cannot be a little bit gone. Imposing taxes on the value of a lifetime of work is just plain wrong, and we must end this unfair tax permanently.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), a member of the Committee on Ways and Means and the Subcommittee on Health.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I rise in opposition to the legislation we are considering and in support of the Democratic substitute. Mr. Speaker, this is first a matter of fairness. Currently only 2 percent of estates are subject to estate taxes and of that only .3 percent to the family farms and family businesses. A very small number today are subjected to tax. Under the Democratic substitute 99.7 percent of all these estates will avoid any estate tax. This is not about family farms and family businesses. We all agree that they should be able to avoid the estate tax for a modest wealth upon death. What this is about is what Forbes Magazine said. The 400 richest families in America will avoid somewhere between 200 to $300 billion, that is billion dollars, in taxes under the bill. It is for the super-rich; it is not even for the rich.

The second is affordability. When this legislation passed last year, we had a $5.6 trillion projected surplus. Mr. Speaker, we are now projecting large deficits. We are in a war effort. We cannot afford the extra hundred billion dollars that this legislation will cost. There is a better alternative. The Democratic substitute, about 5 percent of that cost.

Yes, reform is needed. The Democratic substitute raises the unified credit to 3 million per individual, 6 million per family, takes care of the problems immediately, not 5 years from now or 10 years from now, but does it in a responsible, affordable and fair way.

Mr. Speaker, this is a matter about priorities. What are the priorities of this Congress? When the estate tax repeal is fully implemented, it costs about $75 billion a year or $750 billion over the next decade. That is $750 billion. That is what our Congressional Budget Office says. We are going to be debating prescription medicines for our seniors. That costs about $750 billion if you want a good plan. What is more important, a permanent repeal of the estate tax or helping our seniors with prescription medicines? Helping people with wealth over $6 million or helping seniors try to deal with the costs of their prescription medicines? At the same time that the estate tax repeal comes into full effect, we need the money for the baby boomers in the Social Security system. What is more important, the repeal of the estate tax for estates over $6 million or preserving our Social Security system for America's future? Mr. Speaker, this is a matter of priority. We cannot have everything. We have to make hard choices. This is the wrong decision. I urge my colleagues to reject the bill.

Ms. DUNN. Mr. Speaker, I remind the previous speaker, the gentleman from Maryland (Mr. CARDIN), that the State of Maryland sent $582 million to the Federal Government in payment that is not used in their own State.

Mr. Speaker, I yield 2 minutes to the gentleman from the State of Arizona (Mr. HAYWORTH), a very effective member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, later today we will take a vote to make the death tax repeal permanent. It will be a bipartisan vote, despite some of the preceding rhetoric in the well of the House, and I do not want anyone to be deceived or misled.

One of the leading proponents of permanent death tax repeal in my State happened to be the standard bearer for the Democratic Party in 1994 for the office of Governor. He came to me and said, ''When are you going to repeal this death tax?'' The reason he did so was not because he fits into the realm of the super-rich. The reason he did so, he is an owner of grocery stores and he employs hundreds of Arizonians.

Mr. Speaker, people of goodwill can have a fundamental disagreement. Either we can come to this floor and attempt to demonize and drive wedges and claim that it is always us versus them, or we can understand some simple facts: keeping businesses in business makes good sense for America. More than 70 percent of family businesses do not survive to the second generation. Eighty-seven percent do not make it to the third generation. Sixty percent of small business owners report that they would create new jobs over the coming year if estate taxes are eliminated. We move to do that.

Now the question becomes are we willing to make this permanent to deal with the arcane rules from elsewhere on Capitol Hill to make this permanent for job creation. We all want to save Social Security. We want to have people paying payroll taxes. The best social program is a job. The best way to ensure that the backbone of America, small businesses, stay in business, is to ensure that family-owned businesses can continue to operate. That is why it is vital for all Americans, Republicans, Democrats, Libertarians, vegetarians, all Americans to have the chance to keep their business in the family. There should be no taxation without respiration. Let us keep business alive.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, this really is not about farmers and small businesses. The Pomeroy substitute addresses 99 percent who would be excluded from estate taxes. This is not about class warfare unless it is warfare on behalf of 1 percent of the very wealthy against 99 percent. It is not about a quirk in the bill last year. If we eliminate the sunset, essentially we are further sunsetting fiscal responsibility, a trillion dollars the second 10 years for a few thousand families.

We are not just mortgaging the future, we are throwing it away. We are throwing away the chance to address Social Security needs, Medicare needs. In a few words, this is not about death taxes; it is about deficits, more deficits, and more, more deficits.

There has been a reference here to supply-side economics. This is supply-side economics run amuck. Those who vote ''yes'' today will live to regret it, if not tomorrow, some years from now.

Mr. Speaker, I urge a ''no'' vote on the final vote, and ''yes'' on the substitute.

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

Mr. Speaker, I remind the gentleman from Michigan (Mr. LEVIN) that $711 million are taken from his State to give to the Federal Government as a result of the estate tax.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today again to recognize the hard-working people of America who have played by the rules and have paid their fair share. Decent, law abiding, tax paying Americans are the backbone of this country, and they are the salt of the earth. They are the farmers of southwest Georgia, the family business owners across the country, from the Atlantic to the Pacific. All across this land are Americans who have paid taxes their entire lives, only to face the final taxing event at death. They paid their taxes during their lifetimes and should not be charged again because they happen to die.

The death tax represents all that is unfair and unjust about the tax structure in America because it undermines the life work and the life savings of Americans who want only to pass on to their children and grandchildren the fruits of their labor and the realization of their American dream.

And besides, it generates only 1.5 percent of our Nation's revenue. Farmers in my State of Georgia, many of whom are widowed women and the children of deceased farmers, are faced with losing their family farms because of this harsh tax. Employees of small and medium-sized family businesses, many of whom are minorities, are at risk of losing their jobs because their employers

are forced to pay the unfair, exorbitant death tax levied upon them. Funeral homes, newspaper publishers, radio station owners, garment manufacturers, grocery owners, and real estate owners are all affected, all across the demographic spectrum.

Mr. Speaker, although reasonable minds may differ on this issue, I believe that the death tax is politically misguided, morally unjustifiable, and downright un-American. Let us vote today to finally eliminate the death tax and return to the American people and their progeny the hard-earned fruits of their labor.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, let us put this debate into some perspective. First of all, we do not have a death tax in this country. Nowhere in the statute does it mention the word ''death tax.'' What we have and have had since 1916 is an inheritance tax paid to the government by the most wealthy.

Why do we have it? Well, to fund this government. To fund the military, to fund the expensive farm programs we passed 2 weeks ago, we need revenue. What the country decided long before I was in Congress was a tax code like a three-3-legged stool. One leg will be the income tax for which everybody pays. Then we have another leg for the business people, which is a business, or corporate tax, and the third is an inheritance tax. And that was fair.

What has happened since 1916, small businesses and farmers have flourished. Look just at the 1990s when the stock market went through the ceiling. The Gateses of the world were created.

But now we are being told by my Republican friends that the country is going to hell in a handbasket unless we repeal this tax. How does it affect Americans? Currently, 2 percent of the American public will pay it. In the gallery before me are about 100 people. Under this tax, two people will pay it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members not to refer to people in the gallery.

Mr. KLECZKA. Mr. Speaker, two people sitting in the gallery will pay it. Well, how about the 98 other bodies in the gallery?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is again reminded not to refer to people in the gallery.

Mr. KLECZKA. Mr. Speaker, the fact of the matter is, 98 percent of those who might be in the gallery will pay the additional income taxes to make up for this loss.

Where are we as a country? Two years ago we were awash in surplus, and we were told by my Republican friends that as far as the eye can see, we will have surpluses. These same folks have tax-cutted this country back into a deficit. This year we are looking at a $300 billion deficit.

□ 1400

As we all know, this country is on a war footing, a war on terrorism. We just passed a bill last week for $29 billion for the military and other homeland security items. Is now the time to repeal the tax paid by the 2 percent wealthiest of this country? Should they not help us with the war effort?

They are the beneficiaries. Not you. The Cabinet of the current administration will see a windfall of millions of dollars if we take this bad action today.

I ask my colleagues to defeat this measure. Quit kidding the American people and saying that this applies to everyone. The fact is 2 percent.

Ms. DUNN. Mr. Speaker, I remind the gentleman from Wisconsin that his State sends $380 million to Washington, D.C.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX), a strong proponent of the repeal of the death tax over a period of years.

Mr. COX. Mr. Speaker, I have been waiting for this day since 1993 when I first introduced the bill to repeal the death tax. The following year by 1994, we had some 29 sponsors, over 100 sponsors in the next Congress, over 200 sponsors in the following Congress. Due to the efforts of the chairman of the Committee on Ways and Means, the gentlewoman from Washington (Ms. DUNN), the gentleman from Tennessee (Mr. TANNER), that bill was eventually signed into law.

Four times this House has voted to repeal the death tax. And for good reason. By the way, I refer to it as the death tax because that is in fact what it is called in the Internal Revenue Code. For example, in section 2014 and section 2015, you will see the words, unlike the comments of the preceding speaker, death tax. That is the proper name for this code because it is a tax that applies on death. Its purpose when it originally was put into place was to confiscate the wealth of the super rich. Much of the discussion today has been focused on the nobility of that cause, confiscating the wealth of the super rich. But we have now a century of experience and we know that it does not succeed, or come close to succeeding, in that effort. It does not break up concentrations of wealth. To the contrary, it is the engine for concentrations of wealth.

Ask yourself: How could it be after a century of experience with a tax such as this designed to break up great concentrations of wealth that the great-grandchildren of John D. Rockefeller could be themselves so wealthy, but the wealth of John D. Rockefeller is well known to all of us who work in this Congress, as is the wealth of Joe Kennedy, the wealth of a lot of people who are no longer with us, because the super rich can afford the lawyers, the trusts, the bollix accounting schemes that are needed to avoid this ultimately elective tax. For the super rich, they do not pay it.

Who does pay it? Those people who work in businesses that are too small to have enough cash to do the expensive tax planning. The compliance cost associated with this tax, according to the Joint Economic Committee, may be more than enough to eclipse all the revenue that it raises. So most of the figures that we are hearing about how much money this might bring to Washington are looking at only half the story. You have got to look at how much it costs us to squeeze that blood out of the turnip. Even more to the point, look who supports repeal of the death tax. The National Black Chamber of Commerce, the Black Women Enterprises, Hispanic Business Round Table, Latino Coalition. This is not a coalition of the super rich. To the contrary, this is working America.

The tax that you pay when you lose your job because the owner dies without an adequate estate plan is 100 percent. The low wage worker in a nonpublic company pays 100 percent when his or her job is liquidated. And most of the estates where there are significant collections for the Federal Government are thrown into litigation because there is always an argument about what the estate is worth. Therefore, it is an inordinately expensive tax to collect. Over 80 pages of the Internal Revenue Code have been repealed with our repeal of the death tax. It is the biggest blow we have struck for tax simplification thus far.

But now we have to make it permanent. I mentioned that this House has voted four times for repeal. I mentioned the President has signed it into law. But as a result of an anomaly in Senate rules, nothing that this House voted for, our repeal, which takes full effect 7 years from now, is undone after only 12 months. So if 7 years from now you or a member of your family or the owner of your business dies on December 31, there is no burdensome estate tax to deal with, no death tax forms to fill out. If the same person, you or the same person, dies the following morning, then 55 percent is the rate that applies. The full burden of the death tax, even before the stepdown in rates that will have taken place over the next 7 years, is revisited.

That is why the New York Times referred to the current situation as the Throw Momma From the Train Act because only in 2010 is there actual repeal and the full tax comes back the following year. Only if you support this anomaly that imposes compliance costs on everyone in America should you vote against permanency.

I say vote ''yes'' on making death tax repeal permanent. It is time to throw the death tax from the train.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, we all know the circumstances last year when we voted to repeal temporarily the estate tax. OMB was predicting a surplus

of $5.6 trillion over the next 10 years. Today that surplus is gone, vanished, thanks to tax cuts, terrorists and recession, and overestimation of the surplus in the first place.

This year we expect a budget in deficit by $314 billion, excluding Social Security. Over the next 10 years we expect that deficit to be $2.6 trillion. We will consume all of the Social Security surplus and all of the Medicare surplus if that is true.

Even last year, estate tax repeal had to be shoehorned into the budget to hold the tax cut to no more than $1.3 trillion. That is why there was a repeal one year, reinstatement the next year. Even this year those who favor repeal do not favor it until 2010, 2011. They are putting it off. And they are understating the cost because the near-term cost seems low, but look at this chart and you will see what the long-term cost is. The long-term revenue loss in the second decade of this century resulting from the repeal of the estate tax will be $1.1 trillion.

How much is $1.1 trillion? That is one-third of the cost, 40 percent of the cost of making Social Security solvent. That is enough to pay for a robust, full-fledged Medicare prescription drug package. That is the opportunity cost of what we are doing.

Last year you needed a shoehorn to get it into the budget. This year you will need a shovel. What you will do is dig a hole in the budget that is deeper than ever. You will put us back in structural deficit like never before.

This is ill-advised. Vote for the substitute. Exonerate those small businesses by voting for the substitute from any kind of estate tax and keep the budget intact.

Ms. DUNN. Mr. Speaker, I remind the gentleman who just completed his talk from South Carolina that $231 million goes from his State that could be used to cover health care coverage for small businesses.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, we hear over and over again how the repeal of the death tax is another tax break for the exceptionally wealthy. This does not reflect my personal experience. I have been privileged to know a few very wealthy people and at no time have I ever heard from any of those people any discussion about the death tax. The reason for this is that nearly all of them have foundations, they have trusts, they have offshore investments, and none of them will leave money to the government in the form of inheritance tax.

The segment of the population that is affected most by the death tax consists of those individuals who have a single fixed asset that has appreciated significantly over time. In my district, which is largely rural, many small businesses, ranches and farms fit in this category. The farmer who bought land at $100 an acre 40 years ago that is worth $2,500 an acre today and the rancher who purchased grazing land at $20 an acre 50 years ago that is currently valued at $300 an acre would be examples. Nearly all of the profits from those farms and ranches have been put back into the property. Most farmers and ranchers are land-rich but cash-poor.

Yesterday I spoke with a cattle feeder who bought cattle from 100 ranch families in the Sandhills of Nebraska. I asked him what his number one concern was. He said that it was the death tax. He said that six of those 100 ranches were sold last year because the heirs could not pay the death tax. Most of those farms and ranches are sold to wealthy absentee landlords.

Ted Turner is currently the largest landowner in Nebraska. Ted Turner's property will not be subject to inheritance tax upon his death. This process takes wealth and population from rural areas. Currently the death tax nets slightly more than 1 percent of total government tax revenue, yet it costs almost one-third of every dollar recovered just to collect the tax. The net effect to the economy is negative when one considers lost jobs, lost productivity and loss of local control of businesses, farms and ranches.

I urge permanent repeal of the death tax.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, life is full of choices. The choice before us involves repeal of the estate tax versus the choice of maintaining full benefit payments to the Social Security program.

There will be 78 million Americans that will turn 65 sometime in the next decade. At that point in time, their draw on Social Security will be profound. You can see Social Security revenues dropping dramatically as these 78 million leave the workforce. That same decade, however, if the majority plan passes, the costs explode on the lost revenue due to the estate tax. This X-marks-the-spot on this chart foretells fiscal disaster resulting in Social Security benefit cuts and payroll tax increases on our children.

We cannot just think about this in today's terms. We have to look long term. The long term is a fiscal catastrophe for our country, a tax obligation to our children and beneficiary cuts for Social Security recipients if we take the action urged by the majority.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. I thank the gentlewoman for yielding me this time.

Mr. Speaker, it always interests me when I see people talk about the fact that we are going to have a lower income, a lower revenue based on certain tax policy that leaves money within the economy. What I keep wondering and hoping to hear, though, is how we are going to reduce the outgo. This town is not known for cutting spending, but that is the number one problem in this town is the appropriations, not the taxation.

Mr. Speaker, even during an economic slowdown, our Nation still has one of the most vibrant economies in the world. We have the highest GDP of any Nation and the engine of this economy is small and medium-sized family-owned businesses. These businesses employ more than half of the workers in this country, generate more than 50 percent of the GDP and are responsible for more than 30 percent of our exports. These small and medium-sized businesses are the driving force of America's economic power.

Yet throughout our excessive and complex tax system, we place every conceivable obstacle in their path toward success. In many cases, despite the best efforts of our government to hinder these economic drivers, they somehow manage through sweat, blood, tears and grit to succeed. However, there is a troubling statistic about these businesses, Mr. Speaker. Less than one-third of them survive after they are inherited by the second generation, and less than 15 percent make it into the third generation.

Mr. Speaker, can you guess the number one reason for the failure of these businesses? It is lack of capital. You can further guess that the main controlling factor that leads to the lack of capital is the death tax.

Mr. Speaker, most of the wealth in this Nation has been generated since World War II. Between now and the year 2040, it is estimated that American family-owned businesses will transfer more than $10 trillion of assets to their heirs. It was a wise decision for the President and this Congress to repeal this horrendous tax burden.

□ 1415

The only problem with the repeal is that it will sunset in the year 2011. This makes it impossible for businesses to plan for the transition of ownership from one family member to another.

In order for the temporary repeal to be effective, the owner would have to die in the year 2010. As a small businessman for 39 years, I have seen some pretty good business plans. But I have never seen one that had a vision in it that the owner must die at a certain time and date.

I urge my colleagues to support this measure and support the small and medium-sized businesses for which this Nation is the envy of by the rest of the industrialized world.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the State of California (Mr. FARR), a Member of the Committee on Appropriations.

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

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think the debate here is one where the Republicans are trying to make it sound good, but if you implement the law, it feels really bad. Let me explain. The law that they implemented trickles down the inheritance tax until the year 2010, and then it sunsets and comes all the way back. So any of you who are trying to plan an estate, you have no idea what you are going to have to pay, particularly unless somebody dies in the year 2010.

Now they come in and say, well, let us just make it permanent. What they want to make permanent is obviously a very bad law, because the one thing they do not do is they do not step up the basis, and if you do not step up the basis, then the people who inherit that property when they have to sell it have to pay a humongous capital gains tax.

There is a better provision here, and it is the Pomeroy provision, and I hope everybody and the Republicans listen to it, because it does a better job. It makes it more effective. You will have a better repeal next year, in the year 2003, than you do under the Republican proposal, and it does have a step-up basis. It is so tax-smart that the tax attorneys will tell you that the Pomeroy substitute is better law. It is better law for tax planners, it is better law for people who have to pay inheritance tax, and it is better for those who have to inherit.

Ms. DUNN. Mr. Speaker, I will remind the gentleman from California that $4 billion goes from the State of California as a result of the death tax, dollars that could be used by small business people to increase employment.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I stand in very strong support of repealing permanently the death tax. I personally know ranchers and farmers in my great State of Wyoming who have had to liquidate, had to sell their property, in order to pay the death taxes on their property. These are sometimes fifth-generation families, where they have done nothing but ranch or farm for five generations, and that is all they ever wanted to do. Sometimes they will sell half of their ranch, but they still end up having to sell the whole thing, because they cannot make a living with only half of the property.

We are not talking about wealthy people here. We are talking about small businessmen. We are talking about people who feed this country. We simply cannot afford to have our food supply controlled by big insurance companies who are able to afford to buy the ranches in the first place and then pay taxes on them, insurance companies, people like Ted Turner.

We need to have middle class, hardworking farmers and ranchers that love the land, on the land, working the land. Unless we repeal the death tax, that concept will not survive in the United States of America.

According to the National Federation of Independent Businesses, one-third of small business owners will have to outright sell or liquidate their businesses to pay the death tax. Half of those will have to lay off 30 or more people. So it is not just farmers and ranchers that suffer from having to pay these exorbitant death taxes, it is small businesses all across this country.

We all know small businesses are the backbone of this country, and we need to protect them. We need to allow them to expand their businesses and create more jobs, instead of paying the money to the government to be spent on other things.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, only one percent of all the estates in this country are assessed any estate tax. I have already voted to repeal the tax for most of those who are subject to it, and to do so immediately, not seven or ten years from now. But this vote today is a vote that is only the latest variation of the one-note symphony that is the Republican call for more and more tax breaks, each and every week, for the economic elite.

This bill is a key part of a $4 trillion package of tax breaks for the privileged few that they would saddle the rest of this country with paying for. This vote is more than a decision about the legacy of the heirs of Steve Forbes, Ken Lay and Ross Perot; it is a vote on the legacy for the future of America.

Today we are concerned with the Republican leaderships decision to, once again, never find a tax break for the wealthy that it does not like. They will indeed leave a lasting legacy. Yes, the heirs of Steve Forbes will get a windfall, but all the other children of America, they will get something also, a growing mountain of public debt, an undermined Social Security system, and a bleaker economic future.

Our children will inherit a shrinking pool of Federal funds to meet the expanding security needs our Nation now faces; and our children will be forced to pay higher taxes tomorrow because some were unwilling to pay their fair share today. While the Republican leadership is so greatly concerned about the legacy of the top one percent, I ask, what about the other 99 percent of America's children? What about their future and the fate of our country?

It was a Republican, Teddy Roosevelt, in 1906 who was among the first proponents of the tax that they propose to repeal today. He feared the power of an economic aristocracy that we see dominating America today. He feared ''inherited economic power'' and said that it was as inconsistent with the ideals of this generation in America as inherited political power was inconsistent with the ideals of the generation which established our government.

That concern is still true today. Would that we only had on this floor joining us one Teddy Roosevelt Republican who would stand up, in a bipartisan way, and express that concern about the future of American democracy and the future of our ability to meet our needs.

I will have to give them credit for one thing, that they call this the ''death tax,'' because if they are successful today, and if they are successful in implementing this entire $4 trillion tax package for the privileged elite of this country, it will be the death of Social Security and Medicare as we have known them for decades and upon which so many Americans vitally depend, because there is absolutely no way that we can fulfill our obligations under Social Security and Medicare and give the privileged elite of America a $4 trillion tax break.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), one of the newer members of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership on eliminating the death tax. The gentlewoman from Washington (Ms. DUNN) has been a tireless leader in this effort.

What we are hearing today from the other side are two emotions: Fear and envy. Every issue that seems to come to the floor these days, they try to tap into the emotions of fear and envy, using bogus statistics like a $4 trillion tax cut, using these emotional attributes that the super rich are going to get away with murder.

Mr. Speaker, the super rich are going to stay rich even with the death tax in place. What happens with the death tax is we lose jobs in America. The greatest killer of the transfer of businesses from one generation to the next is the death tax.

Take into consideration what is going to happen on New Year's Day 2011 after New Year's Eve 2010 if this bill is not passed. On New Year's Eve, the estate tax on a small business or a family farm in value of $3 million will be zero. On New Year's Day, the next day, in 2011, that farmer, that small business person who may happen to pass away at 12:01 a.m. rather than 11:59 p.m. will have an $800,000 tax bill.

This is a killer of jobs. This is a killer of small businesses. More than 70 percent of family businesses do not survive the second generation, Mr. Speaker; 87 percent do not make it to the third generation. Sixty percent of small business owners report that they would create new jobs over the coming year if the estate taxes were eliminated.

This is about fairness, this is about doing the right thing, and it is about making sure that when you die, you do not visit the undertaker and the IRS

agent on the same day. This is an issue about fairness. This is an issue about jobs. We are trying to appeal to the emotions of hope and opportunity and fairness on this side of the aisle, not the emotions of fear, envy and hyperbole.

Mr. MATSUI. Mr. Speaker, I yield 15 seconds to the distinguished gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I just want to point out to the gentleman from Wisconsin that for 1999 tax returns under the IRS statistics of income, there would have been 790 people who ended up paying the estate tax. Under the Pomeroy-Thurman amendment, there would be 50. By the way, that would be January 1, 2003, not 2010.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), a member of the Committee on Appropriations.

Ms. KAPTUR. Mr. Speaker, this chart shows how much money Republicans have already raided from the Social Security trust fund this year. Was the trust fund not supposed to be in a lockbox and off limits to tampering? Well, they have raided it to the tune of over $207 billion as of the first week of this June.

In 1935, not one single Republican on the Committee on Ways and Means voted for the original Social Security Act. They have always had a problem believing in it.

Now they are raiding Social Security to pay for their tax cuts for the super rich, both living and dead! So long as they do, I will be here on this floor clocking their raid from the Social Security Trust Fund with this Debt Clock. I will be here to tell the truth to the American people. And that truth is that Democrats will fight to save your Social Security. For us, it is a compact of trust between generations for all Americans, senior citizens and disabled, not just the super rich.

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

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Indiana (Mr. ROEMER), a member of the Committee on Education and the Workforce.

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

Mr. ROEMER. Mr. Speaker, I rise in strong support of repealing the death tax. I think that we need to make sure that the hard-working Americans in this country get tax relief. They work hard, they sweat hard, and they need to pass on money back to their families and their children.

But the question today is do you repeal the death tax for the person that has made $500 million or $50 billion, or do you repeal it for everybody that has made up to $6 million, as the Democratic substitute does, for that hard-working family in my State of Indiana who has saved money year after year for their children and want to pass on $500,000 to their kids? We do not tax a penny of that for the farmer in Indiana that has seen their acreage grow in value and their farm grow to $5 million in value. We do not tax a penny of that. For the small business person who has grown their grocery store to $4 million in value, we do not tax a penny of that.

□ 1430

But now it comes down to what Theodore Roosevelt talked about in 1906 when he spoke of a progressive inheritance tax on ''fortunes swollen beyond all healthy limits,'' and he talked about the Vanderbilts or Rockefellers at 60 and $100 million dollars. Now we have families at $10 billion. Should they not have to pay any kind of tax when passing on their inheritance to their children when somebody out there working every day and making $50,000 a year has to pay a 15 percent rate on their taxes?

Mr. Speaker, let us make sure that we are fair in the American tradition, that we are fair when we are at war, that we are fair when States and the Federal Government have huge deficits in our tax structure.

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

Mr. Speaker, I would just have to say in conclusion here on general debate that if the Pomeroy-Thurman bill, which will be offered as a Democratic substitute, became law, it would actually create a situation where only 10,000 estates in the entire country, 10,000 estates of 260 million people, would be taxed. So we are basically talking about, in the Republican bill, 10,000 individuals or 10,000 estates that we are talking about. That is what the tragedy of this debate is.

I have frankly never, in my entire 23 years in this institution, seen a larger transfer of wealth than on the floor of the House of Representatives today. The reason for this is we have no surplus. The $5.6 trillion surplus is zero. It is gone. It is totally eliminated. As a result of that, whatever we use to pay for this estate tax repeal will come out of the payroll taxes of the average American, the 6.2 percent payroll tax that every American pays.

We calculated this. In order to pay $103 billion a year, which it is over a 10-year period once it is fully in effect, the estate tax relief, we are talking about 55 million Americans that are making $30,000 a year, 55 million Americans, their FICA tax that they think is going into the Social Security trust fund, that money is actually going to pay some of the richest Americans and their estates in this country. It is a huge transfer of wealth that we are talking about. It is unconscionable.

Mr. Speaker, it would be my hope that my colleagues on both sides of the aisle would see this for what it is: a transfer of wealth from the middle class, from the suburban Americans, to the very wealthiest of Americans.

Mr. Speaker, I urge a ''no'' vote on this and a vote in favor of the Pomeroy-Thurman substitute.

Ms. DUNN. Mr. Speaker, I yield the remainder of our time to the gentleman from Oklahoma (Mr. WATTS), our conference chairman.

Mr. WATTS of Oklahoma. Mr. Speaker, I appreciate the gentlewoman from Washington yielding me time.

Mr. Speaker, this has almost been a hilarious debate. What I have heard here over the last hour or so, the debate that I heard, is that it is okay to be unfair to certain people. If we have the death tax that is going to affect 2 percent of the people and we have 1,000 people that are affected by the death tax, we are only going to be unfair to 20, so it should not be any big deal. It is okay for the government to be unfair to someone, as long as it is certain people that we are being unfair with.

I do not think the government should make those kinds of decisions. I am somewhat baffled by that, that we would say, let us just be unfair to these few people right here. Why should we repeal the death tax? This is about fairness. It is about being fair with the American taxpayers.

I want Members to look at the diverse group of organizations supporting permanent appeal: the National Black Chamber of Commerce. Why does the National Black Chamber of Commerce support repealing the death tax? Because in the black community, it takes sometimes three to four generations to create wealth, and then the owner of that business, the owner of that farm, dies and then they lose the farm. They lose the business.

The Hispanic Business Roundtable, the National Federation of Independent Businesses, the National Indian Business Association, the National Association of Counties, the Latino Coalition, the National Association of Women Business Owners. Why do they support repealing this unfair tax? Because they do not think that we should live 50 years, 55 years, get taxed, then die and then get taxed again. They think it is unfair.

Repeal the death tax. The economic advantages of doing this: it adds as much as $150 billion over the next 10 years to the economy. That is $15 billion per year. That creates a lot of jobs, and it puts money back into the economy. It adds as many as 200,000 jobs per year. It increases household savings due to lower prices by $800 to $3,000 per year in savings.

We need to repeal this tax. There is double-dipping going on right now. Under the current system, under the death tax, we are taxed once and then again we die and are taxed again. That is double-dipping.

As I have heard my colleague, the gentlewoman from Washington (Ms. DUNN), say, she has said her friends on the Democratic side, they are concerned about helping the rich, helping Bill Gates. Mr. Speaker, if Bill Gates dies, and she might have mentioned to us, reminded us of this today, if Bill Gates dies, this is not going to help Bill Gates because he is dead.

It is the American way to say hopefully some day we can leave something for our kids and grandkids. If one owns one McDonald's franchise or 50, it is not the government's money, it is our money. Let us repeal this unfair death tax. Let us put it to rest and bury it once and for all. Vote ''yes'' on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the adoption of H.R. 2143. At a time when the country's economic power is waning and the deficit is burgeoning the country does not need a major loss of revenue. The Budget Committee staff now estimates that this year's deficit, excluding the Social Security trust fund surplus, will be $314 billion. Over the next 10 years, deficit, excluding the Social Security trust fund surplus, will be $314 billion. Over the next 10 years, the non-Social Security deficit will total $2.6 trillion.

Examining this chart on the cost of the repeal of the estate tax, one can see the sharp rise in loss revenue. In 2010 the revenue loss takes a vertical rise to over $55 billion in 2012, the first year in which the estate tax repeal would have full effect. The budget is on a course that will consume both the entire Social Security surplus and the entire Medicare surplus between now and 2012. The revenue impact of making the estate tax repeal permanent would total $109 billion over 2003–2012, and then soar to $1.033 trillion over the following decade.

The Center on Budget and Policy Priorities conducted an analysis of the estate tax repeal. Only 2 percent of the estate in the United States are subject to an estate tax. Of the estates subject to the tax very few include family-owned farms or businesses. The Democratic alternative to the Republican estate tax repeal extension bill offers immediate and permanent estate tax relief beginning on January 1, 2003, by increasing the exemption to $3 million for individuals and to $6 million for couples. Full repeal of the estate tax would be effective for people who die in calendar year 2009 and years after that. Moreover, the cost of repealing the state tax will not be fully felt until after the 10-year period covered by the revenue estimate by the Republican repeal.

Under the current provisions of the Federal estate tax, estate taxes levied by States generally do not impose any additional burden on estates. Repeal of the estate tax would provide massive benefits solely to the wealthiest and highest-income taxpayers in America. Subsequently, the Federal revenue loss would be about $60 billion a year when the repeal is fully in effect a decade from now and States around the country would lose another $9 billion in estate tax revenues.

The estate tax is an integral part of our tax system. If it is repealed, large amounts of income, unrealized capital gains income of very high-income taxpayers, would never be taxed at all. Repealing the state tax would open up new loopholes that would encourage many new schemes for income tax avoidance. Research suggests that repeal of the estate tax would cause a significant decline in charitable giving. In short, there is little reason to repeal the estate tax, and many reasons to retain it. The economy will eventually crumble due to the overwhelming debt the Nation will incur due to the repeal of the estate tax. Say no to H.R. 2143.

Mr. JONES of North Carolina. Mr. Speaker, there is a saying that only in America can an individual be given a certificate at birth, a license at marriage, and a bill at death. Americans should not have to visit the undertaker and the IRS on the same day.

Unfortunately, small businesses and family farms, like those in eastern North Carolina, are particularly vulnerable to the death tax. At the time of their death, Americans are taxed on the value of their property, often at rates as high as 55 percent.

Mr. Speaker, this places a tremendous burden on families who are already grieving the loss of a loved one. While small businesses and family farms are typically rich in assets, they often do not have the liquid resources to settle this size of bill with the Federal Government.

Too often, they are forced to sell some or all of their land or business, which often serves as their family's livelihood. Over the years, the death tax has devastated family-owned businesses throughout our Nation's towns and cities. Today, less than half of family businesses are able to survive the death of a founder.

What could be more un-American? Under current law, 70 percent of family businesses do not survive the second generation and 87 percent do not make it to the third generation. The death tax discourages savings and investment, and punishes those Americans who work hard throughout their lives to pass on something to their children.

Mr. Speaker, the estate tax does not serve as a significant source of revenue for the Federal Government. The Treasury Department reported that in 1998, the estate and gift tax raised only $24.6 billion, which amounts to only 1.3 percent of total Federal revenues.

In addition, economic studies conducted by former Secretary of the Treasury Lawrence Summers show that for every dollar in transfer taxes taken at death, $33 in capital formation is lost from the economy. Despite its little value to the government, the death tax undermines the idea that hard work and fiscal responsibility will be rewarded.

Thankfully, this Congress provided a phase-out of the estate tax beginning in 2002 by eliminating the 5 percent surtax and the rates in excess of 50 percent and increases the exemption to $1 million. Today, we need to take steps to ensure this phase-out is permanent and does not sunset in 2011. If H.R. 2143 is not signed into law, the death tax will reappear, almost overnight on New Year's Eve, 2011.

Mr. Speaker, this Congress has done an admirable job of guaranteeing tax relief for every working American. Let's pass this bill now and finish the job we started when we took back the people's House in 1995.

Mr. UDALL of Colorado. Mr. Speaker, I support reform of the estate tax—that is why I voted for the substitute.

But I do not support repeal of the estate tax—and so I cannot vote for this bill as it stands.

For me, this is not a partisan issue. Instead, it is an issue of reasonableness, fairness, and fiscal responsibility.

While I did not vote for last year's bill that included changes in the estate tax, there were parts of that bill that I think should be made permanent. That is why I am cosponsoring the bill to make permanent the elimination of the ''marriage penalty'' and why this week I voted to make permanent the provisions of last year's bill related to the adoption credit and the exclusion from tax of restitution to Holocaust survivors.

And, as I said, I support reform of the estate tax. I definitely think we should act to make it easier for people to pass their estates—including lands and businesses—on to future generations. This is important for the whole country, of course, but it is particular important for Coloradans who want to keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

Since I have been in Congress, I have been working toward that goal. I am convinced that it is something that can be achieved—but it should be done in a reasonable, fiscally responsible way and in a way that deserves broad bipartisan support.

That means it should be done in a better way than by enacting this bill, and the substitute would have done that.

That alternative would have provided real, effective relief without the excesses of the Republican bill. It would have raised the estate tax's special exclusion to $3 million for each and every person's estate—meaning to $6 million for a couple—and would have done so immediately.

So, under that alternative, a married couple—including but not limited to the owners of a ranch or small business—with an estate worth up to $6 million could pass it on intact with no estate tax whatsoever.

And since under the alternative that permanent change would take effect on January 1 of next year—not in 2011, like the bill before us—it clearly would be much more helpful to everyone who might be affected by the estate tax.

At the same time, the alternative was much more fiscally responsible. It would not run the same risks of weakening our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors, invest in our schools and communities, and pay down the public debt.

The tax bill signed into law last year included complete repeal of the estate tax for only one year, 2010, but contains language that sunsets all of the tax cuts, including changes in the estate tax after 2001. This bill would exempt repeal of the estate tax from the general sunset provisions. It would reduce federal revenues by $109 billion between 2002 and 2012, $99 billion in lost revenue and $10 billion in interest charges, and more than $1.2 trillion in the decade between 2013 and 2022—the time when the baby boomers will be retiring.

But, as we all know, the budget outlook has changed dramatically since last year. In the last year, $4 trillion of surpluses projected over the next 10 years have disappeared—because of the combination of the recession, the cost of fighting terrorism and paying for homeland defense, and the enactment of last year's tax legislation. And now the proposal is to make the budgetary outlook even more difficult, making it that much harder to meet our national commitments—all in order to provide a tax break for less than 0.4 percent of all estates. I do not think this is responsible, and I cannot support it.

And, as if that were not bad enough, this bill does nothing to correct one of the worst aspects of the estate-tax provisions in last year's bill—the hidden tax increases on estates whose value has increased by more than $1.3

million, beginning in 2010, due to the capital gains tax.

Currently, once an asset, such as a farm or business, has gone through an estate, whether any estate tax is paid or not, the value to the heirs is ''stepped up'' for future capital gains tax calculations. However, last year's bill—now enacted into law—provides for replacing this with a ''carryover basis'' system in which the original value is the basis when heirs dispose of inherited assets. That means they will have to comply with new record keeping requirements, and most small businesses will end up paying more in taxes. That cries out for reform, but this bill does not provide it.

Mr. Speaker, I am very disappointed with the evident determination of the Republican leadership to insist on bringing this bill forward. Just as they did last year, they have rejected any attempt to shape a bill that could be supported by all Members.

Since I was first elected, I have sought to work with our colleagues on both sides of the aisle on this issue to achieve realistic and responsible reform of the estate tax. But this bill does not meet that test, and I cannot support it.

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 2143, Permanent Death Tax Repeal Act and the Democratic substitute.

I have long been a supporter of providing estate tax relief to American families, small business owners, and farmers who have worked their entire lives to transfer a portion of their estates upon their death. I have also been an advocate, however, for ensuring that we transfer to our children and grandchildren a healthy economy and a government that maintains its commitment to Social Security and Medicare.

In the last Congress, I voted to repeal the estate tax and later voted to override President Clinton's veto of that legislation, Again, in the 107th Congress, I voted to repeal the estate tax as a stand-alone measure and later voted for President Bush's $1.35 trillion tax cut, which contained a provision to phase out and ultimately repeal the estate tax.

When I voted for the president's tax bill last year, I did so with his assurance that we would have the money to pay for it without dipping into the Social Security surplus. Unfortunately, due to the recession and the war on terrorism, the budget surpluses projected last year did not materialize and we are now borrowing money from Social Security Trust Funds to pay for even our most basis needs, including the war on terrorism.

While I agree that we should fix provisions of last year's tax cut to increase certainty in the Tax Code that will help people plan for their financial future, we should also make sure that we are not borrowing money—particularly from the Social Security trust funds—to pay for these cuts while we are simultaneously trying to enhance our national security needs. We should also ensure that we aren't raising other taxes to pay for provisions that are, quite frankly, political in nature and have nothing to do with ensuring that the estate tax burden is reduced on our small businesses and farms.

For example, Mr. Speaker, the underlying bill contains a hidden tax on all decedents. By fully repealing the estate tax, this bill would have the effect of repealing a provision in the Code, referred to as the ''step up in basis,'' that protects heirs from paying capital gains on estates.

Anyone who has ever sold a ''capital'' assets, such as real estate, stocks, bonds, mutual funds, know that cost basis in what the gain or loss on the sales price is measured against. Generally speaking, cost basis is the purchase price of property subject to certain adjustments upward or downward. For example, if property was purchased in 1950 at a cost of $10,000 and sold in 2001 at $100,000, an individual would have a taxable capital gain of $90,000. The step-up basis interacts with estates such that when this property passes by reason of death, the heir inherits the asset with a new cost basis equivalent to the market value of the asset on the date of the benefactor's death. Taking the example above, if the property were transferred in 2001 at a value of $100,000 and the heir sold the property in 2006 for $120,000, the heir would only have a taxable capital gains of $20,000 instead of $110,000.

Should this bill become law, an owner of farmland, stocks, mutual funds, or even a personal residence would have lost the opportunity to pass the asset to the next generation without passing along the owner's cost basis, thus reducing the future capital gains bill that will have to be paid when the heirs sell the asset. In short, this amounts to a tax increase on all estates due simply to the increased cost basis of the estate.

Furthermore, I will also oppose the Democratic substitute to this bill. While I believe that the relief provided in this substitute—relief that is substantial and immediate—is important, like the majority plan the Democratic substitute also has a negative budgetary effect.

The Democratic substitute, in an effort to seek out ways to pay for its provisions, would raise taxes on some individuals by reinstating the 5 percent surcharge on highly-valued estates that I voted to repeal last year. That's not fair.

Mr. Speaker, the best alternative here today is to support the motion to recommit, which states that we should not fund the permanent repeal of the estate tax with Social Security surplus dollars. The motion to recommit will allow the estate tax repeal to take effect—which will not become an issue for over nine years—if we are able to afford it without deficit spending and using Social Security surplus dollars.

Again I have supported previous efforts to provide estate tax relief because, in the past, we have been able to afford it. I am concerned, however, that the total costs of these bills will continue to drive our nation into debt, and reduce our ability to deal with the long-term challenges facing Social Security and Medicare. Until we deal with the long term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade, effectively transferring these costs and burdens to our children and grandchildren.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H.R. 2143, which would permanently repeal the estate tax in FY 2011. The bill, if passed, will prove to be fiscally irresponsible in the short-and long-term. In reference to the short-term irresponsibility, the bill would immediately bring more wealth to the wealthy. This particular tax is one of the only ways for the Federal Government to tax on accumulated wealth. Each year, it raises a large sum of money for the government without affecting 98 percent of its citizens—only the wealthiest 2 percent are taxed. By eliminating the estate tax, we not only fill the pockets of the wealthy, but we take away the portion of federal revenue that readily assists the government in funding other efforts, such as the war on terrorism, education, Social Security, and Medicare.

My colleagues on the other side of the aisle claim that we need to immediately help the small businesses and farmers sustain their livelihoods by eliminating the estate tax. Well, Mr. Speaker, contrary to the majority's belief, the repeal of the estate tax is not needed to protect the small businesses and farms. A Treasury Department study found that estates, which comprised of small businesses or farms, paid less than 1 percent of estate taxes in total. Additionally, the estate tax currently offers breaks for estates with small businesses and farms. Modifying the estate tax can help the small number of estates that will possibly be affected by the estate tax, but repealing it would only do harm.

The long-term effects of the estate tax repeal are disastrous. Permanent repeal would cost the Federal Government over $50 billion of revenue in 2012 alone. This can be a huge blow for our economy in years to come, especially considering the estimated 75 million baby boomers that are due to retire in 2011 and 2012. Social Security, Medicare, and Medicaid will be negatively affected by a repeal and working Americans will be expected to pay for it with an increased tax burden.

H.R. 2143 is not a good bill for our Nation in the short-term or long-term. However, the Democratic substitute offered by my esteemed colleagues, Representative POMEROY and Representative THURMAN, is more fitting considering America's state and the future fiscal status. The substitute would increase the tax credit to $3 million for individuals and $6 million for couples starting immediately in January 1, 2003. By raising the tax credit level to that amount, 00.6 percent of the small businesses and farms will be exempt for the estate tax starting in January 2003. The substitute will also freeze the maximum estate tax at 50 percent, the current rate, and reinstates the 5-percent surtax for the estates that soar past a total value of $10 million. One of the most important aspects of this bill is that it will only cost $5.3 billion in 2012, a grave difference from the majority's bill.

While we attempt to rectify tax burdens, we need to be on alert of the short-term and long-term consequences of our actions. To be extreme in our attempts to fix the estate tax without thinking it through intelligently can ultimately draw the blueprint for our nation's demise. I cannot be a part of that effort. For that reason, Mr. Speaker, I am standing in strong opposition to the passage of H.R. 2143 and in full support of the Democratic substitute.

Mr. BLUMENAUER. Mr. Speaker, this Congress should delay any further tax cuts until we establish a budget that allows us to recognize current fiscal realities while we: ensure our security at home and abroad; meet our domestic priorities; and fulfill our Social Security and Medicare commitments.

That said, this is a frustrating process for me. I have advocated reform of the estate tax since, as a state legislator, I worked with the late Representative Mary Rieke to fix Oregon's

tax. There is no reason we cannot reform the existing system to be more equitable and protect closely held businesses.

Again, the Republican leadership chose to play politics rather than make the system better. Instead of adopting immediate and much greater permanent relief now, the choice was to make most people pay more tax for 9 years, be subject to a capital gains tax and onerous recordkeeping, and trust that the ever-larger deficit doesn't unravel the whole program.

I voted for the Democratic substitute, which would have given more relief, sooner to 99.6 percent of estates.

I hope that we will someday stop playing politics to fashion a bipartisan solution that works and is fiscally responsible.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Democratic substitute to reform the estate tax. I say ''reform'' as opposed to ''repeal'' because there is a difference in the two ideas. The Democratic substitute would help individuals and small businesses in a variety of ways while still preserving the Social Security Trust Funds.

The Democratic substitute would increase the estate tax exclusion to $3 million, effective January 2003. The substitute would also place limits on corporations to prevent incorporations in tax havens that avoid taxation. It would also place limits on corporate tax shelters.

Last year's tax cut lowered the top estate tax rate to 45 percent by 2007, increased the estate tax exemption to $3.5 million—$7 million for a couple—by 2009 and repealed the estate tax altogether in 2010. Like the other tax provisions, the estate tax repeal is set to expire at the end of 2010. At that time, the estate tax reverts to what it was before, with an exemption of $1 million and a top rate of 55 percent.

In the past year, budget projections have deteriorated. The Congressional Budget Office has estimated that the projected budget surplus for the years 2002 through 2011 has declined by 3.9 trillion dollars over the past year. Outside Social Security, the budget is estimated to be at a deficit through 2009.

The most significant effect of eliminating rather than reforming the estate tax would come in the years beyond the current ten-year budget window, when the baby boom generation begins to retire and the Social Security and Medicare systems come under increasing pressure. Permanent repeal would lose approximately $740 billion in revenue.

What does this mean for the Treasury?

Well, there is something out of balance. Recently, the Administration sought to reduce the availability of student loans at the same time as it is seeking estate tax reductions for the highest-level millionaires . . . at the same time that the ranks of people without health insurance are growing . . . at the same time that seniors are without a prescription drug benefit.

Repealing the estate tax in its entirety makes it impossible to strengthen Social Security without raising other taxes. Fewer than 5000 of the wealthiest people, with estates valued at more than $6 million will be helped—at the expense of 53 million who will need to rely on Social Security benefits in 2011 and later.

In comparison, the Democratic substitute would lower or eliminate estate taxes for 99.7 percent for all Americans beginning in January 2003. No individuals with estates worth less than $3 million or $6 million for a couple will pay any estate tax under the Democratic substitute. 99 percent of farms would pay no estate tax. Unlike the Republican bill, the Democratic substitute repeals the capital gains tax on increases in the value of property.

In short, the Democratic reform of the estate tax would benefit 99.6 percent of decedents. This is a better choice for Americans, and it is a fairer reform by far.

I urge my colleagues to reject the underlying bill, and vote for the much fairer Democratic substitute.

Mr. SMITH of Washington. Mr. Speaker, fiscal responsibility must be a guiding principle of our government. My constituents have told me again and again that government must live within its means and balance the budget. I agree and have consistently fought for more fiscal discipline.

That is why I am voting against permanent repeal of the estate tax. I have always supported estate tax cuts—I authored legislation to completely eliminate the estate tax for all family farms and businesses, and have consistently voted to cut and even eliminate it altogether in years past.

However, this vote today is simply another step down the path of fiscal irresponsibility. In the past year and a half, our economy has been in recession and was further damaged by the terrorist attacks surrounding September 11. Instead of responding with tough choices and fiscal discipline, however, Congress and the Administration have responded by passing a $15 billion airline bailout bill, a $30 billion supplemental appropriations bill, a very wasteful and bloated farm bill, and a tax cut that will cost $2 trillion over the next ten years. Even though I voted against these things, the truth is that they have all been signed into law by the President or will be very soon, and so their fiscal impact is now a reality and must be taken into account.

There has been no serious effort by Congressional Leaders or the White House to design and implement a bipartisan balanced budget plan. The result has been a staggering reversal from the once-large budget surplus projections to large budget deficit projections. Budget deficits mean we use Social Security and Medicare revenues from other programs, putting us in a terrible position to deal with the entitlement crises that are coming in a decade due to demographic changes and the escalating costs of health care. We are falling further and further into debt, and interest payments on that debt will eat up an increasingly large share of taxpayer dollars—currently about 12 cents of each tax dollar.

We're moving in the wrong direction, and I cannot vote for legislation that will have such a large fiscal impact on our budget without a corresponding plan to return to fiscal discipline and get our budget balanced again within the next few years. Let me be clear: if the permanent repeal of the estate tax were part of a long-term balanced budget strategy, I would support it. Unfortunately, in this context, it is one more example of Congress and the Administration's lack of fiscal responsibility, and I cannot support it at this time.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 2143, a bill to make repeal of the estate tax permanent. House Republicans need to wake up to reality. Our budget is in deficit, our security is in shambles, and our people, specifically our seniors and the poor, are suffering. Facing these astronomical problems, what do the Republicans want to do? Give more money to the rich! It's truly astonishing. The Republicans are so beholden to the wealthy that they either don't see or are willing to ignore the real problems our country faces. I say to my Republican colleagues, wake up! The rich are doing just fine. They don't need any more government handouts.

There are several more important priorities where we could invest this money. I'd like to concentrate on just one: America's seniors.

Today's bill sends the message to our seniors that a Medicare prescription drug benefit isn't nearly as important as securing tax-free estates for the wealthiest one percent of taxpayers. There are 40 million Medicare beneficiaries—virtually all of whom need help with their prescription drug costs. In contrast, repeal of the estate tax will only help the wealthiest one percent of descendants, or around 23,000 estates per year. At a time when we have scarce Federal resources, are we going to help 40 million elderly and disabled individuals who depend on Medicare or are we going to help the richest families in our Nation who are affiliated with those 23,000 estates? My priority is to help the 40 million seniors.

A May 2002 poll by NPR, Kaiser Family Foundation, and the Kennedy School of Government found that 64% of people would support rolling back the tax cut that Congress passed last year to provide a Medicare prescription drug benefit for seniors. Only 25% opposed this idea. I'm certain most of these people would also oppose spending $56 billion more per year on a small handful of wealthy taxpayers.

This bill is another Republican gift to the rich people who fill their campaign coffers. Meanwhile, the seniors, the poor, and the uninsured are left out in the cold. I urge my colleagues to vote no on H.R. 2143. It's time to get our priorities straight.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to yet another irresponsible tax bill, which raids Social Security and Medicare. The cost of the phaseout and ultimate repeal of the estate tax is much more than billions of future tax dollars. The purpose of the estate tax is to mitigate the accumulation of wealth by family lineage. Democracy needs an estate tax to make a fairer society in which future generations all start with more or less the same opportunities. Most of the benefits of estate tax repeal go to the wealthiest one percent of descendants, with only 1.9% of estates actually paying the estate tax, according to the Internal Revenue Services. Can we really afford a $60 billion a year gift to multi-millionaires?

At the expense of this ''gift'' is Social Security, Medicare, Education, and Homeland Security. By making tax cuts permanent, H.R. 2143 would reduce revenues by about $4 trillion, resulting in ''raids'' on the Social Security trust fund and taking away resources for a Medicare prescription drug benefit. This new bill clearly ignores budget reality, just like its predecessor H.R. 586.

Taxing dead multi-millionaires is eminently more fair than taxing the not-so-rich living. The intergenerational transfer of wealth is projected to reach between $41 trillion and $136 trillion, and the estate tax should remain in place as an increasingly significant progressive source of revenue in the coming decades.

Permanent repeal of the estate tax has significant long-term cost, yet would benefit only a few, very large estates. Without the estate tax, the tax burden is more squarely placed on middle and low income workers. Estate tax reform offers a more sustainable approach than repeal. I urge Congress to explore the possibility of linking estate tax revenue to the Social Security trust fund. Congress should then reject the notion of wholesale repeal because it is simply another tax bill that benefits only the wealthiest of this country.

Mr. BEREUTER. Mr. Speaker, as stated on the record many times, this Member continues his strong opposition to the total elimination of the estate tax on the super-rich. The reasons for this Member's opposition to this terrible idea have been publicly explained on numerous occasions, including past statements in the CONGRESSIONAL RECORD.

This Member has every expectation that this legislation is going nowhere in the other body. Furthermore, on March 18, 2002, this Member noted in his statement on the House Floor for H.R. 536 that he had every reasonable assurance in this unpredictable place that eventually there would be a straight up-and-down vote specifically on the total elimination of the inheritance tax. This Member further noted that at that time that he will most assuredly vote ''no'' on the total repeal of the inheritance tax. Therefore, this Member rises today to express his strong opposition to H.R. 2143, which would make permanent the repeal of the Federal estate tax.

It must also be noted, however, that this Member is strongly in favor of substantially raising the estate tax exemption level and reducing the rate of taxation on all levels of taxable estates, and that he has introduced legislation, H.R. 42, to this effect. This Member believes that the only way to ensure that his Nebraska and all American small business, farm and ranch families and individuals benefit from estate tax reform is to dramatically and immediately increase the Federal inheritance tax exemption level, such as provided in H.R. 42.

This Member's bill (H.R. 42) would provide immediate, essential Federal estate tax relief by immediately increasing the Federal estate tax exclusion of $10 million effective upon enactment. (With some estate planning, a married couple could double the value of this exclusion to $20 million. As a comparison, under the current law for year 2001, the estate tax exclusion is only $675,000.) In addition, H.R. 42 would adjust this $10 million exclusion for inflation thereafter. The legislation would decrease the highest Federal estate tax rate from 55% to 39.6% effective upon enactment, as 39.6% is currently the highest Federal income tax rate. Under the bill, the value of an estate over $10 million would be taxed at the 30.6% rate. Under current law, the 55% estate tax bracket begins for estates over $3 million. Finally, H.R. 42 would continue to apply the stepped-up capital gains basis to the estate, which is provided in current law. In fact, this Member has said on many is provided in current law. In fact, this Member has said on many occasions that he would be willing to raise the estate tax exclusion level to $15 million.

Since this Member believes that H.R. 42 or similar legislation is the only responsible way to provide true estate tax reduction for our nation's small business, farm and ranch families, this Member must use this opportunity to reiterate the following reasons for his opposition to the total elimination of the Federal estate tax. First, to totally eliminate the estate tax on billionaires and mega-millionaires would be very much contrary to the national interest. Second, the elimination of the estate tax also would have a very negative impact upon the continuance of very large charitable contributions for colleges and universities and other worthy institutions in our country. Finally, and fortunately, this Member believes that actually it will never be eliminated in the year 2010.

At this point it should be noted that under the previously enacted estate tax legislation (e.g., the Economic Growth and Tax Relief Reconciliation Act), beginning in 2011, the ''stepped-up basis'' is eliminated (with two exceptions) such that the value of inherited assets would be ''carried-over'' from the deceased. Therefore, as noted previously by this Member, the Economic Growth and Tax Relief Reconciliation Act could result in unfortunate tax consequences for some heirs as the heirs would have to pay capital gains taxes on any increase in the value of the property from the time the asset was acquired by the deceased until it was sold by the heirs—resulting in a higher capital gain and larger tax liability for the heirs than under the current ''stepped-up'' basis law. Unfortunately, the bill before us today (H.R. 2143) apparently would also make the stepped-up basis elimination permanent resulting in a continuation of the problems just noted by this Member—higher capital gains and larger tax liability for heirs.

In closing, Mr. Speaker, while this Member is strongly supportive of legislation to substantially raise the estate tax exemption level and to reduce the rate of taxation on all levels of taxable estates, and as such introduced legislation to this effect (H.R. 42), this Member cannot in good conscience support the total elimination of the inheritance tax on the super-rich.

Mr. FORBES. Mr. Speaker, I rise in strong support of H.R. 2143, the Permanent Death Tax Repeal Act of 2001. There are two things certain in life: death and taxes. With estate taxes, Washington has figured out a way to marry these two certainties. fortunately, last year President Bush singed into law the Economic growth and Tax Relief Reconciliation Act of 2001, which represents the largest tax cut in twenty years. The new tax law reduces marginal rates across the board, provides for marriage penalty relief, expands the child tax credit, increases contribution limits for IRAs and 401(k) plans, and repeals the death tax.

Unfortunately, because of the other body's acrane rules, the Economic Growth and Tax Relief Reconciliation Act will sunset in 2011. This is because under the Byrd Rule a point of order may be raised in the Senate against any tax reduction contained in a reconciliation bill that reduces taxes beyond the window of the reconciliation bill, in this case ten years. The point of order can only be waived with the vote of 60 Senators.

Congress should not allow the Estate Tax to rear its ugly head again because of the Senate's bureaucratic rules. The sunset provision of the tax relief package defies the original intent of the legislation and makes it virtually impossible for people and small businesses to plan ahead from a tax standpoint. Taxpayers should not pay the consequences ten years from now because of an esoteric Senate rule.

I also support this legislation because the Estate Tax is bad policy. Families should be allowed to keep more of what they have earned throughout their lives. There is no other tax more offensive than that levied on the deceased and their families. Not only is it a double taxation, but also its very name is a misnomer. Rather than failing on ''estates,'' its most egregious effects are on small businesses and farms, which have been built over generations, only to be destroyed upon an individual's death in order to pay federal taxes. Clearly, this oppressive tax should be eliminated.

America has a strong and rich tradition of entrepreneurship and self-reliance. The Estate Tax, however, insults our values by forcing families to destroy a lifetimes work to feed the largess of the government. Rather, Congress should support policies that encourage the generational transfer of wealth. We should see that family farms and business are kept in business, not taxed out of existence because of the government. In the end, Mr. Speaker, the bottom line is that families should never have to visit a funeral parlor and the IRS in the same week.

Mr. Speaker, I urge my colleges to support H.R. 2143 and finally put an end to this misguided tax.

Ms. BROWN of Florida. Mr. Speaker, today is another sad example of why it matters who is in charge. We see today what the priorities are for this house leadership. For Republicans, the answer to every problem we have in this nation, and we have plenty, is tax cuts. The military and Coast Guard are underfunded, tax cuts. Seniors can't afford to buy the drugs they need, tax cuts. Veterans are being denied health care and benefits, tax cuts. Children are taking classes in trailers, tax cuts. Thousands of voters losing their right to be heard, tax cuts. We're struggling to find money to fight the war on terrorism, protect U.S. soil, rebuild New York, and keep peace in the Middle East. And the most important thing on the agenda for the Republicans is tax cuts for their country club friends that fund their campaigns.

The full repeal of the estate tax does nothing for the vast majority of Americans, and similar to most republican tax cuts, the lion's share of the benefits go to the super rich. If we have to deal with another tax cut, lets make it fair and immediate. The Democratic substitute will increase exemptions for small businesses and family farms, without jeopardizing the money we need to protect all our citizens from harm.

Mr. ADERHOLT. Mr. Speaker, last June, I had the privilege of attending the ceremony at which President Bush signed last year's historic tax cuts into law. This was quite an event, because it marked the enactment of the largest tax relief package in the last two decades.

It was also an accomplishment because it reversed the backwards way that Washington often views tax dollars as belonging to federal government bureaucrats, not to working family farmers and small business people. This backwards view is particularly stressful to families when a family member has passed away.

When someone who has paid taxes all of his life passes away, the death tax will still force surviving family members to pay up to 50 percent on the value of property of the deceased for tax year 2002. Fifty percent, even though the deceased spent a lifetime paying taxes on that very property. This is double taxation. With this high rate of taxation, families

can be forced from their houses, off of their farms, and out of their businesses.

Thanks to last year's tax cut, the death tax will be gradually phased out by tax year 2010. However, because of a procedural rule in the other body, the death tax will come back to life in tax year 2011. To keep the death tax in the grave where it belongs, I am pleased to serve as an original cosponsor of H.R. 2143, the Permanent Death Tax Repeal Act, sponsored by Rep. DAVE WELDON of Florida, and urge my colleagues to support this important legislation.

Mr. ETHERIDGE. Mr. Speaker, I rise today to voice my reluctant opposition to H.R. 2143. Mr. Speaker, I own a small farm and at one time was a small business owner. Therefore, I am fully aware of how estate taxes make it harder for parents to leave a legacy to their children, whether it is in the form of money, land, or a business.

Throughout my service in Congress, I have been a strong supporter of estate tax relief for family farmers and small business owners. The first bill I introduced as a Member of Congress was a bill to raise the inheritance tax exemption from $600,000 to $1.5 million and indexed it to inflation for the first time. When a similar provision was included in the Taxpayer Relief Act of 1997, I introduced another proposal to provide further estate tax relief for those who inherit family owned farms and small businesses, by providing an estate tax exemption of $4 million. Last year, I even voted for H.R. 8, the Death Tax Elimination Act of 2001, to repeal the estate tax entirely by 2010.

When I supported H.R. 8, our country was expecting continuing budget surpluses for years to come. However, the unfortunate reality of our situation is that we have witnessed—in just one year—the most dramatic fiscal reversal in the history of our nation. Last year's projected budget surpluses have disappeared, and our nation is now drowning in red ink with ever-growing budget deficits and increasing federal debt.

Certainly, the severe economic downturn and the cowardly terrorist attack our nation experienced contributed to our country's dire fiscal position. However, the primary culprit is the risky, irresponsible tax scheme the Republican Congress enacted last year; the same plan that provided for only a one-year repeal of the estate tax. According to the Administration's own budget figures, that tax scheme is responsible for the nearly two trillion dollars in new debt the country faces within the next 10 years.

As my record shows, I support providing estate tax relief, but not at the expense of our senior citizens who benefit from Social Security and Medicare. The only way to pay for this bill before us is by taking more money out of the Social Security and Medicare Trust Funds and replacing it with more IOUs. Making the repeal permanent at this time will compound the fiscal mistakes Congress made last year and make it nearly impossible for us to ensure that Social Security and Medicare will still be available when the baby boom generation retires.

In addition, instead of truly eliminating the inheritance tax, the bill imposes new capital gains taxes and record-keeping requirements on individuals acquiring inherited property. This bill requires the increased value of estates to be tracked over time so that capital gains taxes can be paid. This will place enormous capital gains taxes and record-keeping burdens on the heirs of estates that may be decades old.

We need is to come together and chart a new path toward fiscal responsibility. That is why I am supporting the Democratic substitute authored by Rep. POMEROY. This substitute provides an estate tax exemption of $3 million for individuals and $6 million for couples beginning January 1, 2003. This plan will exempt 99.7% of estates from the estate tax and cost less than half than a full repeal. In addition, the substitute repeals the Republican capital gains provisions that impose new burdens upon heirs.

Working together, we can move toward balanced budgets and away from bigger budget deficits; pay down the national debt; save Social Security and Medicare funds for older Americans and not for other purposes; maintain America's leadership in science and technology; invest in education, health care and other initiatives that enable people to make the most of their lives; and provide for a permanent estate tax repeal. Passing H.R. 2143 at this time is inconsistent with these goals and fiscal responsibility; therefore, I oppose the bill and will wait for the day that fiscal sanity returns to Congress.

Mr. SANDLIN. Mr. Speaker, I rise today in support of this legislation.

The elimination of the Estate Tax has been a priority of mine since I first got elected to Congress.

In 1997, as a Freshman Congressman, one of the first pieces of legislation I introduced was a bill to eliminate the estate tax. In every Congress since then I have reintroduced this legislation and I am committed to legislation to permanently end the estate tax.

All over Northeast Texas I have heard horror stories from many family members who have been forced to sell all or part of their family business or family farm just to pay the estate taxes. Family-operated farms, ranches and businesses are the backbone of the Northeast Texas economy and the estate tax threatens their continued existence. Currently, only about 30 percent of family businesses make it beyond one generation and that isn't what America is all about.

In 1997, I also supported the Taxpayer Relief Act, which increased the unified credit—the general estate tax exemption allowed under most circumstances—from $600,000 to $1 million over 10 years between 1998 and 2008. It also included a new exemption for family-owned farms and small businesses, ensuring that the total amount exempt from tax credits for these family-owned businesses would total $1.3 million. That was a good first step toward the American dream of building a business and passing it on to future generations. But, we still needed to do more.

Last year, on April 4, 2001, I voted for legislation that would phase out the estate, gift, and generation-skipping taxes over the next 10 years. However, as we all know, the version that was signed into law—as part of the overall tax cut package—re-establishes the estate tax in 2011. This is simply not acceptable to me or to the family business-owners and family-farmers who are hurt by the estate tax. I believe we have made great strides over the last 7 years to help family businesses and farms escape from the burden of the estate tax. However, the sunset is a setback for true, long-term relief.

Earlier this year, on April 15, a day when all Americans are focused on the taxes they pay, I introduced legislation to permanently repeal the estate tax. I wanted to signal the need to do more.

Today, I am pleased that we have the opportunity to vote once again on permanent repeal—making sure that the estate tax will not rear its ugly head again in 2011.

I believe, that no matter what, we must make the estate tax repeal permanent and that doing so is good for economic growth and is good for the American dream.

I urge my colleagues to support this important legislation and I yield back the balance of my time.

Mr. BALDACCI. Mr. Speaker, I rise today in opposition to H.R. 2143, the Estate Tax Repeal Act, and in support of the substitute amendment.

Mr. Speaker, no one wants to see family farms and businesses jeopardized by the estate tax. I am a small business owner myself, and I share the desire of many hard-working Americans who want to build prosperous businesses and farms, and then pass them on to their children in the knowledge that they will be secure.

However, this vote is not about saving family farms and businesses—if that were the issue, it would be easy enough for this House to protect them. The substitute bill before us today creates a high exemption that would protect almost every farm and business in America. Instead, this vote is a choice between enacting a generous exemption that safeguards family businesses, and enacting an outright repeal that gives a tax break to those with the highest incomes.

This makes a real difference to people. In my home state of Maine, only about 1 percent of estates would fall above the $3 million exemption. In high revenue years like 1999, the top 10 estates alone accounted for $30.6 million in state revenue. This is equal to the entire budget for the Maine Department of Public Safety. It is also equal to all of the growth in state medical care payments to providers in the state of Maine. If we were to pass an outright repeal of the estate tax, Maine would lose this desperately needed income, and would be forced to cut such vital services.

I do not believe it is worth trading our public safety activities, especially in the midst of a fight against terrorism, to give a tax cut to the top 10 estates in Maine. I do not believe it is worth cutting medical care in hospitals to give a tax cut to the top 10 estates in Maine.

Mr. Speaker, many states are currently facing the budget crises that is affecting my home state. Our Federal Government is now facing deficits as far as the eye can see. Why endanger our priorities in health, security, and education when a much better alternative is right her before us? Voting for the substitute will protect family farms and businesses, but preserve our fiscal stability and our ability to fund some of our most important needs.

I urge my colleagues to support the substitute, and to vote against H.R. 2143.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for the Democrat substitute which provides immediate, permanent estate tax reform, but in opposition to H.R. 2341. Small businesses and farm owners should not be penalized for their success, nor should they need to worry about their ability to pass the family business on to

future generations, and the substitute addresses these concerns. I continue to oppose complete repeal as proposed in the measure before us because it disproportionately benefits a small number of extremely wealthy individuals and runs our Nation's budget into deeper deficits.

In its current form, the estate tax affects less than 2 percent of the wealthiest Americans. As of January 1, 2003, the substitute will immediately increase the estate tax exclusion to $3 million for a single person and $6 million for a married couple. The substitute permanently exempts 99.7 percent of Americans, leaving the tax burden entirely on the wealthiest 0.3 percent of estates. This substitute updates our most progressive tax to affect even fewer families. I continue my support for immediate, permanent estate tax reform, unlike the Republican bill, which will not provide relief until 2011.

The Democratic substitute offsets the cost of the estate tax increase, but the Republican bill to totally repeal the estate tax, which costs more than $50 billion per year, comes at the cost of a prescription drug benefit, our children's education, and paying down the debt. I have worked too hard balancing budgets during my 25 years of public service to permit such irresponsible fiscal policy to prevail.

Totally repealing the estate tax is contrary to the wishes of two Republican Presidents, Teddy Roosevelt and William Howard Taft, who put this tax in place. In 1907, Theodore Roosevelt said the following regarding this progressive tax, ''Such a tax would be one of the methods by which we should try to preserve a measurable quality of opportunity for the people of the generation growing to manhood.'' During his Inaugural Address in 1909, William Howard Taft said, ''New kinds of taxation must be adopted, and among these I recommend a graduated inheritance tax as correct in principle and as certain and easy of collection.'' Historically, the richest in our society are the ones who pay the majority of the estate tax, and the original justification for this progressive tax is still applicable today, but reform is needed as our economy and times change.

Rick Mos is a small business owner in Kansas City, and he has concerns about the future. His company, High Life Sales Company, is a beer distributor in my district. He supports the reform that has already taken place to raise the exemptions and decrease the tax rates, and he supports permanent reform. He does not, however, support permanent repeal. He told me that if it were not for the estate tax, the wealthiest Americans would lose a necessary incentive to create charitable foundations which help all of our communities. Two of the largest charitable foundations in my district, the Kauffman foundation and the Hall foundation, have donated millions of dollars to the Kansas City community, including the construction of a state-of-the-art concert hall which is scheduled to be completed in 2007. Would there be as much money available if the estate tax was repealed? It is unlikely. Ewing Kaufman and Joyce Hall were great philanthropists, but they were also businessmen, and they recognized the tax benefits of giving to charity under the estate tax. Voting for H.R. 2341 repeals this charitable incentive.

Mr. Mos supports the Democratic substitute, but not a total repeal. We are hearing a lot of Members today talk about small business owners and farmers, but how many of you have spoken to small business owners in your district? I am sure you will find many constituents with the same beliefs as Mr. Mos.

Many of our Nation's billionaires have bonded together to form an organization called Responsible Wealth. Warren Buffet, one of the group's founders, argues that repealing the estate tax would be equivalent to ''choosing the 2020 Olympic team by picking the eldest sons of the gold medal winners in the 2000 Olympics.''

Let's do what is responsible for America and permanently reform the estate tax but not repeal it.

Mr. DINGELL. Mr. Speaker, I rise in opposition to a bald political move by my Republican colleagues.

Just a month and a half ago, on April 18, this body voted to make last year's tax cut permanent. Though I voted against it, it passed by a vote of 229–198. Why are we taking a piecemeal approach and voting on it again?

I would ask the Republican Leadership the same thing I asked when we voted on H. Con. Res. 312, on February 6. For those of you who don't remember, that was a bill that ''expressed the sense of Congress that the tax cut should not be repealed.'' Have we no real work to do?

Just over a year ago, this body voted on the President's tax cut. This tax cut, you'll remember, benefited only the wealthiest Americans. In order to cook the books and give tax breaks to their fat-cat buddies, my Republican colleagues put a 10-year sunset on that tax cut.

That brings us up to April 18, when this body voted to make the President's irresponsible tax cut permanent.

Yet here we are, we have no prescription drug benefit for our seniors, there are people earning a measly $5.15 an hour and we still don't have a patient protection bill. We do, however, have the time to debate and discuss whether or not we should make each aspect of that foolish tax cut permanent—even though we have already done so.

Mr. Speaker, I keep hoping that one day my colleagues on the other side of the aisle will cease to amaze me. But they never do. There is not a problem or crisis that they cannot address with a simple tax cut. And I would note that it is all the more appealing to my Republican colleagues if it benefits the wealthy.

I will not waste time here talking about the fact that we cannot pay for this tax cut, that further tax cuts will only serve to put us deeper in debt, and that we have other priorities that need to be dealt with. I have said it all before. I would simply ask my colleagues to vote against this redundant farce. Take this opportunity to send a message that there really are other things we should be doing. Vote no on this bill.

The SPEAKER pro tempore (Mr. SIMPSON). All time for general debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. POMEROY:

Strike all after the enacting clause and insert the following:

SECTION 1. RESTORATION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) SUNSET NOT TO APPLY.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(2) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(c) CONFORMING AMENDMENTS.—Subsections (d) and (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 2. MODIFICATIONS TO ESTATE TAX.

(a) INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT TO $3,000,000.—

(1) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows ''the applicable exclusion amount'' and inserting ''. For purposes of the preceding sentence, the applicable exclusion amount is $3,000,000.''.

(2) EARLIER TERMINATION OF SECTION 2057.—Subsection (f) of section 2057 of such Code is amended by striking ''December 31, 2003'' and inserting ''December 31, 2002''.

(b) MAXIMUM ESTATE TAX RATE TO REMAIN AT 50 PERCENT; RESTORATION OF PHASEOUT OF GRADUATED RATES AND UNIFIED CREDIT.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

''(2) PHASEOUT OF GRADUATED RATES AND UNIFIED CREDIT.—The tentative tax determined under paragraph (1) shall be increased by an amount equal to 5 percent of so much of the amount (with respect to which the tentative tax is to be computed) as exceeds $10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $224,200.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

SEC. 3. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

''(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

''(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

''(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

''(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

''(2) NONBUSINESS ASSETS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

''(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

''(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

''(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

''(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

''(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

''(A) cash or cash equivalents,

''(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

''(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

''(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

''(E) annuity,

''(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

''(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

''(H) commodity,

''(I) collectible (within the meaning of section 401(m)), or

''(J) any other asset specified in regulations prescribed by the Secretary.

''(4) LOOK-THRU RULES.—

''(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

''(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

''(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

''(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

''(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

''(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

''(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 435, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think about a farm family, a farm couple, say in their eighties. Say they have an estate of $5 million. Listening to the debate today, they must be thinking, thank goodness for the majority, thank goodness they are helping us.

In reality, let us make it very, very clear, the majority bill does nothing until the year 2011. It does not change a thing. If they had a choice to make, eliminating the estate tax for more people now or wait until later and then repeal it, they took the latter route. We will show Members that reform now is very, very important to so many of the people they have been talking about all afternoon.

Let us compare how the bills contrast. We would establish an estate tax exclusion: no estate tax for couples with $6 million in assets beginning January 1. They would leave the law for estate taxes at $2 million. If one is above $2 million, they are going to have tax, under their proposal. How about 2004? They take it to $3 million; but we are at $6 million, way more meaningful relief for that farm family. The same in 2005, the same in 2006, the same in 2007 and 2008.

Through the balance of the decade, the substitute that we have put before the Members gives meaningful estate tax relief now. In their bill, there will be four different Congresses convening between now and the implementation date of their bill. We cannot tell events in 2011. We cannot bind events in 2011. We can do something now.

Mr. Speaker, this substitute will make the estate tax go away for 99.7 percent of all Americans. That is the family farmers, the small businesses. Those are the people we have heard so much from from the majority. It is $6 million for a couple and no estate tax beginning in January under our substitute. This is the approach we advance and want Members' consideration for.

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

The SPEAKER pro tempore. Does the gentleman from California (Mr. THOMAS) claim time in opposition to the amendment?

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

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

Mr. Speaker, I am old enough to recall a period of time in which records were first 78 rpm, and then we got the smaller ones when the kids' rock 'n roll began to come in, the old 45s. What was usually done was that there was on one side of the record the hit song, and then on the other side, what came to be known as the flip side. Rarely did we get a 45 record that had two really good songs on both sides, and there were some folks who made a living by living on the flip side.

So we have had the debate about getting rid of the death tax, repealing the death tax permanently. That is the hit side. The flip side of that record is what we are now debating. I do not care how many numbers on a chart are presented, I do not care how someone is going to tell us we are going to be okay for a while. The name of the song on the flip side is: we are reinstating a permanent death tax. The hit side is repeal, the flip side is that we want to retain a death tax. That is one of the reasons they talked about the hit side and the flip side.

Here in terms of this particular debate, all we have to say is, do what most of the kids did when they had their 45s: play the hit side, not the flip side. Oppose the substitute and support the underlying bill.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Washington (Ms. DUNN), and I ask unanimous consent that she control the balance of the time.

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

There was no objection.

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

Mr. Speaker, the substitute effective January 1, 2003, repeals the estate tax for 99.7 percent of the people in this country: those couples with estates of $6 million and below. The majority would leave those couples without effective relief, their implementation date being 2011, the effect of their bill.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN), the cosponsor of the substitute.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from North Dakota for yielding time to me, and I think he has done a wonderful job in protecting the values of the people of this country.

Mr. Speaker, I rise in strong support of the Pomeroy-Thurman substitute and in opposition to H.R. 2143. Mr. Speaker, in 1999 I urged the House to pass a sensible bill that would remove estate tax from small businesses and family farmers. If the House had adopted my suggestion, we would not be offering this substitute today, and people that had died and had to paid the death tax would not be paying it today.

This substitute creates an immediate $6 million exemption for couples. The majority bill is only $2 million per couple. Think about that. Members should ask their neighbors and coworkers if they have $6 million, or if they know anybody who does. I am not talking about a $500,000 estate or $1,000,000, but $6 million.

In 1999, for example, there were 3,300 people nationwide that had estate values at more than $5 million, 412 estates in Florida. If we adopt this substitute, even fewer Americans will be touched by the estate tax.

Mr. Speaker, this bill is not about small business relief, it is the answer to Bill Gates, Sr.'s question: How high a price is America willing to pay in order to give a handful of millionaires and billionaires a tax break?

Each week I meet with individuals who tell me their needs. It may be farmers who need water to fight an ongoing drought; it may be utility contractors who need money for water and sewer programs. I have heard their pleas and would like to help them; but guess what, my hands are tied because there are no Federal funds left.

Ask the mother of a child from Jacksonville with juvenile diabetes if she wants a permanent estate tax repeal or more health research or health care for her child.

Ask the family from Broward County, Florida, that I talked to outside of my office a few weeks ago. They explained the problems from the lack of funding for a rare childhood disease of their daughters. Most of this House is on record in support of additional health research funding. Where do Members think this money comes from?

Ask our parents or grandparents about a real Medicare prescription drug plan. Without funds, they will be forced to choose between food and medicine. This bill, and others like it, reduces even further revenue that could fund these and other programs. With the substitute, at least we may be able to have some money to help fund some of these programs.

Mr. Speaker, one final point about the difference between what the majority talks about in their speeches and what they put in their bills. Why do we have to wait until 2010 to get the benefit of the estate tax repeal? The substitute, on the other hand, repeals the tax for 99.7 percent of the people as of January 1, 2003.

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If we want to help small businesses, support the substitute; but if we want to increase future deficits, oppose the substitute. If we want to help family farmers, support the substitute. If we want to increase the national debt, then do not. If we want to provide some money for Medicare, health research, homeland security, and defense, support the substitute. If we want to further limit our ability to meet people's needs, then do not.

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

The Democrat substitute is a short-term fix, and it is really a scam. It is masquerading as real tax relief. As I listen to the gentlewoman talk about the incidents in her State of Florida, it occurs to me that the numbers tell a different story. They are complaining about our not having enough money to spend on certain programs, many of which I think are very worthy and many of which we are spending money on. But in the Democrat substitute over the first 5 years, they are spending $22 billion compared to the $9.2 billion that we spend in ours. They are actually raiding the coffers to a much greater extent themselves.

Mr. Speaker, their bill does not address rates. After the $3 million credit, the family is forced to pay taxes starting at a 50 percent rate on every dollar over the credit. It does not start at 1 percent. It starts at 50. For businesses valued at $6 million, this means a tax bill approaching $1.5 million.

Under the substitute, the United States will still have the second highest death tax rates in the world after Japan, behind bastions of free market capitalism like France and Sweden.

Secondly, every attempt to provide the death tax relief has been a failure. We all know what happens when a tax is left on the books. It simply grows back. It grows back in this case with a vengeance. Inflation alone can subtract 30 percent of the value away from the exemption that the substitute requires. If we do not pull the death tax out by the roots, there is no guarantee that the exemption will not be reduced totally by a future Congress.

The Pomeroy substitute also sets an arbitrary limit on the size of a protected business. It essentially tells businesses to be successful but not too successful. Unless the $3 million exemption were adjusted for inflation, as I said, within 10 years inflation could decrease its value by 30 percent.

The Pomeroy substitute will actually cost over twice as much in the next 5 years as immediate repeal. I think this alone is a very important way to view this substitute because it is being sold as something that will allow us to take care of the involvement of the cost of that bill in a more effective way and it certainly is not true.

Finally, and perhaps most importantly of all, the substitute affirms the flawed notion that it is fair and reasonable to tax people at the end of their lives. Instead of rewarding them for saving or building a business, being successful, we punish them by assessing on them a very burdensome and unfair tax.

I urge my colleagues to reject the substitute, eliminate the death tax once and for all. We can do that by our vote today in the House of Representatives.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a valued member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman for yielding me time and I appreciate her leadership on this issue.

We have had an interesting debate here on the floor this afternoon. It started out as a debate about whether there should be a gifted estate tax or not. And the other side of the aisle said it is important that we soak the rich and we do not want to let people get off. Our side was saying the estate tax does not make any sense, and now we are hearing from the other side of the aisle that actually we do believe that there ought to be less of an estate tax, actually, and, in fact, ours costs more over the next 5 years than yours does and that is somehow good. So we are hearing very different arguments coming from the other side of the aisle.

I guess what I would say is we have a fundamental decision to make here. Is this death tax a good thing or not? And what we are saying is: No, it is not. And there are a lot of reasons for that.

One is the fact that it does hurt the economy. It is not the rich person who ends up getting the benefit of the death tax. That person is gone. That person is dead. It is the people who are left behind. It is the heirs but, more importantly, it is the employees of these small businesses, these family farms, who then do not have a job because they no longer have a business.

Now, let me tell you, if you look at some of the data on this, it is amazing. This is 1.4 percent of total revenues to the Federal Government, extremely complex. There are thousands of valuation cases at the Department of Justice today, so it is an extremely expensive system to administer, and it has this effect of allowing for so many businesses not to succeed.

We know that over half of minority businesses today, based on a Kennesaw State College study, are unable to grow, or fail because of the legal and accounting costs of the death tax. Even those folks who end up not being hit by the death tax have to go through the legal and accounting and the costs associated with it. This chart shows that it harms women business owners particularly because many of them are small business owners. They spend an average of $1,000 a month just paying to plan for the death tax. Instead of that money going into planning, into lawyers and financial planners, it could be used to provide health benefits, to provide pensions for their employees.

This is really a fundamental, philosophical divide we have. Should there be a death tax or not. We say the death tax is inefficient. It is a terrible way for the Federal Government to get revenue. It ought to be ended. It is also bad for the economy. You all want to continue it. I think that is the question we have before us today.

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

Mr. Speaker, I am very astounded the other side would suggest that the cost of our package is more than their package. The 10-year figure makes it very

clear. The cost of our package is $5 billion. And we had that offset, although the offset was not allowed under the rule, but $5 billion. The cost of their package over the 10 years, $99 billion. When they talk about a 5-year cost figure, that is not but half the story. The full story is the 10-year figure, $99 billion for the majority, $5 billion for ours, and that does not exclude the next 10 years where theirs balloons to over a trillion dollars if you count death service. Whatever merit there may be to their arguments, and frankly they are pretty thin, it certainly has nothing to do about cost. Their package is, over the long run, is infinitely more expensive than ours.

Mr. Speaker, I yield 2½ minutes to the gentleman from Los Angeles, California (Mr. BECERRA).

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

Mr. Speaker, I think my friend and colleague, the gentleman from Ohio (Mr. PORTMAN), has said it well. We do have to put everything in context and we have to understand what we are talking about. Right now is should we have cut the estate tax, a tax that of the 270 million Americans will benefit about 33,000 Americans and that estate of those Americans. So that is slightly under 2 percent. It is about a percent and a half of all Americans get taxed under the estate tax. And this bill, which is predicted to cost $100 billion over 10 years, if you take it out to those 10 years, when it is fully phased in, the cost is about $100 billion per year. So over the second decade you are looking at about a trillion dollars when you factor in the interest that we have to pay for that. Of about $100 billion a year, a trillion dollars over a decade in costs.

So let us put that in context. Today, unlike a year ago when we were being told we would have surpluses in our budget as far as the eye can see, today we have a budget deficit of something around $100 billion. Today what are we doing to pay that $100 billion that we do not have so we can have the government operating? We are using this. The government credit card. Where are we getting the money to pay the cost of that credit card and the interest on that government credit card? The Social Security trust fund and the Medicare trust fund.

What is that trust fund money supposed to be used for? For those who are retiring so they can get Social Security and Medicare. What happens when you use the Social Security trust fund monies and the Medicare trust fund monies for things other than Social Security and Medicare? You have got to find money in the future to pay the cost of Social Security retirement and Medicare benefits that you no longer have.

What else happens? In the future you will have to cut things like education, health care, housing because you do not have the money any more. So let us put everything in perspective here. When we talk about the estate tax cut and we talk about kids and seniors on Social Security and seniors needing prescription drug coverage which they do not have right now under Medicare, what is their priority? Do you want to pay down the debt? The President said last year we could pass our tax cut of last year and still pay down the debt.

Well, today we not only cannot pay down the debt nor the interest on that debt, but it is going to grow. And so I look at our budget for education, which this year is about $51 billion. We are going to spend more on giving 30,000 of the wealthiest Americans a tax cut than giving the 45 million kids in our public schools any additional money in education. That is not a priority in my book. And that is why you should support the Pomeroy substitute because what the Pomeroy substitute says is help the family farm, help the small business. We can do that and still make sure everyone has shared sacrifice. Vote for the substitute and vote against the bill.

Ms. DUNN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Washington (Ms. DUNN) has 23 minutes remaining. The gentleman from North Dakota (Mr. POMEROY) has 21 minutes remaining.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

The Democrats today keep talking about cost. But things do not cost you money when it is not yours. This money belongs to the taxpayer, the wage earners who made the money. That is who this is going to cost. It is not going to cost the government anything. This is confiscating less money from the taxpayers. That is what our bill does today. The Democrats talk about making theirs permanent. We wanted to make ours permanent now, not 10 years from now. It was your parliamentary procedures in the other body that caused us to expire this in 10 years or make it happen in 10 years. We want it effective now.

The Democrats talk about their plan. Well, when they had the House and the majority in the Senate and the White House, did they do any estate tax relief? Of course not.

The Democrats talk about Social Security and Medicare. Well, when you do not have anything to offer, you bring out the tried and true, let us talk about Social Security and Medicare and scare the folks back home, and every time you hear that you know the Dems do not have a plan.

In fact, the Democrat issue of fairness is like this. Imagine you have two Democrat friends and you are walking down the street with them and you have $15 in your pocket and they do not have any. Well, they say it is lunch time. You have $15. We do not have any. Let us have a vote to see who pays for lunch. So the two of them vote. I pay for lunch with my $15 and that is fairness in their definition.

You might think that is absurd, but I can promise you this. Let us say there were 10 people walking down the street, nine had no money and the tenth had all the money. Under their definition of fairness, that tenth person must have done something wrong because he has money. Therefore, let us vote the money out of his pocket and put it in ours. That is the Democrat vision of fairness.

If you want to talk about fairness, come with me to Moultrie, Georgia, talk to a friend of mine who is in the small loan business. He inherited this from his dad, he and his brother. And they paid estates taxes on it about 20 years ago. They have built it up to 16 different locations. They have about 100 employees, take real good care of their employees. In fact, they own a condominium in Ferdanina Island, Florida. They let the employees use it all year long. It is one of the benefits of working with a good company that takes care of things. This guy has a daughter at the University of Georgia.

Now, I asked him will she get in the family business? He said, I do not know. Because after 16 different locations, the Federal Government makes it so hard for us to continue to grow it might not be worth our while to expand any more.

So one of the great problems of having estate tax is that it cripples business from future growth and doing things today. I believe we should bury the estate tax, not just for my friend in Moultrie, Georgia, for farmers all over Georgia. This bill is supported by the National Black Chamber of Commerce, the Hispanic Business Roundtable, the National Federation of Independent Businesses, and many, many other commonsense associations support it.

Mr. Speaker, I hope that we will support the Republican plan and vote no on the Democrat substitute. And I thank my friend, the gentleman from Mississippi (Mr. TAYLOR), for listening so attentively.

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

Mr. Speaker, I would observe that we would provide relief to the gentleman's farmer constituents to the tune of $6 million next year for a farm couple, no estate tax if they are below that. Under their legislation, there will be estate tax consequences if they are over $2 million.

The time to address estate tax is to do it now. And our bill, effective on January 1, makes the estate tax go away for 99.7 percent of all Americans, those with estates of $6 million and others. I cannot understand why, if the problems are so severe as we are hearing from the other side, they do nothing under their legislation until the year 2011.

Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, there is something that has not been mentioned much today. There is something we cannot run away from. Two weeks ago today this body, in mostly a party-line vote, voted to raise the debt limit by $750 billion. Now that is a thousand time a thousand time a thousand times 750.

My buddy, and I do say buddy, the gentleman from Oklahoma (Mr. WATTS), a couple minutes ago said, hopefully we can leave something for our kids and grandkids.

Well, that is what we are leaving them, $6,019,332,312,247.55 of debt.

□ 1500

In my daughter's lifetime, she is 23 years old, we have added $5 trillion to that debt.

What particularly troubles me is coming from all of my Republican opponents who keep telling me I am from a wealthy family, I am not going to pay any estate tax. So I have a bit of trouble. In order to give truly very, very wealthy families a tax break, you are sticking my kids with the bill. It is that simple. Because not only do we owe this money and not only have you run up the debt by $363 billion in the past 12 months, guys, you control the House, you control the Senate, you control the tax bill, and you control the spending bill. That is how much debt you have run up in 1 year, and you are sticking my kids with the bills. And until they pay off that bill, they are going to squander a billion dollars a day on interest, and your answer to all of this is to stick them with more bills. That is not fiscal responsibility.

I liked you guys so much better when you were for a balanced budget. But in the 6 years, the past 6 years, the whole time the gentleman from Illinois (Speaker HASTERT) has been Speaker, you have not scheduled one vote on a balanced budget amendment. We found enough time to debate the Nutria Eradication Act. We cannot find time to talk about a balanced budget. Quit sticking my kids with your bills.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of our Congress.

Mr. DELAY. Mr. Speaker, I appreciate the gentlewoman from Washington (Ms. DUNN) for yielding time to me.

Mr. Speaker, only Democrats believe that cutting taxes is a spending program, that cutting taxes increase the debt. What increases the debt is government spending more than it takes in. That is what increases the debt. Spending increases the debt.

Mr. Speaker, the Members really face a clear choice today. It is very basic. Will they stand with the taxpayer, or will they empower the tax collector? Will they stand with mom and pop businesses and American farmers, or will they assist those seeking to confiscate their hard-earned assets? In short, will they revive the death tax, or will they repeal it? They just cannot help themselves.

The gentleman from North Dakota (Mr. POMEROY) was talking about we covered 99.7 percent. They cannot repeal a tax. It is just not in their nature to repeal the tax. If you are doing 99.7, which I disagree with, then why not the other .3 percent and be fair and repeal the tax? They just cannot. Do you know why? Because they want to use it sometime in the future to take money from American farmers, money from American businesses, put it in the government's pocket so that they can spend.

I hope the voters really watch the vote that is taken here today. The Republican Party agrees with the vast majority of the Americans who believe that the death tax is the most evil tax on the books. Polls show it; the American people understand it. Unfortunately, the voters understand this issue far better than some Members of Congress.

Let us place things in their proper perspective. A farmer or a small businesswoman works their whole life, builds a business, nurtures a small farm; and the whole time that they do that, they pay taxes, year after year, decade after decade; but that is still not enough for some of those who support this tax. As the hard-working American passes on, the death tax and its awful terms require that the IRS must confiscate over half of the value of their business and their farm. That is fundamentally wrong, and it is fundamentally unfair even for the .3 percent that they want to continue to tax.

It remains to be seen how many Members will exercise sound judgment by rejecting class warfare and voting against this substitute. But let us be clear about exactly what this substitute does. The substitute is a tax increase, plain and simple. The substitute reverses the current law phase-down in the death tax rate and instead increases and maintains the rate at a whopping 50 percent.

The substitute does not even index the exclusion. In plain English that means small businesses and farms that think they are okay today may later find out that the death tax reaches back and grabs them down the road; and most importantly, the substitute brings back this evil tax, while the underlying bill abolishes it once and for all.

Let us drive a stake through the heart of the death tax. Let us end it for all time. Do the right thing, support the underlying bill and strike down this substitute.

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

I think the majority whip has posed an important question: Why have we structured it as we have? We believe it is more important to get relief out now, and under the substitute if someone is $6 million and below for a couple, no estate tax beginning next year.

The majority whip has just spoke for a proposition that will leave the estate tax on estates over $2 million next year and will not match the substitute by way of providing estate tax relief until late in the decade. Their bill does nothing until the year 2011. That is too long to wait. Meaningful reform now. Make estate tax go away for 99.7 percent of the people in this country.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, if the American people ever wondered how so-called compassionate conservatives define shared sacrifice, I hope they are watching the debate today. With our Nation battling the evil of terrorism, both at home and abroad, with the Federal Government on course to run a deficit outside of Social Security of $314 billion and with the Republican Party plundering our Social Security surpluses in direct violation of its own pledge not to do so, now, now is the time our friends in the GOP believe to bestow billions upon billions of dollars on a few thousand Americans.

This is not about all Americans. This is about the wealthiest Americans, the billionaires in our country, by permanently repealing the estate tax, a reaffirmation of their leave-no-heir-behind philosophy.

Yet we cannot get a vote on increasing the minimum wage. Yet congressional Republicans just passed welfare legislation that would force mothers of young children to double their work week. Yet congressional Republicans drag their feet on extending unemployment benefits for thousands of Americans who lost their jobs after September 11, and at the very same time, they try to give Enron and a handful of other corporations billions of dollars out of the Federal Treasury.

The plight of the wealthy has always been the top of the GOP agenda; and with today's vote, the Republican Party reality ought to rename itself the ''free lunch'' party.

The whip said that he is against taxes, this is an evil tax. The whip believes every tax is evil. The fact of the matter is if someone wants to buy an aircraft carrier, if they want to buy a school lunch for a poor child, if they want to have a Head Start seat for a child who needs a hand up, then we need to pay for it in this generation. That is what the gentleman from Mississippi (Mr. TAYLOR) was talking about.

It feigns support for fiscal responsibility, but it then enacts a budget-busting tax program. It claims that it supports education, but then short-changes programs with the bipartisan No Child Left Behind Act by $90 billion, and it pretends to support Social Security, but then brings this bill to the floor, a bill that would cost $109 billion between 2003 and 2012 and more than $1 trillion in the decade after 2012, precisely when the baby boomers retire in full force.

Mr. Speaker, I urge my colleagues to support this substitute. It is fiscally responsible. It is good policy, and it exempts 99.7 percent of the American public from the estate tax. It is a good bill.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, I am here today to urge this Congress to set right a terrible wrong in the Tax Code. There is a basic principle in the American criminal justice system that protects our citizens from being charged with the same crime twice. It is unfortunate that our Tax Code does not provide the same protections for families trying to leave a better future for their children and their grandchildren.

The real tragedy of this debate today is that it has been waged between lawyers and professors, and I stand before my colleagues today as a small businessman; and I say to my colleagues, when is enough enough? They get us on the income tax; they get us on the capital gains tax. Do they have to get us again on the death of a loved one?

As a fifth-generation Montana rancher on the same ranch, my own family was forced to deal with the terrible unfairness of the death tax. I had to sell my home that was built by my great grandfather and sell a third of my ranch just to pay the down payment on my colleagues' beloved estate tax; and after selling my home, I spent the next 18 years paying off the rest of the estate tax burden, and let me tell my colleagues, this is not some academic or some legal debate today.

Eliminating the death tax is about fairness. It is about equality. It is about preserving a lifetime of work. This bill is too late to give me back my home. I just do not want to see it happen to one more American family.

It is unfortunate, but our opponents, the opponents of permanently eliminating the death tax, are back to their old tricks of class warfare. This is not a time for political games or false innuendo designed to pit one American taxpayer against another. The death tax is nothing more than a final desperate grab by the United States Government to get into the pockets of American taxpayers.

During the last 10 years, the death tax has cost Montana families $200 million in lost opportunity. This money should have been spent to upgrade family farms, to expand small businesses, to plan for retirement, or pay for my child's college education. Instead, it was sent to Washington, D.C., to feed the Federal bureaucracy. Do the right thing, kill this amendment.

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

I know my friend from Montana is very sincere in his arguments, but his proposition gives not one nickel of additional relief to his constituents until the year 2011. If it is too late now, certainly we ought to move something in place more quickly than that.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the Democratic substitute offered by the gentleman from North Dakota (Mr. POMEROY) today gives more tax relief to more families immediately than the Republican bill.

The contrast between the Republican bill and the Democratic substitute is stark. The Republicans choose to help the wealthiest families in America while leaving the families with small businesses and family farms paying the estate tax for the next 7 years.

The substitute being offered today provides $3 million in exclusion from the estate tax, $6 million for a couple. Unfortunately, families across this country will have to wait until 2009 to get similar relief from the Republican bill.

Let us look at the facts. Every year between now and 2009, Republicans are willing to let over 50,000 modestly wealthy families continue to pay in estate tax while giving the wealthiest 300 families an average of $10 million in tax relief. The Republicans have chosen to benefit the super-rich instead of helping 50,000 families who would be immediately taken off the estate tax rolls by the Democratic substitute.

It should be no surprise to discover that under the Republican bill a new capital gains tax is imposed on over 18,000 American families every year by the elimination of the so-called stepped-up basis in values for estates above $1.3 million. Imagine the surprise of a family who inherits a $4 million family farm or business from their father, when they learn that under the Republican bill, when they sell that family farm or business, they are going to have to pay a capital gains tax on the difference between what they sell it for and what the original cost of that farm or ranch was to their father.

I thought the Republicans were against increasing taxes. Today, they have increased the capital gains tax. The Democratic substitute does not do that.

□ 1515

Ms. DUNN. Mr. Speaker, I yield 2½ minutes to the gentleman from the State of Missouri (Mr. HULSHOF), a very valued member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, I thank the gentlewoman for yielding me this time, and what I would say to my friend who just spoke is that if the idea is to make it easier to pass the family business to the next generation, then we should get rid of the death tax. And if then those surviving heirs wish to dispose of that family farm or business, then maybe they will be subject to the capital gains tax.

I would like to pose a rhetorical question to my friend, the gentleman from North Dakota (Mr. POMEROY), and I will set up the hypothetical like this.

Howard Eiffert, in my hometown of Columbia, Missouri, began the Boone County Lumber Business back in 1965. He has two sons, Brad and Greg. They employ about 31 people in Columbia with good paying jobs. Everybody there works very hard to make sure the business is successful.

Under the gentleman's substitute, will the heirs of Mr. Eiffert have to pay the death tax?

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

Mr. HULSHOF. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I appreciate the gentleman's question, though I thought it was a rhetorical question.

I really do not have many facts on this circumstance, but if the estate is below $6 million for the gentleman and his wife, there would be no tax.

Mr. HULSHOF. Reclaiming my time, Mr. Speaker, I offered the question in good faith, and I think the answer is the best the gentleman could give me, because the answer is he does not know. And I do not know. In fact, I would suggest that the Eiffert family at this point does not know.

They do not know what the value of the estate will be when the founder of that company dies, whether it is going to be under $6 million or over $6 million. So we cannot determine at this point whether or not these numbers the gentleman is throwing around, whether this small family business in Columbia, Missouri, is going to be helped by the gentleman's substitute or not.

The larger point I hope to make is this: As long as we maintain a Federal estate tax, we still are going to have to have resources committed to Federal estate plans. In fact, there is a lot of concern about loss of manufacturing in this country, especially from my friends on the other side. The National Association of Manufacturers says that the average small manufacturer in America spends $52,000 a year to avoid the death tax.

To me, there is a simple question here today: Should the death of a family member be a taxable event? Period. My answer is, Mr. Speaker, a simple one: A resounding no.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume to observe that there could not be more uncertainty than having a 2011 effective date, which is what the Republican legislation has. There are four sessions of Congress to meet between now and then, and the estate tax levels under the Republican plan will be at $2 million, $3 million, $4 million, and moving around.

We move it to $6 million. No estate tax if you are below $6 million, effective January 1 of 2003. It could not be more clear.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of the Democratic substitute. An earlier speaker said he came here as a small businessman. I am a lawyer, and I am proud to be a

lawyer, and I stand up for all trial lawyers across this country. What I would have suggested to him, because he is over here saying it is the lawyers that have caused the dilemma with the estate tax, I would suggest to him get a good lawyer and let that lawyer do some tax planning for himself and his family.

Let me also say at this juncture the Republicans are saying to us to put a stake in the heart of the death tax. But what they want to do, they want to put the stake right like this and hold it for 10 years where it gets rusted. The Democrats are saying we are going to put the stake in it right now, right here. They are saying kill the death tax. But when? It is 2002 now and they want us to wait until 2011.

I stand here wholly in support of this legislation. And it seems that the Republican Party wants to say they are the best to support business in these United States. Strong Democrats support business. And we so strongly support business, all the business folks out there listening, hear us, we so strongly support you that we want to get rid of the estate tax right now.

We want to get rid of the estate tax, except for a little portion. And the reason we want to hold on to that little portion is because that little portion equals $740 billion. That is why we want to hold on to it, so that in future times we can afford to maybe do a prescription drug benefit. We can afford maybe pretty soon to put a little more money in education. We can afford pretty soon to look at the whole health care piece and decide what is wrong.

I say to my colleagues, let us put a stake in the death tax, but let us not hold off for 10 years. Let us do it now.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), a member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I stand in support of the committee bill and against the substitute.

I am going home this year, after 20 years of service in this body; 14 years I served on the Democrat side and 6 years now on the Republican side. And let me say that during those 20 years I probably sponsored or cosponsored the elimination of the death tax, or the estate tax a lot of people like to call it, probably every year.

I am also probably one of the biggest backers of a balanced budget, and I am proud that in the last 6 years we balanced the budget and we have paid off $450 million of the debt. Now, I hated to see the downturn in the economic indicators a couple of years ago when it started in, and we have now had a downturn in the economy, which makes it tough. But that does not justify us not eliminating this double taxation.

This is double taxation. Taxes are paid as an estate is put together, as a business gets put together, and ranches are put together. Taxes are paid. And when you end up dying, your estate has to pay it or your children. That is wrong.

Let me share a couple of calls I have had over the years that I still recall very much. One was a neighbor, a cattleman, a rancher, a robust, tough guy. His father and he worked together and put together this large ranching operation. The son called me and wanted to meet, and I said, yes, we will meet the next morning for coffee. We met. Very emotional. He looked at me and he said, ''Wes, why do I have to sell the place that my dad and all of us put together to pay taxes?''

It is wrong. And it cannot just be a little wrong, it cannot be just a little sin. It is wrong. Same for industry. A small industry was put together, a family operation. They worked side by side, the family. The parents died and they are going to have to sell it.

Let us do what is right. Doing what is right is to stop the double taxation. Let us be for the committee bill and against the substitute.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in strong support of the Pomeroy-Thurman substitute, which would increase the exemption for all small business estates immediately upon enactment to $6 million.

I cannot believe there is anyone who believes that that is not better than the base bill today, that gives the rhetoric of ending the death tax when everyone knows there will be at least three Congresses that will be in session before we get to 2010.

My strongest opposition to the base bill today is in the fiscal area. I do not understand how my friends on this side of the aisle can constantly and consistently come to this floor and totally ignore the fiscal condition of our country today. In spite of my friend from Oklahoma saying the debt has come down, the debt has gone up. The administration is asking that we borrow $750 billion, and that is just the beginning. And my colleagues know it.

It is important for us to start speaking honestly. There is so much my friends over here say about the death tax that I agree with that that is why I support the substitute. I would rather we not be debating this today, because today it is fiscally irresponsible. We are at war. We ought to be dealing with making sure we do not increase the additional debt on those young men and women over there fighting. But, instead, we have an argument here that is pure political rhetoric that will give a political issue so that we can say ''he said,'' ''you said.''

I want to make it very clear: I support immediately exempting all estates of $6 million and less from ever having to worry about the death tax again. And I have yet to meet the first farmer, the first rancher, the small businessman or woman, the first independent oil producer that says, when they understand what we are offering, that would not take that. A bird in the hand is worth two in the bush. It really is.

But, instead, we are sitting here arguing about repeal. Instead, we are going to deny small businessmen and women who are unfortunate enough to die in the next 6 months or 9 months, they are going to be unfortunate and have to pay that onerous tax that I happen to agree with my colleagues we should be eliminating.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), the chairman of the Committee on Small Business.

Mr. MANZULLO. Mr. Speaker, we hear statements today that it only applies to 10,000, it only applies to 33,000 people. Do my colleagues know how many farmers are left in this country? Not too many. This applies to most of them.

One of them is Gary Hall of Ogle County, Illinois. Gary's dad died in 1997, and he wrote us a letter. He said, ''My dad worked very, very hard to get where he was financially when he passed away last November. He struggled raising his family of a wife, four daughters, and a son by trying to work on the farm, getting them to work there, getting interested in 4H, buying old machinery and fixing it up.''

When he died, the government came in and asked for $2.7 million in taxes. He says, ''Why does the government deserve to squander or blow dad's hard work away? Why can't you leave your estate to your children or family to continue to farm the land? Why do we have to remortgage farms that were paid off years ago by our parents, and then have our children do the same? We do not want to sell any of dad's farms. We want to keep them in his name and pass the farming operation down to many future generations.''

For all the great conservationists we have here in the Congress, do they not realize one of the greatest incentives for plowing up farmland and putting in a subdivision is to pay the death tax? I mean the green thing to do is to not tax someone's estate when they die. Farmers are forced to sell the land. I was there. I practiced law in the country for 22 years. I was there when the gavel went down by the auctioneer and half a family farm was sold just to pay taxes. I wish my colleagues could have seen the looks in those kids' eyes. It is unbelievable.

That is what this is about. It is about the Gary Halls of America.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume to note that the U.S. Department of Agriculture has statistics that show 99 percent of all farms in this country have assets of less than $5 million. They would all be taken care of under the substitute effective January 1 of 2003.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from North Dakota (Mr. POMEROY) has 8 minutes remaining and the gentlewoman from Washington (Ms. DUNN) has 8½ minutes remaining.

Mr. POMEROY. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, today we debate the Republican proposal to permanently repeal the estate tax, yet another bill that favors the wealthiest of the wealthy at a time when America is faced with increasing deficits.

Can we do more for the rich than we are going to do this afternoon when they pass this legislation?

This is a recipe for fiscal meltdown. According to the Joint Committee on Taxation, permanent repeal would result in a $740 billion loss to the Treasury, when we instead should be supporting Social Security, fixing Medicare, spending some money on defense and spending some money on education and the environment.

Mr. Speaker, today is the 58th anniversary of D-Day, the World War II allied invasion of Europe in which thousands of American troops sacrificed their lives for freedom. Americans are once again sacrificing right now, even as we take on this debate. But what is our answer? We are going to dole out more tax cuts to billionaires, who, by the way, were not even asking for it, and asking hard-working middle income taxpayers to pick up the difference.

If they had not thrown procedural roadblocks in our way, we could have used $4 billion from tax savings from the corporate expatriate bill the gentleman from Connecticut (Mr. MALONEY) and I have, and we could have used it to immediately pay for the estate tax exclusion offered by Mr. POMEROY.

What is the new campaign slogan in this institution, ''I'm rich and I'm not going to take it any more''?

□ 1530

Mr. Speaker, can we do more for the wealthy than we do here day in and day out? This party used to be the party of Teddy Roosevelt. This used to be a party that did more for the environment and stood for fairness in American life. Now it is day after day, what more can I do for the wealthy. Well, it will be done without my help today.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I would like to voice my voice for the Permanent Death Tax Repeal Act and against the Democrat substitute.

Last spring, Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001. This act provided $1.35 trillion in tax relief over the next 10 years. The death tax passed last year will be phased out over the next 9 years and will disappear completely in the 10th year. This means after December 31, 2010, the death tax will return in full, beginning January 1, 2011.

In other words, if this bill is not enacted, families who lose a loved one on December 31, 2010, will pay no death tax; but families who lose a loved one on the next day will pay a massive death tax, as high as 60 percent in some cases. The death tax is perhaps the most morally reprehensible tax levied by the Federal Government.

The death tax is the number one reason small business and minority-owned businesses and family farms are broken up and sold to large corporations, destroying thousands of jobs in the process. The Democrat substitute amendment would establish a fixed $3 million exemption equivalent that is not indexed for inflation. The relative value of the exemption equivalent will decrease over time as a result of inflation and more families will be subjected to the effects of the death tax. The substitute amendment eliminates the benefits of the graduated estate tax rates. The entire estate above the $3 million exemption equivalent will be taxed at 50 percent. That does not appear to sound like sound tax policy. We must vote down the Democrat substitute, pass the permanent death repeal, and guarantee the relief that we promised last spring.

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

Mr. Speaker, the substitute makes the estate tax go away for the small businesses and farmers with assets below $6 million for couples effective January 1, 2003. The proposal by the Republican Party does nothing until 2011.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am from Texas, and I want to announce that family farms are taken care of with the Pomeroy substitute.

First of all, I think we should understand the distinction. We are talking about reform of the estate tax. We are talking about uplifting the American people. Members over here are talking about deeper and deeper in debt, and forever closing the door for providing this Nation with the ability to fight terrorism around the world.

Let me suggest that with the repeal of the estate tax we will be losing $55 billion in 2012. But, really, what is more important, what is more shocking is only 2 percent of Americans pay estate taxes. Listen to what we are talking about, America. We are talking about providing Americans with immediate protection of $6 million by January 2003. Immediate protection.

We are talking about protecting small businesses, our neighbors and friends, our family farms. We are talking about protecting Americans. While those who want to stand in the storehouse of wealth and dig and dig and dig so that Medicare can tumble, so that Social Security can tumble, we want reform, not elimination. They want to totally repeal the estate tax so we are undermined and, therefore, the money we are spending in Afghanistan, which is $1 billion a month helping us fight the war against terrorism in Afghanistan. It is not going to end soon.

Yet the other side of the aisle says there is money to repeal the estate tax for the wealthy and the big of mind and not of heart. Let us support the Pomeroy substitute, which believes in reform and puts money on the table of family farms and small businesses.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I think it is very tragic we are hearing this number of 2 percent of people who die, have estates that are taxed under the death tax. That does not take into consideration the numbers of small businesses that are sold and the dollars that are taken out of this economy to pay for CPAs and estate tax planners and to purchase life insurance policies. We do not see the results of those figures in the 2 percent number which came from I do not know where many years ago.

Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, responding to the gentlewoman, a recent study has shown that death tax repeal would not increase the deficit. A 1999 study showed that it decreased the economic growth that would come from repeal of the death tax, and would lead to Federal revenue gains within 7 years of the death tax repeal.

In the long run, the economic activity would increase the income, not decrease it. But the death tax affects real live hard-working people. I have some friends in Colorado Springs who started out 60 years ago or so with one little lumberyard. Over the years, three generations have built that one little lumberyard, started with nothing, built that one lumberyard into a multi-lumberyard system throughout southern Colorado. It was a home-grown business which was very successful. Recently, they sold it even though the children of the owners worked in the business and wanted to continue to work in the business, but they sold it because they could not afford the death tax that they would have to pay in the future.

Colorado is a State mostly of small farms, ranches, and small businesses. The heirs should not have to sell the business of the farm in order to pay the tax.

The $6 billion in the substitute, these people were successful. Members say we are helping the rich here, but by gosh, they earned it. It is their money. They paid taxes on it. It is wrong to tax them again when they die, or to make them sellout in order to pay the taxes when the heirs inherit the money.

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

Mr. Speaker, the gentleman speaks passionately about his constituents, but the reality is under the proposition the gentleman stands for, estates over $2 million will be taxed next year. Under our substitute, no estate tax for couples with assets $6 million and under.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the minority whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership for this important alternative that is being presented on the floor today, the Pomeroy-Thurman substitute. I also thank the gentleman for his championship on issues that are of concern to America's farmers. Every day he is here, he fights for them. Every day he is here, we learn from him about how to help America's farmers; and that is what he does in this Pomeroy-Thurman substitute.

I rise in support of the substitute and commend the gentleman from North Dakota (Mr. POMEROY) and the gentlewoman from Florida (Mrs. THURMAN).

Mr. Speaker, we take this bill up at a time when our young men and women are abroad defending our Nation against further terrorist attacks; yet the Republican leadership is undermining our security at home by passing yet another irresponsible tax bill. Make no mistake about it, the bill undermines our Nation's security. It will rob us of the resources we need to defend our country. It will rob us of the money we need to protect Social Security.

The bill does not even repeal the estate tax until 2011, and it will actually increase capital gains tax on the various estates that they claim to help by eliminating the stepped-up basis consideration. Their bill costs more than $1 trillion, and it will raid the Medicare and Social Security trust funds at the exact moment the baby boomers begin to retire.

In contrast, our Democratic estate tax relief bill offers real reform, and it brings much greater and more relief to family farmers and small businesses than theirs. Beginning January 1, 2003, the exemption from estate tax would jump to $6 million per couple, an exemption of $6 million per couple in the Pomeroy-Thurman substitute. Americans with $6 million who die pay no taxes. If Members are worried about people above that level, we are talking about half a percent of the American people. Those estates will get hit with higher capital gains taxes than they do under the Republican bill.

It is very simple. If an estate is less than $6 million, that person would definitely want the Democratic bill. You will pay no estate tax effective January 1, 2003.

Mr. Speaker, I will submit the rest of my statement for the RECORD. I urge Members to do the right thing by 99.7 percent of the American people and vote for the Pomeroy-Thurman substitute.

Ms. DUNN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong opposition to the substitute. Mr. Speaker, there is really no substitute for the truth. A year ago with overwhelming support among the American people, this Congress sent to the President's desk a tax cut. We will celebrate the anniversary of the signing tomorrow.

In that tax cut we advertised to the American people that we repealed death taxes; and when virtually every Member of this institution went home, some constituent thanked them for ending death taxes.

But hopefully, many, as I did, were honest with their constituents and said, Well, not entirely. We actually only repealed it until some magic day in the year 2011 when it springs back to life because of an arcane rule in the Senate.

We must reject the substitute today on behalf of small businesses and family farms. We ought to do no less today than what we told the American people we were doing, repealing and ending death taxes once and for all.

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

Mr. Speaker, there is a fundamental difference between the relief proposed by the substitute and the relief proposed in the underlying bill. We bring relief to American families effective January 1, 2003. There is nothing by way of effect from the underlying bill until the year 2011, several Congresses away.

This majority who says do not trust government would ask those looking for estate tax relief to trust the next three sessions of Congress before they would get relief under their proposal. American families deserve to know with clarity where estate tax commitments begin, and we would set that obligation at $6 million per couple, making the estate tax effectively repealed for 99.7 percent of our families.

There is a cost difference as well. Over the next 10 years, theirs cost $99 billion. In the deficit situation, we know that that requires Social Security revenues to be diverted to fund other functions of government. The cost under our bill is $5 billion, and it would have been zero if they would have left the offsets in that we initially sought.

But the dramatic problem under their bill is the next decade, because the costs explode thereafter. Just at the time baby boomers retire and the Social Security taxes drop precipitously, the cost of their bill explodes.

There is only one conclusion we can draw from this chart, and that is this X represents a financial catastrophe that will befall our country leading to higher payroll taxes for our children and benefit cuts for Social Security recipients. There is a better way, and that way is the substitute, which provides relief now on the estate tax hit.

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Look at the comparison in terms of relief offered under our substitute compared to the majority: $6 million and below, no estate tax under our bill; their bill, $2 million. Our bill, $6 million and thereafter. In 2004, $3 million. You have an estate tax problem. In 2005, $3 million. You have an estate tax problem. In 2008, $4 million. You have an estate tax problem, under their bill.

All day we have heard from the majority about farms, small businesses. You would think that help was on the way from their legislation, but there is nothing their legislation does until the year 2011 to bring relief to those they spoke so passionately for. We need to pass the substitute to get that help out there, get that help out there now, make estate tax go away for families with $6 million and below. That takes care of 99.7 percent of the families in this country, and we just think it is fundamentally wrong to hold up estate tax relief for 99.7 percent because they want to take care of just the wealthiest few beyond that.

Mr. Speaker, I, in conclusion, strongly urge passage of the substitute and defeat of the underlying legislation in the event the substitute does not prevail.

Ms. DUNN. Mr. Speaker, to close debate, I am proud to yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the majority leader of the United States House of Representatives.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas is recognized for 3½ minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for yielding time, and I thank the gentlewoman for her continued work in this area.

Mr. Speaker, the gentlewoman from Washington would be the first to tell you that the reason so many of us remain so committed to the end of the death tax is that we think it is wrong. We think murder is wrong. We think stealing is wrong. We think robbery is wrong. And we do not think it is wrong for 99 percent of the population; we think it is wrong for 100 percent of the population.

We are not content to say, Let's correct this wrong for most of the people and leave others behind. We are saying, Let's correct this wrong for everybody. It is wrong to steal a family's legacy. The Federal Government of the United States should not be the world's largest and most aggressive grave robber. It is time to end this practice.

Let us take a look at what this means. Mr. Speaker, I grew up in a small rural agricultural community. I know a little bit about what we call the small family farm. Mr. Speaker, let us talk for a moment about a small family farm that has $4 million worth of assets. That seems like a lot on the surface of it, but let me just say that $4 million worth of assets represents, in this case, the family's business and the family's home. I do not know how large

a farm a small family farm worth $4 million would be in the gentleman from North Dakota's home State; but I do know that down in Texas, we would think of that as a mighty fine little old spread, not something big, but something that a family might be able to make a living off of. $4 million.

What do the facts tell us? The small family farm with assets valued at $4 million will generate about $35,000 a year income. That family is not getting rich, Mr. Speaker. And throughout all the years that that family lives off that farm, farms that land and makes that meager living of $35,000-a-year income, that family will pay about $4,200 a year in taxes. And nobody, nobody, would characterize that family as among the Nation's richest people. In fact, there are some Members of this Congress that would even vote additional Federal support for that family, and have done so. Certainly they would not think of them as rich people.

We are told as children in America, we should not harm people. We are also told to not add insult to injury. Let me say that should the patron of this family that has worked so hard to raise his children on this modest farm, on his $35,000-a-year income, should he die, he would be done the harm of having his property expropriated before it could be turned over to his children to the tune of $1,400,000. That is harm.

But on top of that, he would be afflicted with additional insult. Because on the day that that poor, hard-working small family farmer in America, laboring as he did all those years to raise his children on that mere $35,000-a-year annual income, on the day he died, there would be some in this body that would declare him as being wealthy and undeserving and meritorious of having his property expropriated. On that day, he would be insulted. He would say, as Tevye wished in ''Fiddler on the Roof,'' Today I am a rich man. The government just made me such. The government declared me rich so they could steal my property from my children.

Mr. Speaker, that is wrong. This is a good government. It should be a just government. It should be a government that knows the goodness of the American people and has the decency to respect it. It should be a government that does not steal a hard-working family's legacy from that family's children. There is down in Texas a great country western song, and it celebrates the fact that daddy won't sell the farm. We enjoy that song. There is a lot of toe-tapping that goes on. But it breaks our heart because we know that in point of fact when daddy dies, the farm will be sold so daddy's children can pay tribute to an unfair and undeserving government.

It is time, Mr. Speaker, to end that. Let us dare to honor our Nation's children as they are honored by our Nation's parents as they build a legacy of success and give that at the time of their death to the people who truly deserve it, the children they love so much. Mr. Speaker, we have a lot of resources on which we can draw here in Washington. It might be that it would do us well to use those resources more prudently so we could save ourselves the embarrassment of stealing another man's legacy.

Mr. LEACH. Mr. Speaker, I favor reform of the estate tax to protect family farmers and small businesses, but I have grave qualms about its elimination for super-sized estates. What is credible is an increase in the estate tax exemption to $5 or 10 million. What is undue and unfair is the elimination of the tax on huge estates.

From a legislative perspective, the circumstance is clear cut. The House has the option of passing an approach which the Senate will ignore or it can pass a credible reform which has a chance of becoming law and taking effect this year.

The Democratic alternative to the House Republican position is not sufficiently progressive, but passage of the $3 million exemption it calls for would be a significant improvement on the current circumstance and holds the prospect of immediate compromise with the Senate at a somewhat higher level. The problem with current law, which the bill before the House today would make permanent, is that it provides for a sudden elimination of all estate taxes in the year 2012, but because of its graduated provisions does not allow for the estate tax exemption to reach $3 million until 8 years from now.

The American market system works best as a meritocracy. What will be created with the elimination of estate taxes on super-sized estates is a monied oligarchy. This is neither good for our economy nor our democracy.

Mr. KIND. Mr. Speaker, I rise today in strong support for making estate tax relief permanent so that family-owned farms and family-owned businesses can be passed down from generation to generation. Further, I support tax relief that helps spur small business investment and job growth.

Family-owned businesses should not be punished for being successful or for having their owners pass away. Fundamentally, the United States is the land of opportunity, encouraging free enterprise and rewarding entrepreneurs. The estate tax should be modified to protect family-owned businesses and family farms from the threat of having to be sold just to pay the tax.

Therefore, I am supporting the substitute being offered by my good friend Mr. POMEROY. His legislation will immediately help the small businesses and family farms by increasing the estate tax exemption to $3 million for individuals and $6 million for couples. This will ensure that estates that are $6 million or less for a couple or $3 million for an individual will pay no estate taxes beginning January 1 of 2003. This is a meaningful exemption that picks up all but a few taxable estates. In fact, only 0.36 percent of estates remaining will be required to pay the tax.

At a time of national crisis that calls for shared sacrifice, the leadership wants to make the repeal of the estate tax, that benefits less than one percent of taxpayers, permanent in 2012. This will drain more than one trillion dollars from the budget just as the Baby Boom's retirement reaches full force; making the estate tax repeal permanent alone would cost 40 percent of the amount needed to make Social Security financially sound for the next 75 years.

Last year we passed a budget that boasted a ten-year unified surplus totaling $5.6 trillion, which included repeal of the estate tax until 2011. The leadership claimed that an expensive tax cut plan and other costly initiatives were eminently affordable and there would be enough of the budget surplus to eliminate most or all of the national debt. Thus Congress passed a tax cut costing over $1.3 trillion. Unfortunately, since then, the budget surplus has disappeared, due to the war on terrorism, increased homeland security, and the large tax cut. This year's deficit will be nearly $314 billion and over the next ten years, the non-Social Security deficit will total $2.6 trillion.

After decades of deficit spending, it is our responsibility to reduce the debt future generations will inherit. We must give them the capability and flexibility to meet whatever problems or needs they face. I cannot, in good faith, support legislation that will put our country further into deficit spending with a tax cut that will hurt our future generations for the unforeseeable future, including my two little boys.

Tax relief, however, is a bipartisan issue. I am cosponsor of H.R. 1210, the Family-Owned Business Survival Act. This bill would repeal the limitations on the estate tax deduction for family-owned business interests. My colleagues on both sides of the aisle recognize the need for providing estate tax relief, but this bill is not the result of bipartisanship. The tax cut passed last year has already derailed the opportunity we had to reduce our large national debt and prepare for our future obligations to our aging population and children's futures. Making this repeal permanent will only further exasperate our nation's poor fiscal health.

Mr. Speaker, now is not the time for leadership to pursue its own individual agenda to score political points in an election year. This is purely a symbolic vote timed as millions of Americans begin to consider the candidates in the fall elections.

I urge my colleagues to oppose this fiscally irresponsible tax cut and support the Pomeroy alternative. Unlike the leadership's bill, the alternative will give immediate relief to our family business and family farmers and will cost less than one-half of H.R. 2143. We must shore up Social Security and Medicare and reduce the national debt before passing such an expensive tax cut that we cannot afford. I did not come to Congress to saddle my two boys with a debt burden they did not create.

Mr. PASTOR. Mr. Speaker, I rise today in support of the Substitute Amendment offered by Mr. POMEROY and in opposition to the base bill, H.R. 2143.

Let me make it perfectly clear. I support an adjustment to the Estate Tax, but I believe we should address this tax in a responsible and meaningful manner. If you are a supporter of H.R. 2143, there is no reason for having this debate or this vote at this time. H.R. 2143 is an effort to fix a problem that does not happen, if it happens at all, for nine years. But the Substitute will provide immediate relief.

Earlier in this Congress, I supported a proposal which would have immediate and lasting benefit for family owned small businesses and family owned farms. The Substitute is a similar proposal, and if we are interested in helping

people, people who have just lost their loved ones and are facing the responsibility of paying an estate tax, we should pass the Substitute.

The Substitute would immediately eliminate the Estate Tax for all but one percent of the estates in the country. It does so by increasing the estate tax exclusion to $6 million effective on January 1, 2003. Under current law and H.R. 2143 this does not occur until sometime in 2009. If we really want to have an impact on people who are facing an estate tax that could cause them to lose their family business or family farm, we should do something to help them right now.

My other concern with H.R. 2143 is that we face a much different fiscal world than we did when the so-called Economic Growth and Tax Relief Reconciliation Act was passed last year. Before this $1.35 trillion tax cut passed and was signed by the President, there was a projected ten year budget surplus of more than $5 trillion. Now, after the tax cuts, the economic slowdown, and the terrorist attacks of September 11, it is estimated that we will have a deficit of more than $100 billion just this year. And there are budget deficits stacked up in the out years as far as the eye can see.

This bill, H.R. 2143, will cost $55.8 billion in Fiscal Year 2012 alone, its first year of full implementation. And during the following decade, its negative economic impact to the Federal budget will be more than $1 trillion. It does nothing to relieve the family farmer or the family businessman until then. So if you have a small or medium size business or a family farm, you should do your best to postpone dying until 2012.

Nevertheless, even with these budget concerns, I believe it is important to give some immediate hope and relief to the hard working small businessman and his survivors. That is why I urge my colleagues to support the Substitute Amendment offered by Mr. POMEROY.

MR. DELAHUNT. Mr. Speaker, two years ago, I was one of the few Democrats to join with my friends across the aisle to support legislation to repeal the federal estate tax. I did so because I believed that this tax burdens small business and family farms to unfairly that it puts our overall economy at risk. I still believe that. And that is why I will today vote in support of the Democratic substitute.

The estate tax is wrong. At a time when small firms are already buffeted by all kinds of economic uncertainties, the last thing they need is more trouble from federal tax policy. When we debated this question in 2000, I supported the majority bill because, overall, it was better than existing law. The committee bill before us today does not meet that standard.

At the very moment we are struggling with mounting deficits and the growing cost of national security, we're asked to lock in—permamently—changes in the tax code that will cost the Treasury billions.

As one who voted to repeal the estate tax, I think I'm entitled to wonder aloud: ''what's the urgency?'' The effective date of the bill is nine years away. Who knows what might happen between now and then? At the very least, can we win the war on terrorism first?

As one who voted for estate tax repeal, I think I'm entitled to ask: what constituency was this debate concocted to impress? Because it's clear to me that this measure hurts many of the same people its proponents claim to be helping. Under this bill, many Americans would never reap the promised benefits, even upon its full and permanent repeal in ten years.

Because for all the talk about tax relief, this bill actually raises taxes. Sure, it eliminates the estate tax. But not before changing the rules to cost the middle class, and the upper middle class, a lot more in capital gains taxes.

Here's why. Traditionally, inherited property was assessed at its value at the time of death—so-called ''stepped-up basis''. That changed in the Republican ''reforms'' of 2001. Now, it's assessed at its value at the time of its original purchase. The bill before us now seeks to make that change permanent.

For most Americans with assets to pass on to their kids, eliminating ''stepped up'' basis is a killer.

Take my own congressional district. If you bought a home in 1970 in Duxbury or Chatham, chances are pretty good that it's gone up—maybe tripled or quadrupled in value—in the years since. The Republicans will tell you that you can go ahead and pass your home on to your children without worrying about the estate tax. But they probably won't tell you that instead your kids will probably owe a boatload in capital gains taxes. The same goes for stocks, bonds and other assets.

There's no rational reason for this, and the Democratic substitute would restore stepped-up basis. While offering relief to 99.6 percent of Americans now subject to the estate tax.

Mr. Speaker, I showed last year that I am willing to swim against the tide to get a good bill passed. Regrettably, this year's committee proposal is not that bill. I urge my colleagues to join with me instead in supporting the Pomeroy substitute.

Mr. KLECZKA. Mr. Speaker, last year, the estate tax provisions enacted in the $1.35 trillion Bush tax cut would gradually increase the value of estates that are exempt from taxation, until completely repeating the estate tax for one year only, 2010, after which the exemption would return to $1 million. At that time, these provisions were projected to cost nearly $80 billion over the first ten years.

The proponents of this misguided tax cut were confident back then that we would be awash in surpluses as far as the eye can see. But the bill before us today, H.R. 2143, seems to ignore our current budget situation; it would go ahead and permanently repeal the estate tax starting in 2011, even though the nearly $4 trillion in projected future surpluses has evaporated since the Bush tax cut was enacted.

The House Budget Committee's Democratic staff now estimates that this year's deficit alone, excluding Social Security Trust Fund surpluses, will be a whopping $314 billion. At this rate, over the next ten years, deficits could add up to a total of $2.6 trillion. I am told by many of those who are supporting this bill, that we are on a war footing, with many additional national expenses as a result.

Passing H.R. 2143 would not only squander the opportunities we now have to redirect our nation's fiscal course, but it would further exacerbate the financial predicament that we currently find ourselves in. Instead of reducing the level of future deficits, permanently repealing the estate tax would decrease future revenues by approximately $740 billion over a ten-year period, FY 2013 to FY 2022.

If the increased interest payments on the additional debt incurred because of this repeal are included, the effect on the budget is about $1 trillion taken away right at the time that Baby Boomers will start retiring and become eligible to receive Social Security and Medicare benefits.

Furthermore, the estate tax only impacts a very small number of people in the United States, or the wealthiest 2 percent. By reading the advertisements of groups who are feverishly lobbing for its repeal, one could easily get the impression that millions of people are stripped of their lifetime earnings upon death. In reality, this just isn't the case. In my home state of Wisconsin in 1998, there were a total of 45,000 deaths. Out of all those estates, only 828 paid an estate tax.

Many within this small group of wealthy Americans have actually been the first to come forward in defense of the estate tax. Last year, an organization called ''Responsible Wealth'' circulated a petition in support of reforming, but not eliminating, the tax. More than 1,100 business leaders and investors who will pay estate taxes in the future signed this petition, including George Soros, Ted Turner, and David Rockefeller Jr., along with hundreds of small-business owners who wealth totals between $1 million and $10 million.

Their approach toward this issue, reform rather than repeal, is a more sensible alternative. By raising the estate tax exemption to $3 million for individuals and $6 million for couples, the Democratic substitute would exempt 99.7 percent of all estates in America from the estate tax. Further, this exemption increase would go into effect on January 1, 2003, providing more immediate tax relief to family farms, small businesses, and homeowners than the Republican bill before us today.

The Democratic substitute also includes offsets, in order to help reduce the total cost of the proposal. Even without these offsets, the Democratic alternative would still cost less than one-half the cost of the Republican base bill.

Clearly, we owe it to our constituents to act in a fiscally responsible manner, and the Republican proposal to completely repeal the estate tax fails to meet this test.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this bill.

The time has come for substantial estate tax relief.

We should increase the lifetime exclusion, reduce the tax rates and make special additional provisions for small businesses.

But we should not repeal the tax, because the world has changed. Surpluses have been transformed into deficits. The baby boom generation continues its relentless march toward qualifying for Social Security and Medicare. The threat of terrorism requires significant resources for defense and homeland security. Repeal would be irresponsible budgeting.

Today, we should be considering legislation to reform the estate tax.

We should reform the estate tax to reflect the extraordinary contributions family-owned businesses and farms make to our local communities.

In my state of Maine, small businesses are vital to the well-being of our communities. Those who own family farms and businesses often spend too much time and too much money in an effort to keep their farms and businesses intact for the next generation.

Full, immediate, and permanent repeal for family-owned small businesses would be wise policy.

Full, immediate, and permanent repeal for small businesses would let small businesses in Maine, like Brown Goldsmiths & Company, Lucas Tree, O'Donal's Nursery, and Hancock Lumber, keep their businesses in family hands.

Family owned businesses like these are often significant community employers. They contribute to our quality of life in ways that large publically held corporations can never match. Farms passed from one generation to another are less likely to be subdivided for residential development and, therefore, less likely to contribute to suburban and rural sprawl.

For these reasons, I urge my colleagues to support the Pomeroy and Thurman substitute. This amendment offers immediate and permanent estate tax relief beginning on January 1, 2003, by increasing the exemption to $3 million for individuals and to $6 million for couples. passage of this amendment would provide full relief to all but 0.3 percent of estates, and the increased exemption would reduce the tax even on these estates.

However, full repeal of the estate tax would represent a bonanza for a relative handful of wealthy individuals and jeopardize our ability to fund vital national priorities.

Last year, betting on a then projected $5.6 trillion in surpluses, the Republican controlled Congress passed a bloated tax cut that primarily benefits the top one percent of taxpayers. But the majority's repeal of the estate tax was itself repealed in 2001, in order to mask its devastating long term impact on the federal budget.

Today, the Republican controlled House wants to make permanent the repeal of the estate tax, even though repeal would erect a barrier to full funding of special education, a real Medicare prescription drug benefit, strengthening Social Security and even meaningful tax relief for middle and lower income Americans.

In Maine in 1999, about 200 estates would have benefitted by repeal of the estate tax. Yet all 1.2 million people in Maine will pay the price of repeal of this progressive tax with higher interest payments on the national debt and cuts in vital programs and services.

Debate over the estate tax is really about priorities.

Reform is about making fairness a top priority. It provides relief to those who need it.

Repeal is about making favoritism a top priority. It widens the growing disparity in incomes in this country.

Reform allows for the funding of top priorities. Repeal shortchanges important priorities.

President Theodore Roosevelt, in arguing for an estate tax, said, ''The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relative small means.''

Today, some Americans have fortunes beyond the imagination of Theodore Roosevelt. Others cannot afford their prescription medicines. Many find the doors of higher education closed to them because of the cost of attendance. Approximately 40 million Americans have no health insurance. In these circumstances, repealing the estate tax for multimillionaires is both irresponsible and unethical.

I urge my colleagues to vote against this bill and to vote for the Pomeroy/Thurman substitute.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in support of the Pomeroy-Thurman alternative to the Republican Estate Tax Repeal extension. The alternative, crafted by the gentleman from North Dakota and the gentle lady from Florida, offers immediate and permanent estate tax relief beginning January 1, 2003 by increasing the exemption to $3 million for individuals and to $6 million for couples. It is a balanced plan that will protect the few small business owners and farmers that are ever subject to this tax.

In this time of deficits and pressing national needs like homeland security, Social Security and Medicare, should we be directing a costly tax cut only toward our wealthiest citizens? Under current law, estates of up to 43.5 million for any individual or $7 million for a couple will be exempt from any estate tax when reform is fully implemented in 2009. According to current estimates, only 22 estates in my home state of New Mexico would be subject to this progressive tax by 2009. The average worth of those estates is $18.6 million.

It is completely unacceptable in a time of war to pass a permanent tax break for the nation's wealthiest Americans. In every other war in American history taxes have been raised to help the effort. Tragically, the House leadership and the Bush administration appear to be charting precisely the opposite course.

And, what about the nation's other needs? Where will the money come from to improve education, provide prescription drug coverage, and strengthen national defense? Where will the money come from to pay down our long-term national debt? We've got to save and invest now to strengthen the economy for the future, keep Social Security and Medicare solvent, and prevent far more difficult choices down the road.

Of all the urgent problems and commitments facing the nation right now, the sunset of last year's repeal of the estate tax nine years from now should not be at the top of the list. A far more responsible use of our time would be to begin to recognize new realities and craft a bipartisan budget plan to return to the long-term surpluses that were so hastily squandered last year.

I urge my colleagues to join with me and vote no on permanent estate tax repeal, and yes for responsible reform.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 435, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 231, not voting 7, as follows:

[Roll No. 217]

YEAS—197

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

NAYS—231

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas

Gibbons	LoBiondo	Schaffer
Gillmor	Lucas (OK)	Schakowsky
Gilman	Manzullo	Schrock
Goode	McCrery	Sensenbrenner
Goodlatte	McHugh	Sessions
Goss	McInnis	Shadegg
Graham	McKeon	Shaw
Granger	Mica	Shays
Graves	Miller, Dan	Sherwood
Green (WI)	Miller, Gary	Shimkus
Greenwood	Miller, George	Shuster
Grucci	Miller, Jeff	Simmons
Gutknecht	Mollohan	Simpson
Hansen	Moore	Skeen
Hart	Moran (KS)	Smith (MI)
Hastert	Murtha	Smith (NJ)
Hastings (WA)	Myrick	Smith (TX)
Hayes	Nethercutt	Smith (WA)
Hayworth	Ney	Souder
Hefley	Northup	Stark
Herger	Norwood	Stearns
Hilleary	Nussle	Stump
Hobson	Obey	Sullivan
Hoekstra	Olver	Sununu
Horn	Osborne	Sweeney
Hostettler	Ose	Tancredo
Houghton	Otter	Tauzin
Hulshof	Oxley	Taylor (NC)
Hunter	Paul	Terry
Hyde	Pence	Thomas
Isakson	Peterson (PA)	Thornberry
Issa	Petri	Thune
Istook	Pickering	Tiahrt
Jenkins	Pitts	Tiberi
Johnson (CT)	Platts	Toomey
Johnson (IL)	Pombo	Upton
Johnson, Sam	Portman	Vitter
Jones (NC)	Pryce (OH)	Walden
Keller	Putnam	Walsh
Kelly	Quinn	Wamp
Kennedy (MN)	Radanovich	Waters
Kerns	Ramstad	Watkins (OK)
King (NY)	Regula	Watson (CA)
Kingston	Rehberg	Watts (OK)
Kirk	Reynolds	Weldon (FL)
Knollenberg	Riley	Weldon (PA)
Kolbe	Rogers (KY)	Weller
Kucinich	Rogers (MI)	Whitfield
LaHood	Rohrabacher	Wicker
LaTourette	Ros-Lehtinen	Wilson (NM)
Lee	Royce	Wilson (SC)
Lewis (CA)	Ryan (WI)	Wolf
Lewis (KY)	Ryun (KS)	Young (AK)
Linder	Saxton	Young (FL)

NOT VOTING—7

Combest	Lewis (GA)	Traficant
Emerson	Roukema	
Gilchrest	Serrano	

□ 1615

Mr. JONES of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WELLER, Mr. MCINNIS, Ms. WATERS, and Messrs. SMITH of Washington, OLVER, and STARK changed their vote from ''yea'' to ''nay.''

Mr. JOHN changed his vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BUYER. Mr. Speaker, on rollcall No. 217. I inadvertently voted "yea." I meant to vote "no." I have been a strong supporter of eliminating the death tax.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the bill?

Mr. STENHOLM. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STENHOLM moves to recommit the bill H.R. 2143 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 3. TAX REDUCTIONS CONTINGENT ON NOT RAIDING SOCIAL SECURITY FUNDS.

(a) IN GENERAL.—No provision of this Act shall take effect unless, before January 1, 2003, the Director of the Office of Management and Budget certifies that the social security trust funds will not be raided (or the size of a raid on such funds increased) by reason of this Act during any year of the 10-year budget estimating period unless such raiding is thereafter offset under this Act so that there is no net raid of such funds during such 10-year period. For purposes of the preceding sentence, such funds shall be treated as raided during any year for which there is a deficit in the non-social security portion of the Federal budget.

(b) SECTION MAY NOT BE WAIVED.—The provisions of this section shall apply notwithstanding any other provision of law hereafter enacted which does not specifically refer to this section.

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes in support of his motion.

Mr. STENHOLM. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I want the children of small business men and women to be able to inherit the family business that their parents worked to build. I want the children of farmers and ranchers to be able to inherit the farms and ranches that their family has farmed and ranched for years. That is why I voted for the Pomeroy-Thurman substitute, which would repeal the estate tax for virtually all small businesses and family farms immediately.

However, I also want our children and grandchildren to inherit a strong economy and a Federal Government that can meet its commitments for Social Security and Medicare, and I definitely do not want them to inherit a massive national debt and legacy of deficit spending. I do not understand the philosophy of folks who do not have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today.

Just 2 weeks ago, the majority leadership tried to slip through a $750 billion increase in the debt limit, and completely ignored those of us who said that we ought to sit down and figure out how to get our budget back in order before we approve another $750 billion in debt. Instead of figuring out how we are going to stop the tide of red ink and stop spending Social Security surplus dollars, the majority leadership today has brought to the floor legislation that will add another $100 billion in debt borrowed from the Social Security trust fund.

This motion to recommit is very simple and very straightforward and reflects a principle that every Member of this body has solemnly vowed to protect, in fact, has voted on numerous times. The motion to recommit simply states that we should not fund the permanent repeal of the estate tax with Social Security surplus dollars. The motion to recommit will allow the estate tax repeal to take effect if we are able to afford it without using Social Security surplus dollars.

The cost of this bill in the second 10 years should give pause to everyone who is concerned about the challenges facing the Social Security system in the next decade: $1 trillion. Until we deal with the long-term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade when we baby-boomers begin to retire.

If Members believe that repeal of the estate tax is more important than reducing the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote against this motion to recommit. However, if Members agree with the principle that reducing the national debt and protecting Social Security and Medicare is more important than any new spending or tax cuts, then vote for this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I strongly support this motion to recommit. We know that we cannot pass this bill without invading the trust funds and breaking the promises made to the American people. We have been down this road before. Last year, the press reported on a Republican memo that said, we are possibly already into the Medicare trust fund and are also very close to touching the Social Security surplus in fiscal year 2003. That statement was true last year; it is more true today.

Do Members not realize that we are in a war on terrorism? Yet the majority insists on bringing up bills that reduce revenues needed for the fight and for our domestic needs. Where are the funds for the education bill? How many children are Members leaving behind so a few millionaires can move forward? What happens to Social Security reform, or a Medicare prescription drug benefit? The answer is, nothing, because we do not have any money left for them.

All of these are important priorities, but not as important as the promise we

made to protect the trust funds. Virtually every Member on this floor has voted at one time or another to protect the trust funds. That is the promise they made to the American people.

If Members reject this motion, then they should go home and explain to their constituents that what they were told would be there for them will not be there. If Members break their promises and raid the trust funds, then tell our children and seniors to look out for themselves.

If Members want to keep our promises to all Americans, then support this motion to recommit. Otherwise, tell them that H.R. 2143 is just the latest answer to the question raised by William H. Gates, Sr.: How high a price is America willing to pay in order to give a handful of millionaires and billionaires a tax break?

Please support the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

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

Mr. Speaker, in terms of that honest, pleading appeal, I am going to just try to put a couple of tests in place to see how real it was.

If this motion to recommit is so critical to the future of the Social Security trust fund, why was it not in the Pomeroy substitute? 190 Democrats less than a half an hour ago voted to raid the Social Security trust fund. The Pomeroy substitute spends more than $22 billion over the next 5 years. It violates the budget, and it runs us into deficit spending, and it violates this motion to recommit.

So if Members are so concerned, why was this not part of the Pomeroy substitute? The answer is, they want to complain about it but they do not want to be responsible for it.

Less than a week ago we had many Democrats on the floor wringing their hands over the constitutional crisis; that if we sent the executive branch the superwaiver in the welfare bill, that we would be ceding constitutional authority to the executive, constitutional authority that we should cling to our chests very, very hard because we do not want to give up this constitutional right.

Did Members read this? It says, ''The director of Office of Management and Budget will certify.'' It is the executive branch that will tell us if this institution, with its constitutional powers, is in violation, and it is the OMB that will correct it. I find it ironic that within a week, they take a position which was an absolute constitutional prerogative and throw it in here as the way in which we are going to control the process.

I guess the thing that gets me the most is 190 Democrats just voted to violate this motion to recommit; and, without a second thought, they offer this motion to recommit. That kind of tells us about how sincere these Members are.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STENHOLM. Mr. Speaker, is it not correct that under the rules of the House that we are operating under today that we did attempt to have a pay-for?

And I would also state to my friends on the other side that I would have offered this amendment to the Pomeroy amendment.

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. STENHOLM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 205, noes 223, not voting 7, as follows:

[Roll No. 218]

AYES—205

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

NOES—223

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

Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Combest
Emerson
Gilchrest
Lewis (GA)
Roukema
Serrano
Traficant

□ 1645

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on passage of the bill.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 171, not voting 8, as follows:

[Roll No. 219]

AYES—256

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—171

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

NOT VOTING—8

Capuano
Combest
Emerson
Gilchrest
Lewis (GA)
Roukema
Serrano
Traficant

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2143, the bill just passed.

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

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4865

Mr. PLATTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4865.

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

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I am pleased to yield to the gentleman from Missouri (Mr. BLUNT) to talk about the schedule for next week .

Mr. BLUNT. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for this week. The House will next meet for legislative business on Tuesday, June 11, at 12:30 p.m. for morning hour and 2 o'clock for legislative business. The majority leader will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes will be postponed until 6:30 p.m. on Tuesday.

On Wednesday, the House will meet at 10 a.m. for legislative business and immediately recess. The House will reconvene at 11 a.m. in a joint meeting with the Senate for the purpose of receiving the Honorable John Howard, Prime Minister of Australia.

Later on Wednesday and then on Thursday, the majority leader has

scheduled House Joint Resolution 96, the Tax Limitation Constitutional Amendment; and H.R. 4019, the Permanent Marriage Penalty Relief Act of 2002. The Speaker also advises me that he expects to be ready to name conferees for both the Bipartisan Trade Promotional Authority Act and the Securing America's Future Energy Act. So we anticipate scheduling these motions to go to conference next week as well.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I would like to ask the distinguished gentleman if he could be more precise about which day the marriage penalty legislation will come to the floor.

Mr. BLUNT. It is anticipated right now that the Permanent Marriage Penalty Relief Act will come to the floor on Thursday, and the motions to go to conference on energy and trade are likely to happen on Wednesday, as will the tax limitation amendment.

Ms. PELOSI. Mr. Speaker, do we know when the prescription drug bill might be scheduled?

Mr. BLUNT. As the gentlewoman knows, we are considering this an important priority. The chairmen of the Committee on Ways and Means and the Committee on Commerce and Energy are working hard to get this to the floor as soon as possible. We do not anticipate that will happen next week; but hopefully, it will happen soon after that.

Ms. PELOSI. Mr. Speaker, does the gentleman think it will happen before the July 4 break?

Mr. BLUNT. I am hopeful that it will happen before the July 4 break.

Ms. PELOSI. Mr. Speaker, can the gentleman shed some light on when some of the appropriations bills will be scheduled?

Mr. BLUNT. Well, the gentlewoman and her colleagues are going to be working hard on appropriations. We need to get those bills to the floor. We do not have any ready to schedule yet, but we are eager to do that; and since we passed the President's requested wartime supplemental, we hope the full energies of the Committee on Appropriations now turn to getting bills to the floor and hope that happens very quickly.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for the information.

□ 1700

ADJOURNMENT TO MONDAY, JUNE 10, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 11, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 10, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, June 11, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

NINTH BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE TO THE CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000, to January 31, 2002).

GEORGE W. BUSH.

THE WHITE HOUSE, *June 6, 2002.*

INTRODUCTION OF RESOLUTION HONORING PENNSYLVANIA NATIONAL GUARD

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

Mr. GEKAS. Mr. Speaker, I rise today in preparation of my introducing a resolution honoring the Pennsylvania National Guard.

All of us know the work of our National Guard components in our various States, but I did want to take extra time to point out some of the special duties that have been performed by the Pennsylvania National Guard, the largest in the Nation, by the way, and the Air National Guard in Pennsylvania, which is the fourth largest in the United States.

In very short time now, 2000 members of the guard will be positioned to move to Europe to assist in the NATO facilities in the various roles they have to play in that part of the world. Now, this is to say that that is just one duty. They are also involved on the northern border of the Canadian border in NORAD, and many domestic sites. And in Afghanistan, the Air National Guard has performed various tasks that are very important to the entire effort in the war against terrorism.

Mr. Speaker, I close with asking others to join with me in the resolution honoring the Pennsylvania National Guard.

HOUSE PASSES BILL PERMANENTLY ELIMINATING DEATH TAX

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

Mr. GIBBONS. Mr. Speaker, I am proud that we did the work of the American people today. Americans believe that it is time to permanently eliminate the death tax, and this body took that confident step, they took that confident step today for the great benefit of the American people.

I can say this with great confidence since I spoke with many small businesses back in the great State of Nevada during the past week. Each business owner I talked to, such as those of Click Bond in Carson City, Nevada, stated they would have had to close or sell their business should anything have happened to them individually and the death tax had been reinstated. They praised Congress for passing last year's tax relief bill and pleaded we make the death tax elimination permanent so they can pass on to future generations their businesses and their farms.

Mr. Speaker, our permanently eliminating the death tax was the fair and right thing to do. No Nevadan, no American should have to mourn the loss of a family business and a loved one at the same time. I applaud my colleagues for doing what was right for the American people.

MAST ACADEMY REPRESENTS FLORIDA IN COMPETITION

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

Ms. ROS-LEHTINEN. Mr. Speaker, students from MAST Academy, a high school in my Congressional district, recently represented Florida proudly in the national ''We the People, the Citizen and the Constitution'' competition.

For the first time ever, due to hard work and diligent preparation, MAST Academy competed against 50 schools from every State in the Union.

I warmly congratulate the following students: Bianca Badia, Tanaz Berahman, Lisette Cabezas, Ama Campbell, Angela Casale, Christopher Cruz, Maria Cullen, Melissa Estape, Myriam Ferzli, Tina Fregeolle, James Gawley, Maria Guerrero, Jackie Lee,

Kathryn Magil, Yanique McGregor, William Mitchell, Melissa Montanez, Katherine Powell, Crystal Prince, Lauren Smith, Julian Strolen, Chayenne Thomas, Joelle Urrutia, Francisco Vasquez, and Corey West.

With the help and guidance of their teacher, Tanya Hanson, these young students demonstrated vast knowledge and understanding of our U.S. history as well as the fundamental principles and values of our constitutional democracy.

I ask that my colleagues in Congress join me in commending these fine students and their excellent teacher for an outstanding achievement.

IN SUPPORT OF NEW TECHNOLOGY

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

Mr. BURR of North Carolina. Mr. Speaker, I rise today in support of an exciting new technology. Local television broadcasters across the country are undertaking their biggest advancement in years: The transition to digital television. Digital TV opens the doors to new possibilities, like High Definition TV, interactive television, and expanded programming options.

In my district, we are already served by several stations transmitting a digital signal. I am proud of my hometown broadcasters, like WXII, which is owned by Hearst-Argyle. These stations are leading the charge into the digital future.

These TV stations are small businesses, like others. They have made substantial investments in new transmitting facilities, new production equipment, and, in some cases, new broadcast towers. Collectively, the industry has invested over $1 billion in this new technology.

While local broadcasters are doing their part to propel the digital television transition forward, we have yet to see all the pieces of this come together in place. I believe the transition will accelerate once cable companies begin to carry digital signals. Seventy percent of U.S. households receive their TV through cable. We need that signal as digital.

I hope that Congress can work with these differing groups, broadcasters and cable operators and other interested parties, on the remaining issues. Until then, however, I remain fully confident that the future of television is digital, and I believe the future is bright.

FIFTY-EIGHTH ANNIVERSARY OF D-DAY

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

Mr. PENCE. Mr. Speaker, it is June 6, 2002, and 58 years ago on this day, as President Reagan said nearly 20 years ago, we mark a day in history when allied peoples joined in battle to reclaim a continent to liberty.

As President Reagan said, for 4 long years much of Europe had been caught up under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried for liberation, and America and her allies responded.

225 Rangers came ashore at Pointe de Hoc, Normandy, along with thousands of others. As President Reagan would say, that day in 1984, the men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or the next. It was the deep knowledge, and I pray God we have not lost it, of the profound moral difference between the use of force for liberation and the use of force for conquest.

Let us, on this 58th anniversary, never forget the courage, the inspiration, and the faith of the boys and the men of Pointe du Hoc, Normandy.

PRAY FOR MARTIN AND GRACIA BURNHAM

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

Mr. TIAHRT. Mr. Speaker, today marks the 376th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines. It has been over a year now.

This July 31, the U.S. military 6-month advisory mission in the Philippines expires, yet many of us are requesting of the administration that our troops stay beyond the current deadline. There was some concern, when our troops first arrived in the Philippines 5 months ago, they would not be well received. When Deputy Secretary of Defense Paul Wolfowitz visited the Philippines last week, he found they were very receptive in the Philippines, and that even a Muslim governor in the southern Philippines wanted an increased role for our U.S. military.

Our special forces commanders feel like their job is not done. We have strategic interests and a common goal of getting rid of terrorism, so we must stay. Terrorism will not stop without their help.

And then there are the Burnhams still being held hostage. How can we walk away from two of our citizens being held captive by Muslim terrorists? Mr. Speaker, I believe we know where the Burnhams are. I believe if we have the political will, we can bring them home safely. I ask the President to not walk away from Martin and Gracia Burnham.

As always, I ask my colleagues to join me in prayer for Martin and Gracia and their loved ones so this nightmare may soon be over.

IN HONOR OF AMANDA KAY EDWARDS

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

Mr. OSE. Mr. Speaker, I rise today in honor of Amanda K. Edwards. I rise today to honor her life as a constituent and as a friend of mine.

Ms. Amanda K. Edwards passed away on Tuesday of this week, and I seek to commemorate her life and service to our community. Her life was cut short, as I said, on Tuesday at the age of 18. My sympathies are with her family and friends during this difficult time. She was an extraordinary young woman with a very bright future ahead of her.

Amanda was a recent graduate of Maxwell High School, where she was a member of the California Scholarship Federation. She had been accepted at California Polytechnic State University, San Luis Obispo, and planned to major in ranch management.

In addition to her scholastic achievements, Amanda was a rodeo queen of the Maxwell Rodeo and Stonyford Rodeo 2002. She was a member of the Future Farmers of America and the 4–H Club. Frankly, her list of accomplishments is quite impressive, but it really does not capture her true spirit.

I had the pleasure of knowing Amanda. We competed together at the Colusa Western Days and together we won the Team Penning competition. It was her energy and enthusiasm that led us to victory two years in a row. She was dedicated, hard-working, but, more importantly, she was a good person, and we have too few of those. Our Nation's future rests in the hands of younger Americans such as Amanda, and, frankly, she was a great example of what lies ahead for this country in terms of the standards she set.

Without a doubt, she contributed great things, not only to our community, but to each of our lives. Her passing is a tragedy and she will be deeply missed. I am grateful that she was a part of my life.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FAREWELL TO DEPARTING 2001–2002 PAGE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at this time I would like to ask the Page Class of 2001 and 2002 to come down and take the seats in this first and second row, and try to congregate in the middle, if they can, and, Mr. Speaker, at the conclusion of this I will include for the RECORD the names of the entire graduating class that will be graduating tomorrow.

Tomorrow is the end of a long year of working together, and it is an honor to stand up, as chairman of the Page Board, along with a lot of my colleagues, to do that hard part of saying good-bye. For me, this is my first time chairing the Page Board, and so you are a very special class, one that I will remember forever, and hopefully you all will remember this experience.

As chairman of the House Page Board, it is my privilege to acknowledge and thank you, an outstanding group of young people, but it is difficult to let this group of pages go. This year's class has faced challenges and struggles unlike any other class in history.

Just several days into your page experience, you experienced challenges that tested the strength of every American. Before you even had a chance to acclimate yourselves to your new home in Washington, your senses of safety and security were threatened. The events of September 11 left us all feeling frightened and unsure about our future, but you were role models, not only for your peers but for many adults as well. You recognized that the work of your country must go on despite the attempts of others to halt it.

I know my colleague, the gentlewoman from New Mexico (Mrs. WILSON), is not here, but I want to personally thank her for spending time with you all, as you will remember, on September 11. It was a very important time for a Member to take time out to work with you, and she has my gratitude for fulfilling that role as a member of the Page Board.

We owe you a debt of gratitude for persevering with your work and for doing so with grace, enthusiasm, and, as I found out, good humor.

□ 1715

There is no question that you are all destined for very bright futures. You have made us proud, and you have shown us that the human spirit is inextinguishable in the face of adversity. Surely you have made your family, friends and communities back home proud as well, and I am certain that they will be glad to get you back.

As difficult as it is to say good-bye, I trust that you will take with you memories, experiences and friends that will last a lifetime. Take with you also our sincere thanks for a job well done.

Your hard work and dedication have proven that you are young people with strength, courage, character and love of country. I like all those words: strength, courage, character and love of country. You are true patriots in the very best sense of the word. You are serving your country now, and we are asking you to continue to serve your country as good citizens and as good role models.

We look forward to hearing about all your many successes in the future. Please come back and visit us. Best wishes for safe travels home, good luck in your senior year in high school. Much happiness always. May God bless you all. I am not the only Member here to say good-bye to you; and I would like to recognize, and he took great lengths to come back to the floor from another meeting, and I appreciate the gentleman from Maryland (Mr. HOYER) coming back and sharing his thanks with you.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I address the class, I suppose, of 2002 of the United States House of Representatives Page School. I want you to think of your status, 280 million fellow citizens. I do not know how many millions of 10th and 11th graders, 16-year-olds that we have in America, but clearly it ranks in the millions. There are but a few of you who have been given the opportunity, the honor, the privilege of serving in the House of Representatives.

I know that every one of us who has the opportunity to be selected by their neighbors and friends to serve in this House feels the awesome honor of that privilege. I hope you share that with them. I hope you share the realization of the very special knowledge that each of you has received and understand how very unique your experience is relative to so many millions of young people in America.

The gentleman from Illinois (Mr. SHIMKUS) has pointed out that you have served as pages in this House and served your country in that capacity in a historic year, in a year in which America was attacked here on its very homeland. That has not happened since 1814. Think of that. That was even before you were born. It was so long ago, it was before I was born. America had felt invulnerable, safe. The trouble and violence for the most part at least from an international war status was somewhere over the waters and far away, and we found that it was not. You, your parents, your relatives, your friends and your neighbors felt more vulnerable than they had in the past. As so many have said, America was changed and our concerns were heightened.

Those who attacked us were relatively young people who cared passionately about an objective. We think very, very wrongly and indeed evilly, but they cared a lot about something. What I hope and what I think all of us hope is that you, too, care passionately, care passionately for this country, for its principles, for its processes.

Those of us who have traveled the world know that almost everybody looks to America as a very, very special place. Some do not like us; but even in that dislike, they are somewhat in awe of this longest-standing democracy on the face of the Earth. Why has it been so long-standing? Because its people love it. Its people care for it. Its people sustain it. You are the people. We the people. We call this House in which you have served the People's House. We are elected every 2 years. It is kind of a pain in the neck to run every 2 years, but let me tell you what it does: it keeps you in touch. That is what the Founding Fathers wanted us to do. They wanted those of us who serve on this floor to be in touch, to hear the passions and the fears and the aspirations and hopes of your parents, and of you.

I want to congratulate you because you were selected because you are some of the most outstanding young people in America, which is to say in the world. Who in a short period of time, just as some Members of this House who served in the blue coat brigade that you have been a member of, serve now in the House of Representatives.

Some of you will serve in the House and in the Senate and Governors; and yes, perhaps even one of you will be President of the United States. But the probability is most of you will not be that, but you can serve very well. Take with you this experience. Take with you this knowledge of how much the Members who serve here care about our country, how hard they work. I hope you have been surprised at how hard they work. I was when I first went to the Senate at the age of 27 in the State of Maryland.

I hope you take that home to your classmates, your families and friends, so they will feel better about this democracy and this country. We have asked God to bless America, and God does. God blesses America through the service of each and every one of us. And to the extent that you become ambassadors of our democracy, to all our people, our country will be a stronger and better place. And those who attack us will surely fail. Godspeed, and thank you.

Mr. SHIMKUS. Mr. Speaker, many Members want to speak of that great love and concern who have visited with the pages throughout the year, and I yield to the gentleman from Arizona (Mr. KOLBE) to say good-bye.

Mr. KOLBE. Mr. Speaker, I have not looked out on this many youthful and good-looking people on the floor of the House of Representatives since I have been here. It is nice to see this crowd here today. I got my start as a page through the times that I have had a chance to talk to you. Of course I served in that other body on the other side of the Capitol called the Senate, and perhaps I can be forgiven for that. But I know what a profound difference it made to me, that experience; and I know that this experience is going to have a big effect on you. It is going to change your lives.

Now, you look and say, the gentleman from Arizona (Mr. KOLBE) comes back as a Congressman, it means we can all be Congressmen or Congresswomen. Yes, you could be; but you will not be. And that is all right, because no matter what you do, this experience is going to have a real impact on your lives. I can guarantee you that.

My class of 1960 includes Don Anderson, our former Clerk of the House, and Ron Lasch, who was our floor assistant here on the Republican side. We get together every 5 years, once every 5 years, and I know from the times that we come back together, the impact that this experience has had on the lives of those once-young men and women, then it was all young men, and how it has changed their lives as they have continued with whatever they have done, whether in government or business or professions.

This is an experience that you will be able to take with you to wherever you go. Although there is no doubt about it, we could do the wonderful work that you do, the important work that you do for the House of Representatives, there are many ways that it could be done, probably some which would be less expensive and less headaches for the Page Board and others, but we would be missing something. We would be missing an opportunity to create these ambassadors back to your communities about what government is all about.

You join now a very select group, which numbers in the few thousands of people in the entire United States who have ever had this experience; and you will go back to your schools and communities, and then you will go to your colleges and your businesses and your families, and you will be able to share with them what government is really like, the kinds of people that serve in government, the kind of work that goes on here.

I think, hopefully, by and large you have learned they are good people who care, who really want to make a difference for the American people. We hope that will inspire you to want to do the same no matter what line of work you go into, that you will want to do the same. That is really what this program is all about, that you come here, you learn from it and take home with you something that is very important, and you become ambassadors for a better government, a better society back in your own communities.

As has been pointed out by the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Maryland (Mr. HOYER), you came and you experienced something that no other class has ever experienced, and we hope none will ever again, the incredible attack on America that took place on September 11. What I shall always remember about this class of pages is your constancy, your willingness to stay and stick with this job.

After September 11, school groups canceled their visits here, business groups canceled their visits, tourists declined to come; but you stayed on. You stayed on in this job because you knew what we were doing here was important. You knew the work of the House of Representatives was important and that in your own way the job that you were doing was important. We are especially thankful to this class for what you have done, the role that you have played.

We just know when you leave here you will go back to your communities, and you will be able to tell them a little bit about what the government of the United States means, and you will pass this along to your children, to the next generation.

So from the bottom of my heart, I say thank you to each and every one of you for the good service that you have given, the friendship that you have extended to the Members, and I look forward to seeing you come back often and seeing you around the House of Representatives; and someday I am sure we will see some of you in the House of Representatives. Good luck and Godspeed.

Mr. SHIMKUS. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, congratulations to all the pages. They have been such a source of inspiration to all of us, their coming at the most critical time that our country has been faced with. And not one time did they deter from doing the duties of a page.

Of course I have a page here, Taurean Snow, who came from my district; and he came for one semester and asked to see if he could serve a second semester. I was happy that he chose to do that.

But I join with the gentleman from Arizona (Mr. KOLBE) in saying that you will now be ambassadors, ambassadors to take what you have learned here. This is like a civics class for you, a class that far too few are in our schools now, teaching you what government is all about.

□ 1730

This particular experience will be with you always, because you will remember the times that you have had to run the corridors to bring flags to our offices, or you have been on the floor and have had to bring messages to us. And so those types of experiences, coupled with your hearing us argue on the floor about different issues, will be with you, and you can go back and tell your friends just what you have learned from this House. And, of course, you see us argue quite a bit on the floor, but then you also see us come across the aisle, shake hands, and be friends. This is what you have come to know and recognize, those of you who are here.

I was fortunate being the Chair of the Women's Caucus to get a note from one of the pages, a female page. She said to me, I really admire what you have done and you are a role model. I thought that was a great thing for a page to send a note to me. When I inquired as to which page she was, it was a Republican page. I thought that was very admirable of her because she saw no difference really. She just wanted to say how much of a role model that I represented in her eyes. I hope we all have done that for you because you certainly have for us. You have shown us the type of discipline that young folks should have.

This morning I spoke with a group of Girl Scouts, and I told them, as a former Girl Scout, I will never forget on my honor. Well, you will never forget on your honor and you will never forget those things that you have learned here on this floor. Again, thank you so much for sharing your year with us. We hope that this has been an experience for you that you will keep throughout your adult life. I join with my other colleagues in saying that perhaps one year we might see you here on the floor being a Congressperson. I really do think Taurean will be.

Godspeed to all of you.

Mr. SHIMKUS. I thank my colleague. Now someone who spends a lot of time with you also, the gentleman from Florida (Mr. FOLEY), would like to say a thank you.

Mr. FOLEY. I warn all of you not to cry in front of me, please, so I can get through this very important day with you without shedding tears as well.

First, I want all of you to salute two people that I know at times were tough on you. They are taskmasters, they are disciplinarians; but they love you in an incredibly personal way. I would like all of the pages to clap for Ms. Sampson and Ms. Ivester, your supervisors.

Ms. Sampson is on the back rail. She does not like to come too close here because she may cry, too; and she does not want any of the kids before you depart on Saturday to see her being a vulnerable person. It is true.

I hear so much laughter here and I am glad that there is laughter, because this is a wonderful time of your life. Every time we celebrate the departure of a page class, we remember your first day here and, of course, we are here at your last. You came in very shy and meek and very polite and for the most part you have remained polite, but no longer shy and meek. You have taken on your respective roles as junior Members of Congress and oftentimes I get a kick when I walk by the back row, Mr. FOLEY, please mention the pages so our parents will hear us on C-SPAN. The nice thing about today is you are on C-SPAN. And this is recorded. And you will get to see this replayed. And you will get to see your faces now assembling as if you were Members of Congress.

Some probably cannot wait to leave and get back and see your best friends and loved ones and some are anguishing about your departure. Mary Kate Leonard was on the back row crying. I asked why. She said, ''I'm losing my best friend, Rachel.''

I said, ''Really? Where's Rachel?''

''Oh, Rachel is a Republican page.''

I said, ''Oh, you are all bipartisan, too, huh?'' Because Mary Kate is a Democrat, which shows how friendships can cross an aisle and cross ideological divide. So I asked Rachel to come from the cloakroom, and she thought I was kidding, to join her friend who was crying and I said, ''I can't let her cry alone. You have to be out here to be part of this.'' Now I have got you both crying and I am starting to well up.

I have got a lot of other stories. Of course, Christopher made sure I came out of the cloakroom to see that his mother and family were sitting up in the gallery this morning as I quietly mentioned to him, ''Remember, we're not allowed to gesture to the gallery.'' He said, ''Oh, just wave to her, so she knows I'm important.'' He is important and she is above us now.

Of course we have got several Jasons, a few Laurens. Adam, thank you for the graduation announcement. I sent you a handwritten note, and I was actually going to put some money in it as a graduation present. Then I realized he would tell all of you, and then I would get hundreds of graduation announcements. So I chose not to. I hope the handwritten note will suffice for your scrapbook.

Patty Mack, of course, also known as Patrick McDonald, when he said, ''Mr. FOLEY, who made you say that?'' I said, ''I made it up myself. I'm Irish. I get it.'' Fabulous young man. This is not made to make fun of him or anyone else.

The tag team of Dominic and Hilary. Who will forget their exuberance coming in the room? Bubbly, excited, cheerful. Of course Jordan and Eddie. Eddie's mother I met today. They are from Florida. He is a constituent and hopefully a future voter of mine if I choose to run statewide, so Eddie will be my next best friend.

And, of course, Melanie, and finally John Eunice. John was the highest bidder on lunch with MARK FOLEY. Maybe you all do not know this story, but John had paid considerable sums to dine with me. I had offered to take the winning bidder to lunch in the Members' dining room. Then I heard how much John Eunice paid. And I said, ''John, there is no way in the world after you committed so much money to have lunch with me that I would dare take you downstairs to eat in the Members' dining room.'' I said, ''Where do you want to go?'' He says, without reservation, ''Morton's.'' I said, ''Morton's? Like in Morton's Steakhouse?'' He said, ''Oh, would that be too much?'' I said, ''Oh, no, we'll go.'' I said, ''Call your mother, get permission, make sure she notifies the Clerk and we will go to Morton's.'' And so we proceeded to cruise down in my BMW to Morton's. And all of this story is meant to make you all feel jealous that you were not the high bidders. So we went to Morton's, and I do not know where you all went.

I have a lot of other names here, but I do not want to go through the litany of lists, Nickie and Tim sitting in front and others. This has been an incredible year. This has been a year you will remember for the rest of your lives. When I was in fourth grade, President John Kennedy was assassinated. I remember kneeling in prayer for our Nation and for our President. I was so scared, because I had never witnessed something so traumatic. And on the 11th, and I think the gentleman from Arizona (Mr. KOLBE) said this best, we were all scared as Members of Congress. We were frightened for our Nation. And what tenacity you showed and what leadership you proved by staying here in this Capitol. I am afraid if I was your age I may have run home. That speaks volumes about the people you are. That speaks volumes of your parents and your grandparents. It speaks of the kind of love they have given you, the kind of time they spent with you to make you the incredible human beings you are.

God has blessed this Nation more than I can tell you and given us the chance to succeed beyond our wildest dreams. I barely graduated from high school, and I did not go to college. I am a proud Member of this great institution because I kept trying. I never gave up and never gave in to the instincts to be lazy or run for cover. You all have proven without a doubt that you are not only courageous Americans but wonderful young people. Cherish your youth, cherish this experience, but above all cherish your families. Let them know how much you appreciate them giving you this chance. And let them know how much you appreciate their love to make you the people you are. I was not going to do this because I am on C–SPAN now.

To the Page Board, as well, and to all the people that make up this fine institution, from the police officer you see in the morning and you see at night as you are entering your dorm, to the people that help keep the buildings clean and operating, the elevator operators, the people that serve you in the cafeteria, the people that stand behind us and work countless hours listening to us babble, the people that have made up the core of this program, I salute you and I thank you and I hope you will join me too in saluting everyone in the page program that has made this year a resounding, phenomenal learning experience and success for you.

God bless you all.

Mr. SHIMKUS. Now I would like to ask my colleague and friend, the gentlewoman from Maryland (Mrs. MORELLA), to say a few words.

Mrs. MORELLA. You can see how we love you. I was thinking that this is really like a graduation; it really is, for you. You have had a year here. And it is really like a commencement, because now you are beginning another stage of your lives. It has just been a wonderful opportunity for us to have you, to know that you could tell us who was speaking at any one time. I think your identification was superb. You could say this is so and so from this district, number such and such, Democrat or Republican. So we actually relied on you for that. We relied on you to get us the CONGRESSIONAL RECORD when we wanted it. We relied on you to make sure that you delivered whatever messages needed to be delivered. We relied on you to prepare the House for joint sessions and to prepare the House each day for the work that we did. And you have done it all so well.

I am sure that you have been awestruck every time you entered this Chamber on both sides and you looked up at the flag and you looked up at the motto, ''In God We Trust,'' and you know that people all over the world are watching what happens here in this particular Chamber. It is indeed the people's House. You note from the wonderful, moving passion that you heard from MARK FOLEY and what you have heard from others, JIM KOLBE and others who have spoken here, too, JUANITA MILLENDER-MCDONALD who spoke and others who have spoken here, too, and the person who has been in charge, JOHN SHIMKUS, you know how much we appreciate what you have done.

We are from all different areas. We bring different values and different, not necessarily different values, different issues because we represent our particular regions. You have had a year where you have had to engage in some study, sometimes very late at night. You have been with us when we have had our long nights. I have seen you with the books where you knew you had to get ready for the next day. You were not quite sure how you were going to handle it, but you did it. You made a number of sacrifices, not only sacrifices of sleep but sacrifices in terms of other issues and other things that you wanted to be involved in that you did not do because of your responsibilities. So you have learned what democracy is like and you have learned that there is a lot of hard work that takes place to make it work. You have also learned that with the differences that we may experience, that we do come together because we come together as a Nation.

So as you leave here, having been touched permanently by your experiences here, I guess my advice to you would be to continue to learn, to know that learning is something that is lifetime, because things change and you must be ready to change, to change with it, to make sure that you show enthusiasm for what you do. Enthusiasm comes from two Greek words, en theos, meaning ''from love.'' I think when you show enthusiasm, as all of you have when I have seen you on both sides of the aisle, it shows a kind of joy and appreciation for what you do and it radiates with your friends.

Continue to have a sense of humor. I think it is important that you do not take yourself seriously. Certainly the

press do not take us seriously when we send press releases. I think it is important to laugh at things, because then you can stand back and learn how to deal with them when you return to them. I would also suggest you take chances.

□ 1745

Sometimes your successes will occur only after you have had some disappointments and some failures. If you do not take chances, you will never know. I say no guts, no glory. So I hope you will know that taking chances is also part of progressing. It is part of life. It is what will add that extra dimension to it in terms of knowing what it is you can do.

I also want to point out that you have had some great leaders who have been here: Jeff Trandahl, and Martha, and, of course, in the little cloakroom back there I have seen little notes that say ''I love you, Ms. Sampson,'' and I know it is meant by all of you. I am sure the same thing is over by Ms. Ivester on the other side, too, because you have become part of their family as you have become part of our family, and they have watched out for you ever so closely.

So I do want to thank you for the work that you have done here as pages. I know it will be a permanent part of your life, and it will be something you will look back on and you will remember all the little incidents. You may even remember a few of the issues, maybe not too many, but a few of the issues.

Pages have been around for 150 years. It was Senator Daniel Webster who appointed the first page. Women were allowed to become pages not until 1971, but you are making up for it. You are making up for it, and I think that is great.

So I wish you all well. I know you are going to be nostalgic about this and you are going to have memories that are going to fortify you. But the first woman admiral, her name was Grace Hopper, and she was also someone who got involved in computer programming, once said, ''A ship in port is safe, but that is not what ships are for. Sail on.''

So sail on. We will always remember you. Thank you very much for what you have done for us.

Mr. SHIMKUS. Last, but not least, someone who has invested some time with you all and who is full of energy and a good friend, the gentlewoman from Ohio, Mrs. STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, the other day I had the opportunity to deliver a commencement speech for John F. Kennedy High School, and that was Norville Arnold's graduation. He was my first page, my only page appointment, and it was a wonderful opportunity. I like poetry, so I am going to read a piece of poetry that I read at this commencement to his class.

Look what I have learned.

I have learned that you cannot make someone love you. All you can do is be someone who can be loved. The rest is up to them.

Look what I have learned. That no matter how much I care, some people just don't care back.

I have learned that it is not what you have in your life, but who you have in your life that counts.

I have learned that you can do something in an instant that will give you heartache for life.

I have learned that you can keep on going long after you think you can't.

I have learned that either you control your attitude, or it controls you.

I have learned that heroes are the people who do what has to be done when it needs to be done, regardless of the consequences.

I have learned that sometimes the people you expect to kick you when you are down will be the ones who help you get back up.

I have learned that just because someone doesn't love you the way you want them to love you, doesn't mean they don't love you with all they have.

I have learned that maturity has more to do with what types of experiences you have had and what you have learned from them and less to do with how many birthdays you have celebrated.

I have learned that your family won't always be there for you. It may seem funny, but people you aren't related to can take care of you and love you and teach you to trust people again. Families aren't biological.

I have learned that no matter how good a friend is, they are going to hurt you every once in a while, and you must forgive them for that.

I have learned that no matter how you try to protect your children, they will eventually get hurt, and you will get hurt in the process.

Finally, I have learned that people you care most about in life are often taken from you too soon.

I want to say to you that I have had great fun with this class. I have had a great time. We have had some wonderful experiences. I have learned that I do not take myself too serious, and I hope that you will learn that, over time, that is the best thing that you can do.

Then I want you to remember particularly how much fun those of you who had the chance to attend the Hill's Angels and the Georgetown faculty game, and that wonderful cheer that I taught you which was ''Give me an A; give me an N; give me a G; give me an E; give me an L; give me an S. What does it spell? Angels.'' And you were that for me.

I have been working with this basketball team, and every year I go to Georgetown and all the law students are there and the law students are cheering and having a great time, and I am saying where is my team? So I thank you for allowing me to incorporate you into the game. If ever you want to come back for a reunion game, just call me up. I will send a bus for you.

Have a great time, have a great year and come back and visit with us. Thank you.

Mr. SHIMKUS. I thank my colleague. I have already mentioned HEATHER WILSON. I would be remiss not to mention DALE KILDEE, who was on the Page Board and spent time, and just thank him for serving with me.

Make sure you remember in the last couple hours that you are here in Washington to thank the school staff, the dorm staff. We mentioned the floor staff. We have our chaplain here, and I know he has been a support for many of you, as he has been for Members. The Capitol Police, the attending physicians. Yes, we did need the attending physicians in this class once or twice.

So, we appreciate having you. There is a lot of people that invested in this, and make sure in the last day you get a chance to thank them.

Only in Washington can you ask for 5 minutes and get 60 minutes. What you have to notice is the House, we have very structured rules, but, for some reason, we are somehow allowed to break this one rule to take 5 minutes and spend as much time as we need to thank you for the work you have done with us.

Members will not miss flights, as you know, for very much, and you almost get trampled sometimes at the end of the last vote. I just missed mine, but I do it for a good reason, and I do it for a good cause, because you have been a great, great joy for me; a trial, a learning experience, but, again, a historical footnote in the history of a great country that now you are part of. May God bless you all and may God bless the United States of America. Thank you very much for your service.

Mr. Speaker, I include for the RECORD a list of the page graduating class.

Katherine Alesse, Lauren Arango, Matthew Arthur, Adam Bacot, Jane Becker, Matthew Benson, Nicholas Bruckner, Laura Burlingame, Allison Bybee, Amber Childress, Rachel Dick, Saul Dingfelder, Jason Dykstra-Carlson, and Jessica Eanes.

Robert Edmonson, Jordan Edmund, Nicole Eickhoff, John Eunice, Michelle Fuentes, Dulce Gonzalez, Timothy Gorman, Jason Green, Megan Grimland, Christopher Harrington, Gretchen Hartje, Paula Hodges, Mallory Kunz, and Mary Kate Leonard.

Matthew Loraditch, Alicia Luschei, Christopher Marquart, Patrick McDonald, A. Edward Mehnert, Elizabeth Mooers, Lauren Oswalt, Joseph Overton, Julia Owen, Timothy Read, Elizabeth Rilley, Allison Robinson, Katherine Roehrick, and Tyler Rogers.

Amanda Rudd, Dominic Rupprecht, Taurean Snow, Mark Spong, Hilary Styer, Diane Sutherland, Melanie Tate, Alissa Turnipseed, Xavier Vanegas, Marisa Vasels, Charlotte Vasquez, Amelia Williams, Krystle Williams, and Gregory Wright.

Mr. ADERHOLT. Mr. Speaker, I want to join other colleagues of mine in thanking the fine young men and women who have served as pages for the U.S. House of Representatives this past session. I was particularly pleased to have Ms. Lauren Oswalt of Fayette County, Alabama here in Washington, D.C. She is a fine young woman and has represented her home area well. The pages not only provide valuable services to Members and their staffs, but they are able to learn a great deal about how their Federal government works. As they return to their communities and continue their

studies, this knowledge can help them be effective citizens and leaders. To that end, I also want to thank the directors of the Congressional Page program. It is a fine combination of public service and education. Again, I congratulate the pages and thank them for their service.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order today.

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

There was no objection.

REPORT OF CORPORATION FOR PUBLIC BROADCASTING FOR CALENDAR YEAR 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith the report of the Corporation for Public Broadcasting for calendar year 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 6, 2002.*

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

(Mr. WILSON of South Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CLOCKING THE RAID ON SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to talk about Social Security, the premier program of the last century, which has helped to raise a generation of our seniors out of poverty. Most seniors in America receive upwards of perhaps $580 per month. For them it is a lifeline, and without Social Security and Medicare, they simply could not survive.

Today this House debated what to do with the estate tax, some call it a death tax, but assets accumulated by very large interests, and we heard the debate. But what is important to point out about this debate is that because the Bush administration and its allies inside this Chamber cannot afford to pay for the tax benefits being given, especially to the very super-rich in our country, they have raided the Social Security trust fund consistently this fiscal year, and, as of this week, June 5 and counting, they have taken from the Social Security trust fund already $207,232,876,712.

This chart and those that will follow in the weeks to come will clock the Republican raid on Social Security. The amount that has been taken to date averages thus far $717 per American citizen, and the numbers are still being counted as the days tick on.

As long as Republicans continue to raid the Social Security trust fund in violation of the promises not to raid the trust fund dollars contained in what was called an accounting lockbox, it is my intention to be here on the floor clocking their raid with our Social Security debt clock.

I also will be going through the history of who created Social Security for our country and who has historically opposed it. In fact, in 1935 in the deliberations in the Committee on Ways and Means not far from this floor, the Republican Members of the House Committee on Ways and Means voted to kill the original bill that created the Social Security program that our parents and grandparents and great-grandparents have benefited from since the mid-1930s.

When the bill moved to the floor, it was Democrats that passed that bill. I think it is very important that that history go on record, because if you look at what has been happening with the accumulation of additional debt in our country, and I put this chart up here as illustrative, we look at the accumulation of debt, this goes back to President Johnson. For a long time, because of the Vietnam War, and going into the Carter years, the recessions that resulted from rising oil prices, and then into the Reagan-Bush years when we had the huge defense buildup and the Persian Gulf War, our Nation went deeply into the red. We have over $6 trillion of debt that we are now financing in this country. But during the Clinton years, with the budgets that were passed in cooperation with this Congress, we were able to move to a point where we were actually, for the first time in modern history, accumulating surpluses, until now, with the inauguration of President Bush, and we are beginning to move into a deficit position again, and very severely so, in a very short period of time.

The funds that are available to borrow against for various purposes, whether it is giving tax cuts to people like Ken Lay, who will get over $350 million additional in a tax refund because of the tax bill passed earlier this year, or the estate tax that was voted here today, that money has to come from somewhere, and that somewhere is the lockbox that almost every single Member here voted to protect. It is beyond my imagination why anyone would want to vote in that manner.

□ 1800

But until this administration and House Republicans put seniors first and reverse this raid and commit to saving Social Security as we have promised, I will be here to tell the truth to the American people, using these red numbers and this debt clock to show just how much is being raided.

Today in the Washington Post there is a story called ''The State of the Estate Tax.'' I will enter it into the RECORD, but what is really interesting about this is it talks about some of the major beneficiaries of the bill that passed here by a very thin margin this afternoon. The very people that are raiding Social Security are taking care of some of their best friends. Here is one of them. Gary Winnick of Global Crossing fame, with assets of nearly 3 quarters of a billion dollars, will probably yield $366 million in so-called estate tax savings. Dennis Kozlowski from Tyco International, which has run into a little difficulty, $149 million.

Though my time has expired for this evening, all I have to say is the Democratic Party historically has been the party that has believed in and supported Social Security. We do not support borrowing from the trust fund in order to give tax benefits to the super rich.

More on this story later.

The information mentioned earlier follows:

[From the Washington Post, June 6, 2002]

THE STATE OF THE ESTATE TAX

The House begins debate today on President Bush's proposal to make permanent last year's elimination of the estate tax, or ''death tax'' as Republicans call it. Bush will be in Des Moines on Friday to tout the effort, which would benefit family farmers. Apparently, eliminating the tax would also benefit some non-farmers—some of them in the Bush administration.

Rep. Henry A. Waxman (D-Calif.) asked his staff to assemble a chart estimating just how much more the heirs of Bush, Vice President Cheney and members of the Cabinet would get if the estate tax were permanently eliminated. Waxman's aides also applied their calculators on the balance sheets of former Enron executives and the executives of other companies in the news.

The winners? Defense Secretary Donald H. Rumsfeld's heirs could gain as much as $120

million from the repeal, with heirs of Treasury Secretary Paul H. O'Neill getting as much as $51 million more and heirs of Cheney getting up to $40 million more. Heirs of Enron's Kenneth L. Lay would get $59 million more. Bush, a relative pauper, would leave behind an extra sum of no more than $10 million if the tax were eliminated.

The White House said Waxman's analysis was beside the point.

''Failure to make the tax cuts permanent would increase the taxes on 104 million Americans,'' Bush spokeswoman Claire Buchan said. ''The president thinks that's wrong and that it's wrong to double-tax families, especially at the time of death.''

	Assets	Estimated estate tax savings
Bush Administration Official:		
President Bush	$11.1 million–$21.6 million	$4.6 million–$9.9 million.
Vice President Cheney	$19.3 million–$81.8 million	$8.7 million–$40 million.
Defense Secretary Donald H. Rumsfeld	$61 million–$242.5 million	$29.6 million–$120 million.
Treasury Secretary Paul H. O'Neill	$62.8 million–$103.3 million	$30.5 million–$50.7 million.
OMB Director Mitchell E. Daniels Jr	$18.1 million–$75.3 million	$8.1 million–$36.7 million.
Secretary of State Colin L. Powell	$19.5 million–$68.9 million	$8.8 million–$33.5 million.
Commerce Secretary Donald L. Evans	$11.4 million–$45.1 million	$4.8 million–$21.6 million.
EPA Administrator Christine Todd Whitman	$6.4 million–$20.3 million	$2.3 million–$9.2 million.
U.S. Trade Representative Robert B. Zoellick	$3.3 million–$13 million	$555,000–$5.6 million.
Labor Secretary Elaine L. Chao	$2.3 million–$5.4 million	$123,000–$1.8 million.
HUD Secretary Mel R. Martinez	$1.6 million–$4 million	$0–$870,000.
VA Secretary Anthony J. Principi	$1.6 million–$3.6 million	$0–$690,000.
HHS Secretary Tommy G. Thompson	$1.3 million–$3.3 million	$0–$555,000.
Attorney General John D. Aschroft	$1.1 million–$3.3 million	$0–$555,000.
Education Secretary Roderick R. Paige	$1.1 million–$2.9 million	$0–$377,000.
Agriculture Secretary Ann M. Veneman	$680,000–$2 million	$0.
Interior Secretary Gail A. Norton	$207,000–$681,000	$0.
Energy Secretary Spencer Abraham	$224,000–$664,000	$0.
Transportation Secretary Norman Y. Mineta	$220,000–$655,000	$0.
Company Executives:		
Gary Winnick (Global Crossing)	$734 million	$366 million.
L. Dennis Kozlowski (Tyco Intl.)	$300 million	$149 million.
Kenneth L. Lay (Enron)	$119 million	$59 million.
Charles Watson (Dyengy)	$112 million	$55 million.
Bernard J. Ebbers (WorldCom)	$78 million	$38 million.
Michael Saylor (MicroStrategy)	$54 million	$26 million.
Richard McGinn (Lucent)	$25 million	$12 million.

RESPONSE REGARDING SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I feel somewhat compelled to at least respond to the last charges that Republicans do not care about Social Security. We do indeed care about Social Security. We have parents. We have grandparents. We care desperately. When the record is explored for people to review, I hope they will know that nine out of 11 times that Social Security was violated, where they actually invaded the trust funds, occurred during Democratic Presidencies and Democratically controlled Congresses. We will show the record. We will show in detail where moneys were taken from the Social Security Trust Fund and used to offset other budget issues.

Let me also remind the gentlewoman from Ohio (Ms. KAPTUR) they never talk about the spending bills that they have encouraged on this floor. Repeatedly, time and time again, we hear motions to rise, motions to adjourn, some 9, 10, 15 a day, because they are unhappy with the spending levels in the bills. They insist more money be added to each and every appropriation bill, and it happens time and time again.

During the Presidency of Mr. Clinton, constantly bills were vetoed because they did not have enough spending money. They try to put it all on the backs of those who choose to put the money back in the pockets of the American taxpayer. I am one of those that is proud to give money back into the families' pockets in America, those who best spend the money on their families, on their children, on their futures. But to sit here and blame Republicans and insist or insinuate we do not care about Social Security is absolutely false, absolutely false. We are not privatizing Social Security. We are strengthening it. And if the Democrats would participate in cutting spending on some wasteful programs, we may actually make some progress.

We are committed to the war on terrorism. We are committed to supporting our President in fighting this war on terrorism. And I am committed to spending the money to eradicate al Qaeda, and I am prepared to spend the money to support our men and women in uniform fighting for us here and abroad. I am prepared as a Member of this body to do what it takes to ensure the survival of this country and its citizens; and I am also committed to fighting for Social Security, as is every Republican.

My colleague, the gentleman from Florida (Mr. SHAW), chairs the committee and he cares about Social Security. All of us face constituents that are in their senior years. My parents may be watching, who are drawing Social Security. I care about them deeply.

So if we are going to have a record on Social Security spending, bring it on. If we are going to talk about deficits, bring it on, 40 years of deficits. Bring that debate to this floor, and I will match them word for word, dollar for dollar. I will show the Members where it has been spent for 40 years.

We balanced the budget in 5 years. We brought tax relief to American families. We strengthened education. We are improving Medicare. We are solidifying Social Security. The temerity of the other party to sit here and scare seniors is appalling.

It is appalling to scare seniors, who should be enjoying their retirement. Instead, they rattle out these charts and threaten financial collapse, and suggest and use names of people who have disrupted their own companies. Go ahead and mention Enron; go ahead and mention those crooks. They are crooks; they stole from their companies and their shareholders. That is not our fault. They were cheats and we should punish them. I will join in a chorus of outrage against those corporate mischievous people.

But I will not stand by and listen to this demagoguery that we have plundered Social Security, because the record will in fact reflect, as I stated at the beginning, nine of the 11 times Social Security was violated were by Democratic administrations, Democratic Congresses.

Bring it on, I am ready, because I love this country. I love our seniors. I come from a senior district, and I will work tirelessly to ensure that not only do they receive their checks, but we will balance the initiatives for all Americans, young and old, rich and poor. No class warfare; quit pointing fingers.

Let us do the heavy lifting. If we want to cut spending, we can save Social Security and the budget. If they want to keep spending like drunken sailors, then they will have the kind of deficits they have had for 40 years when they ran the place.

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

(Mr. LEACH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THOSE WHO SACRIFICED OR RISKED THEIR LIVES ON D-DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to first of all recognize and memorialize those whose lives were either given and/or risked on this date in 1945.

We have heard many moving comments, many moving speeches in tribute to the D-Day heroes. I can add little to the beautiful oratory that has been exemplified here by a number of speakers with regard to D-Day and what we owe the folks who participated in that horrendous event.

I also think to myself about the America for which those men either died or sacrificed their lives, and the kind of America that existed then, and, to a certain extent, the kind of America that exists today, and the difference that may exist. For the most part, it is the same America, and that is a good thing. But there are things that I think are somewhat disconcerting when we look at the Nation today.

Not too long ago, I think it was about a week ago, actually, there was an article in my local paper, in the Denver Post. It talked about the difference in attitudes of people today who are 20 years old or younger, the difference in attitudes between them and people older than them with regard to patriotism or love of this country.

It found that people 20 years old or younger really, perhaps to put it this way, knew very little about America. They really had very little understanding of who we are as a nation, who we are as a people, and the principles upon which this Nation was founded. They did not understand, in fact, the significance of September 11.

Many of them stated that the event was not that significant, from their standpoint, and maybe we even deserved it. That was some of the discussion. I have heard, as a matter of fact, from many people who are in academia, many people in higher education, and one professor in particular, a professor of economics at the University of Colorado who came up to me at a dinner that I was at not too long ago, last week, I believe, and he talked about what happened in his classroom on September 11 and the day after.

He said he came into his classroom and there was a buzz. He did not know what had happened yet. He had not seen the television accounts, but the kids had, the students had. This was at the University of Colorado, as I say. They asked him what he thought about that event. He, having just heard of it, said, I will think about it and talk to you about it tomorrow. What is your opinion?

He said that most of them felt that we deserved it; that it was something that America, because we are a country that takes advantage of so many other people around the world, that our support for Israel really set us up for this, and for a variety of other reasons that we actually deserved it. This was on September 11, when most of us were reeling from the impact of that event on our minds and on our hearts.

He said he went back the next day, and he said, I have thought about it. I thought to myself that perhaps the reason that you feel the way you do is because you do not believe in the rule of law. You do not believe that there is anything actually that you can describe as good or bad, evil or precious; that everything is the same, and that laws essentially, as a nation is created by law, is based on the concept of good and evil, and that once we destroy that concept in our own minds or that once we kind of buy into this idea that everything is essentially the same, that there are no actions that we can describe as bad, that there are in fact no countries that we can describe as evil, there are no cultures that are less deserving of our praise than others. Once we buy into that multiculturalism, cultural relativism, once we buy into that concept, then it is not hard to understand how they can come to believe that the United States probably deserved what happened to it.

Because, after all, we are no better than anybody else on the planet, in fact, as we tell our children in school day in and day out, in schools throughout the Nation, in classrooms throughout the Nation, that there is nothing unique about America.

We teach our children from the doctrine of relativism, cultural relativism. It permeates our schools and it permeates our lives. It permeates our philosophy of government, and has for far too long, and it has an effect.

When we do that, when children do not understand who we are or what we are as a Nation, it is not surprising, then, that they would respond as they did in this professor at the University of Colorado's classroom. Why would we expect them to be shocked and just abhor what had gone on? Nothing is unique about America, nothing is good. As I say, mostly we tell them that everything is bad; that America's history is rife with examples of slavery and a variety of other ills, what we did to the Native Americans, and all the things that we heap upon ourselves, all the problems that were undeniably problems.

They are nothing about which we should be proud, that is true. But if we only concentrate on that, if we think that is all America is is the maltreatment of Indians and/or the institution of slavery, if they think that is all there is, then no one could be expected to be enthusiastic about the concept of America.

□ 1815

No one could be expected to be too upset when foreigners come to the country and drive airplanes into buildings, kill 3,000 people. It is illogical to assume that they would be anything else but what they are. There is a price that we pay in this country for that kind of education and for a lack on the part of many people in this country to actually even tell their own children about America. This fear that if you extol the virtues of America and explain that, yes, there was in fact slavery in the United States, but it was the United States, it was the West in general that has abolished slavery, Western European and American thought, Western European liberal democracy, actually brought this world far more good things than it ever did bring bad things. And that is something most people have to understand and do not now know or believe. Western civilization gave this world far more in terms of personal wealth, the rule of law, a philosophic basis for man to live in peace and harmony, and one in which, as I say, provided the most for the most, called democratic capitalism, free enterprise. These are all great parts of the Western civilization that we so often decry. And we do this at our peril.

It will eventually eat away at the fiber of this country so that it is not just those children or those people here 20 years or younger who take this cynical view of America and who refuse to be excited by the flag. In this article they talked about the fact that they were not patriotic at all. They did not even think about the country in patriotic ways. And the only way they described patriotism was, as one person said, patriotism does not mean following your country blindly. Well, that is true, of course. It is absolutely true. It does not mean following your country or your government blindly. But it does mean understanding what the government is all about, what our Nation is all about and what we owe those people who died for it or gave their limbs, as my father-in-law did on the U.S.S. *Hornet* in the World War II where he lost both of his legs.

The country for which those men gave their lives on D-Day is not the same country today in many ways. And it is, I think, discouraging. Now, that is not to say that there are not many millions of children, we had a lot of them here just a little bit ago, who exemplify the best in America, and who certainly are willing to talk about the United States in patriotic terms and certainly probably are willing to risk their life and limb to defend it; and we have hundreds of thousands of men and women presently in the Armed Forces of the United States doing exactly

that, risking their safety, risking their life and limbs in service to the Nation and in defense of the Nation. And I say, God bless them. God bless those people who have given their lives in service of this Nation.

I am reminded, however, of a poem that I had to learn when I was in high school, a poem by Thomas Macaulay, and it is called Horatius at the Gate. And I only remember a short bit of it. It went on for a lot longer than I can recall tonight. But it was something like this, again, Horatius at the Gate, and I have to explain the background of it for just a second.

There was a time, I believe it was under the Emperor Trajen in ancient Rome when barbarians were at the gate of Rome and had conquered everything in between their land and Rome itself. And there was great panic and fear throughout Rome as to what was going to happen at the point in time that the barbarians breached the gates and came into the city. And as myth or story has it, a young man by the name of Horatius bravely volunteered to go to one end of a bridge that separated Rome from the horde that was invading. And he took two friends with him and they volunteered to go to the other side of the bridge and hold off the, because it was a narrow bridge, hold that as long as they could against the army oncoming while the rest of their compatriots cut down the bridge on the other side, therefore, of course, giving their lives in this cause.

The poem, again, as I remember it by Thomas Macaulay says, ''Then out spake brave Horatius, the Captain of the Gate: 'To every man upon this earth death cometh soon or late. And how can man die better than facing fearful odds, for the ashes of his father, and the temples of his gods.' ''.

Now that is all I can recall of that poem. But I think about it often because I think to myself if we do not, in fact, tell our children about America, if we do not imbue them with a sense of history about who we are and what we are, and the good things of America, the wonderful, incredible things it has given the world, the things that make it the envy of the world, the things that make it the place to which if we raised all of the gates all over the world, everyone would come.

And what does that tell you? All of those of you who have such a cynical view of America, all those of you who have this culturally relativistic view of America, what does that tell you that if you lift the gates they all come here? It tells you that there is something better about America, something unique. And you know that we have to tell our children this because, in fact, if we do not tell our children this, there is absolutely no reason to think that they would intuitively come to these conclusions.

I taught for 8 years in the Jefferson County Public School system, and I can remember thinking to myself, no kid comes to this classroom with an appreciation of fine art. I was not an art teacher. No kid comes to school with an appreciation of fine music, classical music. Nobody just intuitively says, boy, I think I want to paint. They may want to paint, but they do not have an appreciation for fine art or fine classical music or classical literature. You do not just have that in you. Generally you have to be taught those things in life.

I assure you, Mr. Speaker, that children do not innately understand the beauty of America. It is just a place to them. It is where they were born. It is like if I had not even seen anything else, this is the world to me, so what is the big deal. They have to be taught. We have to believe it, we as parents have to believe and pass this on to our children. And we are.

And something is happening in our country that I believe deserves our attention. I do not mean that it is catastrophic. I am not claiming it is the end of civilization as we know it, especially Western civilization, although I am claiming it is a danger to Western civilization, and I do believe that we are in this world, as Mr. Huntington puts it in his book, ''Clash of Civilizations,'' we are, in fact, fighting, the West as a civilization is in a way at war. Not a war we have brought upon ourselves, but a war started a long time ago. It is a clash that we have been wrestling with, dealing with for literally hundreds of years. It is the West against radical Islam. That is the most dramatic clash of civilization that I can think of to date. And as I have said, it is a clash that has been going on for a long, long time.

I must disagree with those among us, those political pundits, those observers of the scene who suggest that the war we are in today is a war with only a small element of the religion of Islam, somebody that has, in fact, some group that has in effect highjacked the religion. I believe it is much broader than that. I believe we are at war with fundamentalist Islam. And it is far, far more expansive than just a small group of people who happened to climb into planes on September 11.

Speaking of that, one little interesting factoid I came across at some point in time, I cannot remember when, but in 1683 the Muslim armies made their greatest incursions into the West. It was the farthest they ever got and it was to the gates of Vienna. As we all know, the battle had been going on between the Crusaders and the Muslim world for some time and Islam, I should say, specifically for some time. And the farthest into the West that the Islamic armies were able to get was the gates of Vienna in 1683.

There the King of Poland turned back the Islamic armies. That was the last great battle of that clash, of that particular clash. And it is interesting to note the date of that battle, 1683, as I said, but more specifically the date was September 11, 1683.

Now, a coincidence, certainly very possible. An interesting little factoid, that is the way I always refer to it. But I am telling you that people in the Islamic world know this battle and know this date. It is not a tiny fragment of history to them. It is something very important to them.

My point is here we are in a clash of civilizations, I believe. Samuel Huntington's book I have referenced before and I reference it again tonight because I believe it is enormously important. I believe every American should read it. And by the way, I do not get any royalties or anything else. I know I have talked about it a lot, but it is just because I consider it to be a very, very good analysis. I read it once in the mid 1990s when it first came out. After September 11 I went back and read it again because I found it to be quite profound and quite prophetic.

Mr. Huntington talks about this clash of civilizations, which is the name of it. And I will not give a book report on it tonight, but I will say that for people who are still interested in analyzing the events leading up to September 11 and subsequent events, for people who are interested in looking at the background of the conflict right now going on in Israel with the Palestinians, the conflict that is now causing us to focus a great deal of attention on India and Pakistan, these are clashes of civilizations.

It is a clash of civilizations that goes on in Sudan. Sudan is perhaps the quintessential clash of civilization. Or maybe put it this way, a flash point in this clash of civilization. It is perhaps the best example we can look at to explain what is going on in the world today. Arabic north, Islam is the religion. Black African in the south with Christianity and animism as the religion. Two different cultures. Two different languages. Actually, many different languages. But two different countries essentially that have been artificially bound together by the British after their colonization. And after they actually left the country they created this here kind of artificial country we call Sudan. I say it is artificial because the two people groups have absolutely nothing to do with each other. They have nothing in common with each other. They have been fighting now for 47 years. They will be fighting for the next 100 years if the country continues to stay as it is today, one nation surrounded by one boundary.

I believe that Sudan needs to be divided into two nations. I believe the United States should recognize South Sudan as the new government of Sudan of the south. And we should do so quickly and provide them with whatever aid necessary to help them defend themselves against the Khartoum government.

□ 1830

So all that said, let me get back just now to the idea that Horatius was at the gates, and my point here is that if we did not tell our children about who we are, if we do not, in fact, explain to

them what the West really means, what Western civilization is all about, if we condemn Western civilization to the trash heap of history to our children via the way we explain it, via the way we teach it, then it is exactly where it will end up because when the time comes for the next Horatius to be at the gate, when the time comes for the next group of people to risk their lives on some beachhead far away or even nearby, where will they be? Where will they come from? Will Horatius be there for us? Who will be the next Horatius at our gate?

As I say today, thank God, I believe there are hundreds of thousands or millions of people who are willing to stand at the gate. I just wonder how long that will be the case if the generation is already coming up here in the United States that thinks of this country as not really worth fighting for.

I remember when I was in college, it was during the late 1960s, and we were in the midst of a very, very ugly war and a great deal of anti-war sentiment in the United States; and I remember a guy carrying a sign in a protest rally at my school, and it said there is nothing worth dying for. I remember thinking to myself at the time, I mean, here is a guy who looked like he had just gotten back from the spring break in Cozumel and who probably drove up to the campus in his BMW and really dressed really quite well under the circumstances, even though carrying a sign, not a lot of his friends were dressed very well, he was, and I remember thinking to myself, here is a person who lives in the greatest society ever created, ever to actually be on this planet, who has benefited in every possible way from the sacrifices of so many, here he is with a sign saying there is nothing worth dying for.

The most depressing part of that to me, Mr. Speaker, was really what could have been written there on the other side of the sign is there is nothing worth living for, and that is really the only other way that I think we can look at what he was really saying there and what a dull, drab life that must be, a life that gives someone nothing worth dying for and essentially nothing worth living for.

I think that although he may have been an aberration, that today there are far too many people that could hold up that same sign. They were in this professor's class at CU, as I mentioned earlier, and we have all come across them.

The clash of civilization that I mentioned is the big picture; and it gets down to a very specific thing: how do we see it in the United States. We saw it on 9–11, a very specific clash point of the clash of civilizations. And one of the other things that Huntington points out in his book that I found so interesting is he talked about massive immigration not just into the United States but all around the world and how that affects how nations act and react, especially democracies; and it is interesting to note that it is becoming more and more difficult for our friends and allies in Europe to actually put themselves in the position of supporting the United States as we may go into Iraq or other areas of the Middle East.

One of the reasons why they are having a difficult time doing that is, of course, over time, over the last decade or so, they have had a massive number of people come in who are Arabic, who are Muslim; and therefore they make up, of course, a bulk of the voting block in the country, and that puts pressure on a democratic government.

Here in the United States, we have certainly a massive immigration, not from the Middle East, although we have quite a number, we have massive immigration primarily from Mexico; but we have massive immigration from all over the world. There is an effect of massive immigration into the United States. It will have an effect, and it is something that needs to be discussed.

I know to many people it is kind of a frightening topic, one that a lot of people want to shy away from, but I believe that everything I have said tonight to date makes it imperative that we talk about this because it will impact who we are, what we are and whether we will in fact survive as a Nation and as the leader of the West in this clash.

We are becoming a cleft Nation, I think that is the way Huntington put it, as a matter of fact, cleft, split in half, because of massive immigration. We are developing two countries within this country, a country with two different languages, two different cultures, sets of ideas. We have a strange phenomenon that has never, ever happened before in the history of immigration into this country, which we all recognize fully well is everyone's background here, everyone, including Native Americans. At some point they came across a land bridge from Siberia. So everybody in this Nation is a result of someone immigrating, emigrating from where they are, emigrating into the United States or into North America.

Never before in the history of immigration into this Nation, even in the heyday, in the early 1900s, when my grandparents came, 1903 my grandfather came, never have we seen anything like this where people are refusing to actually disconnect from their country of origin and reconnect with America.

This is evidenced by many things, not the least of which is the very dramatic and very easy to explain, I guess, aspect of this phenomenon, that is, that there are now at least 6 million people in the United States that claim dual citizenship. This is unique. That has never happened before in America. When most people I know came to the country, they did so, as I say, even if they wanted to, really if they wanted to stay connected to their country of origin, it was very difficult to do. They came to the United States, and they lived in ghettoes where they could speak the language of their home country; but in a relatively short time, they were either overwhelmed by the country or themselves were forced into the American mainstream.

Again, this is not happening in America today. The multiculturalism phenomenon, the multiculturalism philosophy tells us we cannot forcibly have people integrate into our society; we have to teach them in their own language in our schools. We will do anything to help them actually separate themselves out of our society and create these Balkanized areas of the United States.

What we do is to instead of accentuating our common desires and common traits and characteristics, we accentuate all of the differences. That creates a Balkanized society. It is not a good thing, I believe.

I may be wrong. I certainly may be wrong in my interpretation of what massive immigration means to a culture, but I believe that at least it needs to be debated. That is the least we can expect when we recognize that the potential for having it affect America so dramatically is there.

Of course, there is a national security issue. Of course, there is a national security issue. Who for a moment thinks that our borders can possibly remain undefended and essentially porous and that we will not be, therefore, prime, prime targets for the next person who wants to come into the United States and do something untoward?

Not too long ago I was in Arizona, and we visited the border; and it is hard to believe that this is a picture of the border, but it is. On this side of this barb-wire fence here is the United States; on the other side, Mexico. There is a well-rutted road here, deeply rutted road, I should say, that comes through; and by the way, this road is not on any forest service map. This is not an official road. This is a road made by people coming into the country illegally. This is a gate they come through.

On this side of the gate there is a sign with the following words: ''All persons and vehicles must enter the United States at designated ports of entry only.'' This is underlined, a designated port of entry. Any person or vehicle entering this point is in violation of the U.S. code such and such, et cetera, et cetera. This is a sign facing the United States in a place along the border that is completely undefended, and it is almost an interesting metaphor for the entire problem here on the border.

Down here is another place along just a few miles from this one where this is Mexico on this side, this is the United States here, and there is a cattle guard at this gate. So no cattle can enter the country illegally at this point. We can rest assured of that. As we see, this road tells us anybody else can and they

do, in fact, enter illegally all of the time, in fact, by the hundreds of thousands. This particular area has now become the most heavily trafficked area along the border for drugs coming into the United States and for people coming in illegally.

So the idea that we have protected borders is an illusion; and so when we talk about immigration, when we talk about especially illegal immigration, which is really exemplified here, we have to understand there are implications for the United States. There are, as I say, cultural, political, economic and national security issues that we have to take into consideration when we talk about the border, and we may not like to. It is one of the things I know people, go, oh, geez, we are not going to talk about the border, not going to talk about immigration because we know a lot of people get upset when we talk about immigration.

Well, that is true; but they are going to just have to get upset because I believe it is an enormously important topic. It has implications of great magnitude, far beyond just the things that we have a tendency of talking about in terms of jobs and resource allocation and all the rest of that stuff. It has very, very significant implications, massive immigration, into this country. It deserves our attention.

Thank God tonight the President of the United States is going to be on nationwide television, I am told, in about 1¾ hours, at which time he is going to announce a proposal which I can only say is the most hopeful thing I have heard so far in this debate or the discussion we have been having over the past several months about immigration and immigration control.

It is a proposal to actually make the office of homeland defense a part of the Cabinet, a Cabinet-level Department with a lot of interesting responsibilities, and I do not know the extent to which the President will get into the details of this, but I will tell my colleagues that it is to his credit that he is bringing this up; and I do hope that the Congress of the United States responds quickly to his request for creation of this Cabinet-level Department, homeland security.

Because in it I am assuming he will have to have that part of the INS which is now identified as the enforcement arm. I am assuming we are talking about moving that there. I am assuming a lot of things here tonight because, as I say, I do not have all of the details. I am assuming that we are going to take certain roles and responsibilities away from other agencies, like Customs and Treasury and Agriculture. All of these agencies have specific functions for border patrol, border control, enforcement of our immigration laws.

□ 1845

And, of course, they are all confusing with each other. They do not talk to each other and do not operate under the same sort of rules, and they have different goals in mind.

So you can actually have people on the border, down near Nogales and El Paso and along the border where we have a port of entry, who actually watch the border through binoculars because they know each one of the various stations are personed by someone else, by some other agency. And so they will watch to see which station is actually being guarded by border patrol, which is being guarded by Agriculture, which is being guarded by Customs, and if you are smuggling people in, you go through one; and if you are smuggling drugs in, you go through another.

So you have somebody at the border watching through binoculars looking and radioing down and saying, go through this line, go through that line, depending on what you are smuggling in. That is how goofy the whole system is today, and that is what needs to be corrected, and I am assuming will be corrected when the President speaks to the Nation tonight in terms of at least his policy.

Now, whether we will do anything about it is another question. Because as you know, Mr. Speaker, one of the most difficult jobs we have in this Congress is getting over not only the kind of philosophical hurdles that confront us with various pieces of legislation, but also there are massive egos involved. There is a news flash for you; that politicians have big egos. But there are a lot of people here in this body who, frankly, are going to be asked to have to give up some part of their committee oversight responsibility, and this will not go down well.

You know and I know what will happen, Mr. Speaker, the minute that that comes before a committee chairman of long-standing who says, what, you mean to tell me my little part of this thing here is going to be taken away and given to somebody else? Not on your life. So we will start this horrendous battle in the Congress of the United States to see whose ego is able to keep this Nation from actually moving forward in terms of immigration reform. It is discouraging, but I predict that that is what is going to happen.

The President, if he does what I think he is going to do here in 1 hour and 15 minutes, will set the ball in our court with this creation of the homeland defense agency, which has a specific purpose, and the purpose is to defend our borders. It will know what it is supposed to do, it will have a clear line of authority, it will have a lot of people who are employed there who have an understanding of exactly what it is we expect of them, as opposed to the situation today, where we have the INS, these two groups within INS, one enforcement and one I call the welcome wagon, and they really do not fit each other.

And even if we change those groups, even if we split those functions, as the bill that passed this House sometime ago attempted to do, we will have exactly the same people mismanaging the new agency as we have mismanaging the present agency. We will have two different lines, two different little captions on their doors, that sort of thing, but the people will be the same. And that is the problem. We have to get out of that agency. We have to get a brand new agency constructed with new people, with a common purpose in mind, dedicated to their job, and that is to protect the borders of this country and, in fact, provide homeland security.

This is a list that our immigration reform caucus came up with in October. This is actually October of 2001. We presented this list at a press conference, and we suggested that there were a lot of things we could be doing to improve the security of the border.

Number one on this list is to create a unified border security agency. A new agency to be responsible for all aspects of securing the border, including, but not limited to, responsibilities currently handled by INS, State, Customs, and the Coast Guard. That was our number one priority back in October of 2001.

I am so glad to say that it is at least now taking conceptual form, as the President of the United States is going to tell us about this evening. Or I guess I should say I hope. That is what I have been told is going to happen, and my comments tonight are all based upon that assumption.

The next thing we said was to establish a unified interagency database for the purpose of conducting background checks on visa applicants. We passed that in the House on October 12, 2001.

Number three. An automated entry and exit system for foreign visitors. This was passed and signed into law. This is the Feinstein-Kyl bill. The Justice Department announced just yesterday initial plans for implementing this particular part of the proposal.

Number four. Maintain computerized database on foreign students. Also part of the Feinstein-Kyl bill that we have passed.

Number five. Restore political ideologies grounds for exclusion and deportation. This did pass the House again on October 12, 2001.

Number six. Restore authority of consular officers as their first line of defense. We have not done that.

Number seven. Reestablish meaningful deterrents against illegal immigration. Well, that is certainly something we have not been able to accomplish so far. But I am hoping that part of what happens tonight with the creation of this new cabinet level agency will do that.

We have, however, passed several pieces of legislation requiring the INS to hire more enforcement personnel. But because of the huge attrition rates in the INS, increasing the total number of agents has been very difficult.

One of the things we put here is a sense of the Congress calling on governors of border States, both north and

south, to place National Guard troops on their State borders, Canadian border, Mexican border. It was removed from the defense appropriation bill last year. We did pass something similar to that in the House not too long ago that will probably be taken up in the Senate.

Eight. Restore asylum protection to its original intent. It is one of the most abused categories we presently have for people coming into the United States. They simply call themselves a refugee and immediately get asylum, and then we never see them again. They never come back to any sort of hearing to determine whether they are, and we allow this. We say that is all you have to do, just say you are a refugee and then come back in a couple of months and we will have a hearing. Of course, they say that when they get here, and we never see them again. We have not done anything about that.

Number nine. Establish greater cooperation between local and Federal agencies and immigration law enforcement.

This is an interesting one. The Justice Department considered a proposal to encourage cooperation between INS and local law enforcement, essentially deputizing local law enforcement agents as INS agents. After a backlash from the immigrant groups, the Department of Justice appears to have backed off of this particular proposal.

Number 10. Establishing electronic verification of identity documents for employment. Have not done that yet.

Number 11. Reject further extension of 245(i). 245(i) is amnesty. We have not rejected it, it has just not made it out of the Congress so far. We came close. We came within one vote of rejecting it on this House floor not too long ago. It now is over in the Senate, where I understand that a particular member of the other body has put a hold on this provision, the 245(i) extension.

Twelve. Abolish the diversity visa program which awards large numbers of visas annually to states that sponsor terrorism.

Have not done that. We should. In fact, at last count, 55,000 visas have been approved since September 11 to people from countries on the terrorist list; 55,000.

Thirteen. Implement a temporary moratorium on immigration in order to reduce the workload of the INS, and give agencies time to implement the provisions of our entire plan. Include an executive waiver for national security reasons.

Of course, that has not been done. I have a bill to put a moratorium on for at least 5 years. I do not think it will get heard, that is the best guess I have, anyway, in committee.

Direct Immigration and Naturalization Service to begin identifying, finding and removing aliens against whom a deportation or removal order has been issued but not enforced.

We have not done that. We have, since we published this, we have forced the INS to actually tell us how many people fit that category. How many people are in the country, we said, who have been ordered to be deported?

Now, these people, by the way, these are not people who got a parking fine. These people raped, robbed, murdered, did something, violated our laws, committed a felony, ended up in court and were aliens and were, therefore, subject to deportation.

A judge somewhere, an immigration judge, and by the way, these are not the hard core judges. These are not the hanging judges. These are immigration law judges who, more often than not, let you off with the slightest penalty. But a judge somewhere listened to the case and hammered down and said this person is out of here, is to be deported. Then they walk out the door and we never see them again.

The INS does not take them into custody. Sometimes they will send them a letter saying please report back in 6 months for deportation. Of course, it is called a run letter because when people get it, they run. So we have not accomplished much here, except we have gotten them to finally tell us how many. First they said 300,000. They have revised it upward. They now think it is about 500,000; 500,000 people have been ordered deported from the United States for violating a law, and they have simply walked out the door and we have never seen them again. These are the INS numbers. So, believe me, take that with a grain of salt as to what the real numbers are.

Well, again, I hope and pray that the President tonight is going to do what I have been told he is, what I have been told is going to happen, to announce the creation of this new department level agency, and perhaps we will know more about the specifics, what it will really mean. But as I say, Mr. Speaker, if this is what he does tonight, if this is what he proposes, then it is up to us to follow through. Because the next time something happens, we will only have ourselves to blame if we do not do everything that we can do.

CORRECTION TO THE CONGRESSIONAL RECORD OF JUNE 4, 2002, AT PAGE H3102

The following version of H. Con. Res. 36 and the amendment in the nature of a substitute was inadvertently printed in the RECORD incorrectly. The correct versions are as follows:

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 36

Whereas over one million Americans suffer from juvenile (Type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the Diabetes Research Working Group, a non-partisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended a $4.1 billion increase in Federal funding for diabetes research at the National Institutes of Health over the next five years; and

Whereas a strong public private partnership to fund juvenile diabetes exists between the Federal Government and the Juvenile Diabetes Foundation, a foundation which has awarded more than $326 million for diabetes research since 1970 and will give $100 million in fiscal year 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for June 5 and 6 on account of official business.

Mr. COMBEST (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today after 1:00 p.m. on account of attending son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WILSON of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 11.

Mr. HUNTER, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, June 10, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

7218. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Mandatory Grading [Docket No. TB–02–11] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7219. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Prompt Corrective Action; Requirements For Insurance—received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7220. A letter from the Secretary, Department of Energy, transmitting a report on the comprehensive status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Fifth Report April 1, 2000 through December 31, 2000; to the Committee on Energy and Commerce.

7221. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 02–20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7222. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02–21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7223. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02–28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7224. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Treaty between the United States of America and the Russian Federation on strategic offensive reductions; to the Committee on International Relations.

7225. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7226. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7227. A letter from the Senior Vice President, CFO, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2001, pursuant to D.C. Code section 43–513; to the Committee on Government Reform.

7228. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7229. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7230. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7231. A letter from the Writer-Editor, Management and Planning Division, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7232. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7233. A letter from the Secretary, Department of Veterans' Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7234. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7235. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7236. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

7237. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Chorizanthe robusta var. robusta (RIN: 1018–AH83) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7238. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Chorizanthe robusta var. hartwegii (RIN: 1018–AH82) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Mosinee, WI; modification of class E Airspace; Mosinee, WI [Airspace Docket No. 01–AGL–10] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Bloomington, IL; modification of Class E Airspace; Bloomington, IL [Airspace Docket No. 01–AGL–06] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Bloomington, IL; modification of class E Airspace; Bloomington, IL [Airspace Docket No. 01–AGL–06] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Marine Sanitation Devices (MSDs); Regulation to Establish a No Discharge Zone (NDZ) for State Waters within the Boundary of the Florida Keys National Marine Sanctuary (FKNMS) [FRL–7212–4] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contingent payment debt instruments (Rev. Rul. 2002–31) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contingent Convertible Debt Instruments—Request for Comments (Notice 2002–36) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7245. A letter from the Secretaries, Department of Veterans' Affairs and Department of Defense, transmitting a report for FY 2001 regarding the implementation of the health resources sharing portion of the Department of Veterans' Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act; jointly to the Committees on Armed Services and Veterans' Affairs.

7246. A letter from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans' Affairs, transmitting the Fiscal Year 2002 Veterans Equitable Resource Allocation (VERA); jointly to the Committees on Veterans' Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. YOUNG of Alaska Committee on Transportation and Infrastructure. H.R. 1979.

A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; with an amendment (Rept. 207–496). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HYDE:

H.R. 4877. A bill to require periodic assessments of the impact and effectiveness of United States economic assistance to foreign countries; to the Committee on International Relations.

By Mr. HORN (for himself and Mr. BURTON of Indiana):

H.R. 4878. A bill to provide for reduction of improper payments by Federal agencies; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (by request):

H.R. 4879. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself and Mr. GEPHARDT):

H.R. 4880. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself and Mr. HALL of Texas):

H.R. 4881. A bill to prohibit pyramid promotional schemes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. GILCHREST, and Mr. SAXTON):

H.R. 4882. A bill to revise and modernize the provisions of law governing the commissioned officer corps of the National Oceanic and Atmospheric Administration; to the Committee on Resources, and in addition to the Committees on Armed Services, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. HANSEN, Mr. GILCHREST, and Mr. SAXTON):

H.R. 4883. A bill to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes; to the Committee on Resources.

By Mr. BARR of Georgia (for himself, Mr. DEAL of Georgia, Mr. HAYES, Mr. KINGSTON, Mr. NORWOOD, and Mr. TIBERI):

H.R. 4884. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit of $1,000 to teachers of elementary and secondary school students, and to provide and expand deductions for unreimbursed expenses for continuing education and classroom materials for such teachers; to the Committee on Ways and Means.

By Mr. BORSKI:

H.R. 4885. A bill to suspend temporarily the duty on Thiophanate-Methyl; to the Committee on Ways and Means.

By Mr. CHAMBLISS:

H.R. 4886. A bill to amend title 32, United States Code, to authorize the appointment of National Guard officers as commanders of units composed of both active duty military personnel and members of the National Guard in nonfederal status; to the Committee on Armed Services.

By Mr. CRANE (for himself, Mr. RANGEL, and Mr. HAYWORTH):

H.R. 4887. A bill to amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. PALLONE, Mr. MARKEY, Mr. TOWNS, Mr. ENGEL, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. WYNN, Mr. BROWN of Ohio, Mr. RUSH, Mrs. CAPPS, Mr. DOYLE, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Mrs. LOWEY, Mr. WAXMAN, Mr. BARRETT, Ms. KAPTUR, Ms. HARMAN, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. ESHOO, Ms. DEGETTE, Mr. MCNULTY, and Mr. JOHN):

H.R. 4888. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. THOMAS, Mr. HOUGHTON, Mr. FLETCHER, Mrs. MORELLA, Mr. HAYWORTH, Mr. WELLER, and Mr. CAMP):

H.R. 4889. A bill to amend title XI of the Social Security Act to improve patient safety; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 4890. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4891. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4892. A bill to restore to the original owners certain lands that the Federal Government took for military purposes in 1940; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania:

H.R. 4893. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes; to the Committee on Agriculture.

By Mr. QUINN (for himself, Mr. MEEHAN, Mr. MCHUGH, Mr. PASCRELL, Mr. LEACH, Mr. SIMMONS, and Mr. KILDEE):

H.R. 4894. A bill to amend Public Works and Economic Development Act of 1965 to provide assistance for brownfield site redevelopment, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 4895. A bill to establish within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. TOWNS, Mr. ENGEL, and Mr. BROWN of Ohio):

H.R. 4896. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Energy and Commerce.

By Mr. SHOWS (for himself and Mr. TAYLOR of Mississippi):

H.R. 4897. A bill to amend of the National Defense Authorization Act for Fiscal Year 2002 to repeal the authority of the President to commence a 2005 round for the selection of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

By Mr. SHOWS:

H.R. 4898. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to address the needs of low-income households in States with high needs for cooling assistance, by adjusting a hold harmless provision; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mrs. THURMAN):

H.R. 4899. A bill to amend the Internal Revenue Code of 1986 to give priority to reducing Federal tax refunds for all past-due child support before any other reductions allowed by law; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H.R. 4900. A bill to establish a National Climate Change Vulnerability and Resilience Program, and for other purposes; to the Committee on Science.

By Mr. SESSIONS (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. ANDREWS, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. COMBEST, Mr. CONDIT, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CULBERSON, Mr. DELAY, Mr. DEMINT, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FERGUSON, Mr. FLAKE, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HANSEN, Ms. HART, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. ISAKSON, Mr. ISSA, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KERNS, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr.

LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Kentucky, Mr. MALONEY of Connecticut, Mr. MANZULLO, Mr. MCINTYRE, Mr. MICA, Mr. DAN MILLER of Florida, Mr. GARY G. MILLER of California, Mr. JEFF MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mrs. NORTHUP, Mr. NORWOOD, Mr. OXLEY, Mr. PAUL, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHOWS, Mr. SIMPSON, Mr. SKEEN, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TANCREDO, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THUNE, Mr. TIAHRT, Mr. TOOMEY, Mr. TRAFICANT, Mr. UPTON, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.J. Res. 96. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GEKAS:

H. Con. Res. 414. Concurrent resolution commending the Pennsylvania National Guard for its exemplary service to the United States in the war against terrorism and other recent deployments; to the Committee on Armed Services.

By Mr. MOORE (for himself, Mr. UDALL of New Mexico, Mrs. CAPPS, Mrs. TAUSCHER, Mr. BOYD, Mr. STRICKLAND, Mr. THOMPSON of California, Ms. LOFGREN, Ms. BALDWIN, Mr. UDALL of Colorado, Mr. LARSEN of Washington, Mr. CARSON of Oklahoma, Ms. SLAUGHTER, Mr. PASCRELL, Mr. POMEROY, Mr. TURNER, Mrs. MALONEY of New York, Ms. ESHOO, Ms. WATERS, Ms. MCCARTHY of Missouri, Mr. ISRAEL, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. BAIRD, Mr. CROWLEY, Mr. LANGEVIN, Mr. SANDLIN, Mr. SHERMAN, Mr. INSLEE, Ms. SANCHEZ, and Mr. HINCHEY):

H. Res. 436. A resolution commending Special Agent Coleen Rowley for outstanding performance of her duties; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. WELDON of Pennsylvania, Mr. HOEFFEL, Mr. BOEHLERT, Ms. ROYBAL-ALLARD, Mr. SUNUNU, Mr. HOLDEN, Mr. LUTHER, Mrs. NAPOLITANO, Mr. QUINN, Mr. GILMAN, Mr. LANTOS, Mr. SMITH of Washington, Mr. MCNULTY, Mr. CAPUANO, Mr. FARR of California, Mrs. TAUSCHER, Mr. BARRETT, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. DELAHUNT, Mr. COSTELLO, Mr. KING, Mr. KANJORSKI, Mr. GREENWOOD, Mr. WU, Mr. WEINER, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. KNOLLENBERG, Mr. BROWN of Ohio, Mr. GORDON, Mr. BONIOR, Mr. PETRI, Mr. DIAZ-BALART, Mr. ANDREWS, Mr. ROTHMAN, Mr. FORD, Mr. SABO, Mr. OXLEY, Mr. HOYER, Mrs. MCCARTHY of New York, Mr. RAMSTAD, Mr. MCINTYRE, Mr. PAYNE, Mr. MOLLOHAN, Mr. TIERNEY, Mr. STRICKLAND, Mr. BALDACCI, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. SNYDER, Mr. CUNNINGHAM, Mrs. MALONEY of New York, Mr. FROST, Mr. TOWNS, Mr. DINGELL, Mr. PASCRELL, Mr. POMEROY, Mr. LEVIN, Ms. DEGETTE, Mr. SANDERS, Mr. JOHN, Mr. STEARNS, Mr. BARR of Georgia, Mr. MALONEY of Connecticut, and Ms. MCCOLLUM):

H. Res. 437. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', including by supporting local efforts and neighborhood watches and by supporting local officials to provide homeland security, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY:

H. Res. 438. A resolution expressing the sense of the House of Representatives that improving men's health through fitness and the reduction of obesity should be a priority; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 168: Mr. MCHUGH.
H.R. 512: Mr. HOLDEN.
H.R. 537: Mr. STUPAK and Ms. MCCOLLUM.
H.R. 600: Mr. SMITH of New Jersey and Ms. MCKINNEY.
H.R. 803: Mr. LAFALCE.
H.R. 831: Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SHUSTER.
H.R. 840: Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mrs. JO ANN DAVIS of Virginia, and Mr. DIAZ-BALART.
H.R. 848: Mr. JACKSON of Illinois and Ms. MILLENDER-MCDONALD.
H.R. 854: Mr. DINGELL, Mr. DELAHUNT, and Mr. MOLLOHAN.
H.R. 869: Mr. BASS.
H.R. 951: Mr. LEWIS of California.
H.R. 990: Mr. PAYNE and Mr. KINGSTON.
H.R. 1073: Ms. MILLENDER-MCDONALD.
H.R. 1092: Mr. INSLEE.
H.R. 1109: Mr. MORAN of Kansas, Mrs. WILSON of New Mexico, and Mr. ISSA.
H.R. 1111: Mr. MARKEY.
H.R. 1182: Mr. HAYWORTH.
H.R. 1512: Mr. DAVIS of Illinois.
H.R. 1541: Mr. STUPAK and Ms. MCCOLLUM.
H.R. 1543: Mr. BARR of Georgia.
H.R. 1595: Mr. HOSTETTLER.
H.R. 1598: Mr. MORAN of Kansas and Mr. RANGEL.
H.R. 1609: Mr. BARR of Georgia.
H.R. 1701: Mr. TIBERI.
H.R. 1774: Mr. JENKINS, Mr. AKIN, Mr. CHAMBLISS, Mr. JEFF MILLER of Florida, and Mr. BARR of Georgia.
H.R. 1919: Mrs. WILSON of New Mexico.
H.R. 1923: Mr. PETERSON of Pennsylvania.
H.R. 2009: Mr. SHIMKUS.
H.R. 2055: Mr. BRADY of Texas.
H.R. 2145: Mr. SHIMKUS.
H.R. 2148: Mr. JACKSON of Illinois.
H.R. 2163: Mr. BECERRA.
H.R. 2258: Ms. VELAZQUEZ.
H.R. 2357: Mr. HAYWORTH.
H.R. 2462: Mr. ACKERMAN, Mr. SAXTON, and Mr. FRANK.
H.R. 2483: Ms. BALDWIN.
H.R. 2487: Mr. FROST, Mr. LIPINSKI, and Mr. JACKSON of Illinois.
H.R. 2570: Mr. FERGUSON, Mr. JEFFERSON, and Mr. CLAY.
H.R. 2573: Mr. SPRATT.
H.R. 2630: Mr. BISHOP and Mr. BACA.
H.R. 2692: Mr. DAVIS of Florida.
H.R. 2706: Mr. BOUCHER.
H.R. 2735: Mr. STENHOLM.
H.R. 2874: Mr. SMITH of Washington and Mr. BAIRD.
H.R. 2931: Mrs. BONO and Mr. BECERRA.
H.R. 3058: Mr. CLAY.
H.R. 3132: Mr. RUSH and Mr. BLAGOJEVICH.
H.R. 3139: Mr. PAUL.
H.R. 3154: Mr. SIMMONS and Ms. RIVERS.
H.R. 3206: Mr. HAYES.
H.R. 3223: Mrs. NAPOLITANO and Ms. SOLIS.
H.R. 3320: Mr. CANTOR.
H.R. 3324: Mr. NETHERCUTT, Mr. GRAHAM, and Mr. TERRY.
H.R. 3333: Mr. BILIRAKIS.
H.R. 3335: Mr. BORSKI, Mr. MCGOVERN, Ms. BALDWIN, Mr. HASTINGS of Florida, and Mr. CARSON of Oklahoma.
H.R. 3475: Mr. BALLENGER.
H.R. 3478: Mr. WAMP.
H.R. 3496: Mr. FOSSELLA, Ms. HART, Mr. MCNULTY.
H.R. 3584: Mr. GRUCCI and Mr. FROST.
H.R. 3741: Mr. CARSON of Oklahoma.
H.R. 3771: Mr. WEINER, Mrs. MCCARTHY of New York, Mr. ENGEL, and Mr. HINCHEY.
H.R. 3772: Mr. FOLEY.
H.R. 3792: Mrs. THURMAN.
H.R. 3794: Mr. HUNTER and Mr. GREENWOOD.
H.R. 3834: Mr. MALONEY of Connecticut and Mr. BARRETT.
H.R. 3842: Mr. ABERCROMBIE and Mr. PAUL.
H.R. 3855: Mr. ISSA.
H.R. 3882: Mr. WU, Mr. MOORE, Mr. ALLEN, Mr. CRAMER, Mr. CANNON, and Mr. QUINN.
H.R. 3884: Mr. HOYER, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. HALL of Ohio, and Mr. JEFFERSON.
H.R. 3895: Mr. POMBO.
H.R. 3897: Mr. LAFALCE and Mr. PASCRELL.
H.R. 3912: Mr. CLAY and Mr. BONIOR.
H.R. 3973: Mr. KINGSTON, Mr. SESSIONS, Mr. OSE, Mrs. CAPITO, Mr. ROGERS of Michigan, Ms. HART, and Mr. ALLEN.
H.R. 3974: Ms. KAPTUR.
H.R. 3995: Mr. RAMSTAD, Mr. GRAHAM, Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. GANSKE.
H.R. 4003: Mr. ACEVEDO-VILA.
H.R. 4010: Mr. KINGSTON and Mr. HOSTETTLER.
H.R. 4013: Mr. TOM DAVIS of Virginia.
H.R. 4018: Mr. UDALL of Colorado.
H.R. 4021: Mr. PHELPS.
H.R. 4025: Mr. ROSS and Mr. GEORGE MILLER of California.
H.R. 4027: Mr. ACEVEDO-VILA AND MS. HOOLEY of Oregon.
H.R. 4066: Mr. WATKINS, Mr. SWEENEY, and Mr. LIPINSKI.
H.R. 4078: Ms. VELAZQUEZ.
H.R. 4086: Mr. BAIRD.
H.R. 4481: Mr. BENTSEN.
H.R. 4483: Mr. MCINNIS, Mr. SAXTON, and Mr. SHAYS.
H.R. 4515: Mr. GREEN of Wisconsin.
H.R. 4555: Mr. ROHRABACHER and Mr. ENGLISH.
H.R. 4561: Mr. BOUCHER, Ms. WATSON, Mr. MOORE, Mr. HOSTETTLER, and Mrs. JO ANN DAVIS of Virginia.
H.R. 4614: Mr. HOLDEN, Mr. SERRANO, and Mr. BARRETT.
H.R. 4621: Mr. CARSON of Oklahoma, Ms. MCKINNEY, Mr. UNDERWOOD, and Mr. MURTHA.
H.R. 4635: Mr. CALVERT, Mr. STUMP, and Mr. MCINNIS.
H.R. 4645: Mr. PASTOR.
H.R. 4653: Mr. LAMPSON.
H.R. 4655: Ms. KAPTUR and Mr. FRANK.
H.R. 4660: Mr. CLEMENT and Mr. BALDACCI.
H.R. 4670: Mr. GEORGE MILLER of California.
H.R. 4676: Mrs. CAPITO and Mr. HOLDEN.
H.R. 4680: Mr. HASTINGS of Florida, Mr. HONDA, Mr. SNYDER, Mr. LAMPSON, Mr. HINOJOSA, Mr. FROST, and Mr. MCDERMOTT.

H.R. 4688: Mr. KOLBE.

H.R. 4691: Mr. SOUDER, Mr. CRANE, Mr. FORBES, Mr. HILLEARY, Mrs. JO ANN DAVIS of Virginia, Mr. SUNUNU, Mr. WELLER, and Mr. HOSTETTLER.

H.R. 4693: Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. DOOLEY of California, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SCHROCK, Mr. SESSIONS, Mr. ANDREWS, Mr. TERRY, Mr. PALLONE, Mr. CARSON of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. HOEFFEL, Mr. ISRAEL, Mr. GREEN of Texas, Ms. HART, Mr. OTTER, and Mr. MCNULTY.

H.R. 4711: Mr. CROWLEY, Mr. PAYNE, Mr. OWENS, Mr. JACKSON of Illinois, and Mr. HASTINGS of Florida.

H.R. 4716: Mr. BILIRAKIS and Mr. RILEY.

H.R. 4736: Mr. SHAYS.

H.R. 4754: Mrs. CAPITO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KINGSTON, and Ms. MCCOLLUM.

H.R. 4778: Mrs. CHRISTENSEN, Mr. HILLIARD, Mr. DOYLE, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, and Mr. UDALL of Colorado.

H.R. 4785: Mr. HASTINGS of Washington and Mr. CUNNINGHAM.

H.R. 4798: Mr. LIPINSKI.

H.R. 4804: Mr. COOKSEY, Mr. LATOURETTE, Mr. SESSIONS, Mr. SHIMKUS, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. RYUN of Kansas, Ms. HART, Mr. COX, Mrs. CUBIN, Mr. SHADEGG, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. PENCE, Mr. SULLIVAN, and Mr. GUTKNECHT.

H.R. 4810: Mr. HOUGHTON.

H.R. 4811: Mr. STUPAK and Mr. JEFF MILLER of Florida.

H.R. 4832: Mr. SANDLIN, Mr. FROST, Mr. GEPHARDT, Mr. TIERNEY, and Mr. BARRETT.

H.R. 4833: Mr. SANDLIN, Mr. FROST, Mr. GEPHARDT, Mr. TIERNEY, and Mr. BARRETT.

H.R. 4839: Mr. SHUSTER.

H.R. 4843: Mr. SKELTON, Mr. BLUNT, Mr. GUTKNECHT, and Mr. MORAN of Kansas.

H.R. 4854: Mr. ISAKSON, Mr. PLATTS, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. PUTNAM, Ms. MCKINNEY, Mr. UPTON, Ms. HART, Mr. PORTMAN, Mr. GEORGE MILLER of California, Mr. GREENWOOD, and Mr. ENGLISH.

H.J. Res. 6: Mr. EHRLICH.

H.J. Res. 23: Mr. QUINN.

H. Con. Res. 230: Mr. CHABOT.

H. Con. Res. 260: Ms. WOOLSEY.

H. Con. Res. 287: Mr. GILCHREST, Ms. MCKINNEY, Mrs. CLAYTON, Mr. CROWLEY, Mr. TOWNS, and Mr. UDALL of Colorado.

H. Con. Res. 362: Ms. HART.

H. Con. Res. 382: Mr. GEORGE MILLER of California and Mr. HONDA.

H. Res. 18: Mr. OLVER, Mr. ENGEL, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. HOEFFEL, Mr. JEFFERSON, Ms. LOFGREN, Mr. MALONEY of Connecticut, Mr. UNDERWOOD, Mr. SAWYER, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEHAN, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, Mr. THOMPSON of California, Mr. EVANS, Mr. WU, Mr. BARRETT, Mr. BECERRA, Mr. KUCINICH, Mr. LANTOS, Mr. LAMPSON, Ms. WATSON, Mr. BENTSEN, Mr. RANGEL, Mr. PRICE of North Carolina, and Mr. FRANK.

H. Res. 416: Mr. KERNS, Mr. PENCE, and Mr. JONES of North Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 4865: Mr. PLATTS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: Van Hilleary, Lindsey O. Graham and Barney Frank.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, THURSDAY, JUNE 6, 2002 No. 73

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The guest Chaplain, Rear Admiral Barry C. Black, U.S. Navy Chief Chaplain, offered the following prayer:

O God of light and truth, enter and abide with these leaders today, as they do the work of freedom. Give them Your wisdom, so that they will be instruments of Your peace.

Lord, thank You for this great land, and for our freedom, which is neither derived from, nor conferred by a state, but comes from You. May the liberty You bring keep our feet in right paths.

Eternal Lord God, today and always give us wisdom to perceive You, intelligence to understand You, diligence to seek You, patience to wait on You, eyes to see You, a heart to meditate on You, and a life to proclaim You. In Your strong Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW 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, June 6, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce that there will be a period of morning business until 10:30 with time equally divided between the majority and minority, with the majority controlling the first half hour. Senator CORZINE will lead that.

At 10:30, the Senate will begin 30 minutes of debate prior to a vote on a motion to invoke cloture on the emergency supplemental appropriations bill. As a reminder, all second-degree amendments must be filed by 10:30 a.m. today, this morning, in order to be considered as timely filed under rule XXII.

We are going to have votes, we hope, throughout the day as we endeavor to move forward on this most important legislation.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time will be under the control of the majority leader or his designee.

The Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. LOTT. If the Senator would yield a couple of minutes before we get started, I will be very brief.

Mr. CORZINE. I would be pleased to yield to the minority leader.

VOTE FOR CLOTURE

Mr. LOTT. Madam President, I understand there will be morning business now until 10:30 and the time will be equally divided. Between 10:30 and 11 a.m. we will have equally divided debate on the pending issue and the Stevens-Byrd cloture vote at 11 a.m.

I come to the floor to make sure that I have an opportunity to urge my colleagues to vote for cloture. I am not happy with this legislation. It is very unfortunate that it has been increased at every step along the way beyond what the President asked for, at least $4 billion more than what the President asked for, and the mix within the rest is clearly not what the President asked for in this emergency supplemental for defense and homeland security. It is unfortunate that it has been brought to the floor in this way.

I remind my colleagues that postcloture, assuming cloture passes, amendments to strike would still be in order. I am sure there will be a number to try to pare back the bill and to take out nonemergency, nondefense, and homeland security issues. I hope they succeed, because, clearly, the bill has gotten out of control.

This is nothing new. Every Congress does it. Every President makes the mistake of asking for supplemental appropriations, and every Congress sees this as a vehicle on which we can enjoy a ride. We have all participated. I am not proud of that. But I say that to

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

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make the point this is not something new. They always tend to grow and grow. I have taken occasion with every President of both parties to plead with them not to send a supplemental; just do what we need in the regular appropriations process. But they always do it. And quite often we urge them to do it when there are, ostensibly, emergencies. Many of them are very legitimate.

On the other side of this coin, this is supposedly an emergency. We should have done it 2 months ago. The President should have asked for it earlier, the House should have acted earlier, and we should have found a way to act early, although it is hard to be too critical of the time in the Senate because we were not going to be able to move forward on it until the House acted.

If it is an emergency, if it is payback for what we have spent in defense, if it is to provide what we need on an emergency basis—homeland security, Coast Guard, whatever—in terms of making sure our country is safe, we should have already done it. To drag this out into next week would not be a positive thing.

I add that amendments that would be offered, if we don't get cloture, will make worse a bill that has a lot of problems. Substantive amendments would be offered that would cause problems. More spending would be added. The better part of valor is to vote for cloture, continue to work to try to pare it down to a more reasonable number, get it in conference, and get it closer to what the President wants so we can get our work done before the Fourth of July recess and get it to the President so he can sign it.

We are not unanimous on our side of this issue. The proper leadership position is to say, let's vote for cloture, go forward in the hours we have after cloture to cut it back and then get it into conference.

I urge my colleagues on both sides to vote for this cloture motion. Perhaps the cloture was filed too quickly. I understand, as majority leader, sometimes events or speeches prod you to do things that later maybe you wish you had not done. The fact is the majority leader filed it, and we will vote on it. After watching events the last 2 days, I think we should go ahead and support cloture.

With that, I yield the floor.

Mr. REID. Before the Senator from Mississippi, the Republican leader, leaves the floor, I express my appreciation for his leadership role in suggesting and advocating that we invoke cloture.

This is the right thing to do for the country. There are things in the bill I do not like. There are things in the bill the President does not like. But that is what conferences are all about.

We will get this thing out of here. There are some motions to strike. I understand we have been talking about bringing those forward for several days now. Good, let's have them come forward. We will vote as to whether or not they are good or bad motions. Let's get the matter to conference as quickly as possible so we can help our troops and we can help homeland defense.

The Republican leader's advocacy is something that is good for the country, and I appreciate that very much.

Madam President, I ask unanimous consent the statement of the Senator from New Jersey not appear interrupted and he be given, minus the time he has already taken, the full 30 minutes as the Republicans would be given, and then we will shorten the time.

I am reminded, of course, it is not the full 30 minutes but whatever he was accorded, following the initial discussion, prior to his beginning. The Democrats would have the same amount of time as Republicans; we would just shorten the time before 11 o'clock for those for and against the cloture motion.

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

The Senator from New Jersey.

SOCIAL SECURITY

Mr. CORZINE. Madam President, this morning I would like to take a few moments to talk about one of my favorite subjects: Social Security and the privatization plans that have been developed by President Bush's Social Security Commission.

As I have discussed in the past, I, like many Members, have serious concerns about these privatization plans, primarily because they involve deep cuts in guaranteed benefits. Those cuts would exceed 25 percent for many current workers and would exceed 45 percent for seniors in the future. The cuts would apply even to those who choose not to participate in these privatized accounts. In effect, they would force many Americans to delay their retirement.

Over the past few weeks, I have engaged in an ongoing dialogue with privatization supporters, including the Cato Institute and a few of the members of the Bush Commission. The Cato Institute criticized the national radio address I gave on April 27 describing the privatization program the Bush Commission proposed. I then responded with a critique of their critique. And then, most recently, I received a letter from 6 of the 16 members of the President's Commission with a critique of my critique of the Cato critique.

Unfortunately, their critique also is flawed, as I have outlined in a letter back to the six Commissioners, and as I want to discuss today.

The most fundamental disagreement I have with the six Commissioners concerns the deep cuts in guaranteed benefits included in the Commission's report. The Commissioners state:

> The Commission proposals do not "cut benefits" for anyone.

I am troubled by this statement, which, at best, is highly misleading. Essentially, the Commissioners are arguing that reductions in benefit levels, relative to those proposed under current law, should not be considered cuts. That is just wrong on its face.

The Commissioners reach this conclusion by assuming that the assets in the Social Security trust fund will be deleted in the future and Congress will refuse to take the steps necessary to honor the promises made to workers who now are paying into the system. They make this assumption even though they also assume that massive amounts of general revenue will be available to subsidize privatized accounts.

In effect, the Commissioners are arguing that Congress, having used Social Security funds for other purposes, now should be able to break its promise to retirees because there is not enough money in the trust fund.

To me, this is tantamount to a borrower telling a lender: I haven't saved enough, and therefore I have a right to default on your loan. And, moreover, the reduction in my payments to you should not be considered a cut or a loss to your income.

I do not think that adds up. Surely the lender in such a situation would experience the loss and view it as a real cut—just as seniors would experience a reduction in their promised benefits as a cut.

In my view, it is a distortion of the English language to claim that changing the law in order to reduce benefit levels, as the Commission has proposed, should not be considered a cut. This claim is especially problematic because the Commission's proposed cuts would be so deep for many beneficiaries—exceeding 25 percent for many current workers, and exceeding 45 percent in the future. By the way, these numbers are confirmed by the nonpartisan Social Security actuaries. The Commission should be open and honest about this. The numbers are in the report.

It also is important to emphasize, as I noted earlier, that the benefit cuts proposed by the Commission apply even to those who choose not to participate in privatized accounts. This belies claims that the Commission's plan is based on voluntary choice. It's not. Even those who do not choose to use privatized accounts will get cuts.

Supporters of privatization may believe that income from privatized accounts will offset the cuts in guaranteed benefits. That is the argument they make. However, this is problematic for at least two reasons.

First, the combination of reduced guaranteed benefits and income from private accounts in many cases would be less than the benefits under current law, even under the assumptions used in the Commission's report.

That is certainly one of the possibilities. And that is particularly true if one takes into account the administrative costs which are going to accompany these private accounts. In Great

Britain up to 40 percent of the returns in private accounts are used just to pay for administering the accounts. This takes away from income and really does undermine the ability to maintain the same levels of benefits.

Second, relying on the whims of the market is inconsistent with the principal goal of Social Security—guaranteeing a basic level of security, even when private investments fail.

As one who worked personally as a trader and as the head of a major financial firm, I understand that stocks can move down, or sideways, for extended periods. While all workers should save on their own in private accounts, the purpose of Social Security is to establish a floor below which they will not be allowed to fall. The Commission's proposals would drastically lower that floor.

This would be a mistake, especially when one considers that average benefit levels are now only about $10,000 a year—hardly enough to live on in many parts of the country. As I pointed out to the Chair on a number of occasions, the average benefit for women is closer to $9,000. That is not sufficient to provide a secure retirement in most parts of the country—certainly not in New Jersey and I suspect not in Michigan.

Another argument in the letter I received from the six Commissioners focused on what some people have referred to as the ''clawback'' provisions in their proposals. The Commissioners don't like the term ''clawback,'' and I am not going to get into a semantic debate with them about it. But my main point here is undisputed: each of the Commission's plans—there are three of them—would reduce guaranteed benefits based on amounts workers contribute to privatized accounts.

These cuts would be in addition to the direct cuts in guaranteed benefits that would apply to all seniors, even those who do not contribute to privatized accounts.

I think many Americans would see this as political sleight of hand—giving with one hand, and taking away with another.

Another issue addressed in the Commissioner's letter is whether this automatic benefit cut proposal would apply to ''near retirees.'' The six Commissioners argued that the Commission's plans ban persons older than 55 from participating in privatized accounts. However, this actually isn't clear from the text of the report. Nor have the Commissioners explained why older Americans should be banned from participating in privatized accounts if that is such a great idea. Why are they being left out of such a wonderful opportunity to reduce their guaranteed benefit?

Next, the Commissioners dispute my point that the Commission's plans would force many Americans to delay their retirement. On this point, I acknowledge that their proposal does not explicitly raise the legal retirement age. And I have never claimed otherwise. But my point is that their proposals cut benefits so drastically that the effect is the same.

Many people would be forced to work longer to build up more assets, in order to maintain the same level of retirement security. In fact, one of the Commission's plans would directly target benefit cuts at those who retire at 62. It seems clear that, as a practical matter, this will force many seniors to delay their retirement.

Another point in the letter from the six Commissioners is that their proposals would reduce the amount of general revenues that would be required to maintain the solvency of the Social Security trust fund. To the extent that they are calling for deep cuts in guaranteed benefits, that's right. But, by that logic, we could eliminate the need for any general revenues by eliminating guaranteed benefits altogether.

To me, this just isn't a good argument for the deep cuts in benefits.

I will not go into each and every argument raised by the six Commission members. But I ask unanimous consent that a copy of my written response to the Commissioners be printed in the RECORD at the end of my statement.

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

(See Exhibit I)

Mr. CORZINE. Madam President, I have been very critical of the letter written by the six Commissioners, as I have been critical of materials prepared by the CATO Institute in the past. But I know they reflect deeply held beliefs, and I sincerely want to thank them for engaging in the debate. In my view, the debate that has begun here with the CATO Institute and the six Commissioners is a good thing because it highlights our differences for the American people. Every American has a stake in the future of Social Security.

It is disappointing that the Bush administration is trying to push this matter under the rug, and seems to want to defer the debate until after the November election. That would be wrong. The American people have a right to be part of this process.

Let me close and again emphasize the important points that Americans need to understand. The Bush Commission's privatization plans involve cuts in guaranteed benefits for many current workers of 25 percent, and future benefits for seniors could be cut as much as 45 percent. These cuts would apply even to those who choose not to invest in privatized accounts. And they would have the effect of forcing Americans to delay their retirement.

For these reasons, I strongly oppose these proposals, and I look forward to continuing this dialogue with those who are supporters of privatization. The future of Social Security is too important to be left out of the limelight and negotiated behind closed doors. We need to have an open discussion.

I thank the Presiding Officer for this opportunity to speak about privatization.

EXHIBIT I

U.S. SENATE,
Washington, DC, June 6, 2002.

MS. LEANNE ABDNOR, et al.,
Boulder, CO.

DEAR MS. ABDNOR, MR. PENNY, MR. SAVING, MR. VARGAS, MR. COGAN AND MS. MITCHELL: Thank you for your letter of May 23.

I appreciate your apparent willingness to engage in a dialogue with respect to the report of the President's Social Security commission, and trust you agree that the future of Social Security deserves nothing less than a full public debate. Although we obviously disagree strongly about the merits of privatizing the program, I look forward to hearing more from you as we seek to educate the public about the plans you helped produce last December, along with the 10 other members of the Commission who did not sign your letter.

Having said that, I was disappointed by your letter and believe it presents several arguments about the Commission's report and my reactions to it that are, at best, misleading.

Perhaps our most fundamental disagreement concerns the deep cuts in guaranteed benefits included in the Commission's proposals. You attempt to obscure these cuts by arguing that reductions in benefit levels, relative to those promised under current law, should not be considered cuts. Instead, you begin by assuming that the trust fund's assets will be depleted and Congress will refuse to take the steps necessary to honor these promises in the future (even though you also assume that massive amounts of general revenue will be available to subsidize privatized accounts). You then use this assumption to claim that if Congress affirmatively reduces benefits through a change in current law, this should not be considered a ''cut.''

To me, this is tantamount to a borrower telling a lender: I haven't saved enough, and therefore I have a right to default on your loan—and, moreover, the reduction in my payments to you should not be considered a ''cut'' in your income. Surely the lender in such a situation would experience the loss of income as a real cut—just as seniors would experience a reduction in their promised benefits as a cut.

In my view, it is a distortion of the English language to claim that a change in the law that intentionally reduces benefit levels, as the Commission has proposed, should not be considered a cut. This claim is especially problematic because the Commission's proposed cuts would be so deep for many beneficiaries—exceeding 25 percent for many current workers, and exceeding 45 percent in the future. The Commission should be open and honest about this.

Furthermore, it is important to emphasize that cuts proposed by the Commission apply even to those who choose not to participate in the option of privatized accounts. This belies claims that the Commission's plan is based on voluntary choice.

The Commission's report also includes proposals for deep cuts in benefits for disabled individuals. These Americans would not be able to save in privatized accounts when they were disabled and not working. In any case, under the Commission's proposals, such disabled individuals would not have access to the privatized accounts until they reached retirement age. The treatment of the disabled again belies claims that the Commission's plan is based on voluntary choice. While I understand that the Commission expressed concern about the impact of its own proposals on the disabled, it nevertheless relied on savings from these cuts to make its numbers add up. Without these savings, the Commission's plans would not restore the Trust Fund to long-term solvency.

I recognize that you believe that privatized accounts will offset the cuts in guaranteed benefits. However, this is wrong for at least two reasons. First, the combination of reduced guaranteed benefits and income from private accounts in many cases would be less than the benefits under current law, even under the assumptions used in the Commission's report. Second, relying on the whims of the market is inconsistent with the principal goal of Social Security—guaranteeing a basic level of security, even when private investments fail.

As one who worked personally as a trader and as the head of a major financial firm, I understand that stocks can move down, or sideways, for extended periods. While all workers should save on their own in private accounts, such as 401(k) plans and IRAs, the purpose of Social Security is to establish a floor below which they will not be allowed to fall. The Commission's proposals would drastically lower that floor. This would be a mistake, especially when one considers that average benefit levels are now only about $10,000 a year—hardly enough to live on in many parts of the country.

You also argue that I wrongly accuse the Commission of adopting a ''clawback'' proposal. But yours is a semantic argument that rests on a very narrow and arguably incorrect interpretation of this colloquial term. Your claim is that this term applies only to reductions in privatized accounts, not to reductions in guaranteed benefits. However, even if one accepts this narrow definition, my basic point remains undisputed. Each of the Commission's plans would reduce guaranteed benefits based on amounts contributed to privatized accounts. These cuts would be in addition to the direct cuts in guaranteed benefits that would apply to all seniors, even those who do not contribute to privatized accounts. To many Americans, this will seem like giving with one hand, but taking away with another.

To defend your proposal for automatic cuts, you cite a quote from page 99 of the Commission's report that is highly misleading as presented. That quote states that ''no adjustments to traditional Social Security benefits would be made as a function of the accumulations in [privatized] accounts.'' This is technically true, but it obscures the more important point: traditional guaranteed Social Security benefits would be cut based on workers' contributions to privatized accounts. Thus, regardless of whether the market rises or falls, guaranteed benefits will be cut just as deeply, undermining the value of Social Security as a backstop against possible destitution.

Next, you argue that I was wrong to conclude that this automatic benefit cut proposal would apply to ''near retirees.'' More specifically, you argue that the Commission's plans ban persons older than 55 from participating in privatized accounts.

However, while the descriptions of two of the plans in the Commission's report prominently include the ban, in the description of Model 1, the ban is conspicuously absent. You may want to check pages 110, 119, and 131 in the Commission's report to see this clear difference in the descriptions of the three plans. If one were to apply basic principles of statutory construction to the text of the Commission's report, the obvious conclusion would be that Model 1 does not contain the same age limitation as do the other models.

I understand your claim that it was not the intent of the signers of your letter to apply the automatic cuts to those who contribute to privatized accounts under Model 1. However, given the language of the Commission's report, this still seems a reasonable interpretation of the intent of the Commission as a whole. You may want to raise this with the other members of the Commission and have the entire Commission submit a modification of its report to the Congress, if they share your intent. Such a submission might include an explanation of why older Americans are banned from participating in privatized accounts if, as you seem to suggest in your letter, such accounts do not put the guaranteed benefits of participants at risk.

You also dispute my point that the Commission's plans would force many Americans to delay their retirement. To clarify, I never said, nor did I mean to imply, that your proposal explicitly raises the legal retirement age. My point is that cutting the level of guaranteed benefits so drastically could have the same effect. This is because individuals would be forced to work longer to build up more assets, in order to maintain the same level of retirement security. Note that one of the Commission's plans would target benefit cuts at those who retire at 62. It seems clear that, as a practical matter, this will force many seniors to delay their retirement.

Another point you make in your letter is that the Commission's proposals would reduce the amount of general revenues that would be required to maintain the solvency of the Social Security Trust Fund. To the extent that you are calling for deep cuts in guaranteed benefits, I acknowledge that your proposals would have this effect, and have never argued otherwise. In fact, the benefit cuts associated with the change in indexing are so substantial that, by themselves, they would restore long-term balance. However, the high cost of privatized accounts then forced the Commission to rely on massive general revenue subsidies to achieve long-term solvency.

Your letter also complains about critiques that ''count 'current law benefits' but not the taxes required to pay them''. This complaint seems disingenuous, considering that the Commission itself depends on substantial transfers from the rest of the budget without making clear how those would be financed. Under the Commission's plans, these transfers would be necessary to fully fund privatized accounts and partially address trust fund solvency. Yet given projections of deficits outside of Social Security for the foreseeable future, one might have expected the Commission to explain whose taxes would be raised and whose services would be cut to generate the need savings. The Commission's report includes no such explanation. However, one way to reduce the need for such taxes is to not subsidize privatized accounts in the first place.

I do accept your point that investing in broadly diversified funds reduces risks. That is true and, again, I have never argued otherwise. However, while diversification reduces risks, significant risks remain. The value of even a diversified account can decline significantly at any time, and can stay depressed for years. If this were to happen when an individual is retiring, the consequences could be catastrophic without Social Security's basic level of guaranteed benefits.

Finally, it is hard to argue that the Commission represented a balanced forum for the open consideration of differing points of view. After all, the membership of the Commission was stacked from the beginning with those who support a shift to privatized accounts, and the Commission was specifically directed to promote such accounts. That is not your fault, and I do not blame you for holding policy beliefs in good faith. But it seems to many observers that the basic recommendations of the Commission were largely predetermined by President Bush when he selected such a one-sided group of members and then limited the scope of options they were allowed to consider.

In sum, I stand by my critique of the Commission's report and believe that the benefit cuts it proposes would be a serious mistake for our nation, and the millions of Americans who will depend on Social Security in the future.

I look forward to continuing our dialogue in the months ahead, and hope you will be able to convince the White House and the Republican congressional leadership to join in the discussion before this fall's elections.

Best regards,

JON S. CORZINE,
U.S. Senator.

(Mr. NELSON of Nebraska assumed the chair.)

Ms. STABENOW. Mr. President, will my colleague from New Jersey yield?

Mr. CORZINE. Yes.

Ms. STABENOW. I appreciate my colleague stepping in the Chair so I might come down for a moment before my good friend from New Jersey leaves.

I wanted to indicate my personal thanks to him—as well as my colleagues whom I know share this gratitude—for his willingness to come to the floor and articulate in such a precise way and an understandable way what the challenge is to this whole question of Social Security and privatization of Social Security; and the fact the Senator has been willing to put the time in to really make it clear what is at stake for people, I am very grateful. I thank him on behalf of the people of Michigan for doing that.

I wanted to ask one question before the Senator left. I know one of the things we talked about before is that Social Security is not just retirement. It is also a disability policy. If you are a worker and become disabled, your family is able to receive assistance, as a disability policy. If you, unfortunately, lose your life on the job, it is a life insurance policy.

Isn't it also true that we really have three parts to that system? I know the Senator from New Jersey spoke to that as well. This is not only a question of retirement, but it is a question of a security system—disability, life insurance, and retirement. That is why it is so critical that it remain in place.

I would appreciate it if the Senator might speak to that for a moment.

Mr. CORZINE. Mr. President, I very much appreciate the comments of my colleague from Michigan, whom I know has been so vocal about the need for a prescription drug benefit and the cost containment issue. Actually, we need a whole list of approaches to make sure our seniors in America have access to the American promise, and we need to work to make that happen. Prescription drugs must be part of that. Protecting Social Security must be, as well.

As it relates to the disability benefits, the proposals in the Commission's report would be even more devastating to disabled individuals than to retirees. Disabled people would not be able to build up assets in a privatized account if they are unable to work. And to the extent that they have assets in such an

account, they would not be available until an individual retires. Even the Commission expressed discomfort with their own cuts in disability benefits, though in the end they relied on the savings from such cuts.

I very much appreciate the distinguished Senator from Michigan speaking out on this aspect of the Bush Commission's cuts. Because, as she suggests, these cuts do go beyond retirees, and also jeopardize the disabled and those young people who lose a parent. That needs to be understood by the American people.

Mr. President, privatized accounts can provide some benefits, if trees grow to the sky and the market never goes down or sideways. But if history is any guide, that is not really how the world works. In the real world, privatization would put at serious risk Social Security's floor level of support for the disabled, children, and our retirees.

Again, I thank the Senator for her question and for her support. I hope she will also see that same kind of support with regard to her efforts to contain the costs of prescription drugs, and to provide prescription drug benefits, both of which are serious and important issues for our country.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator is recognized.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that I be able to speak until about 6 minutes after 10.

STATE FISCAL RELIEF AMENDMENT

Mr. NELSON of Nebraska. Madam President, this morning I would like to talk about a very important issue that is affecting the States and the budgets at the State level.

While the national economy may be recovering from the recession, State budgets will take another 12 or 18 months to recover. Just last month, the National Governors Association and National Association of State Budget Officers found that over 40 States are facing an aggregate budget shortfall of $40 billion to $50 billion.

In my home State of Nebraska, the latest numbers show the highest unemployment level in 15 years. Tax receipts this year will be less than the previous year for only the second time in the history of the State. The State is cutting child care, rural development, and other essential services. Raising taxes to build up the budget cap and cutting aid to local governments will result in higher property taxes.

Many States face the same challenges as Nebraska. This is the appropriate time for some help to come from Washington. Part of the blame that can be assessed for States that are hurting can be laid at the feet of Congress.

A few months ago, this body passed—and the President signed into law—a bill to stimulate the economy and help workers. It wasn't a perfect bill. But then there are very few. But the economy was hurting, and it was, in fact, time to act.

But there were unintended consequences of that bill. Not only did the economic stimulus bill fail to provide State fiscal relief in certain areas, but by making some changes to Federal tax law, the bill unintentionally added to revenue shortfalls. This means that we, in effect, cut State tax revenue streams. This, in turn, has put at risk programs such as medical assistance to the most vulnerable individuals in this country.

I am concerned about the crunch that the States are facing. As a former Governor, I know how hard it is to balance a State's budget. And every State has to balance its budget. The most important thing is that we recognize that this shortfall will continue, and it will affect the most vulnerable among us.

This supplemental appropriations bill that is being considered—and other bills will be coming up in the area of appropriations—is an important opportunity to do something helpful.

My good friend, Senator SUSAN COLLINS, from Maine, will be speaking shortly as well on the Collins-Nelson proposal that would provide a temporary 1-percent increase in the Federal Medicaid matching rate. In Washington, we require that the States deal with Medicaid and that they provide the services, and we offer some assistance. It is an underfunded Federal mandate.

At the present time, if we increase the amount of State funding to a temporary 1-percent increase, we will assist the States in being able to deal with the challenges in their budgets. At the same time, this bill will also permit them to continue to provide in the short term for the rising demand in social services from the economic downturn.

The bill would provide approximately $8.9 billion in total fiscal relief to the States, which would allow them to expand—not contract—Medicaid and other health and social services.

States have worked very hard in order to be able to help people go from welfare to work. It is very important for us to help them continue that because if they are unable to continue, and they pull back on the Medicaid funding and they are not able to provide the social services, you could very easily have States returning to the process of bringing people from the workplace back into welfare. That is counterproductive. It works in the opposite direction. That is why we, in fact, must move forward and assist the States at this very important time.

The National Governors Association has embraced much of what we have proposed, and so have other organizations. And a number of cosponsors in our own body have stepped forward and said that this is the right thing to do, it is the right time to do it, and it is the right way to approach it.

The health care of Americans is part of our responsibility and our interest. We must, in fact, help the States so we do not end up with the tough choices that the States are having to make, involving reducing Medicaid benefits to those among our most neediest in our midst.

According to the National Governors Association, Medicaid spending has been a particular struggle for States since expenditures have risen by an average of 12 percent over the last 2 years, while the State's revenues rose a total of 5 percent, as in the State of Nebraska. It appears that the revenues are flat.

Medicaid spending has been driven by high increases in health care costs nationwide, particularly the cost of prescription drugs, an issue that we are going to be facing to move forward to help our seniors deal with the high cost of prescription drugs as part of Medicare. These same pressures on the health care system and on our citizens are affecting the Medicaid population as well.

States have exhausted the usual ways of balancing their budgets. And so, given the projection of continued deficits, this means that we must, in fact, step up to the plate at this time and help our States work through this partnership that we have with Medicaid, where the States have a matching obligation with the Federal Government, with our budget. I hope we will be able to do that.

In closing, as a former Governor, I can say, having worked with this program, that it is an essential program. But it is a partnership with the Federal Government. Now is an opportunity for the Federal Government to do its share in assisting the States in dealing with this very important problem.

I urge my colleagues to join with Senator COLLINS and myself in this effort to show the States that Congress is not indifferent to their budget problems, and we will step in and provide meaningful assistance at a time when Governors need it most.

Madam President, I believe my time is about to expire, so I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I rise today with my good friend, Senator BEN NELSON, to discuss the fiscal plight of our States. Here in Washington, consumed with our own budget challenges, we often forget that we have 50 partners in our efforts to provide needed health, education, and other essential services to our citizens. Our partners are our States and they need our help.

No one is more aware of the difficulties States are facing than Senator NELSON. As a former Governor, he understands that we are most effective when we work arm in arm, not toe to toe, with our partners, the States.

Senator NELSON and I have filed an amendment to the supplemental appropriations bill to provide emergency short-term fiscal relief to the States. Our amendment is needed, and it is needed now.

The recession may have eased earlier this year, but its effects still linger. They are felt acutely by States from Maine to Nebraska, from New York to Washington State. And I know the Presiding Officer is a cosponsor of the underlying bill that Senator NELSON and I have introduced. Though the recession has ended and economic growth has picked up in the first quarter of this year, unemployment continues to rise. Now it stands at 6 percent. It is an 8-year high.

The recession, the resulting rise in unemployment, and the tragic events of September 11 have placed tremendous and unanticipated demands on government services and resources. At the same time, these factors have contributed to a dramatic and unexpected drop in government revenues at precisely the time when more revenues are needed to respond to the confluence of challenges that confront us.

The combination of the increasing demands for services and the unexpected drop in revenues is causing a fiscal crisis for State budgets all across this Nation. According to the National Governors Association and the National Association of State Budget Officers, more than 40 States are facing a combined budget shortfall of between $40 and $50 billion. Most States have seen their estimates of tax collections for the current year decrease, often dramatically. State governments are scrambling to respond. Forty-nine States are required by law or constitution to balance their budgets, so running a temporary deficit is simply not an option.

Moreover, the problem is getting worse and is not likely to improve until next year at the earliest. A survey released by the National Governors Association shows that individual tax revenues for the first 4 months of this year are running nearly 15 percent below last year's levels.

The problem is not an isolated one. Thirty-nine States have been forced to reduce their already enacted budgets for fiscal year 2002, by cutting programs across the board, tapping rainy day funds, laying off employees, and reducing important services.

States have been forced to cut a number of critical programs. Twenty-nine States have attempted to balance their budgets by cutting spending on higher education. Twenty-five States have cut corrections programs. Twenty-two have been forced to slash Medicaid. Seventeen States have cut spending for K–12 education. And 10 States have reduced aid to local governments. In addition, a number of States have raised taxes and fees by a total of $2.4 billion. We believe the Federal Government can and should help our partners, the States. We should do so in an effective and responsible way.

Our amendment would provide a temporary increase in the Federal Medicaid matching rate and would provide block grant funds to each and every State. Specifically, our proposal would increase the Federal Government's share of each State's Medicaid costs by 1 percent and hold the Federal matching rate for each State harmless for the second half of this fiscal year and all of the next.

In addition, our proposal includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our amendment would provide approximately $8.9 billion in total fiscal relief to the States that would allow them to continue rather than contract Medicaid and other vital services.

Our amendment would provide fiscal relief to each and every State that is struggling to balance the budget and care for their citizens. It has been endorsed by the National Governors Association, the American Hospital Association, the American Health Care Association, and the Visiting Nurse Associations of America. These groups understand the importance of providing assistance to States at a time when many are forced to look at cutting Medicaid and other essential health care programs.

For that reason, our bill targets most of the assistance to the Medicaid Program. That is the fastest growing component of State budgets. While State revenues were stagnant or declined in many States last year, Medicaid costs increased by 11 percent. This year, Medicaid costs are increasing at an even higher rate—13.4 percent. My home State of Maine is one of a number of States that has been forced to consider cuts in the Medicaid Program in order to compensate for declining revenues and to balance the budget.

Earlier this month, after the legislature had already adjourned for the year, Maine's budget estimators determined that the State's revenues would come in some $90 million under budget for this year and would most likely result in another $90 million shortfall in the year to come.

Maine, despite the fact the legislature has gone home after enacting cuts earlier this year, is once again confronted with the need to reexamine its budget and make painful cuts.

Among the programs being considered for reductions in Maine are Medicaid and general purpose aid, which funds are vital for K–12 education. Maine is not alone. Maine is typical. If we do not help, if we do not provide some modest, reasonable aid to our States, States will be forced to slash health care, education, and social service programs in order to balance their books.

The amendment we have filed would help to bridge Maine's funding gap by bringing an additional $56 million to my State. It would help us preserve Medicaid and other essential programs such as education over the next 18 months, while the economy continues to recover.

I emphasize, even with our amendment, States are still going to face very difficult choices. They are still going to have to cut worthwhile programs. But with our amendment, States will be able to keep critical programs such as Medicaid, such as education, without having to slash them and cause real harm for the low-income populations in our States.

The challenges facing Governor King in Maine and other Governors across the country are considerable. The decisions they may be forced to make could affect the access of millions of Americans to health care and social services. They simply need our help. The proposal Senator NELSON and I have put forth would do just that.

We are very hopeful that the distinguished chairman and ranking minority member on the Appropriations Committee will join us in the effort to assist our States. If the supplemental appropriations bill is not the right vehicle for our amendment, we hope they will help us to identify very soon an appropriate bill to which our amendment could be attached.

We need to provide this help right away. Most States begin a new fiscal year next month, and we need to provide this much-needed assistance now.

It has been a great pleasure to work with the Senator from Nebraska on this important initiative.

Mr. NELSON of Nebraska. Will the Senator from Maine yield for a question?

Ms. COLLINS. I am happy to yield.

Mr. NELSON of Nebraska. If we are unable to find the appropriate legislative mechanism to get this legislation passed, what is the Senator's opinion as to what States will be faced with doing, and what will the impact be for the citizens of States?

Ms. COLLINS. Madam President, the Senator from Nebraska raises a very important question. If we do not act, if we do not act within the next few weeks, States will have no choice but to slash their Medicaid Programs, thus depriving our needy low-income families of the health care they depend on. They will be forced to cut education programs for K–12 and for State universities. They will be forced to make choices that will cause real harm to the citizens of this country.

They have no other option. Unlike the Federal Government, they cannot temporarily run a deficit. Forty-nine States are required to balance their budgets so they will have no choice, given that the fiscal year for most States is going to begin on July 1, but to make Draconian cuts in the programs that serve the most needy members of our society.

We need to act as their partners. We need to provide them with help to get over this difficult period.

I thank the Senator from Nebraska for his excellent question.

Mr. NELSON of Nebraska. I have another question, if I might ask the Senator from Maine, who so very eloquently expressed the concerns and so diplomatically suggested that we need

some help in finding the true mechanism to get this legislation through.

What, in the Senator's opinion, might happen to the efforts we made collectively as partners with the States for welfare reform and getting people off the welfare rolls and into the workforce? What might happen to that?

Ms. COLLINS. The Senator from Nebraska has asked a very important question. He was a leader, when he was Governor, in helping people in his State move from welfare to work, to give people the dignity and independence that comes from the ability to earn a living. Those efforts depend on child care. They depend on assistance with transportation. They depend on assistance with education, with expanded Medicare coverage. In order for people to be able to move from welfare to work, we have to have the social supports in place to ease that transition. Those supports would be in jeopardy if we do not provide our States with the assistance we are discussing.

Furthermore, there are States that are scheduled to have an actual decline in the amount of Medicaid match that they receive from the Federal Government. That could not happen at a worse time. It would cause them to slash services even more. We cannot allow that to happen.

This is a temporary problem. We are proposing temporary assistance to our States. The economy is recovering, but the effects still linger. States are still seeing the demand for social services.

I ask, through the Chair, the Senator from Nebraska—yielding some of my time to him—whether he has seen the kinds of problems in his State that we are seeing in Maine where revenues have dropped unexpectedly one more time, causing the legislature and the Governor to confront a pending deficit in a budget that had already been enacted.

Mr. NELSON of Nebraska. Madam President, the State of Nebraska's tax receipts, for the first time—maybe only the second time in history—are below what they have been in the past. We have had downturns in the economy previously, and the tax revenues may have been down, but they would continue to be greater than the previous year. That is no longer the case. You actually do have a downturn in the economy—much of it related to the difficulties in agriculture. But when you see unemployment moving up to the highest level in 15 years, together with tax receipts going down, it doesn't take a mathematician to figure out what will, in fact, continue to happen in the future.

When we require, at the Federal level, certain programs and do not provide all the funding, all we are really doing is underfunding a mandate to the States. Maybe it is an important mandate that we are requiring, but it is also important to not be inconsistent here, to try to further reform welfare with legislation that is going to be coming before this body in a short period of time and, at the same time, as we try to have a higher requirement for work, and what have you, to improve the income level of people going from welfare to the workforce. We have to make sure we are consistent and we don't require that on the one hand and not make it impossible when it comes to funding on the other hand.

I thank my colleague from Maine for a very articulate and passionate expression of why it is important that we do this. I hope I have responded to her question.

Ms. COLLINS. I thank the Senator.

Madam President, I will make one final point. This proposal will not only help our States balance their budgets without slashing essential social services such as the Medicaid Program, but it will also provide much-needed help to struggling health care providers such as our rural hospitals, our nursing homes, and our home health agencies. Those health care providers have been struggling with inadequate reimbursements under Medicaid and Medicare. By increasing the Federal share of what is a partnership between the Federal Government and the States to provide health care for our low-income families, we will also be helping to stabilize the health care providers, particularly in rural States such as Nebraska and Maine. So that is another reason you will find that health care providers associations are strongly backing our legislation, as is the National Governors Association.

This is not a partisan issue; it is one where we have come together to provide much-needed relief to our partners, the States. My hope is that we will expeditiously enact our proposal before the July 4 recess.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 3764, to extend budget enforcement.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate to be divided by the chairman and ranking member of the Appropriations Committee.

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill before the Senate is an emergency supplemental bill. It responds to emergency needs for our military. It provides emergency funds for enormous gaps in our homeland security network. It makes investments today to protect the people of this country against attacks tomorrow. We cannot afford continued delay and dragging of feet.

The Nation is unprepared for a biological or chemical attack. Our current public health system is ill funded, fragmented, and unprepared to respond to the threats posed by bioterrorism. We must expand State and local capacity to recognize and to treat deadly pathogens so that we are prepared to deal with weaponized disease.

The anthrax-laced letters that were sent through the mail afforded us just a glimpse of the terror that could result from a more serious biological attack involving smallpox or Ebola. We know Bin Laden loyalists have conducted research on chemical and biological weapons at 40 sites in Afghanistan. We know that more than a dozen nations, including China, Iran, Iraq, Libya, North Korea, Russia, and Syria, can produce biological and chemical weapons. So what are we doing about it? Are we taking action? No. Senators are dragging their feet. The Government's seemingly uncoordinated and chaotic response to the anthrax scare and the public's ensuing panic to anything both powdery and white had overwhelmed our public health systems.

Many of our local health departments were found impotent and ill prepared, lacking such basic forms of communication equipment as computers and fax machines. Astonishingly, according to the former Director of the Centers for Disease Control, only half of the Nation's public health departments have direct, secure Internet access.

State and local health officials will be first on the scene in a biological attack. It is essential that they be capable of quickly identifying a deadly organism and disseminating that information widely and rapidly so that new cases can be caught early and the spread of disease can be stopped. Many local health departments, however, do not possess modern communications systems because of funding constraints.

Simply put, in the event of a chemical or biological attack, our local health care providers are probably better able to get more accurate information and more quickly from CNN than they are from other health care officials. So what are we doing about it?

Are we taking action? No. Some Senators are dragging their feet.

Our Nation's seaports are the soft underbelly of our homeland defense. U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. There are 68 nuclear powerplants located along U.S. waterways. A hijacked vessel that crashes into a port can be used to ignite volatile fuels or gases and produce a fuel air explosion equal to hundreds of tons of dynamite.

Within a mile of the Inner Harbor of Baltimore is a major east coast import and export hub for a broad range of dry and liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions, and clouds of noxious fumes immediately adjacent to such densely populated rowhouse neighborhoods as Locust Point, Highlandtown, and Canton.

So what is being done about it? What are we doing about it? Is the Senate taking action? No. Senators are dragging their feet—some Senators.

U.S. ports receive 16,000 cargo containers every day—16,000 cargo containers every day—and 6 million containers per year, but only 2 percent of those containers are inspected. That means that a terrorist has a 98-percent chance of sneaking weapons of mass destruction into the United States.

Cargo containers are piled up by the thousands at ports, depots, and huge outdoor warehouses. Many big cities, such as Charleston, SC, and New Orleans, LA, were literally built around their ports, and they present an attractive target. The only thing separating that container yard from where people live and work is a barbed-wire fence.

Cargo containers that are not inspected are quickly loaded and shipped to practically every town in America on top of ships, trains, and trucks. It would not be difficult for a terrorist to track a container with a global positioning system and detonate a weapon hidden inside.

So what are we doing about it? What is the Senate doing about it? The Senate is stalling. The Senate is not moving. Are we taking action? No, we are not taking action. Senators are dragging their feet—some Senators.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by Bin Laden business interests while others are on long-term charter. The Times of London reported in October 2001 that Bin Laden used his ships to import the explosives used to destroy the U.S. Embassies in Kenya and Tanzania in 1998.

So what is the Senate doing about it? Is the Senate taking action? No, no, the Senate is spinning its wheels. Senators are dragging their feet—certain Senators.

Nuclear material is easily available if one knows where to look. In January 2001, a panel headed by former Senator Howard Baker and former White House Counsel Lloyd Cutler found that the threat of terrorists getting their hands on Russian nuclear weapons is the most urgent, unmet national security threat to the United States today.

I served with Howard Baker. He is a man of great integrity, knowledge, and wisdom. He is a patriot.

Stealing or buying a warhead from Russia would be the quickest way for the terrorists or a rogue state to get a nuclear weapon, but it is much easier to construct a radiological bomb from poor-quality nuclear materials. A radiological bomb, or a dirty bomb as it is sometimes called, does not have a massive explosion, but instead it spreads radioactive contamination by using a conventional explosive.

So what are we doing about it? What is the Senate doing about it? The Senate is spinning its wheels. Are we taking action? Is the Senate moving on this bill? No. Senators are dragging their feet—certain Senators.

The list of gaps in our homeland defense structure is overwhelming. Senators should be ashamed of holding up action on this legislation. We ought to be doing everything within our power to ensure the safety of the American people to protect their lives and their property, but instead of moving quickly on this supplemental bill, instead of fulfilling their responsibility to protect the American people, some Senators would rather play politics. In other words, they would rather blow up the train.

What I fear is that with continued delay, we are making it far too easy for terrorists to blow up anything they want. We ought to move forward with this legislation. We ought to pass this bill. We ought to take steps now to protect the American people from terrorist acts. The administration ought to halt its opposition to this bill.

Senator STEVENS and I have tried our best to provide money for this country and for the needs of the Nation and for the Nation's defense, both at home and abroad. We held 5 days of hearings. We have brought a bill to this floor that we believe protects the interests of our citizens at home and continues our efforts to fight terrorism abroad. We had good witnesses. We did not omit important Department heads, important officials from the executive branch.

I, frankly, have difficulty in understanding the complacency about these matters.

We have alerts and prognostications, warnings, dire warnings, from the President, the Vice President, who has indicated quite clearly that another attack by terrorists of such dimensions as September 11 is virtually certain, almost certain.

Many other officials in this Government have indicated another terrorist attack on this Nation is a virtual certainty, and yet some people in this body appear to be asleep when it comes to the urgency of providing the funds that may prevent another attack.

Some Senators have problems with some of the items in the bill. They know what to do. They can offer amendments. Let us have a vote. They ought to offer amendments and ask for a vote. Come on, bring your amendments. Ask for a vote. Get a vote on your amendment.

Yet we have spent 3 full days already on this legislation, much of that time begging Members to come to the Chamber and offer amendments. Those amendments have been very slow in coming. It is obvious there are some in this body who wish further delay. Perhaps they are being prodded and urged by the administration to delay this bill.

What does it take to awaken Senators to the emergency nature of our situation? What does it take to jar some of the Members of this body out of the usual political posturing that so bores and distresses the American public? Does it take another horrific attack, with thousands of more lives lost, to focus the attention of the Senate on the urgency of this matter?

Cloture must be invoked. We must move this urgent legislation. We must shake off the complacency. We must stop playing politics with this Nation's security and get this bill to conference and on the President's desk. So I urge all Senators today to vote for cloture.

Madam President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. BYRD. I reserve that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent, on behalf of the chairman of the Budget Committee, Senator CONRAD, to modify amendment No. 3764 earlier submitted by the chairman of the Budget Committee, to comply with the agreement with Senator DOMENICI on the budget enforcement procedures, and ask that that modified amendment be in order postcloture.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, every other amendment which is nongermane would be barred postcloture. I do not see any reason why this amendment should be treated differently than any other, and I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Texas.

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

I do not know if anybody is confused about what is happening. I guess with everything that has been said today and yesterday maybe they are, so let me try to straighten it out. The President sent a request to the Congress for an emergency appropriation for $29.7 billion. In his request, the President outlined what he thought we needed to provide homeland security and to deal with the crisis that it poses. He urged Congress not to load up this bill with

extraneous appropriations and not to use this as a vehicle to spend a whole bunch of money that we do not have, now that we are looking at the potential of running a $100 billion or $150 billion deficit. That is the request that the President made.

Let me outline the bill before us. I hear my dear friend, the Senator from West Virginia, talking about people dragging their feet; we need this bill. The President has already said he will veto this bill. The President has already issued a detailed outline running four pages, single-spaced, saying what is wrong with the bill and saying in the clearest possible terms that he is going to veto it.

So is this a political exercise or is this making law? Well, I guess that depends on one's perspective.

Why is the President so upset about this bill that he is saying it will be the first bill he has vetoed since he has been President? That is pretty extraordinary. A bill he requested, a bill that is aimed at providing homeland security, the man who requested it, who has the responsibility to all the people of the country for providing homeland security, the man who under the Constitution is Commander in Chief, is now saying he is going to veto this bill. Why is that?

Here is why: First, this bill spends $4 billion more than the President requested. That is $4 billion, in the words of our dear colleagues on the other side of the aisle, that will come right out of the Social Security trust fund. That is $4 billion that will not be there for trust fund accounts or for any other purpose.

The problem does not stop there. My guess is, if $4 billion of add-on spending had been piled on to this emergency bill the President probably would have swallowed hard, noted this is the way Congress works, and signed the bill. But that is not the biggest problem. Four billion dollars of overspending is not the biggest problem, and I will read from the committee's own document, from their committee report, where they outline what they are doing.

The President requested in emergency appropriations, to deal with exactly the needs we are talking about, $24.447 billion. When the President requested $24.447 billion for emergency appropriations, what does the committee provide; what does the bill before us provide? It provides not $24.447 billion. It provides $14.041 billion. In other words, this bill not only spends $4 billion more than the President asked for but in the committee report summary, it notes that it underfunds the President's request by over $10 billion. In other words, $10 billion in emergency appropriations the President asked for were not provided in this bill.

Now, one might say, they spend $4 billion more than the President but they do not fund $10 billion of emergency funding he asked for? How is that possible? I will explain how it is possible. In contingency emergency appropriations, these are things that are not true emergencies, the President had $2.7 billion of offset expenditures, but we do not provide $2.7 billion for nonemergency items. We provide $17 billion of nonemergency items and we do not pay for them. As a result, this bill funds $14 billion of nonemergency items that the President did not request.

So is anybody startled that even a President who goes the extra mile to be bipartisan, even a President who has done everything he could do to try to make this effort a bipartisan effort, has finally balked and said, look, the Congress is spending $4 billion more than I asked for? They are giving me $10 billion less in emergency spending than I asked for, and they are giving me $14 billion of nonemergency spending I did not ask for. As a result, the President is pretty upset. He kind of feels his effort to prosecute this war is being used to fund programs that he believes—and I am not saying he is the only person with an opinion—do not represent the right priorities.

Now given this is the situation we are in, given that our President has said he would veto this bill, is anybody shocked that Republicans are concerned about it and that we are objecting to it?

Mr. BYRD. Madam President, will the Senator yield?

Mr. GRAMM. I am very happy to yield.

Mr. BYRD. Will the Senator identify the emergency items that the President requested that the committee did not fund?

Mr. GRAMM. I do not have before me a detailed listing. I can get that and I would provide it. I simply point out to the Senator, in his committee report, which is dated May 29 of this year, in the classification of total amounts, the net appropriation is $3.8 billion above what the President requested; emergency appropriations are $10.4 billion; contingency appropriations are $14 billion more. They are your numbers.

I am not saying everything the President says is an ''emergency'' is the right designation and everything you want to fund which is not an emergency is the wrong thing. I am simply saying that the man who was elected by the American people to prosecute this war and to protect security asked for $29 billion. We are spending almost $34 billion. He asked for $24 billion of emergency spending, and we are giving him $14 billion. He asked for $2.7 billion in contingency emergencies—much of what he spends—and we are spending $17 billion for that purpose. So we are spending $14 billion more for nonemergency appropriations than the President asked for. Those are the facts in this.

I don't want to get into an argument with my dear friend, but I am reading from his report.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

I am on page 148.

Mr. BYRD. As I understand it—and I am confident I am right—there is only $65 million in the President's request for emergency that we did not approve.

The Senator is not on the committee. Let me tell you what we did approve. Fourteen billion dollars, as requested by the President, for the Department of Defense, for the war on terrorism; $1.95 billion for foreign assistance, virtually all of which was either requested or supported by the President.

Mr. GRAMM. If the Senator would yield, I would be happy to listen, but I only have a little bit of time left.

Mr. BYRD. The Senator is making some statements that are simply not true, and I would like to clarify them.

Mr. GRAMM. Let me give the Senator 1 more minute, and I will have to have my time back.

Mr. BYRD. There is $8.3 billion for homeland reform that the Appropriations Committee determines is necessary based on extensive hearings. The Senator was in not in those hearings. The ranking member was in the hearings. They were well attended by Republican Members. There is $5.5 billion requested by the President in response to the September attack on New York City.

The Senator has come to the Senate floor ''loaded for bear,'' but he is saying some things that simply are not true about this bill. I think he had a bad dream. I think he had a nightmare. He is not feeling well. He is not feeling well this morning.

Mr. GRAMM. Let me read the words from the Statement of Administration Policy:

> The administration strongly opposes this bill and also would strongly oppose any amendment to further increase spending above the President's request.

Mr. BYRD. Madam President?

Mr. GRAMM. Continuing:

> The Senate includes scores of unneeded items that total billions of dollars all classified as emergency.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I cannot yield now because I have a very limited time. If we had unlimited debate, I would yield.

Mr. BYRD. I would love to go to that point.

Mr. GRAMM. Maybe when we get into the postcloture we can.

Finally, to sum up—and this is a President who has not vetoed a single bill, who came to this city determined to work on a bipartisan basis—he says:

> If the supplemental appropriations bill were presented to the President in its current form his senior advisors would recommend that he veto the bill.

The point I am responding to is that when people say they do not understand why there is opposition to this bill given that we are in an emergency situation, that simply leaves out that the President has already said he would veto this bill.

What we should be doing, it seems to me, is sitting down, perhaps the committee should go back and rewrite the bill, work with the President, and craft

something the President would sign. The idea that somehow there is foot dragging going on when the President has already said he would veto the bill, I don't view as productive work in which we are engaged. It seems to me what we should be trying to do is to make this bill acceptable to the President.

I also note that if you look at every agency of the executive branch of Government, you see that this bill funds every single agency of the executive branch of Government at a higher level than the President requested, except one. There is only one agency of Government that does not get more funding than the President requested under this bill. Guess what it is. Only one agency does not get more funding than requested by the President. What is the agency? The Defense Department. And this is a bill that is about homeland security.

So there are two sides to the story. We are at an impasse. Those who want to see a bill signed into law and want to support a President who believes his effort is being subverted have some responsibility to do that. It is not that we are trying to be mean or hateful, it is that the President, who asked for the bill, said he will veto it. The numbers provided by the committee show it grossly overspends what the President requested; and not only that, it overfunds in areas that the President has said do not represent emergencies.

Finally, in what I think is a twisting of the process, when we had a budget, we said there could be an emergency under two circumstances: With an agreement of two parties, the President and the Congress. If the President says something is an emergency and Congress says it is an emergency, it does not count on the budget. But under this bill, this $14 billion of nonemergency spending that is added, the President cannot take any of the money that is provided for an emergency, even though it is $10 billion less than he asked for; he cannot spend any of it, unless he designates this $14 billion add-on as a nonemergency.

That is a perversion of the whole emergency designation.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from West Virginia.

Mr. BYRD. The Senator from Texas, I am sorry to say, is apparently having some hallucinations. The President requested—if the Senator will look at the report, the Senator questioned $27,143,519,000.

The White House said the very same thing about homeland defense. They did not need the money. They did not want the money. Tom Ridge wrote me a letter—I believe he sent a copy of it to Senator STEVENS, or he may have written the same letter to Senator STEVENS, I am not sure, but he sent me a letter saying they did not need the money, they did not want the money, they would determine what they needed in due time and tell us what they needed.

This Senate added $4 billion for homeland defense last year over the President's request. It is being used; it is making a difference. And after all of the hearings of this committee, before Republicans and Democrats, after all the hearings in which the executive branch participated, this is the outcome. This bill that we have brought to the floor is the result of those hearings. Go back and tell your firefighters, may I say to the Senator from Texas—go back and tell your firefighters, tell your law enforcement people, tell your policemen, tell your health officials, tell those people, tell the people back home they do not need this protection. Tell them; don't tell us.

The Senator was not on the committee. I greatly honor the Senator from Texas but he is absolutely wrong. He is dead wrong. He is having dreams. He is having nightmares. He is really wrong. The figures he quoted this morning, if we had the time, I would show, are absolutely false.

This committee, 29 members, backed this bill. Fourteen of those members were Republicans. They voted to report this bill, and they are right.

So I say to the Senator—if I may have his attention?

Mr. GRAMM. You certainly may.

Mr. BYRD. Would he please offer amendments. If he doesn't like this bill, offer amendments to take out the money, and then you can tell the people back home, you can tell the policemen, you can tell the firefighters, you can tell the health personnel, you can tell the people at the local level, that their safety doesn't matter. Their safety doesn't matter.

What the administration says is apparently what matters. But the administration was wrong last year. The Senate was right last year. The administration is wrong this year, and the Senate is right this year.

So I urge Senators to vote for cloture and then let's vote on the amendments.

WAGE INDEX FAIRNESS

Mr. SESSIONS. Madam President, I rise today, along with my distinguished colleagues, Senator SHELBY and Senator HUTCHINSON, to offer an amendment to the Emergency Supplemental Appropriations bill. I have come to the Senate floor many times in the last 5½ years to talk about this issue—the wage index—and I will continue to do so, and I will continue to offer my bill S. 1001, the Wage Index Fairness Act, as an amendment until we do something about it. I wanted to offer this amendment to the emergency supplemental bill because it is, in fact, an emergency. The wage index is causing hospitals in rural areas all over America to close their doors and to turn away patients. We cannot allow this to continue.

The wage index is an injustice to rural communities that I believe has reached emergency levels. This terrible inequity within the Medicare wage index formula must be addressed in order to ensure access to care for Americans in need. This amendment, which is cosponsored by my colleague from Alabama, Senator SHELBY, as well as my colleague from Arkansas, Senator HUTCHINSON, will establish a floor on area wage index adjustment factors used under the Medicare Prospective Payment System for inpatient and outpatient hospital services

Over the past years, I have visited numerous hospitals, and at every one, hospital administrators and hospital staff have urged me to do something about the wage index. They have illustrated for me the amount of money they lose each year as a result of this unfair formula, as well as the struggles that result including fighting to keep their hospitals staffed and their doors open. Time after time fixing the wage index has been cited as the number one issue for Alabama's hospitals, and I have worked closely with the Alabama Hospital Association and its members to develop a plan to address the wage index problem.

A complicated and mostly arbitrary formula, the wage index is part of the hospital Perspective Payment System, PPS, which was created in the early 1990s in an effort to cut Medicare spending. It established a base rate for Medicare reimbursement based on two components: labor and nonlabor related costs. While nonlabor related costs are similar nationwide, labor-related costs must be adjusted to account for the regional differences in wage costs. This adjustment is made according to a wage index.

Rural areas such as Alabama and Arkansas have low wage costs; therefore, their Medicare reimbursement is much lower than in other parts of the country. Alabama actually has the lowest average wage index in the country, and Montgomery, Alabama's capital, has the lowest wage index in the State. In fact, the wage index for all Alabama's hospitals is between 0.74 and 0.89—well below the national average.

The amendment I have introduced would establish a wage index ''floor'' for Medicare reimbursement to hospitals. By raising the minimum wage index to 0.925, we can help those hospitals that have been hit hardest by the unfairness of the wage index formula. Other legislative proposals may fix the wage index, but they also include additional funding for other portions of Medicare reimbursement policy. My bill addresses just the wage index and will help nearly half of the hospitals in the country. According to the American Hospital Association, this proposal will benefit 2153 hospitals across America.

Illustrating what an important issue this is, my friend and colleague, Senator HUTCHINSON, has also filed an amendment on the wage index and base payment amount, is that not correct Senator?

Mr. HUTCHINSON. I have also filed an amendment to the supplemental appropriations bill on this critically important issue. While my amendment,

cosponsored by Senator CLELAND, will not be considered relevant if the Senate invokes cloture on the supplemental appropriations bill this morning, I want to stress to my colleagues how important it is to the livelihood of hospitals across America who are struggling every day to survive and to meet growing health care demands.

Cuts in Medicare and Medicaid reimbursements, coupled with health care inflation and a dramatically growing health care worker shortage, are forcing many hospitals to shut down units, cut services, or close down entirely. This truly is an emergency situation, and Congress needs to take action.

The amendment I am offering is based on bipartisan legislation I introduced called the Area Wage and Base Payment Improvement Act, which now has 26 cosponsors. It is designed to help rural hospitals keep pace with today's salary requirements for their workers by setting a minimum payment on the area wage index. Such an area wage index floor—set at .0925 percent—would bring Medicare payments for at least 2,100 hospitals nationwide closer to the national average of 1 percent.

The amendment also eliminates the disparity in the Medicare inpatient base payment amount by moving rural and smaller metropolitan hospitals to the same payment level received by large urban facilities. This change in the base payment amount is also supported by the Medicare Payment Advisory Commission. In total, my amendment would provide an additional $328 million in needed payments to rural hospitals in Arkansas.

These rural hospitals are truly the lifeblood of their community. Not only are they often the primary source of health care in a given community, they are also a major provider of jobs in a given area. The financial failure of a hospital puts its whole community at risk because, without these institutions, medical services, social services, and jobs disappear.

Small and rural hospitals have been especially hard hit by staffing shortages, particularly in the field of nursing, since lower Medicare reimbursements and the very nature of rural areas make it difficult to recruit and retain qualified staff. In Arkansas and Alabama, rural hospitals are losing staff to bigger salaries offered by large, urban hospitals out-of-state. Meanwhile, in many urban area hospitals, fierce competition for qualified workers is creating serious retention issues as workers are hopping from job to job.

I ask my colleague how is this competition for workers affecting hospitals in Alabama?

Mr. SESSIONS. Alabama is having to compete with surrounding urban areas such as Atlanta, GA, for health care professionals. In order to recruit these highly qualified health care personnel, Alabama's hospitals must offer urban wages. This has become nothing short of a bidding war due to the national shortage of health care professionals, and nurses and health care technicians who are being offered high pay, living expenses and, in some cases, traveling expenses to leave Alabama and work in larger urban hospitals. Alabama hospitals must offer higher wages, but they are not fairly reimbursed by Medicare based on these higher costs. Their reimbursement continues to be adjusted by this capricious area wage index, which, as I have just illustrated, does not always reflect the actual labor costs.

The annual impact of the wage index formula results in a reduction of Alabama hospital payments by between 5.5 and 6.5 percent each year or close to $46 million/year. Until we fix this problem, Alabama hospitals and hospitals all over the country will continue to lose millions every year. Already forced to make the most of limited resources and to continue to provide care for the State's uninsured, these hospitals will face tough decisions regarding health care services. They will continue to postpone important projects and the purchasing of much-needed equipment.

In my home State, it is easy to see how arbitrary and unfair this formula is. In Mobile, AL, the prevailing wage index is 0.81. Just across the border on the Mississippi side in Pascagoula, less than an hour's drive away, the wage index is 0.88. On the other side of Alabama, in Pensacola, FL, also about an hour's drive from Mobile, the wage index is 0.89. There is no reason for the difference. The wages are not that different. But what it means, is that the hospitals in Mobile get less Medicare reimbursement than those in the other two areas. This formula is arbitrary and unfair.

The Centers for Medicare and Medicaid Services, CMS, and the Medicare Payment Advisory Commission, MedPAC, have recognized the problem, and they have even made recommendations to change the wage index.

In addition to these recommendations, several pieces of legislation have been introduced in this Congress to address the wage index. Senator GRASSLEY, ranking member on the Senate Finance Committee has been a champion of changing the wage index, in fact, he introduced legislation last year that I and several of my Senate colleagues cosponsored. I also appreciate the support we have received from Senators SPECTER and HARKIN during last year's Labor, Health and Human Services Appropriations debate. I thank them for their support and welcome their offer to help fix the wage index. Although many have recognized the problem with the wage index, nothing has been done to fix it.

While I understand the upcoming cloture vote will make my amendment nongermane as well, I still feel compelled to offer this amendment to the bill to illustrate to my colleagues the true urgent need to fix the wage index. I hope that my colleagues will realize the urgency of this matter and will work with me to fix this inequity. I urge the Senate Finance Committee and my colleagues to join Senators SHELBY and HUTCHINSON and myself in our efforts to fix the wage index formula and to help our hospitals continue to provide the high quality of care and the access to care Americans deserve.

Does the Senator agree that there is broad bipartisan support for these changes?

Mr. HUTCHINSON. Yes, the area wage index floor and base payment change proposals both enjoy broad bipartisan support. As I mentioned earlier, 26 Senators have cosponsored the Area Wage and Base Payment Improvement Act. Elements of this legislation have also been included in legislative proposals introduced by both Senators, GRASSLEY and BAUCUS, and I thank them for their leadership in this regard. The fact is that rural hospitals desperately need Congress to fix this inequity. These hospitals are a vital like in our Nation's health care safety net, and we must ensure that they are able to continue to offer quality health care services to rural Americans.

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

Mr. REID. Mr. President, is there any time remaining to the Senator from West Virginia?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. REID. I ask that time plus 1 minute be given to the Senator from North Dakota, and equal time be given to the Senator from Texas.

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

Mr. CONRAD. Mr. President, when the Senator from Texas objected to the unanimous consent request that was made by the Senator from Nevada, what he was objecting to was a bipartisan agreement on a budget framework and the extension of the budget disciplines that expired at the end of September. All we were asking was for the body to have an opportunity to vote after the cloture vote this morning. That is because under the rules of the Senate, postcloture, that amendment to have a budget, to have the budget disciplines extended, will not be permitted.

There has been criticism that we have not had a budget for this year. I think all of us understand the jeopardy of not having a budget framework and the lack of the budget disciplines, which expire in September extended. This was an opportunity to address those critical concerns. I regret that the Senator from Texas objected. He doesn't want to give the body an opportunity to vote, to discuss, to debate, and to decide.

We had a chance to put in place a budget framework and to extend the budget disciplines to keep the appropriations process from spiraling out of control. We will have to revisit that issue, but I hope people will think carefully about whether we really do not

want to have any budget disciplines as we go through the appropriations process.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, forgive me, but for the chairman of the Budget Committee, who has not brought a budget to the floor—for the first time in my entire period of service in Congress—to be saying that he wants to write a budget by changing the rules of the Senate to allow it to be germane in a appropriations bill, when it doesn't even set totals as to how much we are going to spend, and criticizes me for objecting—I am sorry, but I think that just simply goes too far.

Quite frankly, we should have brought a budget to the floor. We should have debated it. We should have voted on it. We did vote on the Senator's budget yesterday and not one Member of the Senate voted for it. I guess every Republican thought it spent too much and every Democrat thought it spent too little. But the net result was, unless I am wrong, and I will stand corrected if the Senator would correct me, it got zero votes. So I do not understand being criticized because the Senator did not bring a budget to the floor.

Mr. CONRAD. Will the Senator yield?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I ask unanimous consent for an additional 30 seconds.

Mr. GRAMM. And if I could have the same.

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

Mr. CONRAD. I say to my colleague from Texas, when he says there were no number limits in what I was offering, he is wrong. He objected to putting in the very limits that he requests. This was our opportunity. We had a chance to have a budget framework and to extend the budget disciplines and the Senator from Texas said no. We will not even allow the body to consider it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. We voted on a discipline yesterday. The Senator voted against it, raised a point of order against it, and it was his number and he voted against it.

I would like to say, Senator BYRD asked me where are we not funding something the President requested? I just opened up the bill and just looked at the first two pages. For staff and expenses of the U.S. Marshals Service, this appropriation is down $2.1 million; for the Drug Enforcement Administration, it cuts $13 million. I don't know—I could go further but I see I am out of time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the supplemental appropriations bill, H.R. 4775:

Harry Reid, Patty Murray, Barbara Boxer, Dianne Feinstein, Jack Reed, Dick Durbin, Tim Johnson, Jeff Bingaman, Robert Torricelli, Tom Harkin, Daniel Akaka, Byron Dorgan, Joe Lieberman, Tom Carper, Bill Nelson, Maria Cantwell, Barbara Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4775, an act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—87

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

NAYS—10

Allen	Fitzgerald	Smith (NH)
Brownback	Kyl	Specter
Bunning	McCain	
Feingold	Sessions	

NOT VOTING—3

Bingaman	Daschle	Helms

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The Senator from Nevada.

Mr. REID. Mr. President, we are now on postcloture regarding this very important legislation. I have spoken to the majority leader. If we can finish tonight, of course, there would be no rollcall votes tomorrow. If we cannot, everyone should understand, we will work until we finish this bill.

The President wants a bill. He may not like what we have now, but I am sure he will like what comes out of conference.

I suggest that we, in the next little bit, work with those who want to change this bill. We will try to work out a list of amendments people can offer that are germane. We will be as cooperative as we can. Everyone should understand, we will finish this bill. It will be finished this week. That is the way it is. If we get no cooperation from everybody, then we will have a vote at approximately 5:30 tomorrow tonight on this legislation. We are going to finish the bill this week.

The President has been calling for action for more than 2 months. We have been working on this measure, wasting a lot of time this week. The wasteful time is over. As I told the Republican leader earlier today, I appreciate his coming to the floor advocating that Republicans vote for cloture, which they did.

I hope we can move forward expeditiously. I say again, we will finish this bill tonight if possible, with no votes tomorrow. Otherwise, we will work through tomorrow until we finish.

I yield to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I tell my friend and colleague from Nevada, I am happy to work with him to try to expedite consideration of the bill. I might note, the President sent the urgent supplemental request on March 21. It was just recently marked up—I believe, last week. So we have had it on the floor for a couple days. We have had a chance to review it.

We did cooperate with the assistant majority leader to invoke cloture, which is unusual. I can't remember invoking cloture on an appropriations bill. Maybe the chairman of the committee remembers. It has probably happened, but it is not often. We did it in an effort to try to streamline it.

There are a lot of people trying to pass a budget on this bill. I happen to be on the Budget Committee. I would like for us to consider a budget, but we haven't had a budget on the floor of the Senate yet. Some people were trying to rewrite the budget through the Appropriations Committee, and I questioned the wisdom of that. I was a little concerned about that. Invoking cloture eliminates the budget debate. We are not going to have four or five more proposals dealing with budgets and caps and budget rules, and so on. We will deal with appropriations bills.

Now we have a list of amendments, a list of amendments germane postcloture. I will work with the Senator from Nevada to review that list. I

don't know if we can possibly pass this bill tonight. I will try. I will work with him to try to do it. We will try to pass a good bill. Some of us are concerned about the expense of the bill. The bill is $4 billion over the President's request, and we didn't fund everything the President requested. There is a provision in here that says we are going to change how we do emergencies. I have an amendment to deal with that. I will call it up pretty quickly.

I urge all my colleagues, Democrats and Republicans, if they have germane amendments, to bring them forward. Let's consider those and see how much progress we can make on the bill. I don't know if we can finish this bill tonight. I will work with my colleague to do so.

If not, we will work to see if we can't come up with a timetable, a framework to where it is mutually agreeable to finish this bill as soon as possible.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Oklahoma, Senator BYRD and Senator STEVENS marked this bill up 2 days before the House reported it. This was following long, very productive hearings that Senator BYRD and Senator STEVENS conducted. In my 20 years in Congress, I don't know of more in-depth, important hearings that have ever been held. Everyone from the administration was called to make their opinion known as to what should happen with homeland defense and the security of the Nation. These were long hearings. I didn't spend the time in committee that the chairman and ranking member did, but these were great hearings.

For someone to suggest—I am not confident that the Senator from Oklahoma did—that the Appropriations Committee was dilatory in any fashion is a mistake. This is one of the most in-depth, prepared bills I have ever come in contact with, even though most emergency bills don't have the background and depth this bill has.

We have marked this up; the Appropriations Committee did it 2 days before the House reported it. As everyone knows, we were even willing to bring it up, as the chairman of the Appropriations Committee, Senator BYRD, tried to do, before the Memorial Day recess. There was objection heard from my friends on the other side of the aisle.

We are now to a point where we will finish the bill. There is no way to slow it down. There are a number of problems we have in postclosture, but one of them is not, as we usually have in the Senate, an indefinite time period. We have a definite time period. We have already notified the cloakroom to have Presiding Officers here all night tonight. We will finish this bill by tomorrow. We want this bill to go to conference next week. We want the bill to go to the President as soon as we can.

I am confident the chairman of the committee would say this: There are many inadequacies in our homeland defense. This bill will plug some of those holes. The sooner we do that, the safer my State of Nevada will be and every other State in the Union. We are moving forward. We are ready for the first amendment whenever anyone is ready to offer it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have a number of amendments. I will be ready to propose them. There is no sense in reviewing how quickly we got to this point. In my memory there has not been a cloture motion filed on the first day a bill is considered.

All that aside, we are where we are. I respect and appreciate the motivation of the Senator from Nevada for getting this done as quickly as possible, perhaps tonight or tomorrow. Therefore, I believe I ought to tell the Senator from Nevada that in order to expedite that, there should be no managers' amendment package because I will, because of the egregious aspects of managers' amendments in the past, packages which none of us have seen and all too often have been agreed to because it is late at night, unless we agree—first of all, there should not be a managers' package of amendments. We should debate and vote on all amendments. But if I am not in agreement with them and others are not in agreement, we will have recorded votes on those amendments, I tell the Senator from Nevada.

We will not have one of these deals that we have seen in the past so many times where at the very end—maybe at 10 or 11 o'clock at night—there is a unanimous consent agreement that a managers' package be accepted. We are not going to do that.

So if the Senator from Nevada wants to get it done tonight, I recommend that he play some role in making sure we don't either have a managers' package or the contents of it are well known to all Members of the Senate and not discovered by reading the newspaper in the following days. I tell the Senator from Nevada, I will be ready with the first amendment that we have very shortly.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arizona, a State next door to Nevada, that we did not file cloture on the first day, but we filed it on the second day. On the first day, we came for business and there was nobody from the minority here. We did not stay in session very long because there was no business to be transacted. That is one of the problems we have in the Senate. People think that if we have a bill up on a Monday or a Friday, it is kind of a day that doesn't really matter. We should be conducting business on those days. So cloture was filed on the second day.

I agree with the Senator that it would have been better if we had held off a little bit, but we simply were getting nothing done. The Senator will remember that on that day we accomplished nothing. Out of frustration and the fact that my dear friend, the senior Senator from Texas, stated that there was an effort by him and others to ''slow down the train''—and we read the next day in the Daily Press that there was an effort by the Republicans to slow-walk this legislation and other legislation—I think the majority leader had no alternative. I think he did the right thing. As the Senator from Arizona said, it doesn't matter, it is water that has already gone under the bridge. We are here now. Let's work together to try to get this bill, which the President says he wants badly and we believe he needs badly, to sign for our country.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am not trying to take the place of anyone who wants to offer an amendment. I thought there was a little loose time here. Is the Senator ready? I wanted to speak a couple of minutes.

Mr. MCCAIN. I am glad to wait.

Mr. DOMENICI. I thank the Senator.

Mr. President, let me make a couple of observations. It seems to me that there is no question that we are going to pass this supplemental. The President of the United States will have his rights, when this bill goes to conference, to argue with the Senate and the House conferees and have his input. It is very difficult to perceive a situation where, when you are talking of more than a few billion dollars and more than 100 or 200 projects or programs or activities that are funded—it is pretty hard to come up with the same number for the President and the Congress. As a matter of fact, it has taken me a long time. I fess up to understand that the Budget Committee ordered that the Congress pass a congressional budget, and it is most interesting that they didn't say a Presidential and congressional budget; they said a congressional budget. Then, of course, nobody took away the President's prerogatives as that budget was implemented. The President retains his prerogatives to be for or against the bills that come from that budget.

In fact, there have been some in both Houses who have attempted to change the Budget Act so the President could be part of it. They have never gone anywhere—those proposals—because we are supposed to do our job, and the President, with the OMB and others, does his job; and eventually we come to a rational conclusion somewhere down the line.

I believe the far bigger mistake we are making as we move toward appropriations this year than trying to square this bill up in actual dollars exactly the same as the President's, or that we not get any cap language that exceeds the President's, I think the most important thing is to try to save some of the enforcement provisions of the Budget Act so they will be living throughout this process next year and give everybody an opportunity to see

whether they want to get rid of the entire process or whether they want to maintain the seven, eight, or nine important provisions that help us around here.

I am not suggesting I know how to do that now in a postcloture position. I will continue to work with the leader on the other side and the leader on this side and the respective whips and Senator BYRD, Senator STEVENS, and anybody else to see if we cannot have a bipartisan agreement. Let's retain the amendment. Let's retain what? Let's retain some significant portion of the enforcement provisions in the Budget Act, adopt them as a statute for 1 year in this appropriations bill. I believe that is the most helpful thing we can do even if the numbers are not identical with the President's.

For instance, in the entire budget, it looks as if we are coming down with an agreement that probably would be supported by more than half of the Senate, which says we cannot meet the President's appropriations number, but we can put together pieces and be maybe $8 billion to $10 billion higher on this gigantic budget. That does nothing to change the President's budget, does nothing to put him in a position where he is getting the short end of what is expected to be a congressional budget provided for in our own language, and then we have one called a budget of the U.S. Congress.

I hope, for those who are interested, we will continue to work on that. In the meantime, clearly, with the last vote, we are on a path to hurry up. I think that is relatively good considering where we have been in the past.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3764

Mr. NICKLES. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3764 by the Senator from North Dakota, Mr. DASCHLE.

Mr. NICKLES. Is that amendment germane postcloture?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane.

Mr. NICKLES. Does the amendment fall?

The PRESIDING OFFICER. On a point of order.

Mr. NICKLES. Mr. President, I make that point of order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3703

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN], for himself and Mr. FEINGOLD, proposes an amendment numbered 3703.

The amendment is as follows:

(Purpose: To strike the amount provided for design of a storage facility for the Smithsonian Institution)

On page 73, strike lines 1 through 11.

Mr. MCCAIN. Mr. President, this is not a very big or important amendment, but I think it has some symbolism associated with it. The amendment concerns striking $2 million for the Smithsonian to begin design of an alcohol storage facility for animal specimens away from The Mall.

In the Statement of Administration Policy that was sent up on June 4, the President states his strong objections to the increases in spending over what the President had requested, and it also states if the supplemental appropriations bill were presented to the President in its current form, he would veto the bill.

This is just $2 million of a several-billion-dollar increase over what the President requested. But in the Statement of Administration Policy, the Office of Management and Budget goes on to specify certain expenditures that are, in their view, either unnecessary—it says the Senate bill includes scores—quoting from the message—''includes scores of unneeded items that total in the billions of dollars, all classified as an emergency.''

The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies. Some of these items relate to homeland security—many do not—including $11 million to the National Oceanic Atmospheric Administration for economic assistance to New England fishermen and fishing communities; $26.8 million for the U.S. Geological Survey for urban mapping activities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens away from The Mall. They go on to add that the President's fiscal year 2003 budget already includes funding for this project in fiscal year 2003.

So, basically, what we are talking about is a project that already is included in the President's budget for next year. Apparently, the people at the Smithsonian are seeking to accelerate that, which I can certainly understand because then they will have some millions of dollars—$2 million extra—to spend on other projects at the Smithsonian, a wonderful and venerable institution. But to no objective observer could this be viewed as a response to, as the title of the legislation is: Making supplemental appropriations for further recovery from a response to terrorist attacks on the United States. This is clearly not it.

To make a long story short—I do not intend to spend too much time on it—the President believes it is unnecessary, I believe it is unnecessary, and I believe it needs to be taken out and the money spent at the normal time in fiscal year 2003, which is in the President's budget. I am sure they will receive those.

Someone who supports this will say this is a serious situation, that the temperature control is an important aspect, alcohol is flammable, and we should be as careful as possible, et cetera. I agree with all of those arguments, but I also would argue that other measures can be taken and this project can be moved forward at the appropriate time.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the supplemental appropriations bill does include $2 million for the Smithsonian Institution to begin planning and design work for construction of a storage facility that would hold specimen collections preserved in alcohol.

The House included this amount in its version of the supplemental appropriations bill. The amount is requested by the administration in the Smithsonian's fiscal year 2003 budget estimate. So the administration supports this item.

The Smithsonian's National Museum of Natural History on The National Mall holds one of the largest natural science specimen collections in the world. Most of this collection is preserved in alcohol, an estimated 730,000 gallons of highly flammable liquid occupying 50,000 square feet of space at the museum.

The storage space at the museum does not comply with the fire and safety codes, exposing the public—we are talking about exposing the public here—to significant risks. For example, large areas of the main building have no sprinkler system, and there are no firewalls between the newer wings and the older central exhibition spaces of the museum.

With the equivalent of several jet planes loaded with fuel—now get this—with the equivalent of several jet planes loaded with fuel now housed on The Mall, the committee has acted responsibly in providing funds to begin the work that will eliminate this hazard. We should not wait until next year. To wait is to take great risks with human lives.

Funds can be obligated immediately, thereby accelerating construction of an appropriate storage facility for 6 months to a year. This is a significant fire hazard on The National Mall, and we ought to attend to it now, not wait until next year.

The administration supports this item. They asked for it in the 2003 bill. What is wrong with going ahead with it now? The museum informed the committee that construction could begin early.

I know it sounds good that we are appropriating money for construction of a storage facility that would hold specimen collections preserved in alcohol.

Yes, it has a political sound on which it is easy to beat the drums. But this is something that involves human lives, not just worms, not just insects. It involves human lives. Let someone start a fire down there with all of this inflammable alcohol, and we will be spending more than $2 million, and there will be human lives involved.

I urge that the Senate not support the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, will the Senator from West Virginia allow me to ask a question?

Mr. BYRD. Yes.

Mr. REID. Mr. President, it is my understanding that these products—and I certainly am not going to divulge the location publicly—are in a very sensitive location.

Mr. BYRD. No question.

Mr. REID. Very close to the Capitol where millions of tourists come every year.

Mr. BYRD. Absolutely; no question about that.

Mr. REID. Any kind of a suicide bomber, a car bomb would cause a conflagration that would be untoward if these products were ever involved.

Mr. BYRD. There is no question about that.

Mr. REID. The Senator knows, as has been developed—and I assume that is why the House put it in this bill——

Mr. BYRD. The House put it in the bill.

Mr. REID. The reason they did is they were concerned about the safety of not only hundreds of thousands of people who work in the Capitol complex area but the millions of tourists who come every year.

Mr. BYRD. No question about it. The Senator is absolutely correct. And I certainly would not want to be a Senator who voted for this motion to strike this item if something happened. And who knows what might happen today, tonight, tomorrow.

Mr. REID. Mr. President, I can say for this Senator, I appreciate the House putting it in the bill. I appreciate Senator BYRD and Senator STEVENS having it in the bill before us because I think to remove this legislation is such a wrong way to go.

If we are talking about homeland security, the place to start is with this amendment.

Mr. BYRD. I thank the Senator for his expression of support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me outline for my colleagues what I think we are going to do. I do not speak for everybody on my side, much less everybody in the Senate. What we are going to do is pick out maybe a half a dozen instances of provisions that are in this bill that the President did not ask for, that do not represent an emergency as we conventionally define it. We are going to give Members of the Senate an opportunity to vote to keep them in or take them out. Let me talk about the Smithsonian issue.

The President proposed in his budget for 2003 that we build a new state-of-the-art facility that will maintain the temperature at 65 degrees so that we can take specimens that are stored in alcohol at the Smithsonian Institution and move them to this building; that lowering the temperature would reduce the amount of evaporation and, in the process, preserve the specimens better than where they are currently stored.

No one argues—not one person I have heard argue or anything I have read on it, and I have read everything I could get my hands on about this issue—no one argues that we can build this facility right now. There is not even a blueprint for it. The funds, if we provide them, would be available on October 1 through normal appropriations.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. This is the design money. The construction will follow. Why not get on with the design money? We could save some time, possibly save some lives.

I thank the Senator for yielding.

Mr. GRAMM. The President has asked for this funding as part of his ongoing appropriation process. The funds would be available on October 1. The odds that we are going to spend the money before October 1, in my opinion, given the experience we have in these kinds of matters, is relatively low. What this amendment does in reality is it takes an ongoing appropriation to provide funding for the storing of specimens in test tubes and jars in a new facility, makes it an emergency so that money that would have been provided in the regular appropriation process can be spent on something else.

I will read from the Washington Times statements about this issue.

> Smithsonian officials acknowledged that the need for specimen storage did not result from the terrorist attacks on September 11. ''It predates September 11,'' said Jerome Conlon, assistant director for facility operations. ''It certainly has been on our wish list, yes.''

The point is there are a lot of things on wish lists. Almost anything could be deemed to be an emergency. The point is the President sent us a targeted list of things that cost $29 billion. This is an item that has to do with the storage of specimens in the Smithsonian. It is true that one can argue that someone could blow up the Smithsonian and get an afterburn from specimens in alcohol. One could argue that almost anything we would do would be an emergency, but the point is the Smithsonian does not say this is an emergency. The President did not ask for it as an emergency.

It seems to me that an explosive at a chemical plant in Beaumont, TX, would be a lot more dangerous than one in the Smithsonian with alcohol tubes.

I want to protect against both, but the point is where is the line drawn on what is an emergency? If we took the standard that anything that could potentially be considered as a terrorist target is fair game for this emergency appropriation, we could literally spend $100 billion, $200 billion.

The point is the President did not consider this to be an emergency. The Smithsonian did not consider this to be an emergency, but it was added to this bill along with other items on which we will vote, some of which are even clearer, but I think this is a pretty clear example of something that was in the appropriation process that the President requested through the normal channels but it has found its way into emergency funding. I do not think we ought to do this. I think this is one of a dozen or so clear examples of where we have overreached in designating emergency. You can make an argument for anything that it has an emergency overtone to it, but basically this is an ongoing activity of the Smithsonian. It was in the President's request for 2003. I think logic would dictate that it be funded through the normal process.

Let me make this concluding point. The question before us, it seems to me, is not are we going to build this new building for the Smithsonian; the question is, does it represent such a dire emergency that it should be exempted from the budget process and we should fund it by running a deficit and funding that out of the Social Security trust fund?

I argue that where we are talking about clear examples, where the President and the Congress agree, which is our definition of an emergency, in law, that there is an imminent threat, the answer is yes, we should run a deficit to do it. But in a case where the President says this is not an emergency, where it is going to occur anyway through the normal appropriations process, where the Smithsonian admits that it is not an emergency, it has been on their wish list for quite awhile, something they want to do and that is worthy, it seems to me that under these circumstances this should not be funded as an emergency.

I think the case is clear cut. Obviously, people can vote however they want to vote, but what we are doing in this emergency designation is we are waiving the Budget Act, we are raising the deficit, we are spending the Social Security trust fund because this is an imminent emergency. The point is the Smithsonian says it is not. The President says it is not.

The question is, should we designate it as that or should we allow it to be funded through the normal appropriations process where the funds will be available on October 1? It seems to me that the clear answer is, this should not be in this list of dire emergencies.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. Madam President, for my friend to suggest that this is stuff stored in test tubes and jars, he certainly does not understand the issue.

There are 730,000 gallons at a site so close to where millions of people come every year, and it seems to me there are a lot of things that are emergencies but I think the Appropriations Committee in the House and the Appropriations Committee in the Senate did the right thing in getting the program on its way so they could find another place for 730,000 gallons of alcohol and formaldehyde. This is an emergency. It should remain in this bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. When the time is ready to expire, I intend to make a motion to table the Senator's amendment. I believe others may want to speak on it, so I do not want to do that in advance, but I will say this: This is money to start this project, one that we all believe is extremely necessary due to the location of the Smithsonian. It is a very small amount of money. Maybe that is why the argument was started. It may be about a very small amount of money, but it is one that collectively, on a bipartisan basis, we thought ought to be initiated now. We will address the full amount in the 2003 bill, and I think that is proper.

This is not the kind of money that has to go through all kinds of rigmarole at OMB to get released. It is money that will be immediately available to start this design, and by the time the money is released for 2003, it ought to be possible to move this really a year ahead if we start now.

So I urge the Senate to support our recommendation. I do not know how the House will feel about it, but it is a nice test case to see whether or not the Senate wants to support the judgment of the Appropriations Committee on the staging of monies for the Smithsonian. This is an emergency to get that collection and everything else out of that building and get it where it should be, away from the concentrated area of the District of Columbia and the millions of visitors who come to Washington, DC.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be very brief. I look forward to a vote. The Senator from Texas and I will have several votes, not an unending stream of votes because we will know after three or four votes whether there is going to be any imposition of fiscal discipline or is this just a spigot that is going to be turned on. It is not the amount of money that is symbolic about this vote. It is whether, as the Senator from Alaska said, we will rely on the judgment of the Appropriations Committee, as he just stated, or we will rely on the judgment of the Commander in Chief, the President of the United States, who specifically in his veto threat objected to this provision in the appropriations bill. It is really that simple.

So it is not $2 million. It is, whose judgment are we going to trust? Are we going to—as with other amendments, as I say, we will establish a precedent for it—be able to trust the judgment of the President of the United States or the judgment of the Appropriations Committee?

So I look forward to a quick vote. I say to the Senator from Alaska we have no further debate on this issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I will be very brief. I have had the opportunity to sit on the Board of Regents of the Smithsonian Institution.

I have been in numerous meetings, especially since September and October, addressing this very specific issue.

Having listened to the presentation of the people who have studied this issue most carefully inside the Smithsonian Institution, I am very hesitant to back away from the recognition that we have over 730,000 gallons of highly flammable alcohol within about 150 yards of where we are sitting right now. I don't want to overstate or understate, and I read what has been written about this in the last several days.

Let me make several points. We are talking about the National Museum of Natural History located on the National Mall, right outside the door. It currently holds tens of thousands of specimens. These specimens are placed in highly flammable alcohol jars. The collections today occupy about 50,000 square feet of space in various areas of the museum. They do not today comply with the fire code that has been written locally in this area, in this region, in this district, in this part of the country. They do not comply with the fire code. They are stacked under a stairwell where we have thousands of people walking over the course of a month.

The National Museum of Natural History has 1,200 staff and 25,000 visitors on a weekday who are walking either over, because it is stored under a stairwell there, or around the flammable jars.

This issue has been a concern of the Smithsonian. I have been a regent for about 6 years, for some time. For my colleagues who have not been in the room, recent national security reviews highlighting the vulnerability of highly visited public buildings indicate this problem should be resolved as soon as possible.

The Smithsonian, as mentioned before, has planned to build a specially designed storage facility at the research and storage complex in Maryland, removing the collections from The Mall area where we have so many people coming from all over the United States of America to visit.

We need to remove this as soon as we possibly can. If the Smithsonian can plan it, it is in the underlying plan. If they do that—it will not be done in 2002—those 730,000 gallons will be over there in 2002 and in 2003 and in 2004 and they will be removed in the year 2005.

Failure to address this issue now would be a huge mistake on behalf of this body.

Mr. LEAHY. Madam President, I want to express my strong opposition to the McCain Amendment that would strike the $2 million for the National Museum of Natural History that is provided in the Emergency Supplemental Appropriations bill.

The events of September 11 prompted multiple reviews of the security at all federal facilities. These reviews have highlighted a number of measures that need to be taken to improve the safety for employees and visitors at federal facilities.

One important item that has been brought to our attention is the potential volatility of a storage facility located in the heart of Washington, near the national Mall. The National Museum of Natural History is recognized internationally as a premier museum and research facility. Unfortunately, tens of thousands of specimens are currently stored in 730,000 gallons of highly flammable alcohol.

I commend Chairman BYRD and Senator STEVENS for including $2 million to begin design for a new facility that would safely store the specimens and do so in a location that is away from such a high traffic area. I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arizona. The clerk will call the roll.

Mr. BYRD. I believe the motion of the Senator from Alaska was to table the amendment to strike.

Mr. STEVENS. That is correct.

Mr. BYRD. I hope Senators will support the Senator from Alaska and vote to table the amendment to strike.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 67, nays 29, as follows:

(Rollcall Vote No. 136 Leg.)

YEAS—67

Akaka	Biden	Breaux
Baucus	Bond	Burns
Bennett	Boxer	Byrd

Campbell	Hatch	Nelson (FL)
Carnahan	Hollings	Nelson (NE)
Carper	Hutchison	Reed
Cleland	Inhofe	Reid
Clinton	Inouye	Roberts
Cochran	Jeffords	Rockefeller
Collins	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Crapo	Kerry	Shelby
DeWine	Kohl	Smith (OR)
Dodd	Landrieu	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stabenow
Durbin	Lieberman	Stevens
Edwards	Lincoln	Thurmond
Feinstein	Lugar	Torricelli
Frist	McConnell	Voinovich
Graham	Mikulski	Wellstone
Gregg	Murkowski	
Harkin	Murray	

NAYS—29

Allard	Enzi	Miller
Allen	Feingold	Nickles
Bayh	Fitzgerald	Santorum
Brownback	Gramm	Sessions
Bunning	Grassley	Smith (NH)
Cantwell	Hagel	Thomas
Chafee	Hutchinson	Thompson
Conrad	Kyl	Warner
Craig	Lott	Wyden
Ensign	McCain	

NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

CHANGE OF VOTE

Mr. SPECTER. Mr. President, on vote No. 136, I believe I voted ''yea'' to table. It was recorded as a ''nay.'' I don't challenge the accuracy of the distinguished clerks, but I simply ask unanimous consent that I be recorded voting ''yea'' to table. The change will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Nevada.

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

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

AMENDMENT NO. 3635

(Purpose: To strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences)

Mr. McCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 3635.

On page 25, strike lines 1 through 11.

Mr. McCAIN. Madam President, this has to do with the $2.5 million that is earmarked for the mapping of the coral reefs in Hawaii. The bill directs $.5 million under the Commerce-Justice-State appropriations bill for 2002 to be dedicated to conducting coral mapping in the waters of the Hawaiian Islands and the surrounding Exclusive Economic Zone.

I remind my colleagues at the outset, again, the title of the legislation we are considering is: Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year 2002.

I knew of many devastating effects of the attacks on our homeland. I did not know of any disruption of the coral reefs in Hawaii associated with the terrorist attacks on the United States of America.

The administration did not request this redirection of previously appropriated funding for coral reef mapping for the benefit of Hawaii. This is no surprise, since there is not an emergency need for coral reef mapping in Hawaii. It is even more of a reach to suggest that a coral reef mapping provision has a role on the war on terrorism. This is an attempt to preclude a competitive contracting process to benefit one State.

A recent report by the National Oceanic and Atmospheric Administration stated that the coral reefs in the northwestern Hawaiian Islands are some of the most pristine in the world and that the coral reefs in the Atlantic, which includes Florida, the Gulf of Mexico, and the Caribbean, are some of the most in distress. Why should a relatively healthy reef system receive extra attention and funding at the expense of those in most need?

I might add, the Federal Government has already been very generous with respect to Hawaiian coral reefs for fiscal year 2002. In fact, during this fiscal year, NOAA is scheduled to spend $8.215 million of its $28.25 million Coral Reef Conservation Program budget on programs specifically targeted toward the northwest Hawaiian Islands; that is more than a quarter of the program budget.

These funds include $762,000 for mapping, $893,000 for monitoring, $1.25 million for the Hawaii Coral Reef Initiative, $3.25 million on northwest Hawaiian Island Reserve operations and sanctuary development, $210,000 for fisheries management, and $3.1 million for marine debris removal.

So the State of Hawaii has already gotten $8.215 million. Now they are asking for $2.5 million more. Moreover, this does not include funding for NOAA'S overall program that is being spent across all of our Nation's coral reef, of which Hawaii also benefits.

Now the managers of the bill want to carve out another $2.5 million for Hawaiian coral reefs. As I said before, what this bill does is earmark $2.5 million of that funding for a specific project in the waters of the Hawaiian Islands and to a specific organization.

Are there other organizations that do mapping? I do not know. But why is it earmarked for a specific corporation to do this work? I believe that it is part governmental and part private, as I understand it. This specific earmark would purposefully preclude the issuance of a competitive contract for this work. Congress should not be taking such action and should allow a competitive contracting process to go forward for any Federal funding involved.

I do not believe we should be providing special treatment to one part of the country when other parts also have a great need. If the Hawaiian reefs deserve this already appropriated funding, they should be able to secure it based on merit review through a competitive process at NOAA.

Therefore, this amendment would strike the directive provided in the bill and allow the competitive process to go forward.

Madam President, under no stretch of the imagination can this provision providing this money for a specific project in the State of Hawaii be deemed as a response to the attacks on the United States of America that took place on September 11. The administration opposes this legislation. And it has no relation to the war on terrorism or homeland security in the view of the President of the United States.

So I have gotten, from the last vote, a pretty good idea how these votes are going to turn out. But there is going to come a time, Madam President—there is going to come a time—when our deficits have ballooned well into $150 billion, $200 billion, from the surplus that we had and people will say: What happened to all that money? What happened to our money for Social Security? What happened to our money for Medicare? What happened to the surpluses that we were so confident of, that were going to be $4- or $5- or $6 trillion over the next 10 years? We are going to look back, and we are going to point at votes such as these, where, in the name of fighting the war on terror, we will earmark millions of dollars for a project to map coral reefs. I think the American people will not be satisfied with that result or that decision made by the Congress of the United States.

As the distinguished ranking member of the Appropriations Committee from Alaska just said: We just made a judgement.

Do you want to trust the judgment of the Appropriations Committee or the President of the United States? We will probably again vote to trust the judgment of the Appropriations Committee, in the name of fighting the war on terror, of mapping coral reefs in Hawaii.

I would assume there will be a tabling motion made, and at that time I will ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the provision in the bill does not add new spending; rather, it clarifies the allocation of funding provided for coral reef mapping in the fiscal year 2002 Commerce-Justice-State and the Judiciary appropriations bill.

This amendment directs $2.5 million of the coral reef funds appropriated in fiscal year 2002 for mapping coral reefs in the Hawaiian Island chain and adjacent areas to complement the general mapping currently planned by the National Oceanic and Atmospheric Administration.

These funds will be used to begin identifying the location, type, and condition of coral reefs throughout the Hawaiian Island chain. This data will be used by resource managers and will provide valuable information for the northwestern Hawaiian Islands sanctuary designation process. This data will also provide a baseline for future monitoring of Pacific coral reefs.

The funds will be administered by the National Defense Center of Excellence for Research in Ocean Sciences through a cooperative agreement with NOAA, the National Oceanic and Atmospheric Administration. Established in 1993 with funds from the Department of Defense, CEROS is product oriented and seeks to advance innovative concepts and new approaches to technology while fully leveraging existing facilities and infrastructure in Hawaii.

I urge the Senate to vote down the amendment by the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, as the distinguished chairman of the Appropriations Committee has stated, this coral reef initiative does not appropriate any money, not even a penny. The sums involved have been appropriated and were appropriated in the last fiscal year.

It may interest the Senate to know that the administration does not oppose this initiative. In fact, they authored the initiative. The initiative as drafted in the supplemental was drafted by the staff of NOAA.

Eighty-four percent of the coral reefs of the United States are found around the Hawaiian Islands. Of that 84 percent, 15 percent are found around the occupied islands, the inhabited islands, the islands I live on; 69 percent are in the northwest. The Commerce Department is in the process now of establishing a sanctuary in the northwestern islands. In order to establish a proper sanctuary to identify the ecosystem, to identify the fishes, the plant life that all of us want to preserve for generations to come, we must have a mapping. We must know where they are.

This is a technical thing. Therefore, my staff was not adequately prepared to draft such legislation. It had to be done by the staff of Commerce.

This is not a pork item. One may get the impression that we were using this vehicle to get $2.5 million for the people of Hawaii. Such is not the case. The moneys will be handled by the Commerce Department together with the National Defense Center of Excellence for Research in Ocean Sciences, CEROS. This was established by the Defense Department. Under the rules of CEROS, this will be under a competition. No organization has been selected for the purpose of this mapping. We have no idea who that organization will be.

If we are to carry out the initiative started by the Government of the United States to protect our environment, to protect our coral reefs, this is absolutely essential. What we have done was to carry out the wishes of the people of the United States and the wishes of the administration.

I hope we can defeat the amendment.

I move to table the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

(Mr. MILLER assumed the chair.)

Mr. GRAMM. 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 question is on agreeing to the motion to table amendment No. 3635.

Mr. GRAMM. Mr. President, I rise in support of the McCain amendment.

The PRESIDING OFFICER. The motion to table has been made and is not debatable.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak despite the fact that a motion to table has been made.

Mr. REID. Mr. President, if the Senator from Texas will allow, I have a unanimous consent request I would like to propound at this time. I think it will solve the problem.

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

Mr. REID. I ask unanimous consent that the McCain amendment No. 3635 be laid aside to recur at 2 p.m. today; that at 2 p.m. there be 5 minutes equally divided prior to a vote on a motion to table the amendment, with no amendments in order to the language proposed to be stricken; with the time equally divided and controlled between Senators MCCAIN and INOUYE or their designees.

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

Mr. REID. Mr. President, Senator MCCAIN has graciously consented, as has Senator GRAMM, that if someone wants to offer an amendment prior to 2 p.m., they will have no objection to doing that. We could perhaps have two votes around that time. It is up to the body as to whether or not someone wants to offer another amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I noted earlier, we basically find ourselves in a position where the President has asked for emergency funding.

We have a bill before us the President has said he will veto. We have a problem in that the proposal spends more money than the President asked for. It doesn't fund some of the emergencies he asked for, funds many things he did not ask for. The question is, how do we get this right so we get the money that the White House wants in a form that they will sign and that we can get on about the Nation's business?

It is fair to say the people on my side of the aisle decided that in the end the best thing to do is to go ahead and cloture this bill so it will have a vote hopefully sometime this afternoon or tonight, send the bill to conference, and then it will be up to the conferees to bring it into compliance with what the President has said he will sign, or have it vetoed. In either case, we decided that was a better approach than simply continuing to debate this issue on the floor of the Senate in the face of the President's first veto threat.

Senator BYRD and I had a discussion earlier today about that veto threat. I don't want to get back into that discussion. I want to talk about this amendment.

Senator MCCAIN and I are concerned that there are a lot of provisions in this bill that really are not emergencies. That doesn't mean they are not meritorious. The example we had before about building the storage facility for the Smithsonian so that specimens stored in alcohol could be in a building with the temperatures controlled, so you don't have to keep adding alcohol and will have better protection against fire, is something we need to do. The President has that in his 2003 budget. It is being funded here as an emergency. The President mentioned it in his veto message.

Senator MCCAIN and I decided that the way to deal with this problem is to pick out about four or five of these issues that the President has singled out as not being emergencies and give the Senate the opportunity to vote on them, and then we have two points of order on the bill.

One point of order is the emergency designation, where the body would decide whether or not it is an emergency by whether or not 60 Members would vote to deem it such. The other point of order has to do with a quirky provision of the bill where the President cannot designate what he called an emergency to spend the money unless he takes $14 billion of spending that he has not designated as an emergency and spends that money.

We believe that circumvents the whole emergency designation process. We believe there is a point of order

based on that, and my guess is that at some point we will have a vote on those two points of order, assuming they lie.

In going down the amendments, one that Senator MCCAIN has identified is the mapping of the coral reef. Let me say this. I don't have any doubt in the world that mapping the coral reef is a good thing. Other than the State that I represent, my home and the State I was born in, I don't love any place more than I love Hawaii. Let me also say that no Member of the Senate has been sweeter to me and my family than the Senator from Hawaii. So if I had been picking amendments, I would not have picked this amendment. But I don't believe that mapping the coral reef around Hawaii is an emergency that warrants waiving the Budget Act and, in the process, spending money that will generate a deficit and that will take the money, ultimately, out of the Social Security trust fund.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to.

Mr. BYRD. This is not designated as an emergency, so it does not violate the Budget Act. I thank the Senator for yielding.

Mr. GRAMM. Let me make my point. I hear the Senator. While the bill is $4 billion above the level the President requested, the nonemergency parts of the bill are $14 billion above the level the President requested.

What we have sought to do is come up with a series of amendments on things that we do not believe represent emergencies, to really give people an opportunity to say yes or no as to whether they believe they should be included in this emergency bill, which is—I think everybody agrees—$4 billion above what the President requested.

We understand where the votes are here. We just find ourselves in a position where our President has said he is going to veto the bill. I intend to vote against the bill and make these points of order and vote for them. I wish we could start the process over and eliminate the veto threat and get this job done, but I don't have the power to control that. Maybe no single Senator at this point has that power.

In any case, Senator MCCAIN has offered this amendment. Despite all of the merits of what it is doing, it seems to me that this provision does not belong in an emergency appropriations bill. We will offer several more amendments that we believe fall into this category. Obviously, it is up to the Senate to decide whether or not they believe these provisions belong in the bill. In any case, Senator MCCAIN felt, and I felt, that it was important that at least some of these items be voted on, and so there will be two or three more of them that we will offer. I don't know what other people are going to do. Then I think we would have a budget point of order against the bill.

At that point, from my point of view, we have made the decision, despite the President's veto message, despite the fact that the President has said this does not fund the emergency items he wanted and designates items as emergencies that he doesn't believe are emergencies—if at that time it is the Senate's will to move ahead, then I don't know that we serve any purpose to hold it back.

So the question we are trying to pose is—this is clearly an emergency bill. It is over budget from what the President requested by $4 billion. I do not believe this provision is an emergency, though I don't doubt that it is meritorious. So I intend to support the Senator's amendment. I hope other people will as well.

There will be at least two more amendments. At that point, I think we would probably be through. I think we are establishing a pattern here that people are ready to pass this bill, spend this money, and worry about the problem later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, if I may repeat myself, not a penny is appropriated by the coral reef initiative—not one penny. Moneys were appropriated in the fiscal year 2002 bill. This is to set aside, of that amount, $2.5 million for the mapping of the coral reef around the northwestern islands of the Hawaiian chain.

Mr. President, 84 percent of the coral reefs of the United States are found in the Hawaiian chain. Of that 84 percent, 6 to 9 percent would be found in the northwestern islands and 15 percent around the occupied islands. This is not important for the Hawaiian people. This is an emergency as far as the Commerce Department is concerned because they are in the process of establishing a sanctuary in the northwest islands. In order to set the sanctuary, you must begin mapping that area to determine what sort of fishes are there, what sort of plant life.

If we are to carry out the national mission of protecting our environment and protecting the species of this land and this planet, then this is an important part of it.

Furthermore, the funds that will be designated for this initiative will be administered by the National Defense Center of Excellence for Research and Ocean Sciences through a cooperative agreement with NOAA. One specific item they must live up to is that this will be done by competition, using a competitive process of selecting whoever does the mapping.

This initiative does not designate any person, institution, or organization to do this job. Yes, it is not part of homeland security, but as far as NOAA is concerned, this is an emergency. We are not appropriating any money; we are just saying let's use the money we have already appropriated for this purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me make one point and then I will be through. Part of what makes it hard to determine what is happening is that the bill does make appropriations for the National Oceanic and Atmospheric Administration operations, research, and facilities of $29.2 million. That is new money that is provided in this bill on an emergency basis.

What the Senator from Hawaii is saying is that his amendment does not require new money because he is taking it from money that was appropriated in Public Law 107–77. Our problem is that while you are taking $2.5 million for this purpose from money that was appropriated for this general account, the bill puts in $29.2 million into the account. So it is hard for us to tell—at least it is not obvious—that while you are spending old money, that the bill is not replacing that old money with new money which is, in fact, designated as an emergency. Perhaps this is a technicality, but it is the source of the issue we are trying to raise.

I do not know what the $2.5 million—which is being transferred for this purpose—was going to be used for in the first place, and I would not be shocked if it were a lower priority than what the Senator wanted to use it for. But there is $29.2 million of new money for the same account that the committee—let me read the language:

> The committee recommendation includes $29.2 million for NOAA to address critical homeland security requirements.

The problem is, is any of this $29.2 million going to replace the $2.5 million that is being transferred for this purpose? That is what we cannot tell. Hence, that is why this issue has been raised by the President and by others as an example of a nonemergency that is being funded.

It is clear that the money is being transferred from an existing account, but the question is, Is any of this $29.2 million going to pay for what is being taken away? That is the question.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. MCCAIN. Is the Senator aware that the money is going to the National Defense Center of Excellence for Research in Ocean Studies, which is a Hawaiian State government agency, but that Hawaiian State government agency is solely federally funded? We are proving that money is fungible. They give it to an outfit called the National Defense Center of Excellence for Research in Ocean Studies which happens to be a State government organization, but that State government organization is fully federally funded.

This is a remarkable movement of money and, frankly, the $29 million which is added for new money for NOAA is something that was not requested by the administration either. Is the Senator aware of that?

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. GRAMM. Let me yield the floor and let the Senator have the floor.

I was looking to find my place in the bill. I do not know this bill as well as the people who are on the committee, but I believe this was an addition to the President's request, as far as I can tell.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, CEROS, the National Center of Excellence for Research in Ocean Studies, is not a State government institution. It is a Federal institution. It was established by the Department of Defense. That is why it is called a national defense center.

Secondly, the $2.5 million does not come out of this bill. The sums have already been appropriated for mapping of coral reefs. This just expedites it because NOAA wants it expedited. The amendment itself was drafted by the staff of NOAA. It is not to benefit any Hawaiian organization, I can assure you, Mr. President. This is to benefit the people of the United States who have been crying about the environment, about protecting the species of this planet. This is how we are going to do it.

If we do not do it, then it is going to be wide open to fishermen, and if the lobsters disappear, if the exotic fishes disappear from that area, do not blame me. We are carrying out the wishes of the administration.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I will not be able to fully detail some very good work that staff has done for me on this supplemental appropriations bill, but I want to speak about one part of this legislation that is of great concern to me.

Overall, I absolutely support the supplemental, but I want to talk about some of the language and some of the additional funding for support for Colombia. First, I want to make it clear, having visited the country of Colombia twice now, I believe we have a very important role to play.

I rise today to raise concerns about the administration's proposal for lifting the restrictions on aid to Colombia and providing an additional $35 million to help it fight terrorism. President Bush is seeking authority to permit U.S.-funded combat helicopters to be used directly against FARC and the ELN, the two biggest leftist insurgency groups. The administration claims that the best way to fight drugs in Colombia is to help the country end the threat from guerrillas.

Violence, has wracked the Colombian countryside for more than 75 years, a product of poverty, inequality and the state's chronic weakness. The FARC's four-decade old insurgency, which grew out of an earlier civil war, has intensified dramatically since peace talks broke down in February, after several high-profile kidnappings. Narco-traffickers, working with left wing guerrillas and right wing paramilitaries, continue to make large portions of the country ungovernable.

In short, Colombia's democracy is in crisis. Colombian civil society is under siege. Union members and activists, clergy, human rights defenders, journalists, and politicians continue to bear the brunt of human rights violations including murders, disappearances and threats in the escalating conflict in Colombia. Most Colombians living in rural areas unprotected by state forces are under constant threat by the left and right.

While I believe we must help Colombia, I also believe that we must do so wisely. The Administration has requested $35 million for Colombia—$25 million of which will be used to train and equip anti-kidnapping police units, $4 million to support police posts in areas out of government control, and $6 million to start training troops to protect an oil pipeline. This is on top of the nearly $2 billion we have already dedicated to Colombia in recent years.

I have serious concerns about this proposal. Expanding our role in Colombia is a major change in U.S. policy. In my view, such a change deserves to be considered and debated on its own terms, not within the context of an emergency supplemental appropriations bill. I am concerned further that this shortsighted approach will only compound the already tragic toll on civilian life in Colombia.

There are several serious problems with this approach, not least of which is the fact that the majority of U.S. assistance to Colombia goes to the Colombian armed forces, which continue to maintain ties to paramilitary groups that are listed on the State Department terrorist list. I cannot emphasize this point strongly enough. The administration is proposing to send hundreds of millions of dollars to a military force that has long, well-established ties to one of the very terrorist groups we purport to be fighting.

Another immediate effect of the changes in policy would be to permit the United States to expand how it shares intelligence information with Colombian security forces. Again, I think we should be careful about providing intel to a Colombian military that is sullied by ties to right wing paramilitary terrorist organizations which are deeply involved in drug trafficking.

I also am concerned that the Colombian military does not have the will to adequately protect its citizenry. For example, a May 2002 report prepared by the U.N. Office of the High Commissioner for Human Rights in Colombia has placed equal blame on the FARC, the AUC, the government, and the military on fighting that left 119 civilians dead in the small town of Bojayá, in the remote jungles of northwest Colombia.

The UN report says that the government, the police and the army not only ignored warnings of an impending tragedy but also may have collaborated with the outlawed paramilitary forces to allow them to enter the region. The report lays out evidence that a 250-person paramilitary unit sailed up the River Atrato in seven large boats and passed through two police and one army checkpoint without the slightest problem. Anders Kompass, director of the UN's Colombia office, said in his report that paramilitary commanders flew into the town aboard light aircraft at a time when the town was under full military control and only army aircraft were authorized to land on the small airstrip.

Although this is just one of the most recent examples of Colombian military cooperation with the outlawed paramilitaries, it is emblematic of a broader pattern in Colombia. Military-paramilitary linkages in Colombia are real. It's high time we addressed this problem.

Like Human Rights Watch, the Washington Office on Latin America (WOLA), and Amnesty International, I have serious concerns about the State Department's decision to certify the Colombian government's compliance with human rights. In my view, the Colombian government and military have shirked their responsibility to suspend high-ranking military officers implicated in serious human rights abuses. In addition, the Colombian government has failed to arrest known human rights violators, and when they have done so, have failed to vigorously prosecute these individuals.

In particular, I am concerned about the characterization of army actions in Barrancabermeja as an example of progress in breaking army-paramilitary ties. Despite the high concentration of security forces in Barrancabermeja, the city remains under virtual paramilitary control. Paramilitaries move freely through the city, and the civilian population lives in an atmosphere of unmitigated terror. Surely this cannot be seen as progress.

Over time, I think it's safe to say that we can expect requests by the Colombian government for additional substantial aid increases in the near future, perhaps as soon as next year. Now is the time to raise important questions about our end game. We must ask now, rather than a year or two from now: how far are we willing to go? We should not broaden our assistance until we get a satisfactory answer.

As you know, the administration's Foreign Operations Appropriations request includes $98 million for FY2003 to

train an additional brigade of Colombian troops to serve as a rapid-reaction force protecting the Cano-Limon pipeline used by the U.S. oil company, Occidental Petroleum, against guerrilla attack.

U.S. Ambassador Anne Patterson told Colombia's El Tiempo newspaper that ''there are more than 300 infrastructure sites that are strategic for the United States in Colombia.'' Are we going to pay to protect all of these sites as well? Where do we draw the line? Why protect this pipeline and not another? Why not a dam, a coal mine, a power grid? We need to openly debate these questions before targeting assistance to one entity.

I also am concerned that the Administration may appear to want to circumvent congressional authority. They have requested $6 million in this emergency supplemental for a program that Congress has not yet authorized. However, I am pleased to see that Senator LEAHY has reduced the amount of funding for pipeline security to $3.5 million. He also has inserted language requiring Occidental and the other oil companies that would benefit from such protection to repay these funds. I applaud these efforts to check this glaring example of corporate welfare.

This is not to say that the United States should not help strengthen Colombia's democracy. The United States can and should help Colombia. Here's what I believe we should be doing instead: Support the civilian part of Colombia's state—judges and prosecutors, oversight agencies, honest legislators, and reformist police officers; protect human rights and anti-corruption reformers inside and outside of government; provide and more effectively implement alternative development and rural development programs to create the conditions for a functioning legal economy and alleviate the desperation of Colombia's countryside, which fuels the conflict; step up our provision of humanitarian aid to internally displaced persons and refugees; use the full weight of our diplomacy to support efforts to restart peace talks, perhaps with UN involvement; press the Colombian military to break ties with the paramilitaries, without sending mixed signals—like waivers and disingenuous certification processes; and, spend more money at home on efforts to reduce demand through treatment and prevention.

In Colombia, we should do all we can to strengthen the rule of law and democratic institutions. Economic and social development should be our highest priorities, and humanitarian delivery is essential. In addition, we need to invest in demand side interventions here in the U.S. Our militarized drug strategy overwhelmingly emphasizes drug eradication, interdiction and law enforcement when studies show that these are the least effective means of reducing illicit drug use.

A landmark study of cocaine markets by the conservative RAND Corporation found that, dollar for dollar, providing treatment to addicts is 10 times more effective at reducing cocaine use than drug interdiction schemes and 23 times more cost effective than eradicating coca at its source.

Our counter-narcotics policy in Colombia has not worked. Although some drug laboratories have been destroyed, coca production in Colombia has risen. In fact, despite massive fumigation across Colombia, the area of Colombia planted with coca grew by 24.7 percent in 2001 to 419,000 acres, 169,800 hectares. CIA figures for 2000 showed final cocaine output at 580 tons.

What's more, just last month, General Gustavo Socha, the head of Colombia's anti-narcotics police force was removed from his post on Friday amid an inquiry into how some $2 million provided by the U.S. disappeared from an administrative police account. His removal—and subsequent resignation—are positive steps, but ultimately the perpetrators must be arrested and prosecuted prior to any new infusion of assistance money.

Also, we do not know what the policies of any new Colombian administration will be. With the recent landslide victory of Alvaro Uribe in the Colombian Presidential elections, I think we have cause to be concerned. I hope Mr. Uribe will keep his campaign pledge to combat illegal right-wing paramilitary forces with as much vigor as he does the rebels, but I have cause for skepticism. I have serious concerns that Mr. Uribe's plans could lead to increased abuses that would mostly befall poor villagers who live in the areas where the fighting often takes place.

Uribe, a 49-year-old former state governor, has promised to wage a war without quarter against both the FARC and the AUC. In my view, an escalated military approach is doomed to fail. He says he will double the size of the army's combat force to 100,000 soldiers and the National Police to 200,000, create commando teams to root the terrorists and drug traffickers out of Colombia's vast jungles, and recruit hundreds of thousands of civilians for security squads. As governor, paramilitary forces flourished in his department, and his chief election opponent has alleged paramilitary and narco-trafficker links.

Uribe, whose campaign slogan is ''Firm Hand, Big Heart,'' has raised concerns among human rights groups, who fear his anti-guerrilla rhetoric might encourage right-wing paramilitaries. I share this concern.

Most analysts agree that the military offensive proposed by President-elect Uribe will make things worse before they get better. It will most likely result in an increase of Colombian refugees and a rise in kidnappings, violence and drug production by FARC rebels in neighboring countries. The spillover effect of the war on neighboring countries could be compounded by the fact that the armed forces of Venezuela, Ecuador and Peru are consumed by internal troubles, Brazil is focused on its October presidential elections, and Panama does not even have an army. Again, I must ask: what are we trying to accomplish here?

Between 1995 and 1998, when he was governor of the prosperous and tortured state of Antioquia, whose capital is Medellin, Mr. Uribe oversaw the creation of a network of civilian patrol groups. At least two of these groups evolved into notorious death squads, but Uribe insists that the others were merely efficient neighborhood peacekeepers. I believe that we should be wary of these civilian militias. Some see this as a new ''Self-Defense,'' or paramilitary, initiative.

That said, with the exception of the civilian patrol groups that turned into death squads, and a military campaign against the guerrillas in the Uraba region of Antioquia, which is often described as brutal, Uribe's record as governor of Antioquia is outstanding, particularly in this chaotic nation. Public health, education, and highway systems, which are among Colombia's worst problems, improved greatly in Antioquia during his tenure. As a result, I hold out hope that he will advance a platform of economic, social, and cultural development all of which have been in short supply in Colombia.

Ultimately, there is no military solution to this conflict. Most observers agree that a political solution is the only way out. Mr. Uribe has issued a call for the United Nations to attempt to restart peace talks with the rebels. In my view, our government should be more active in the quest for peace by encouraging negotiations like the sputtering ''Havana process'' of talks between the government and the ELN. This model could pave the way for eventual negotiations with the FARC. Moreover, we should encourage the Colombian government to accept a United Nations ''good offices'' mission, under Chapter 6 of the UN Charter, without preconditions.

However, Mr. Uribe's ideas are unlikely to succeed despite his recent attempts to reach out to the UN. Before there can be any talks, he has demanded that both FARC and the AUC agree to an end to violence—an unlikely proposition. Yet I encourage his peace overtures and hope that he will agree that a military solution is not the most effective means for improving Colombia's plight.

In conclusion, Mr. President, I am an internationalist. I am a first-generation American. I am interested in the world and I very much want to see us promoting sustainable economic development, promoting the environment, promoting human rights. I want to see good economic development assistance to Colombia. The truth is, I have some concerns about Mr. Uribe, who recently was elected President of Colombia. President Pastrana, I think, is a very honorable man, and I think had tremendous support in the Senate among Democrats and Republicans dealing

with a tremendous amount of violence. The city I visited twice, Barrancabermeja, has been like the Sarajevo of Colombia, a very dangerous place, especially for the people who have to live there.

In Colombia, there are a lot of innocent people who have been murdered by savage violence. There is the FARC, which is the guerrilla—if a label has to be used—left. There is the ELN, also the guerrilla left. Then there is the AUC, or the paramilitary, on the right.

Certainly, the Government deserves and needs our assistance. My concern is about the direction we are taking in this supplemental bill. This is a supplemental appropriations bill, and I do not think we should be changing policy, but we are. The change in policy, as I understand it, is twofold.

First, our military equipment, such as the Blackhawk helicopter, has been used in the war against drugs. That is what the original Plan Colombia was all about. Now this military assistance can be directly used in the counter insurgency war against the FARC and the ELN, no longer just for counter-narcotics. What worries me is the one-sidedness of the approach that the Government is taking, and I believe this new administration in Colombia will take.

That is to say, if we are concerned about narco-trafficking, there are a couple of things we can and should do. The first thing we ought to do is to reduce the demand for the drugs in our country. That is actually the most effective way to deal with this. I am not sure anybody has proven that we can—through aerial eradication, the spraying and the military effort—actually successfully fight this scourge.

The truth is, the drug trafficking business in Colombia continues to boom. Frankly, there is not anything we have done that has made much of a difference to date. The best thing we could do would be to reduce demand in our own country and have effective treatment programs in our own country. Above and beyond that, what has always worried me in what has been, up to now, counter-narcotics, is that all of the focus has been on the FARC and on the ELN, two organizations about which no one should have any illusions. These are not Robin Hood, justice organizations trying to redistribute the wealth and the income to the poor. These are organizations that are up to their eyeballs in narco-trafficking, having made a tremendous amount of money off of it.

These are organizations that have been engaged in a clear policy of terrorism, that is, of kidnapping and murder of innocent people. The truth is that if this Plan Colombia was all about going after narco-trafficking, we would have spent as much time focusing on the paramilitaries on the right because they are also implicated in the narco-trafficking up to their eyeballs.

My concern is that we are now becoming more involved in basically a military effort. We are becoming more involved in what is now counter-insurgency, not counter-narcotics. I was never sure what the divide line was, but we have now changed this. We have said our military weaponry—and I also worry about our U.S. advisers being directly involved in the actual military effort—can now be used to fight an internal counter-insurgency effort. That is a different policy. We have now moved from counter-narcotics to counter-insurgency, and we are becoming directly involved.

Part of the problem is that we are relying on this Government and this military and we basically are turning our backs on blatant violations of human rights conditions. My concern is that the military in Colombia—and every human rights organization that does any independent research comes up with the same report—is too closely tied to the AUC or the paramilitary. And, therefore, I say to my colleagues, it is amazing to me, for example, that this administration has certified that the military is doing much better with respect to human rights, and they use Barrancabermeja, where I visited twice, as an example. In Barrancabermeja, it is not the case at all.

Senator LEAHY has shown important leadership on this question, but I see an administration that is turning its gaze away from all of this because in Barrancabermeja people's phones have been taken from them. They do not have any phones. The paramilitary moves into their homes. There is total terror and, frankly, many people have been murdered. The truth is that two-thirds of the extrajudicial killings every year in Colombia are done by the paramilitary, the AUC, the right. But we are now going to move forward and we are going to become directly involved in direct aid to the military, too much of which is closely tied to the paramilitary, which has been involved in too many slaughters of innocent people. It is counterinsurgency, and we are playing a different role than we played before. We are becoming more directly involved. This is all going to be done with our money. It is going to be done in our name. It is a change of policy.

I wish to say, so at least it is part of the record, that I think it is wrong to do so in the supplemental bill, and I want to issue a warning to people in our country that I think this is a profound mistake. I think this is a profoundly mistaken policy.

I have had a chance to visit and I especially have become familiar with the work of a priest, Francisco de Roux, who has done some of the finest economic development work, and his approach is manual eradication of the coca plant, not the aerial spraying where the chemicals are used, where many people say they have been sick, where legal crops also end up being destroyed. Frankly, on the ground, we were supposed to be providing money for alternative social development. We haven't done that.

We have had the war on drugs. That has been quite unsuccessful. We have done this aerial spraying. Many say: This has affected our health; what are you doing? We have destroyed some of their legal crops. We said we would have alternative crops and economic development money. That has not happened on the ground. We have priests such as Francisco de Roux trying to do it a different way. I hope others will join me in supporting a more productive approach.

Now we have moved into a different kind of policy. We are now going to be involved in a joint effort to protect the pipeline. I think the oil companies, Occidental, et al, have a fair amount of money to protect their own pipeline. I don't know why we must use the taxpayers' money. Last time I looked, the oil industry was doing pretty well. I think they made $40 billion in profits last year.

It is a long pipeline. I cannot remember how many miles. How many projects are we going to be directly involved in protecting? How much money goes to the military? What is the end game? What is a victory? What are we trying to accomplish? Why the change in policy?

We are told: By the way, this is part of the frontline fight against the terrorists. This is not al-Qaeda. A lot of this has gotten mixed up. This is now being justified as part of the war against terrorism. FARC and ELN are terrorist organizations. They have been involved in the indiscriminate murder of locals, and so has the AUC—which we indirectly support because they have ties to the some in the Colombian military.

When we directly let our equipment be used in military efforts in counter-insurgency against the terrorists and then try to wrap that up with the fight against al-Qaeda and what happened in the United States and what has happened in Afghanistan and what is going on in south Asia and the Middle East, it is sleight of hand. They are not one and the same. No one has presented one shred of evidence that al-Qaeda is operating in Colombia. No one has presented one shred of evidence this is part of this fight against this terrorist organization.

This is a slippery slope. We have made some policy changes. We better understand what we are doing. We are becoming more implicated in counter-insurgency. We are becoming more implicated in direct work with the military, which has been tied too closely to paramilitaries, and rightly have been harshly condemned.

I don't, with a broad stroke, condemn everyone, but there are too many elements of the military in Colombia that have been condemned, with irrefutable evidence presented by people who have done the reports—the State Department, human rights organizations and others—concerning massacres of innocent people.

We are basically turning our gaze from that and are quite uncritical. The good work that has been done has been done by Senator LEAHY. There are other Senators who care as well, and I appreciate some of the work on human rights conditions, and I appreciate some of the work he has done to slow this down.

Senators, I want it on the record—I will have a better formal statement in writing with much more clear evidence, many more facts and figures—that I believe we are making a profound mistake.

I say to the Ambassador, Anne Patterson, whom I met, I know we don't agree on all things. She is doing a heroic job under very difficult circumstances, but I do not believe this war against drugs has been anything close to a success. We are now making a change in policy that is of great concern to me. I don't want someone to say that nobody talked about this, or that there were no Senators who raised the questions about this change in policy. It is a small part of the overall bill, so I will vote for the bill, but I am absolutely opposed to this change in policy in relation to Colombia.

The administration is going in the wrong direction. I ask the administration to take human rights conditions more seriously.

With all due respect, do not certify that there has been compliance with human rights standards when that is patently not the case. I challenge anyone to go to Colombia and on the basis of 1 day come back here and say the military is doing a good job of protecting people. The people you met there, I am not talking about ELN or FARC, the civil society people, the people everyone here would respect who do the human rights work and economic development work, have nothing to do with the left guerrilla organizations. They are not opposed to the military and police but want their protection. They want to know how it can be that so many of them—innocent people who have had the courage to do this work—are murdered with impunity.

This administration seems to put all of those concerns in parenthesis, and this Senate, in this supplemental appropriations bill, to tell you the truth, is not giving a change in policy the kind of scrutiny and the kind of analysis or thoughtful deliberation we ought to give it. We are making a mistake.

MENTAL HEALTH RALLY

Mr. REID. Will the Senator answer a question?

Mr. WELLSTONE. I would be pleased.

Mr. REID. I was scheduled to appear with the Senator from Minnesota at a public hearing involving mental health. I was not able to be there because of floor duties. Would the Senator be kind enough to indicate what went on at that gathering today?

Mr. WELLSTONE. I thank the whip. First, we know Senator REID was not at the rally because of his duties in the Senate.

Senator REID from Nevada is a perfect example of someone who has taken his own life story in the most personal, powerful, and eloquent way and given a lot of other people inspiration. Thank you, thank you, thank you for your work.

It was very moving. I don't know what the temperature is out there, but it feels like it is 120. It was on the west side of the Capitol. The estimates were 1,500 or 2,000 people in attendance. There were a lot of people there for well over an hour.

A couple of things happened: First, this is a bill on the House side that now has 224 cosponsors. That is over a majority. That is enough to get a discharge petition. This is the work of MARGE ROUKEMA, Republican, and PATRICK KENNEDY, Democrat.

On the Senate side, the bill has 66 cosponsors. In addition, there are 200 organizations that support it. In addition, the majority of the people are saying end the discrimination. That is what it was about. Do not tell someone whose daughter is struggling with depression, and they are worried she might take her life: You only can have a few days in the hospital and that is it. You can only see a doctor a few times and that is it. Treat the illness like an illness, like any other illness, like a physical illness. End the discrimination.

It was very moving. People came to say end the discrimination. They came also to say it seems everyone is for it except the health insurance industry. Obviously, they are trying to block it. People are saying: We do not want to wait any longer.

My hope is the White House will be very involved in the negotiations. The President has called for full mental health parity. That is very important. We need the help. Last time we passed it on the Senate side and put it in the appropriations bill of Labor, Health, and Human Services, it was blocked in conference. This time, my hope is that we will get a chance to bring it to the floor this month. We have more than enough support. The House must pass it. The White House will weigh in. It may not be 100-percent perfect, but what a difference it will make.

Just to give some context, the people who came from all around the country, came to say the time is now. Just to give some context, I mentioned the New York Times, and the journalist should get a Pulitzer Prize for a three-part, front-page story. I could not bear to read it. It talked about adult care in New York City. Just imagine, in other States as well, people jumping out of windows because they do not get any care. They do not get pharmacological treatment—clients, men and women, adults in urine-stenched clothing day after day because of no adequate staffing; elderly people dying in the heat, in the United States of America, in the year 2002. We can do better.

You asked me about the rally. Senator DOMENICI just came in, and it was really wonderful. Then we had a vote, so we had to leave. But Nancy Domenici was, what do you say, emceeing it? My own concern is that people drank enough water because it was so hot. But people are determined. People are determined to end the discrimination, to get this legislation passed. It was wonderful. I think it was really important.

They are working very hard today as citizen lobbyists, talking to Members of the House, hoping we will move to this legislation. That is what it is all about.

I see my colleague from New Mexico is here.

Mr. REID. The Senator from New Mexico and the Senator from Minnesota are in the Chamber. The Senator from Minnesota was speaking on another subject, and I asked him about the rally that I could not attend today, and he proceeded to tell us.

I want to spread on the record of this Senate the admiration and respect I have for the two Senators, both differing in political philosophies except that on this issue they are marching in lockstep to fruition. Because of their leadership and their advocacy, we are going to have, in this country, mental health care so someone who has a mental illness is going to be treated like someone who has a physical illness. They should be on a par. Because of the leadership of the two Senators, the Senator from Minnesota and the Senator from New Mexico, that is going to happen.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did not quite get here in time to ask the distinguished majority whip where we were in terms of the business of the Senate. Might I ask, what is the parliamentary situation? What is pending before the Senate?

The PRESIDING OFFICER. An amendment of the Senator from Arizona was set aside by consent to recur at 2 o'clock.

Mr. DOMENICI. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2001—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (S. 1372) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1372) to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of May 24, 2002.)

Mr. SARBANES. Mr. President, I rise in support of the conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002.

The Senate passed its version of this legislation on March 14 by unanimous consent. The House passed its version, H.R. 2871, by voice vote on May 1, then amended the Senate version and requested a conference to resolve the differences between the bills. The conference committee met on May 21 and reached agreement on the conference report. The House has now passed the conference report by a vote of 344–78, and it is before the Senate for consideration today.

I strongly urge my colleagues to support this conference report. In my view, it is a carefully developed and balanced piece of legislation that makes a number of constructive changes to the Export-Import Bank Act, which is the charter of the Export-Import Bank. Before describing some of those changes, I would like to thank my colleague, Senator BAYH, the chairman of the International Finance Subcommittee of the Senate Banking Committee, for his very able leadership in moving forward this important legislation. Senator BAYH took a particular interest in strengthening the adverse economic impact procedures of the Export-Import Bank, which is one of the most significant provisions of this legislation. I would also like to thank Senator HAGEL, the ranking member on the International Finance Subcommittee, who is a strong supporter of the Ex-Im Bank and contributed importantly to the provision of the conference report dealing with market windows. Senator ALLARD also took a strong interest in this bill and sponsored the amendment in the Senate which established an inspector general for the Ex-Im Bank.

In addition, I want to thank Representative OXLEY, chairman of the House Financial Services Committee, Representative LAFALCE, the ranking member, and Representative BEREUTER, chairman of the International Monetary Policy and Trade Subcommittee, for their strong commitment and leadership in reaching agreement on this conference report.

I believe there is a general recognition by most members of the Congress, on a bipartisan basis, that the Export-Import Bank has an important role to play in U.S. trade policy. Ex-Im Bank financing helps U.S. exporters level the playing field against foreign competitors who benefit from subsidized export financing from their governments. It also gives U.S. negotiators important bargaining leverage in efforts to reach international agreements limiting the use of such subsidized export financing. U.S. exporters are able to compete with great success in international markets on the basis of price and quality. However, when foreign exporters benefit from subsidized financing from their governments, the Ex-Im Bank is needed to help U.S. companies, and the workers they employ, compete on a fair basis.

This conference report makes a number of changes to the charter of the Export-Import Bank that I believe will strengthen the ability of the Ex-Im Bank to carry out its important mission. I would like to describe briefly some of the most important changes.

The conference report extends the authorization of the Export-Import Bank to September 30, 2006. This extension to 2006 is intended to take the reauthorization of the Ex-Im Bank out of the Presidential election cycle.

When the reauthorization of the Ex-Im Bank falls in the first year of a President's term, it runs the risk that a new President will be taking office, as occurred last year. In that case, a new administration must struggle not only to put in place a new Chairman of the Ex-Im Bank but also to cope with providing leadership for the reauthorization of the Ex-Im Bank as well. The conference committee believed that it makes more sense to put the reauthorization of the Ex-Im Bank in the second year of a President's term to assure that a new Ex-Im Bank Chairman has been put in place and has been on the job with sufficient time to provide leadership for the reauthorization of the Bank.

Tied aid is highly concessional financing provided by one country to another that is linked to the purchase of goods or services from the donor country. The U.S. government has targeted foreign government use of such financing as particularly harmful to U.S. trade interests, and has sought to limit the use of tied aid through negotiations in the OECD. Congress created the Tied Aid Credit Fund in the Ex-Im Bank to demonstrate to other countries that the U.S. would match their efforts to gain sales through the use of tied aid in order to level the playing field for U.S. exporters and to provide leverage to U.S. negotiators seeking to reach agreements to limit the use of tied aid.

The conference report makes a number of significant changes to the Tied Aid Credit Fund of the Export-Import Bank that I believe will strengthen its effectiveness. The charter of the Ex-Im Bank requires cooperation between the Bank, which administers the Fund, and the Treasury, which leads U.S. negotiating efforts to limit the use of tied aid. Section 9(a) of the conference report directs the Ex-Im Bank and the Treasury Department to develop a set of principles, process, and standards for the operation of the Tied Aid Credit Fund to assure its smooth functioning.

The Ex-Im Bank and the Treasury made an extensive effort last year to develop an agreed set of principles, process, and standards for the operation of the Tied Aid Credit Fund which was submitted to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on July 16, 2001. It is expected that the initial principles, process, and standards for the operation of the Tied Aid Credit Fund required by section 9(a) of the conference report will be those agreed to and submitted by the Ex-Im Bank and the Treasury last year.

In addition, the conference report amends the Ex-Im Bank Act to require that the Tied Aid Credit Fund be administered by the Bank ''in consultation with the Secretary (of the Treasury) and in accordance with the principles, process, and standards'' developed pursuant to section 9(a) of the conference report. This replaces the language currently in the Ex-Im Bank Act providing that the Ex-Im Bank administer the tied aid credit program ''in accordance with the Secretary's recommendations.'' This current language has been the subject of a dispute between the Ex-Im Bank and the Treasury over whether the language gives the Treasury authority to prevent or overrule a final decision by the Board of the Ex-Im Bank to extend a tied aid credit in a particular case.

The purpose of the conference report in removing this language is to make clear that the Board of the Ex-Im Bank makes the final decisions on extending tied aid credits. Section 9(a) of the conference report explicitly states that once the principles, process, and standards are followed in a given case, ''the final case-by-case decisions on the use of the Tied Aid Credit Fund shall be made by the Bank.''

The conference report provides that in the extraordinary circumstance in which the President of the United States determines, after consulting with the President of the Ex-Im Bank and the Secretary of the Treasury, that the extension of a tied aid credit would materially impede enforcing compliance with the existing OECD Arrangement restricting the use of tied aid credits and facilitating efforts to negotiate, establish, and enforce new or revised comprehensive international arrangements, then the Bank shall not extend the tied aid credit. However, absent such an extraordinary action by the President, the Ex-Im Bank shall make the final decisions on tied aid credits cases.

Section 10 of the conference report explicitly expands the authority of the Ex-Im Bank to use the Tied Aid Credit Fund to respond to the use of untied aid by foreign governments to promote exports as if it were tied aid. The conference report also directs the Secretary of the Treasury to seek to negotiate an OECD Arrangement restricting the use of untied aid, and to submit a report to the Congress on the success in initiating negotiations.

Section 10 of the conference report also amends section 10(a) of the Ex-Im Bank Act to establish two basic tasks for the Tied Aid Credit Fund. First, the Ex-Im Bank should match foreign export credit agencies when they engage in tied aid outside the confines of the OECD Arrangement and when they exploit loopholes such as untied aid in order to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies. Second, the Ex-Im Bank should support United States exporters when the exporters face foreign competition that is consistent with the OECD Arrangement on tied aid credits but which places United States exporters at a competitive disadvantage. The conference report also amends section 10(b)2) of the Ex-Im Bank Act to require that the Ex-Im Bank administer the Tied Aid Credit Fund in accordance with these purposes.

Section 10 of the conference report also addresses the important issue of market windows. Market windows are government-sponsored enterprises (for example, government owned or directed financial institutions) which provide export financing at below market rates. However, the foreign governments—notably Germany and Canada—which support them claim that these enterprises are not official export credit agencies, and thus not subject to the disciplines of the OECD Arrangement. Currently, two government entities operate very active market windows. They are the German market window KfW and the Canadian market window, the Export Development Corporation, EDC. The result is that these foreign market windows can provide subsidized export financing outside the OECD Arrangement and give their exporters a competitive advantage over U.S. exporters. Also, because these foreign market windows are not subject to the OECD disciplines, there is often a transparency problem—it is difficult to find out the terms of the financing they provide.

The Ex-Im Bank Act currently authorizes the Ex-Im Bank to:

> Provide guarantees, insurance, and extensions of credit at rates and on terms and other conditions which are fully competitive with the Government-supported rates and terms and other conditions available for the financing of exports of goods and services from the principal countries whose exporters compete with the United States.

Since market windows are government-supported entities, the Ex-Im Bank views its current statute as providing Ex-Im Bank authority to match market windows financing. The conference committee agreed with that view. However, the conference committee believed it would be helpful to make this authority explicit so as to remove any question about Ex-Im Bank's authority and also to send a message to the foreign market windows of U.S. concern about their operations.

As a result, the conference report contains two provisions which address market windows. The first provision directs the executive branch to seek increased transparency over the acitivites of market windows in the OECD Export Credit Arrangement. If it is determined that market windows are disadvantaging U.S. exporters, the U.S. would be directed to seek negotiations in the OECD for multilateral disciplines and transparency for market windows.

The second provision authorizes the Ex-Im Bank to provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement to match financing terms and conditions that are being offered by market windows if such matching advances negotiations for multilateral disciplines and transparency within the OECD, or when market windows financing is being offered on terms that are more favorable than available from private financial markets. Ex-Im Bank could also match market window financing when the market window refuses to provide sufficient transparency to permit the Ex-Im Bank to determine the terms and conditions of the market window financing. The conference committee understood that Ex-Im Bank has the authority to match market windows financing that is consistent with the terms of the OECD arrangement.

In addition, the conference committee held the view that increased information was needed on the activities of foreign market windows. As a result, the conference report specifies that the Bank's annual report to Congress on export credit competition should include information on export financing available to foreign competitors through market windows.

The conference committee believed that it was very important to make clear that the Ex-Im Bank has the authority to match market windows financing in order to allow U.S. exporters to compete on a level playing field, and to direct the executive branch to seek negotiations in the OECD for multilateral disciplines and transparency for market windows financing.

Section 10 of the conference report also makes significant changes to section 2(e) of the Ex-Im Bank Act. Section 2(e) prohibits the Ex-Im Bank from making a loan or loan guarantee to expand production of a commodity for export by another country if the Ex-Im Bank determines that the commodity is likely to be in surplus on world markets or the resulting production capacity is expected to compete with U.S. production of the same commodity, and the Bank determines that the loan will cause substantial injury to U.S. producers of the commodity.

The conference report amends section 2(e) to prohibit the Ex-Im Bank from providing any loan or loan guarantee to an entity for the resulting production of substantially the same product that is the subject of a countervailing duty or antidumping order under title VII of the Tariff Act of 1930, or a determination under title II of the Trade Act of 1974 that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly comopetitive with the imported article.

The conference report also requires the Ex-Im Bank to establish procedures regarding loans or loan guarantees provided to an entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedure shall help to ensure that these loans and loan guarantees are not likely to result in a significant increase in imports of substantially the same product covered by the preliminary determination and are not likely to have a significant adverse impact on the domestic industry. In addition, in making any determination under section 2(e) that a loan or guarantee will cause substantial injury to U.S. producers, the conference report requires the Ex-Im Bank to consider investigations under title II of the Trade Act of 1974 that have been initiated at the request of the President, the U.S. Trade Representative, the International Trade Commission, the Senate Finance Committee or the House Ways and Means Committee. The conference report also requires the Ex-Im Bank to establish procedures to provide a public comment period with regard to loans or loan guarantees reviewed pursuant to those provisions.

The Ex-Im Bank Act currently requires that:

> The Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports directly by small business concerns which shall not be less than 10 percent of such authority for each fiscal year.

The conference report increases the requirement to 20 percent.

According to the Ex-Im Bank, in fiscal year 2000 small business comprised 18 percent of the total value of all Ex-Im Bank financing authorizations and 86 percent of all transactions supported by Ex-Im Bank. In fiscal year 1998 these numbers were 21 percent and 85 percent respectively.

The conference committee believed that the requirement for Ex-Im Bank small business financing could reasonably be raised to a level of 20 percent without causing disruption to Ex-Im Bank's lending programs, Ex-Im Bank remains free to go above this level, as

it has in the past, but the conference committee was concerned that requiring a higher level could have the unwanted effect of tying up available Ex-Im Bank resources if the Ex-Im Bank could not achieve higher levels of small business financing in a given year. The conference report also requires the Ex-Im Bank to conduct outreach to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business concerns employing fewer than 100 employees.

The conference report also makes a number of other significant changes to the Ex-Im Bank Act. It establishes an inspector general for the Export-Import Bank. It makes clear that the Ex-Im Bank's objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers. It increases the aggregate loan, guarantee, and insurance authority for the Bank to $100 billion by 2006. The conference report also requires the Ex-Im Bank to submit its annual competitiveness report to Congress by June 30 of each year in order to ensure its availability for oversight, and requires that the competitiveness report contain an estimate of he annual amount of export financing available from other foreign government and foreign government-related agencies.

The conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002, makes a number of significant changes to the charter of the Ex-Im Bank that I believe will greatly strengthen the Ex-Im Bank's effectiveness as a tool to help U.S. exporters and the workers they employ to level the playing field of competition in international trade, and strengthen the ability of U.S. negotiators to achieve meaningful international agreements to limit the use of export subsidies. Taken together, these changes represent a major enhancement of the Ex-Im Bank charter. I strongly urge my colleagues to support the conference report.

Mr. BAYH. Mr. President, I rise today to offer my support for the conference agreement on the charter reauthorization of the Export-Import Bank of the United States.

As chairman of the Subcommittee on International Trade and Finance, I have worked with my colleagues to craft a bill that creates a level playing field for all U.S. companies. The conference agreement includes a number of important provisions that will help make the Bank more competitive with other export credit agencies.

Although the Ex-Im Bank has played an important role in increasing our country's exports, there have been a few instances in which the Bank has lent its support to exports that have helped foreign companies who are engaged in dumping products into our domestic market. For this reason, I included a provision in the conference agreement that would prohibit the extension of a loan or guarantee to any entity subject to a determination of injury under section 201 by the International Trade Commission, ITC or subject to a countervailing duty or anti-dumping order. Action by the President is not necessary. Additionally, it would required a heighten level of scrutiny and comment period for transactions where a preliminary injury determination exists.

Since its creation in 1934, the Export Import Bank of America has contributed greatly to the welfare and well-being of America's economy. I hope that we will allow the Bank to continue its function, and I encourage my colleagues to support reauthorization of this important organization.

Mr. DURBIN. Mr. President, I would like to commend the conferees to the Export-Import Bank Reauthorization, S. 1372, and particularly Senators BAYH and DODD, for preserving language that helps protect the U.S. steel industry from illegal dumping.

By facilitating foreign purchases of U.S. goods and services that might not otherwise be possible, the Bank helps promote economic growth at home and abroad. Since its creation in 1934, the Export-Import Bank of the United States, has helped several Illinois companies, such as Caterpillar and Motorola, finance exports to foreign countries. However, there have been some instances in which the Ex-Im Bank has lent support to foreign companies that have engaged in dumping products, including steel, into U.S. markets. Such support is inconsistent with our desire for a strong domestic steel industry and our belief in a level playing field for international commerce.

The reauthorization legislation that passed the Senate today requires significantly increased scrutiny of transactions that could adversely impact domestic industries. Furthermore, it prohibits the extension of a loan or guarantee to any company or country subject to a determination of injury under Section 201 by the International Trade Commission (ITC) or subject to a countervailing duty or anti-dumping order. This is a significant step forward and I am pleased to have aided in this effort.

Mr. REID. I ask unanimous consent the conference report be adopted, the motion to reconsider be laid upon the table, and any statements relating to this be printed in the RECORD, without any intervening action or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 3635

Mr. REID. Mr. President, the hour of 2 o'clock has arrived; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, is it true that the 5 minutes of time that has been allocated to both sides is running at this time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. It will be done.

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

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

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. REID. Mr. President, is it time for the vote to occur?

The PRESIDING OFFICER. It is time for the vote on the motion to table.

Mr. REID. Have the yeas and nays been ordered on that motion to table?

The PRESIDING OFFICER. They have not.

Mr. REID. Senator MCCAIN asked that there be a rollcall vote on that, so I ask there be a rollcall vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Snaator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—65

Akaka	Cantwell	DeWine
Baucus	Carnahan	Dodd
Biden	Carper	Domenici
Bond	Chafee	Dorgan
Boxer	Cleland	Durbin
Breaux	Clinton	Edwards
Burns	Cochran	Feinstein
Byrd	Collins	Graham
Campbell	Corzine	Gregg

Harkin	Lincoln	Schumer
Hollings	McConnell	Shelby
Hutchison	Mikulski	Smith (OR)
Inouye	Miller	Snowe
Jeffords	Murkowski	Specter
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Stevens
Kerry	Nelson (NE)	Thurmond
Kohl	Reed	Torricelli
Landrieu	Reid	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden
Lieberman	Sarbanes	

NAYS—31

Allard	Feingold	Lugar
Allen	Fitzgerald	McCain
Bayh	Frist	Nickles
Bennett	Gramm	Santorum
Brownback	Grassley	Sessions
Bunning	Hagel	Smith (NH)
Conrad	Hatch	Thomas
Craig	Hutchinson	Thompson
Crapo	Inhofe	Voinovich
Ensign	Kyl	
Enzi	Lott	

NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

Mr. INOUYE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I advise the leaders and managers that I wish to bring up an amendment entitled, ''American Service Members Protection Act.'' I would think this Senator and perhaps those who are cosponsors—of which there are nine—would desire some time. We will try to expedite this matter. I wonder if I could send it to the desk and ask it be the pending amendment and then defer to the leadership and others to see whether if I lay it aside I can get some——

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes, I yield.

Mr. REID. I say to the Senator from Virginia, I have been told that a Senator on this side wants to be involved in his amendment. So I cannot agree now that we would have a queue to put his amendment in. We recognize the Senator has a right to offer his amendment, but when the Senator does offer it, I will have to get the other Senator over here.

I say to the Senator from Virginia, the Senator from Arizona has indicated he has one or two more amendments he wants to offer, and that is the arrangement. If the Senator from Virginia has a subsequent time he wants to offer the amendment, I certainly have no problem with that. But if he offers it now, we will have to go into a quorum call and have the other Senator come to the Chamber, and we will not be able to expedite this process as much as we want.

Mr. WARNER. I wonder if the Senator standing next to the leader, who is a principal cosponsor, the Senator from Georgia, wishes to be heard on this matter?

Mr. MILLER. After the Senator from Virginia.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. Yes.

Mr. STEVENS. The Senator from Arizona was kind enough to give us notice of two additional amendments, and we sequenced them. I urge the Senator to wait until that is over. We are going to establish sequencing of amendments after that time. There have been others waiting, too, during the morning until this first series is over. I urge the Senator to cooperate with us, and we will put his in the sequence that comes next.

Mr. REID. If the Senator from Alaska will yield, we have known the Senator from Virginia is going to offer an amendment. I think it would be in everyone's interest, as suggested by the Senator from Alaska, that after Senator MCCAIN finishes with his amendments, we move to the amendment of the Senator from Virginia and other amendments.

Mr. WARNER. Mr. President, that is most accommodating. If we can have a gentleman's understanding that at the conclusion of the two amendments by the Senator from Arizona, the amendment the Senator from Georgia and I want to put before the Senate could be considered at that time without binding the leadership.

Mr. REID. Without that being a unanimous consent request, we will do our best to put the Senator's amendment in the queue as quickly as we can.

Mr. WARNER. Mr. President, I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before the Senator from Virginia leaves the floor, I say to him that we intend for sure to do one more amendment. I want to discuss with the Senator from Texas if we have to do an additional amendment because it is clear there is about a 30-vote ceiling. The Senator and I have made our point.

Also, the Senator from Texas is probably going to at some point make a budget point of order. How that falls into the queue the distinguished managers of the bill will establish. In the interest of full disclosure, I thought the Senator from Virginia should know that perhaps there may not be a second amendment, only the one we are about to offer, and the Senator from Texas is going to make a budget point of order.

Mr. WARNER. Mr. President, I thank my colleague.

AMENDMENT NO. 3704

(Purpose: To strike the appropriation for Agricultural Research Service buildings and facilities)

Mr. MCCAIN. Mr. President, I have an amendment on behalf of myself, Senator GRAMM of Texas, and Senator SMITH of New Hampshire, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GRAMM, and Mr. SMITH of New Hampshire, proposes an amendment numbered 3704.

On page 2, strike lines 24 through 26.

Mr. MCCAIN. Mr. President, the amendment that has been offered would remove extraneous items from the supplemental and emergency appropriations bill. In particular, I propose to remove language in the bill that provides $50 million for buildings and facilities construction at the National Animal Disease Laboratory at Ames, IA.

Mr. President, $50 million is designated to add new facilities to the National Animal Disease Laboratory currently located in Ames, IA. The current plans by the Agricultural Research Service, an estimated $380 million, will be utilized to construct new buildings and facilities to further animal disease research and related activities.

These new facilities are approved and sanctioned by the administration with funding previously allocated in the fiscal year 2002 budget. However, despite this support, the administration has stated its view that additional funding suggested in this supplemental bill is not an essential priority at this time.

According to the message sent by the President—to be totally accurate, the Statement of Administration Policy sent by the Executive Office of the President, Office of Management and Budget:

> Funding provided for the construction and renovation of an Ames, IA, facility is redundant because a total of $90 million has been provided for fiscal year 2002 as part of the ERF and regular appropriations so that additional funding is not needed in fiscal year 2002 and 2003.

The study of foreign animal diseases and controlling known and unknown animal diseases are clearly national and public health issues. As part of the Government's efforts to improve its knowledge of disease agents and mechanisms, this institution and other related agencies serve an important purpose. The work is already underway as the administration asserts. Adding an additional $50 million as part of this emergency spending measure is neither required nor necessary.

This ongoing project will clearly be subject to additional appropriations in future years during the routine appropriations process. These particular renovations are not scheduled to be completed for another 8 years.

The renovations are not scheduled to be completed for another 8 years.

I find it difficult to believe that removing this $50 million earmark at a time when it is not needed will jeopardize its continued planning and construction. The report also indicates that this program was asked for and funded long before the events of September 11.

I do not dispute the merit of a facility such as this. In 1998, it says both agencies, the National Animal Disease Research Center and the National Veterinary Services Lab, saw an excellent

new opportunity to create a single new center encompassing all their work. The joint plan promises to provide many advantages over separate new facilities, including a large cash saving and much shorter completion time. The proposed facility will cost $375 million and an 8-year completion plan beginning in 1999.

I am sure the National Animal Disease Center is an important project. I have no doubt in my mind it has merit. I also note that it was in May of 2001, I quote from the committee report, correspondence to this committee, the Secretary of Agriculture noted, that there is an urgent need to renovate and modernize existing facilities in Ames, IA, since the events of September 11, in view of the fact that the primary mission of this facility is research on highly infectious animal diseases such as bovine spongiform encephalopathy, which is mad cow disease, and others which terrorists might use with devastating results to the U.S. economy. The needs outlined by the Secretary have become even more pronounced.

I have heard a long catalog of threats. The one at the Smithsonian has risen now to national consciousness, that insects in alcohol are now one of our highest priorities and deemed an emergency, but I did not know the spread of mad cow disease was one of the tools of preference for the terrorists. I understand that mad cow disease is a serious problem. I am fully aware of the events of Europe where thousands of cows had to be killed. But the administration, which is responsible for the construction of these facilities, clearly states in the President's veto threat that this $50 million is not necessary at this time because it is an 8-year project.

I am sure the Senators from Iowa will rise, and the Senators from Hawaii will rise, as will the Senators from whatever State that is affected by these projects will rise, and stoutly defend them and make it in the defense of freedom and democracy. The fact is that the name of this bill is to respond to the acts committed on September 11 and how to prepare for further responses to them. I do not believe it is needed in this supplemental appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The supplemental provides $50 million in construction funds toward the modernization of the National Animal Disease Laboratory in Ames, IA, under the Agricultural Research Service Buildings and Facilities account. The full $50 million is offset. This is not designated as an emergency. The money is fully offset. The total construction costs for modernization of this laboratory are estimated at $430 million. To date, including the $50 million in the supplemental, the Congress will have provided $149 million.

Mission responsibilities of the Ames, IA, lab include the eradication or control of devastating diseases, including bovine tuberculosis; vaccine development; disease control strategies for scrapie; chronic wasting disease; and others.

The National Animal Disease Laboratory combines the research and regulatory responsibilities of the Agricultural Research Service and the Animal and Plant Health Inspection Service.

The National Animal Disease Laboratory has been responsible for research on anthrax and it is the national research center responsible for the prevention of mad cow disease in this country. Recent episodes of mad cow disease, foot and mouth disease, and others in the United Kingdom, are stark evidence of the public health and economic disasters that result from such outbreaks.

In a May 25, 2001, correspondence to the committee, the U.S. Department of Agriculture Secretary, Ann Veneman, stated:

> There is an urgent need to renovate and modernize the existing facilities at Ames. Grossly debilitated and inadequate for animal health programs of high national priority, these facilities must be modernized.

Supportive documents provided by the Secretary on May 25, 2001, state:

> If facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies.

On May 15, 2002, the Secretary again notified the committee on progress of the NADL modernization, including the implementation of fast-track initiatives to begin construction of part of the laboratory in fiscal year 2003, and approval by the USDA Office of General Counsel of a justification for other than full and open competition to hire the architectural/engineering firm.

In addition, on May 15, 2002, the Secretary notified the committee that under the current schedule:

> Construction of the animal health facility will be delayed if less than $331 million is appropriated in fiscal year 2004.

So if we fail to provide the $50 million now in the supplemental, the Congress will be required to appropriate $232 million in the next 2 years for this project, just to stay on the USDA's schedule. Construction information from USDA has indicated that longer term construction schedules than the one now in place could result in an additional $117.7 million in construction costs. So the committee has made its judgment that this money is appropriate, and I hope that the amendment will be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me be brief and try to put this amendment in context. The President, as Commander in Chief, sent the Congress a request for some $28 billion of emergency funding; that is, funding that we deem so critical that we are going to waive the Budget Act, increase the deficit, and spend Social Security money for the purpose of funding it, to basically try to respond to the attack on 9–11 and to try to prevent another attack.

The President made that request and the Senate Appropriations Committee has now come forward with a bill that spends $4 billion more than the President asked for; that underfunds his request for emergency items by $10 billion. That overfunds nonemergencies by $14 billion.

There is no way on the floor of the Senate that we are going to get this bill back in line with the President's request. Hopefully, that will happen in conference. But the President has sent a letter saying he is going to veto this bill because it spends $4 billion more than he asked, he does not give him $10 billion he wanted, and it gives him $14 billion he did not want.

Obviously, it is within our capabilities and within the ingenious ability of the Senate and Senators to make almost anything an ''emergency.''

I make the following points about this building. First, the President did not ask for it. The President did not include this in his emergency request. I assume he did not include it because, while he supported funding it consistently in each budget, he did not believe it met the high threshold of a national crisis.

Second, it is not as if we are talking about money for research. We are talking about money for a building that will be built over an 8-year period. It looks to me as if what we are seeing is an effort to take this emergency bill and tack on money to speed up a project that would be funded anyway.

Now maybe if we built this building in 7½ years instead of 8 years there would be a benefit to come from it. I don't doubt it. That might very well be. I am against animal diseases, so I might be a beneficiary. Next year I might be in the goat business and there might be a benefit directly in this for me.

But the question is, Is this such a dire emergency that it ought to be funded in an emergency bill that is aimed at the threat of terrorism? A plausible case, even though the President did not ask for it, that if this were direct funding for research that we were going to conduct over the next 3 or 4 months, one might make a plausible case. I don't believe you make a plausible case in a building that will be built over the next 8 years, that giving it $50 million more now is an emergency.

Again, some people want to view this as Senator MCCAIN and I are trying to be tightwads and that we are trying to take out these projects that have merit. I assume since we have been funding this for a while, and intend to fund it for another period of years, that it does have merit. The question is, Is it a dire emergency? I don't believe it is.

Senator MCCAIN and I could have gone on and on and on in offering these little amendments. After this third

one, we will have made our point. Our point is that no one cares. Our point is, the fix is in, we have done this bill, and 31 people cared, but the vast majority of Members of the Senate are not willing to try to trim this bill back.

I don't want to use up the time of the Senate. I want the President to sign an emergency bill. I personally believe we would get there quicker if we get it closer to what he requested. I don't understand why we want to move forward with a bill he said he would veto. Maybe it will be fixed in conference.

After this vote, we will have made the point that the bottom line is, when it gets right down to individual programs, even in what is supposed to be a dire emergency, a crisis, and even though the President did not request it, we just simply do not have the vote to take these things out.

There is no lesson in the second kick of a mule and this is the third kick Senator MCCAIN and I are experiencing. If you didn't learn anything from the first or second one, you are unlikely to learn anything from the third one. It would be our intention, I believe, that we have a vote on this, and whatever happens here, happens. Then I have a point of order if there are 60 votes for this bill, so as far as I am concerned, it is off to the President and conference and see what happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the question really before the Senate is whether or not we are going to provide $50 million for the modernization of the USDA national animal disease facility.

I have listened to the comments made by the Senator from Arizona and the Senator from Texas and, of course, I listened to the statements made by the distinguished chairman of our committee laying out why this is necessary.

I will not speak about any of the other amendments offered on this bill, but this one is of the utmost importance if we are concerned about homeland security. Perhaps one of the most vulnerable parts of our country in terms of a terrorist threat that could have a multiplier effect more rapidly than anything else in affecting more people is our food supply chain. That is the most vulnerable right now, and we all know it.

The chairman of the committee has asked me as the chairman of the subcommittee that funds Health and Human Services medical research and also the agriculture subcommittee that is chaired by the distinguished Senator from Wisconsin, Mr. KOHL—and I serve on that—to focus on the bioterrorism threat to America. We have had hearings on it. We have looked at this. The National Animal Disease Laboratory is, if not the key, one of the key elements we will need to ensure the safety and security not only of animals but the people of this country.

Again, I suppose some people say, sure, HARKIN, you are defending it because it is in Iowa. I said some time ago that I was not responsible for the National Animal Disease Lab being located in Iowa. That predates not my birth but it predates my coming to Congress. I can honestly say that I don't care where this facility would be and I don't care in which State it would be. I would be a strong supporter of this amendment and for, as rapidly as possible, refurbishing and rebuilding this National Animal Disease Laboratory, even if it were not in the State of Iowa. Keep in mind, this is a national laboratory. It is not an Iowa lab. It is a national laboratory. It is the premier veterinary, biologic, and diagnostics lab anywhere in the world. But it is about 60 years old. It is run down.

We found last year after the anthrax scare that permeated our country in our mail system that we had some very dangerous pathogens located in a strip mall in Ames, IA, because the National Animal Disease Lab did not have the facilities for it. That has since been taken care of but gives Members an idea for the need for this.

The National Animal Disease Lab should have been rebuilt and modernized 10 or 15 years ago, probably more than that, but it was not. We got a little complacent. But then when we saw what happened in Europe and Great Britain with hoof and mouth and BSE, it became more and more imperative that we not only rebuild the lab but do it very rapidly.

We started on that last year, but the events of September 11 have compelled us to move even more rapidly.

The modernization of the national animal disease facilities is critical for both homeland defense and America's defense against animal diseases such as anthrax, brucellosis, salmonella, E. coli, many of which—in fact, all of which in these cases—can be transmitted to humans and cause a lot of illness and death in our population.

So the importance of the facility is not in dispute. There are those who say let's wait and do it later. We cannot wait and do it later. We do not have that luxury right now because, as I said earlier, the most vulnerable part of our society right now, in terms of a terrorist threat, is the food supply and the animal systems in our country.

Let me read from a USDA 2001 report to the Appropriations Committee to buttress that.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. Yes, I am glad to yield for a question.

Mr. REID. It is my understanding that this $50 million in this bill is not designated as an emergency, it is fully paid for; is that right?

Mr. HARKIN. This is not an emergency; it is fully offset in the bill.

Mr. REID. So people talk about this not being an emergency. It is not deemed to be an emergency in this bill, it is fully paid for; is that right?

Mr. HARKIN. It is fully paid for. The Senator is right. I am glad he made the distinction.

There are those who say we don't have to do it now, we can put it off until later. The USDA said last year in its report to the Appropriations Committee:

> USDA recognizes the swiftly increasing threats from known and emerging diseases because of increased travel, trade, production concentration, and pathogen resistance. A new disease emerges, on average, once a year, requiring constant vigilance and preparedness.

The report went on to quote the Animal Agriculture Coalition which noted:

> The modernization plan proposed by ARS and APHIS is crucial to fulfilling the mission of USDA, specifically in ensuring a safe food supply and expanding global markets for agricultural products and services . . . if facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies. Because of the safety concerns and levels of safeguards necessary to work with animal pathogens, the work done in Ames is not easily transferred elsewhere within USDA.

Before September 11, both the House and the Senate Appropriations Committees had moved to provide an additional $40 million for the design of the facility.

With the tragedy of September 11, the need for modernization sharply increased. The Senator from Texas mentioned before that it would be 8 years before it would be done. The information we have now is if we move rapidly we will have the facility done in 2006, that is 4 years from now.

The Senate Appropriations Committee wisely placed an additional $50 million for construction of the facility in this measure. That is because in these dangerous times we realize that America's food supply could be the target of terrorism.

I would like to share with my colleagues some of the facts about the NADL and the important work it does. I think it would shed some light on this debate.

The USDA Animal Health Facilities in Ames have the highest level of research capacity, expertise, and track record available in this area. It also provides diagnostic expertise, technology transfer, and training in the event of an outbreak.

The National Veterinary Services Laboratories, in Ames, is the principal Federal diagnostic laboratory for animal diseases in the U.S. As such, it is a reference point for the State and other diagnostic laboratories, and provides training and testing. NVSL has recently been involved in West Nile virus diagnosis, mad cow disease diagnosis, and anthrax diagnosis. It has provided critical support to CDC in its investigations of human anthrax cases.

The Center for Veterinary Biologics in Ames has the national responsibility for regulating and licensing all biologics for use in animals. Their knowledge, expertise, and capacity to expedite vaccine availability in the event of a bioterrorist outbreak will be centrally important to provide tools for disease control. As an example, they

were recently involved in anthrax vaccine issues during the recent terrorism scare.

Secretary Veneman recently said we do not need this money right now. But, in a report she provided to Appropriations Committee in May, just last month. She noted that under the lab's master plan, construction would be delayed if less than $331 million is spent on the lab in fiscal year 2004, the start of which is less than 16 months away.

So the real question is, do we want to delay this in the hope that maybe, somehow, terrorists will not attack our food supply chain, which is the most vulnerable part of our system right now?

I suppose if you wanted to just hope on that, maybe you could vote to support the McCain amendment. But I would not want to hope on that. When we know what to do, we know this is a national animal disease lab that will respond and provide the necessary resources, first to help prevent any widespread terrorist attack on our food supply, especially our animal system of agriculture, and second to respond immediately if, God forbid, anything like that should happen.

Providing these funds now would provide important flexibility to the design team and USDA to move forward with components of the facility at a faster pace then in the original plan. Given the threat, sooner will be much better than later.

And let's talk a little about the threat because those who are not familiar with agriculture might not understand its seriousness.

A new organism of nonnative or native origin, once introduced into the United States animal populations, can initiate an uncontrollable epidemic due to the absence of vaccines or effective drugs, concentration of animal feeding operations in the United States, and a lack of resistance in host animals.

This was evident with the introduction of West Nile virus in New York City in 1999. The current situation in Great Britain with foot-and-mouth disease and bovine spongiform encephalopathy also underscores the need to take every possible action to strengthen our animal health infrastructure. That, by the way, is able to be transmitted to humans.

So this is a threat that we face. It is no less a threat than a terrorist taking a bomb on an airplane. It is no less a threat than terrorist activity that might involve any kind of explosives or what they might try to do in that regard in the future. This threat is real. Frankly, our defenses are inadequate and we need to be about rebuilding this laboratory and providing the kinds of resources that are needed, as I said, to prevent such an outbreak; second, to control it immediately if something does happen; and, third, to develop the vaccines and responses necessary to keep it under control.

So again I say to my friend from Nevada, I thank him for pointing out that this is fully offset. This is not an emergency. For the life of me, I don't understand why the President would not want to move ahead more rapidly with the modernization and rebuilding of this National Animal Disease Laboratory.

Mr. REID. Will the Senator yield for a question?

It is my understanding when the Senator from Arizona completes his statement, the Senator from Iowa is going to move to table the amendment of the Senator from Arizona; is that true?

Mr. HARKIN. That is true, yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I agree with 99 percent of what the Senator from Iowa just said.

Let us come back to what the amendment is all about. The amendment is about $90 million that has already been provided for fiscal year 2002. It is part of the regular appropriations. According to the President of the United States—and I assume the Secretary of Agriculture who works for him—if an additional money is needed for fiscal year 2002 or fiscal year 2003, there is additional money for research, inspection, and monitoring activities relating to bioterrorism. This is all the money that anybody believes is necessary for research, inspection, and monitoring activities.

Again, I share the view of the Senator from Iowa about the dangers of bioterrorism. The Senator from Kansas, Mr. ROBERTS, who has been involved in this issue for many years, just approached me. I explained to him that this amendment in no way affects the moneys which are in the bill for research, inspection, and monitoring activities. What it simply does is take away money that is not needed for an 8-year construction project. That is what this money is for—construction which the administration and the President of the United States in his message to Congress say is redundant and because the money is already part of the regular appropriations process.

Again, perhaps this will accelerate construction of 8 years down to 7 years. But it has no place on an emergency supplemental appropriations bill.

I would like to add that I filed 21 amendments which largely reflected the views put forth in the statement from the administration. I will not take the time of the Senate to read all of those amendments and objections that I have. I still feel very strongly that those amendments filed, along with those of the Senator from Texas, are important amendments and would save tens or hundreds of millions of dollars of the taxpayers' money that were taken directly out of the Social Security trust fund. It is now increasing the debt by leaps and bounds, but there is no point in taking up the time of the Senate by having votes that—as the last two did and I imagine this one would—get 30 or 31 Senators in support.

But I do think it is important that we are on record on this issue. I will not waste the time of the Senate, but the American people deserve to know when the time comes—we are $100 billion in debt this year, and the previous estimates were that we would have a surplus—that all of this money is not being spent in the name of the war on terrorism.

There is no more need to add to unneeded moneys for the construction of these facilities anymore than there is an emergency in needing to chart the coral reefs off the State of Hawaii—nor is there needed a waiver of the cost-sharing requirement for the biomass project; nor is there needed $2 million to begin construction of an alcohol storage; nor is there a need for additional money for the National Oceanic and Atmospheric Administration.

We are going to give millions of dollars to Amtrak to repair cars that were damaged more than 10 years ago in the name of an emergency supplemental.

We are going to dig wells in the State of New Mexico—just in a certain place in the State of New Mexico—when wells are running dry all over the Southwest, including my State. But we picked out a couple in the State of New Mexico that we are going to spend $3 million on in the name of combating terrorism and the results of the attacks of 9–11.

The list goes on.

Professional training of Middle East journalists may be important, but I would argue that it is probably not necessary on this bill.

We are going to have acceleration of advanced technology program awards; economic assistance for fishermen in the Northeast; the National Water Level Observation Network. The list goes on and on. It is very unfortunate.

As I say, sooner or later, the American people, when they see this burgeoning deficit that looms ahead of us now in monumental proportions, which was not in any way contemplated 6 months ago, are going to want to know where the money went. They are going to want to know where the money went. When they find out where the money went, whether it be for Amtrak, or construction of apartments in Baltimore—whatever they are—then I don't think they are going to be very happy with our performance.

I have only been in Congress now for about 20 years. That is a short time compared to a number of others in this body. But I have to tell you, I have never seen spending like this going on, nor have other observers observed this kind of incredible spending. The President of the United States mentioned in his statement that Congress has already provided $40 billion since September 11. Half of that money has been spent. The President requested an additional $27.1 billion. But that wasn't enough. We had to exceed that by some $4 billion—not to mention, as the Senator from Texas pointed out, that much of the moneys requested were not

granted and some $10 billion to $15 billion was used for purposes other than that requested by the President.

I also hope this bill will be repaired in conference. I don't have very much confidence in conferences. I think if you reviewed the record of what conferences do, they usually come out in the appropriations with higher numbers of spending. I hope that this will be an exception to that general rule. I think, because of our inability to enact even the smallest cuts and the smallest reductions, the President of the United States said he will veto the bill. That will hold up the whole process of these much needed funds to fight the war on terrorism.

I understand that the Senator from Iowa will move to table the amendment. I will be glad to get that done so we can move on to other issues.

I yield the floor.

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

Mr. HARKIN. Madam President, first, I wanted to say that I have a great deal of respect for the Senator from Arizona and for his keeping an eye on spending. I think he is to be commended for that. Sometimes it is a lonely job. I commend him for that.

I appreciate what he said. He said he agrees with 99 percent of what I had to say earlier. I guess the 1 percent just happens to be the time limits.

But I will respond to my friend from Arizona by saying, first, that I want to make it very clear. If there is not an emergency, we will fully offset it.

Second, it is not a project that just happened; it was considered to be a project some time ago. But with September 11, and with the recognition now that our food supply is extremely vulnerable, especially animal agriculture more than anything else, because of the concentration, because of the travel in and out of the country, and the ability to transmit some of these very deadly kinds of pathogens that can infect our animals in this country—and some of those can be transmitted to humans—after September 11, it is vitally important that we move ahead as aggressively as possible to rebuild this national lab.

Intellectually and honestly, even if it weren't in my State of Iowa, I would be saying the same thing the chairman of the Agriculture Committee and the chairman of the Appropriations Subcommittee on health said. I don't care where it is. This needs to be done sooner rather than later.

That is what the debate is all about: Do we want to make our food supply safer sooner or take a chance and make it later? Do we want to increase our ability to respond quickly to a terrorist attack to our food supply sooner or do we want to do it later? That is what this is about. By doing this, we can get this thing finished by 2006. I have a timeline right here in front of me—by 2006; not 8 years, 4 years. Quite frankly, we ought to do everything we can to collapse the timeframe as much as possible.

So, Madam President, I just close and ask unanimous consent that a letter dated today, June 6, by the Animal Agriculture Coalition, strongly supporting the $50 million included in the Senate version of the bill for the national animal disease facility, signed by a number of animal agricultural associations in the United States, be printed in the RECORD.

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

ANIMAL AGRICULTURE COALITION,

June 6, 2002.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned members of the Animal Agriculture Coalition (AAC) urge your support for the $50 million in the Fiscal Year 2002 Department of Defense Supplemental Appropriations bill for the U.S. Department of Agriculture (USDA) Animal Health Facility Modernization Plan in Ames, Iowa. The complete modernization of important U.S. Department of Agriculture facilities; the National Animal Disease Center, the National Veterinary Services Laboratories, and the Center for Veterinary Biologics, is urgently needed to protect the U.S. animal agriculture industries.

The Secretary of Agriculture issued a report on May 25 assessing the scope and need of the Modernization Plan. The report stated the ''urgent need to renovate and modernize the existing facilities.'' The Secretary described four options for modernizing the facilities. The AAC supports the accelerated option of building the joint facilities in 6 years at a cost of only $430 million, compared to 10-year plans costing from $440 to $548 million.

These current facilities are antiquated, inefficient and need to be replaced with a centralized modern facility, able to meet the national animal agricultural needs for research, diagnosis, and product testing for animal health. Only an up-to-date animal health and food safety research facility will ensure the safety of our national meat supply, allow the United States to compete globally and have the systems in place to respond quickly to disease outbreaks, such as those faced in Europe.

We urge your support for the $50 million in the FY 2002 Department of Defense Supplemental Appropriations bill for the USDA Animal Health Facility Modernization Plan in Ames, Iowa.

Sincerely,

American Feed Industry Association; American Horse Council; American Meat Institute; American Society of Animal Science; American Veterinary Medical Association; Federation of Animal Science Societies; Holstein Association USA, Inc.; National Association of Federal Veterinarians; National Cattlemen's Beef Association; National Chicken Council; National Institute for Animal Agriculture; National Milk Producers Federation; National Pork Producers Council; National Renderers Association; United Egg Association; United Egg Producers; U.S. Animal Health Association.

Mr. HARKIN. Madam President, I now move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), and the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—72

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Enzi	Miller
Biden	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Breaux	Graham	Nelson (NE)
Brownback	Grassley	Reed
Burns	Gregg	Reid
Byrd	Harkin	Roberts
Campbell	Hatch	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Cleland	Jeffords	Shelby
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Landrieu	Thomas
Craig	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NAYS—24

Allen	Gramm	Nickles
Bennett	Hagel	Santorum
Bunning	Hutchinson	Sessions
Cantwell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Crapo	Kyl	Thompson
Ensign	Lott	Voinovich
Fitzgerald	McCain	Warner

NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

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

Mr. LEVIN. 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 Virginia is recognized.

Mr. WARNER. I thank the Chair. Madam President, I see in the Chamber the distinguished majority whip who has been, in a most courteous manner, allocating time slots to those desiring to offer amendments. I wish to send an amendment to the desk, and my colleague from Connecticut has an amendment in the second degree.

I am joined by the distinguished Senator from Georgia as a cosponsor of the amendment. I would like to accommodate the distinguished majority whip if he wishes to address the order of proceeding because our good friend, the Senator from Illinois, is seeking recognition.

Mr. REID. I appreciate the Senator from Virginia yielding. I am pleased the Senator from Virginia and the Senator from Connecticut have worked out a procedure to dispose of this amendment one way or the other. It is my understanding that the amendment of the

Senator from Georgia will be called up, and the Senator from Connecticut will offer a second-degree amendment to that amendment. We should move through this pretty quickly.

I would say, even though he is not on the floor, I do appreciate Senator MCCAIN not offering his 15 amendments he had ready to offer, and he did not take a lot of time offering amendments. He stopped at three, and I appreciate that. We are moving down the road.

Following the amendment of the Senator from Virginia, the Senator from Illinois has an amendment he will offer. That, to my knowledge, is the only one we have on our side. I know Senator GRAHAM of Florida is talking about offering an amendment. We are about through on our side as far as amendments to offer. I am told the Senator from Texas, Mr. GRAMM, wants to make a point of order. We will be ready for that when that is done.

My point is, we are moving through these matters quite quickly. If everyone continues to cooperate, there is no reason we should not be able to finish this bill tonight.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I ask the majority whip, would it be appropriate, since the Senator is directing traffic, to put me in the queue before Senator WARNER and Senator DODD so I can offer my amendment?

Mr. REID. We, of course, yesterday indicated that on the bill itself, we would go back and forth, and the Senator from Virginia is offering this amendment. It would be appropriate we go to this side and the Senator from Illinois would be next recognized. I will put that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM addressed the Chair.

Mr. WARNER. The Senator from Virginia has the floor. I have been yielding for the purpose of letting our distinguished leader and others get their points made. I think we are progressing. If I understand, the UC has been granted; am I correct in that, Madam President?

The PRESIDING OFFICER. The unanimous consent request has not been granted.

Mr. WARNER. Is the Chair prepared to receive the vote of the Senate on that? I have no objection.

The PRESIDING OFFICER. The Senator from Nevada did not have the floor and thus cannot propound the unanimous consent request. The Senator from Virginia has the floor.

Mr. REID. I say to the Presiding Officer, the Senator from Virginia yielded to me for the purposes of trying to move things through the Senate. Of course, he has no objection to my offering this unanimous consent request. He has not lost the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Madam President, before the leader leaves the floor, if I might regain the attention of our distinguished leader, I would be prepared to enter, not at this moment, but look at a time agreement so we can move this process along. I hope we could explore that and advise the Senator from Connecticut in due course because I have a series of cosponsors, which I am about to read. If those cosponsors desire some time, I hope they will inform me very quickly. In that way, we can get a time agreement on the principal amendment and then we can have a time agreement on the second-degree amendment.

Mr. DODD. Madam President, why don't we submit the amendments and see how the debate goes. We are under a time limit anyway, under cloture for 2 hours, an hour for either side. There is a time limit, but possibly we can truncate that. Of course, the willingness of my friend from Virginia to accept the amendment would be very appealing to the Senator from Connecticut.

AMENDMENT NO. 3597

(Purpose: To add the American Servicemembers' Protection Act of 2002)

Mr. WARNER. Madam President, I send the 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 Virginia [Mr. WARNER], for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST, proposes an amendment numbered 3597.

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

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

(The text of the amendment is printed in the RECORD of June 5, 2002, under ''Text of Amendments.'')

AMENDMENT NO. 3787 TO AMENDMENT NO. 3597

Mr. DODD. Madam President, I call up amendment No. 3787.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LEAHY, proposes an amendment numbered 3787 to amendment No. 3597.

The amendment follows:

At the appropriate place in the bill, add the following:

SEC. 2015. Nothing in this title shall prohibit the United states from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease be effective at the end of September 30, 2002.

AMENDMENT NO. 3787, AS MODIFIED

Mr. DODD. Madam President, I send to the desk a modification of that amendment which my colleague from Virginia is looking at. It is a slight modification of the amendment. Hopefully this modification will be accepted.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease be effective at the end of September 30, 2002.

Mr. DODD. I thank the Chair. Madam President, why don't I allow my friend from Virginia to make his case on his amendment, and then I will respond to that by talking about what my second-degree amendment does. That way we can have some order to the debate.

I know the Senator from Georgia wants to be heard on this as well. There may be others who want to be heard. In fact, I invite my colleague to look at the second-degree amendment. He might be willing to accept it. We can have a short debate on the amendment—it is a long amendment, 29 pages. Nonetheless, we can focus on that amendment if the second-degree amendment is acceptable. I will let him look at the amendment and make his case for the first-degree amendment.

Mr. WARNER. Madam President, I think the normal way to proceed is for the principal amendment to be addressed by the sponsor, myself, and the cosponsors, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST and Senator SESSIONS likewise.

This is a matter with which the Senate has considerable familiarity so I shall be brief in my remarks.

This amendment, the American Servicemembers' Protection Act, is necessary to protect—I repeat, protect—our servicemembers and certain Government officials from prosecution—or that is potential prosecution—by the International Criminal Court, hereinafter referred to as the ICC, an institution which comes into effect on July 1, 2002, over the objections of the United States of America.

This amendment would protect U.S. military personnel and other elected and appointed officials of the U.S. Government against potential criminal prosecution by an international tribunal court to which the United States is not a party.

In light of our ongoing global war on terrorism, it is vital that the Senate adopt this important amendment to protect our brave servicepersons and others who are now being dispatched daily to the farflung points of this globe in the battle against terrorism.

At the outset I would like to recognize the leadership of our distinguished

colleague, Senator HELMS, who by necessity is absent today; otherwise, he would be handling this. This is his legislation which I am privileged and, indeed, honored to bring forth on behalf of my distinguished longtime friend and colleague from North Carolina.

He has worked tirelessly on this issue for a number of years, and we all, every Member of this Senate, owe to him a debt of gratitude for keeping this matter before the Senate and to be the ever watchful eye on the steps this Senate must take to protect our servicepersons and others.

President Bush has consistently—I repeat, consistently—opposed this treaty. In May of 2002, a short time ago, President Bush notified the United Nations that the United States does not intend to become a party to the ICC.

However, since over 60 nations have ratified the treaty, the ICC will be established and become effective on July 1 of this year. The International Criminal Court will have the power at that moment to proceed to indict, prosecute, and imprison persons anywhere in the world accused by the Court of ''war crimes,'' ''crimes against humanity,'' and ''genocide.''

In 2000 and again last year, Senator HELMS introduced, and I cosponsored, freestanding legislation similar to this amendment. Last December, the Senate approved by a vote of 78 to 21—and I encourage my colleagues to do their basic research on that vote to see how they cast their vote—a version of this legislation on the Defense appropriations bill. However, the provision was dropped in the conference. It is important to note that the administration supports this amendment. I repeat, the President supports the amendment brought by myself and other colleagues, and the Departments of State, Defense, and Justice have all been closely consulted and their views incorporated into this amendment.

Also, an identical provision is contained in the House-passed supplemental appropriations bill adopted by the House on May 24 of this year.

I received a call from the distinguished chairman of the Foreign Relations Committee, Congressman HYDE, early this morning, expressing his strong support of the Senate adopting favorably the amendment of the Senator from Virginia.

This amendment seeks to protect American servicemembers, embassy officials, and Government employees from the ICC, and preclude cooperation with the ICC so long as the Senate does not ratify the treaty. This body, I repeat, will again have the opportunity, if for some reason it is brought up, to ratify this treaty. However, the amendment does allow, on a case-by-case basis, cooperation with ad hoc courts provided—that is, ad hoc courts elsewhere in the world—they are created through the United Nations Security Council, examples being those courts created by Yugoslavia and Rwanda.

I shall now outline key provisions of this amendment. First, no Federal or State entity, including courts, may cooperate with the ICC in law enforcement matters such as arrest and extradition, searches and seizures, discovery, asset seizure, financial support, transfer of property, personnel details, intelligence sharing, or otherwise render services to the ICC.

No classified national security information can be transferred directly or indirectly to the ICC.

The United States must secure permanent immunity from ICC jurisdiction for American personnel before they can participate in any United Nations peacekeeping operation or other arrangements must be in effect to protect U.S. peacekeepers from the jurisdiction of this Court. The President may submit a national interest certification, however, effectively waiving this restriction if that is his judgment.

Another provision: No ICC treaty party can receive U.S. military assistance except for NATO countries and major non-NATO allies. The President again may waive this restriction for other countries that ratify the treaty but then conclude agreements with the United States to protect our personnel from the Court. The President may also waive this restriction if he determines that such waiver is important to the national interest.

The President is authorized to use all means necessary and appropriate to bring about the release from captivity of U.S. or allied personnel detained or imprisoned against their will by or on behalf of this Court.

The President is urged to analyze existing alliance command arrangements and develop plans to achieve enhanced protection from the ICC for U.S. military personnel subject to such arrangements.

Let me quote from testimony given before Congress in 1998 by the lead U.S. negotiator on the ICC, Ambassador David Scheffer, a he explained the danger posed by the Court:

> Multinational peackeeping forces operating in a country that has joined the treaty can be exposed to the court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives.

In closing, let me also quote from a floor statement on this legislation given by Representative HENRY HYDE, chairman of the House International Relations Committee, on May 10, 2001:

> The ICC threatens the sovereignty of our Nation. This legislation has been endorsed by a who's who of the American foreign policy establishment—a bipartisan group of some of our wisest and most experienced exports on national security matters, men and women who held high office in every Administration since that of Richard Nixon. From Henry Kissinger, George Shultz and Brent Scowcroft to Donald Rumsfeld, Jeane Kirkpatrick, and Zbigniew Brzezinski, they all agree, and I quote from their letter, that This legislation is an appropriate response to the threat to America's sovereignty and international freedom of action posed by the International Criminal Court.

This is an important amendment that deserves the support of all our colleagues. We have a responsibility to protect our servicemembers and the adoption of this amendment is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise to support the American Servicemembers' Protection Act amendment. I am very pleased to join with my distinguished colleague from Virginia in support of this legislation, just as I was pleased to join with Senator HELMS in working with him and his staff on its behalf.

It might be worth noting that Senator HELMS made a determined effort and has been making a determined effort to pass this legislation. I think that is very admirable, and I would like to commend him again for his leadership and wish him well.

I will not restate the details of this amendment since Senator WARNER has already articulated them so well, but I would like to make a few brief points.

As Senator WARNER mentioned, the Senate passed legislation similar to this amendment as part of the 2002 Defense appropriations bill. The final vote was 78 to 21, which constituted a clear majority of this Senate. Unfortunately, the conference committee missed an opportunity to have this protective legislation in place before the International Criminal Court was ratified earlier this year. Now the International Criminal Court becomes effective on July 1, and American servicemembers, officials, and citizens will then potentially be subject to a court to which we are not a party.

That is why, in a nutshell, this legislation is so important. We need some degree of protection for our men and women in uniform and for other officials who sacrifice so much for our Nation.

This amendment is appropriately entitled the American Servicemembers' Protection Act because our war on terrorism could put our military at risk of politicized prosecutions by the International Criminal Court. Other brave Americans who serve this country are also at risk, and this legislation will protect them as well. I believe that as elected lawmakers we are obligated to safeguard them from this potential threat just as we would from threats on the battlefield. I also believe it is important for our military to know that Congress will not stand idly by while this questionable Court comes into existence.

Make no mistake about it, our servicemembers are very aware of the

importance of this pending legislation. We must send them the clear message that they have our full support.

I can guarantee that if we do not get this done, and done soon, we will look back and regret our inaction. I, for one, do not want to look a parent in the eye and explain why their son or daughter is being subjected to an international court on a trumped up charge of war crimes.

The administration supports this amendment, as Senator WARNER said, and so should we. Let us do the right thing again, as we did in December, and pass this amendment.

I yield the floor.

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

Mr. DODD. Mr. President, first let me explain my second-degree amendment. In fact, I will read it because it is easier to read it than go through an explanation.

At the end of the amendment being offered by my friend from Virginia, we would add a new section that says:

> Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.
>
> This title shall cease to be effective at the end of September 30, 2002.

The reason for that last section is because presently, pending in conference, is this very issue, in the Department of State-Justice authorization bill.

I do not understand why we are proceeding with this matter today. Currently, we have in conference a debate going on over this very matter, why should we now add it to an appropriations bill? If we pass the Warner amendment, those who sit on the committees of jurisdiction of this matter will be excluded from the debate. This is not the place for this amendment.

But first let me turn to my second-degree amendment. I hope my colleagues might accept this second-degree amendment because I cannot believe, I do not want to believe, that if we apprehend, through the international community, people I have just mentioned on my list, that under this bill we would be prohibited from assisting in the prosecution of Osama bin Laden, the Islamic Jihad, Saddam Hussein, and other members of the terrorist community in the world.

My amendment merely says that despite whatever else we have said, when it comes to prosecuting these people, we would participate and help, even though we are not a signatory or a participant in the International Criminal Court.

I hope my amendment is adopted and accepted. It seems to me, if not, we will have to have a vote on this amendment as the second-degree amendment to this bill.

And, now let me make a case against the underlying proposal. I remind my colleagues this amendment is 29 pages long. This is a bill. This is not an amendment. It deserves to be looked at.

Let me state what the bill does, and remember that our NATO allies have signed this treaty, I read from the bill: It bars intelligence of law enforcement sharing, bars the transfer of intelligence of law enforcement information which specifically relates to matters under investigation by the ICC, to the ICC, or any government which is a party to the Court.

That is stunning. We are going to bar intelligence sharing with the European Community and our NATO allies because they have signed this?

Two, it restricts U.S. participation in U.S. peacekeeping. It bars U.S. participation and U.S. peacekeeping or peace enforcement operations unless the President certifies the action.

Third, it prohibits military assistance to any country that is a party to the ICC. I have already mentioned NATO; and major non-NATO allies are exempted, as well as Taiwan, unless they have concluded an agreement to prevent proceeding against U.S. personnel.

Lastly, and this is one to pay attention to, this amendment authorizes the President to use ''all means necessary and appropriate'' to free any U.S. personnel of NATO and major non-NATO allies, including persons working on behalf of nonallied nations detained by the ICC.

We now send troops to free people from the ICC? The Philippines is an allied nation, but there are terrorists in the Philippines. Now, in the future the UN could bring Phillipine terrorists to The Hague and try them, and the United States, under this, you can make a case, would have to go in and free them because they are an allied nation.

Do we really want to do that? Please read this bill. This goes far beyond what may be a reasonable proposal of trying to guarantee the U.S. military personnel not be unfairly, unnecessarily, or unjustly prosecuted. The idea we are going to bar intelligence sharing, bar financial assistance, not going to participate in peacekeeping, and that we are actually going to go in, not on behalf of just U.S. personnel, but under this amendment, if adopted and agreed upon under the supplemental appropriations bill, go in and free criminals when allied personnel are subjected to the ICC.

This is a 29-page amendment. This goes way beyond what I think my colleagues believe we are trying to do. Please read this amendment. We are doing things quickly around here. It is a supplemental appropriations bill, and we are trying to rush it through.

If we are in conference dealing with this very same proposal or one like it, which is the place to be doing it—and we wouldn't deal with defense matters here or other issues. That is the reason we have a Foreign Relations Committee. It is the reason we have a Commerce Committee. It is the reason we have a Judiciary Committee.

So we are going to turn this matter over to the Appropriations Committee and deny the other committees that have worked on this a chance to resolve it? That is not the way the Senate ought to be doing its business, in my view.

Let me give my colleagues a bit of history. It was the United States at the end of World War II, people like George Marshall and Harry Truman and Douglas MacArthur and Dwight Eisenhower and Arthur Vandenberg, who stood in this Chamber and outside of it and argued for rebuilding Japan, rebuilding Europe with the Marshall Plan, setting up the U.N. system, the World Bank, the IMF. And they did it in spite of huge opposition. Only about 18 percent of the American public believed we ought to have a Marshall Plan. But we had a leader with the guts of a George Marshall and an Arthur Vandenberg and a Harry Truman who said it is the right thing to do. It may not be popular, but it is the right thing to do.

When you have 133 nations, and 67 others who have ratified an international court which we argued for, we ought to be trying to do something to make it work right.

I quickly add, if that treaty as written were before the Senate today, I would have a hard time voting for it. And my colleague from Virginia is right. When President Clinton signed that treaty, he recommended it not be ratified as written. However, to say we should not ratify it does not mean we should not work at it. And it does not mean you go around and penalize every one of your allies because they have. We do protect service people. Each day we protect them. We have agreements, where our servicemen are located all over the world, on how they would be handled should a matter arise, such as it has in Japan with allegations of rape by servicemen. And we deal with those matters.

But the idea that we would walk away at the very hour we are trying to build support internationally for dealing with terrorists is absurd. I also note that we have been told flatly there will be no further ad hoc trials, the ICC is a U.N. system that has been set up so as not to go through it on an ad hoc basis. It means for all the future efforts our recourse only is military action.

There are many who believe if we had an international criminal court in the early part of the 20th century, we might have been able to avoid some of the tragedies that occurred. Listening to people such as Elie Wiesel, today's proceedings are an insult to the Holocaust victims. Elie Wiesel says this bill is an outrage, it is wrong. The people who went through what they did as a result of the Nazis ought to understand that we are trying to set up a system so that we might avoid that kind of atrocity being repeated.

This bill is poorly written. It is poorly crafted. It does great damage to the

United States at a critical time when we are trying to build support in dealing with the issues of terrorism.

It should be fresh in our minds the fact that at the end of the cold war, an explosion of ethnic brutality led to the necessity of creating ad hoc tribunals in Rwanda and in Yugoslavia, but there was no means available during those days to try the Idi Amins and Saddam Husseins of the world and others who evade their nation's justice and avoid the response of the international community. With very few exceptions, the world has stood helpless and silent in the face of such crimes against humanity.

Finally, the world stands up. We have been begging to do it for half a century, and they finally do it. They finally adopt the Rome treaty—133 countries, and 67 sign it. It goes into effect in a matter of days. They are finally doing what we asked them to do for years. What do we do? We walk away from it, and we threaten them. We tell them we will not share intelligence. We tell them they do not get foreign aid or military assistance, that we will deal with them in a harsh way. I don't think that is wise. These are our NATO allies, European allies.

We should be rejoicing that finally—finally—at our insistence, with the entry into force of this Court, any individual who commits genocide, war crimes and crimes against humanity, will be on notice that they will be prosecuted for those crimes.

So these thugs around the world who are doing what they are doing—we are finally getting the world to recognize we have to stand up to them. Now we are going to go after our allies and penalize them because they signed the Rome treaty and because they believed that finally this may be a way to proceed on some of these issues. We attack the Court and those who have chosen to join it? We have nothing to fear from this Court. We have nothing to fear about strengthening the rule of law.

That is what people such as Harry Truman, George Marshall, and Douglas MacArthur stood for. They believed it. We ought to be joining them historically by opposing this amendment and encouraging the improvement of this International Criminal Court, becoming a party to a great effort and not walking away from it.

I do not understand in many cases why our allies continue to support our efforts when we react to them as we are doing with these amendments.

Last month, in fact, the Bush administration took the unprecedented step of unsigning the International Criminal Court. Ironically, I offered an amendment at that time when we were debating the issue to say I will accept this but give the President the authority to waive all of this. He only got 48 votes in this Chamber. This President—not the past President, this President—got 48 votes in this Chamber, deferring to the President to decide whether or not to invoke the provisions of this particular bill. Here we are now even walking away from that.

I point out that when the President decided to unsign this treaty it was an unprecedented act in the history of this Nation. I cannot find a single example in our more than 200 years of great history where an American President of either party ever unsigned something like this. What does that say to the countries around the world that we get to sign treaties with us when they decide to unsign them in the future? What kind of precedent is that? You didn't have to ratify that treaty. But for an American President to unsign it, while we encourage people to live up to their agreements when an American President signs them, is going to create real problems for us down the road, I predict.

On May 6, 2002, Under Secretary of State Grossman announced that the United States would make its objections to the ICC clear through nullification of its signature on the ICC's Rome statute and said the United States would seek agreements with other countries to remove American servicemen.

Mr. Grossman also said:

> Not withstanding our disagreements with the Rome treaty, [again, the Rome treaty was our idea] the United States respects the decisions of those nations who have chosen to join the ICC.

Is this respecting these other nations, when we go down that list of the provisions of this bill? Is this respecting those who have signed it? We bar intelligence or law enforcement sharing. We are not going to participate in U.N. peacekeeping in their countries. We are going to prohibit military assistance. And we threaten to use military force to go in. That is respecting the decision of those who signed on to this agreement?

Ambassador Pierre Prosper, who is head of the War Crimes Office, said:

> The President has made clear that what he wanted to do today was make our intentions clear and to not take aggressive action or wage war, if you will, against the ICC or the supporters of the ICC.

Read that statement and then read this bill that you are going to vote on shortly and ask whether that is consistent with the administration's position. Read what we do here under this amendment if adopted.

I wonder if our colleagues know the amendment that is being offered is called The Hague Invasion Act by our allies because of its extreme provisions authorizing the use of armed force.

All but one other NATO nation completely and strongly backs the ICC, and the entire European Union has ratified the ICC and strongly demarched the United States, indicating disappointment with the U.S. signature nullification.

The amendment by the Senator from Virginia forces the United States into a dangerous and counterproductive game of diplomatic chicken with our closest allies at a time when the alliance is already under great strain, and throws salt in the open wounds of our closest allies in the war on terror, and I think it is dangerous.

The amendment is a very complex amendment. It is 29 pages. There are waivers within waivers which turn out not to be waivers at all because the conditions of the waivers are unattainable in many instances. This is not an issue we should be considering as part of an emergency supplemental appropriations bill, but as I said earlier, it truly belongs in the conference where it is, with the members of the committees of jurisdiction debating it. This matter is in that conference. That is the place it ought to be considered.

The Warner amendment would prevent the United States from participating in peacekeeping or peacemaking activities pursuant to the United Nations in countries that happen to be members of the Court. There is a significant amount of assistance in this bill for Colombia on which we are voting here. I wonder if our colleagues know that Colombia ratified this treaty on June 5 and is now a party with the Court. President Pastrana said ratification with the ICC would send a message to the FARC, the revolutionary group in Colombia, that it would be held accountable for the murder of 119 civilians who took refuge in a church in that country. The Warner amendment would prevent the President from sharing national security information with a court or any country which is a party to the Court, absent assurance the information would not go directly or indirectly to the Court.

I don't think you could ever give that assurance. If faced with an effort to prosecute the FARC and Colombian request for assistance to go after the people who murdered those 119 innocent civilians, under the provisions of this amendment, if adopted, the United States would refuse cooperation.

I think that is outrageous, I think that is sad, if it is adopted.

Mr. WARNER. Will the Senator yield for a quick question? Is there not incorporated in the amendment of the Senator from Virginia sufficient Presidential waiver to take care of every point the Senator has made?

Mr. DODD. I say to my colleague, you have to give assurance that none of this information either indirectly or directly would go to the Court in allowing for the prosecution of those people. I don't think the President could get that assurance. If you are going to be prosecuted in the Court and you are going to share information with the country that wants them prosecuted, how can you give a waiver doing that? That is what I mean about this bill.

Mr. WARNER. Why would the Secretary of Defense have indicated——

Mr. DODD. It is my time. I will be finished in a minute, and then I will give my colleague all the time.

Mr. President, may I finish?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. This is outrageous, this amendment. I urge my colleagues to read this. Read this, please, what we are about to do, here.

This has waivers within waivers. It is 29 pages of complex contradictory provisions, in my view, that make it virtually impossible in many instances for any kind of waivers to be applied here. Further, the amendment would also prohibit the United States from providing military assistance to many countries that are parties to the Court, including such countries as Colombia, unless the President first takes the step of waiving the provisions of that particular provision.

I would say what is going to happen, if our allies respond to this prohibition by barring the sharing of information they may have, which we have a strong national security interest in having—we are sort of provoking this kind of tit for tat, back and forth.

I don't believe that is the way to go. There are ways of improving this treaty. This is not the way. This is about politics and votes in here. This is not about making this a stronger agreement and doing something that would make our Nation proud.

I can only imagine what would have happened if this Senate had been operating in the days after the end of World War II, when only a few of Americans supported the Marshall Plan, when it wasn't popular to do so, using taxpayer money to rebuild Japan and rebuild Europe. In a sense, that is what we are trying to do here; it is to rebuild an international community to deal with the issues of justice in the world. We are now going to walk away from it entirely.

It has been further said you can set up ad hoc courts. No, you can't. The U.N. system has established the ICC. That is it. Not ad hoc courts. The ad hoc courts worked when there was no ICC. Now in the establishment of an ICC, whether we like it or not, it is going to go into effect in July. That is a fact. So the ad hoc courts are not going to be set up.

So when we go after these other people, or try to anyway, the only place you can bring them is to the ICC. But by not being a part of that, we take ourselves out of the game and leave ourselves only the option of militarily going after these people.

That may be a viable option if nothing else works, but I don't think you want to exclude the option of taking these people to court under the rule of law.

The ICC is now the only game in town. The bottom line is that the Security Council is unlikely to approve any new ad hoc tribunals when once the ICC is established. When international efforts attempt to bring Saddam Hussein or Osama bin Laden or the Islamic Jihad to justice, what is the United States going to be doing? What about slave traders and war criminals around the globe?

We will exclude ourselves from assisting in those efforts. That is what this amendment says. We will not be a party to it.

The Warner amendment gives the administration a war powers blank check. Section 3008 of the Warner amendment authorizes ''use all means necessary and appropriate'' just as the Gulf of Tonkin Resolution authorized all necessary means to release persons arrested by the ICC.

This is a huge giveaway of congressional war powers authority.

Do we really want to be giving open-ended authority to the executive branch to put American servicemembers at odds with the forces of some our closest allies? Are we prepared to send troops, in a sense, to The Hague? This extraordinary grant of authority in section 3008 just doesn't apply to U.S. servicemen. It extends ''to any person working on behalf of'' many foreign nations, including Egypt, Argentina, Jordan, South Korea, and the like. That goes way beyond what we are being told this amendment accomplishes.

This amendment breaks faith with the Holocaust victims. Elie Weisel has warned that this bill ''would erase the legacy of U.S. leadership on international justice.'' Further, he said, for the memory of the victims of the genocide and the war crimes, this bill must be defeated. This comes from Elie Weisel. These are the people we ought to be listening to when it comes to establishing an international criminal justice court to deal with crimes against humanity and genocide.

This amendment is bad for Israel. Israel signed the Rome Treaty, which is supported by the American Jewish Committee and the Religious Action Center to Reform Judaism. Most of Israel's concerns have already been favorably resolved through negotiations. But Israel is going to need the United States as a fully engaged partner in future negotiations over the definition of aggression and other issues. No matter what one thinks of the ICC, it is clear that U.S. disengagement from the Court is bad for our ally in the Middle East at a critical time, the State of Israel.

For all those reasons, I hope the second-degree amendment I have offered will be agreed to. That would at least provide us an opportunity to go after the people I have mentioned should they be apprehended by the Court, and we could be a part of pursuing them.

It seems to me that in the absence of that we are going to look rather ridiculous in making a claim about seeking support for antiterrorism.

Mr. REID. Mr. President, if the Senator will yield for a question, if the amendment of the Senator from Connecticut is agreed to, the Warner amendment still stands. Will the Senator explain to the Senate the finality of that, if both amendments are agreed to by the Senate?

Mr. DODD. If the Warner amendment is agreed to, I still have a problem with it. However, I will read my amendment again.

It says:

> Nothing in this title would prohibit the United States from rendering assistance to the international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

Mr. REID. I also ask my friend, if both amendments are agreed to, the matter of the Senator from Virginia would still be before the body, and he could still go forward in the manner he anticipated with the exception that the Senator from Connecticut added. Is that right?

Mr. DODD. That is correct.

Mr. WARNER. Mr. President, I wasn't able to hear the distinguished leader.

Mr. DODD. If I may reclaim the floor—and I will finish—the question of the Senator from Nevada was if my second-degree amendment is adopted as part of the Warner underlying amendment, does the Warner amendment go forward?

I want to be honest with my colleagues. I think it is a better amendment; that is, the Warner amendment is a better amendment if my adaptation is adopted as a second-degree amendment. Yet, I will still have a problem with his amendment for the reasons I have outlined beyond the adoption of it. It goes too far.

I will tell my colleagues that they could vote for the Warner amendment with at least some comfort here should my second-degree pass.

Can you imagine the irony of this bill if my amendment is not adopted? If someone catches bin Laden and brings him to the International Criminal Court, the adoption of this amendment would prohibit us from assisting in that prosecution. I can't believe that we would want on record that kind of a judgment.

Mr. WARNER. Mr. President, will the Senator yield for a question on that point? Is there any way we can have a colloquy so we can inform the Senate of what is taking place?

Mr. DODD. I want to make my point about this, and then I will be happy to engage my friend in a colloquy.

Mr. WARNER. I am exhausted from listening.

Mr. DODD. The Senator from Virginia has a 29-page amendment. I didn't read the whole thing. If I did, that could take more time than my remarks. This is a bill; this isn't an amendment. I have an amendment. This is a bill of 29 pages. It goes on and on. But read the bill. Don't come over with this nice title, the American Servicemembers' Protection Act. How am I going to vote against that?

Read it, and then ask yourself whether or not you really want to be in a situation where ironically, in the same bill we are voting for aid to Colombia, who is a member of the ICC.

Under the provisions of this, barring some waiver, maybe as long as Colombia didn't share any information either

directly or indirectly with the ICC, we then would have to cut off the aid to them.

Remember that this proposal is presently in conference. What do you have a Foreign Relations Committee for? What do you have a Commerce Committee for? What do you have a Judiciary Committee for? If we are just going to adopt things on the appropriations bill, why not get rid of the authorizing committees?

What is the point? If I have to watch things being thrown on a supplemental appropriations bill, why do we spend the hours in committee trying to work these things out if we come in and just wipe it out and adopt it on a supplemental appropriations bill, when negotiators have no knowledge of the work that has gone into drafting the language that is sitting in a conference, trying to resolve it?

Unless you are on the Appropriations Committee, you have nothing to do with this stuff. Why bring up all of the authorizing controversies and throw them on here—to satisfy TOM DELAY and the House leadership who want to jam this thing through? That is what they want to do. There is no mistake about it.

This isn't a serious debate about where the United States ought to be on a critical issue facing our country at a time when we were attacked, only 9 months ago, by terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened very carefully in a very quiet and dispassionate way to my friend from Connecticut. I have studied his amendment. I have an observation, and then a question to put to my friend.

The first is, his amendment has two sections: Section 2015, and section 2015 relates to any prohibition of the United States rendering assistance to international efforts to bring to justice Hussein, Milosevic, bin Laden, and so forth.

I say to by good friend that if you will look at my amendment, we have a provision that begins actually on page 8, and I shall read it: Authority to waive sections, and so and so, with respect to an investigation or prosecution of a named individual, and the President is authorized to waive the prohibitions and requirements of section 3004 and 3006 to the agreed section prohibitions, and so forth.

This was carefully crafted in consultation with the Department of State to do precisely what the Senator from Connecticut desires to do in section 2015.

I think our amendment has taken care of section 2015.

Mr. DODD. Mr. President, will the Senator yield?

Mr. WARNER. I yield only for the purpose of a response to my question.

Mr. DODD. You have to understand that, if you go on to page 9, line 14, a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of section 3005 and 3007, and I refer back to page 6, 3005 and 3007.

There it says, ''authority to initially'' waive these sections. It says, ''notifies the appropriate congressional committees''; and ''determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement.''

You have to get a waiver. You have to go back to the earlier waiver, and you have to get agreement by the ICC.

That is what I mean by this.

Mr. WARNER. Mr. President, in order to save the Senate time, I think the amendment cares for the concerns that the Senator from Connecticut has about 2015. But I make an offer to the Senator from Connecticut that I amend my amendment to incorporate verbatim his section 2015. Would he have any objection if I put it in? I think that would alleviate his concerns. Then we have but one provision left in his amendment to consider.

Mr. DODD. The only thing, 2016——

Mr. WARNER. Mr. President, I am directing a question to 2015. Let us stay on that for a minute.

Mr. DODD. I want to respond as well. I appreciate that. The reason 2016 is there is to say at least give the authorizers a chance to complete our work.

Mr. WARNER. That is a separate argument. Could we address them one at a time? I put to my colleague the question: Would he have an objection if the Senator from Virginia sought to amend his amendment to include verbatim the provisions of the Senator designated as 2015?

Mr. DODD. My point is—I appreciate that—I want to also talk about 2016.

Mr. WARNER. Fine. Can we do them seriatim?

Mr. DODD. No. Let's do them together.

Mr. WARNER. Well, we are not, Mr. President. The question is not: May I amend it to include 2016?

Mr. DODD. Section 2015——

Mr. WARNER. To facilitate the Senate moving ahead on this matter and on the bill—you have raised this question—I am prepared to amend my amendment to include 2015.

Mr. DODD. Let me suggest the absence of a quorum.

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

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

Mr. WARNER. Now, Mr. President, I formally put to the Senate the unanimous consent request that the Senator from Virginia may modify his amendment to include verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, the second part of my second-degree amendment is critically important because it gives us a chance to complete our work as authorizers. By not including this—and my friend from Virginia has been candid enough to say they would not accept that as part of this agreement—then I, reluctantly, have to object to this unanimous consent request.

I am prepared to vote on the second-degree amendment, that we just vote on it. Members can decide whether or not they think this provision ought to be a part of this amendment or not. But as an authorizer who has worked hard at this, along with others—we are in conference—we have a chance to come out of a committee with a product for which the Senate can be proud. I hope that is the case. To just sort of disregard that and throw this on the appropriations bill is something I reluctantly have to object to.

So I urge we just have a vote on this second-degree amendment and complete the debate here and allow us to go to the Durbin amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, the Senator from Virginia moves to table the second-degree amendment and asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

Mr. BYRD. Mr. President, I share the serious concerns of the sponsors of this amendment about the potential for the International Criminal Court to be used as a political weapon against our members of the Armed Forces. This court, a permanent, international institution, is unprecedented in history. The International Criminal Court holds the power to indict and try individuals for war crimes, even if the person is a citizen of a country that is not a signatory to the treaty that creates the Court. It is not difficult to see that rogue states may seek to indict Americans on frivolous charges simply as a means to grind a political axe.

On May 6, 2002, the Bush administration renounced the United States' signature on the Treaty of Rome, which creates the International Criminal Court. But because the treaty has been ratified by 60 other countries, the Court will come into existence on July 1. Proponents of this amendment are correct in saying that the United States should take some action to protect our military personnel who serve abroad from unjustified prosecution by the Court.

But the amendment proposed to the supplemental appropriations bill goes beyond protecting the members of our Armed Forces. It also authorizes the President to ''use all means necessary

and appropriate'' to bring about the release of a ''covered person'' that is being held for trial before the International Criminal Court.

Who is a ''covered person''? The amendment defines him to be an American, or a foreign national of one of our allies. Is Congress really prepared to issue a blanket authorization to allow the President to use ''all means necessary'' to rescue from prosecution a person from counties like Argentina, Jordan, or Egypt?

There is no way that we could predict the circumstances under which a person from one of these countries could be accused of war crimes. But this amendment gives the President a congressional authorization to use our military to compel the release of a prisoner of the International Criminal Court before Congress even has a chance to examine if the use of force is justified. This is a dangerous and unwise delegation of the constitutional powers of the legislative branch.

I must also question why this amendment is being proposed to the supplemental appropriations bill. This very same amendment is included in the State Department authorization bill passed by the House of Representatives. This provision is now being deliberated in a conference committee. Further consideration of legislation relating to the International Criminal Court would best be left to the conferees from committees of jurisdiction, including the Foreign Relations Committee, rather than the members of the Appropriations Committee who will be appointed to the conference on the supplemental appropriations bill.

To that end, I support the Dodd-Leahy amendment, which will limit the duration of the American Servicemembers' Protection Act to fiscal year 2002 only. If the proponents of the American Servicemembers' Protection Act believe that there is an urgent need to pass this legislation, then there should be no problem in accepting the Senators' amendment. The Dodd-Leahy amendment would provide for a stopgap protection against the International Criminal Court until such time as the conferees to the State Department authorization bill complete their work. This is a reasonable limit to an intrusion into an issue that is being debated in a conference committee.

While we must seek to preserve the sovereignty of the United States by protecting our citizens against prosecution in front of the International Criminal Court, a body which will operate without any checks or balances from any branch of our government, this amendment goes too far in delegating the constitutional responsibilities of Congress over authorizing the use of force. Furthermore, the supplemental appropriations bill is not an appropriate legislative vehicle for addressing this issue. I urge my colleagues to support the Dodd-Leahy amendment.

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

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

Mr. REID. It is my understanding the Senator from Virginia has moved to table the Dodd amendment, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL), are necessarily absent.

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

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—55

Allard	Fitzgerald	Murkowski
Allen	Frist	Nelson (FL)
Bennett	Gramm	Nelson (NE)
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Cleland	Hollings	Shelby
Clinton	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lincoln	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Dorgan	McCain	Warner
Ensign	McConnell	
Enzi	Miller	

NAYS—40

Akaka	Edwards	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Reed
Biden	Graham	Reid
Boxer	Harkin	Rockefeller
Breaux	Inouye	Sarbanes
Byrd	Jeffords	Schumer
Cantwell	Johnson	Specter
Carnahan	Kennedy	Stabenow
Carper	Kerry	Torricelli
Chafee	Kohl	Wellstone
Corzine	Leahy	Wyden
Dodd	Levin	
Durbin	Lieberman	

NOT VOTING—5

Bingaman	Daschle	Helms
Campbell	Dayton	

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MODIFICATION TO AMENDMENT NO. 3597

Mr. WARNER. Mr. President, at this time, the Senator from Virginia renews his unanimous consent request to incorporate verbatim—and I do so on behalf of my distinguished colleague and cosponsor from Georgia, Mr. MILLER—to offer verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modification is as follows:

At the end, add the following:

SEC. 3015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate my colleague's offer, and I did not object. I want to make clear to people why we ended up voting on the second-degree amendment.

There is in Congress, on the State-Justice authorization bill, a conference on this very matter. Many of us have spent weeks trying to get the House to join us to resolve this matter. They have refused to meet. We included language that would force the House to meet with us or, under the supplemental, this language would die.

There is still a Defense appropriations bill and there is still a foreign operations appropriations bill to which this language can be added. It is sad in a way that authorizers cannot meet on the authorizing track to resolve policy matters; that policy matters have to be included on a supplemental appropriations bill. It is regrettable that efforts are not made to force the authorizers to meet and work.

Maybe this Senate is so collapsed that there is no longer any need to authorize. Every member of any authorizing committee: Henceforth know that when similar provisions come up, I will join with my friend from Virginia and let it be done on appropriations bills, not authorizing bills.

I do not know why I serve on authorizing committees. I am half tempted to get off them. I do not know why I spend all these hours working on these matters and staff working on these matters to have it included in a supplemental appropriations bill. Why does anyone serve on these committees at all?

We are about to adopt a very delicate and important matter—29 pages—which I promise no one here has read. There are not two people who have read it. They are going to vote on it because it has a nice title.

It looks good in a 30-second spot. It is dangerous, and it is wrong. It is terrible the Senate has come to this.

Mr. BIDEN. Mr. President, I will vote against the Warner amendment. Let

me state at the outset my view on several issues that this amendment raises.

First, I want to make clear that I do not support the International Criminal Court as it is constituted. The Rome Statute which creates the Court is flawed, and it would be a mistake for the United States to become a party to the Court under the Statute. The President made clear last month that the United States will not do so.

I do support protecting American servicemen and women. The Court statute purports to provide jurisdiction over individuals from nations which have not become party to it. That is wrong as a matter of treaty law and of basic fairness. We can and must protect our servicemen from the jurisdiction of this tribunal. I believe the President and Secretary Rumsfeld will do what is necessary to do so. We do not need this amendment to allow a President to use ''a necessary force'' to force any American servicemen from the custody of any international court.

I do not want to harm U.S. interest overseas. Many of our closest allies in Europe are strong supporters of this Court. This legislation will further complicate our relationship with those friends. Moreover, it takes aim at allies outside of Europe with punitive measures.

Finally, I do not, as a constitutional matter, want to give carte blanche to any President to rescue even American individuals detained by the Court who are not citizens.

The amendment contains a sweeping authorization to the President to use force to rescue not only Americans detained by the International Criminal Court, but also nationals of several allied countries.

The authority to rescue U.S. nationals, I submit, is probably unnecessary: most scholars would agree that the President has the authority to rescue Americans abroad who are in serious danger from a foreign power or circumstance. If an American is detained by the Court, the President will surely have the support of the Congress to take whatever action necessary to rescue that servicemember.

The authority to rescue foreign nationals, such as an accused war criminal from Australia or Egypt, is unwise. As a constitutional matter, I am unwilling to give the President such a blank check to invade the Netherlands—where this Court will be located. Only the Congress has the power to authorize such use of force, and we should not do so in advance, without knowing all the circumstances.

I am also concerned about a provision which bars military assistance to countries which join the Court. This would apply, as the Senator from Connecticut noted, to our assistance to Colombia, a country we have been strongly supporting with substantial military assistance. This restriction may be waived on two alternative grounds, but I ask my colleagues: why would we even consider cutting off aid to our ally in Colombia because it made the sovereign choice to join the International Criminal Court?

This provision does not apply to our NATO partners, and certain non-NATO allies like Egypt, Israel and Japan. How can we tell our NATO allies or others that they are free to join the Court without fearing an aid restriction, but then turn around and tell other countries that they could face penalties if they join the Court?

This provision is directly contrary to the position of the Bush Administration. When the Administration announced its position on the International Criminal Court last month, Under Secretary of State Marc Grossman made it clear that the United States was going to ''respect the decision of those nations who have chosen to join the ICC.'' This provision to cut off military aid would violate that principle.

My bottom line is this: we should not join the Court as it is currently constituted. Its provisions purporting to extend jurisdiction to non-parties and the inclusion in the Statute of the crime of aggression and sufficient reason to do so.

But this legislation is not necessary to protect our interests. President Bush has adequate powers to do that. It adds very little to the powers he now possesses. But it could complicate our foreign policy with friends in Europe and elsewhere. And it gives future Presidents a blank check to rescue foreign nationals detained by the Court. I think that is a mistake, and therefore will vote no.

Mr. BROWNBACK. Mr. President, as you know, on December 31, 2000, former President Clinton signed the UN's Rome Statute that would obligate the United States to comply with the International Criminal Court. I was disappointed in this action, and until President Bush formally notified the United Nations on May 6 that the U.S. would not become a party to the Rome Statute, I was prepared to fight the ratification of this treaty if it was brought before the United States Senate.

The ICC contains fundamental flaws that we cannot ignore and jeopardizes our service and diplomatic personnel. Whether conducting engagement activities, support operations, stability operations or combat operations, we must ensure the protection of our servicemembers and officials of the United States involved in such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. Many of these issues and the official actions taken by servicemembers and others involve protection of the national interests of the United States. We should have every right to pursue those interests as a sovereign Nation.

In order to accomplish this, we must pass the American Servicemembers' Protection Act, ASPA, which has been offered as an amendment to the pending bill by the ranking member of the Senate Armed Services Committee, Senator JOHN WARNER. I would like to commend my colleague for his initiative and leadership on this issue. As he and others would agree, failure to pass this Act will have a chilling effect on our ongoing commitments to peace, democracy and prosperity throughout the world.

This amendment is necessary because U.S. withdrawal from the treaty, which we have already done, is not enough. Other countries may still attempt to force the United States to comply with the treaty's provisions. As you may know, the treaty will go into effect on July 1 because the requisite number of countries have ratified the Rome Statute, notwithstanding our withdrawal from the treaty. What this means is that the International Criminal Court could exercise jurisdiction over action crimes committed in the territory of a state party, including those by citizens and servicemen of non-parties.

Thus, under Article 12 of the Rome Statute, the court would have jurisdiction for enumerated crimes alleged to have been committed by U.S. citizens, including the U.S. servicemembers, in a country like Afghanistan. Clearly this is an important protection for our soldiers currently engaged in missions in that country.

Additionally, Article 5 allows parties to the treaty to define vague crimes like ''aggression,'' but Article 121 also allows parties to the treaty to opt-out of certain crimes. Article 121 does not afford that same ''opt-out'' right to non-parties, including the United States. As a result, U.S. servicemen and diplomats as well as other U.S. citizens could be charged, tried, and jailed for crimes the U.S. had no part in defining and crimes that parties to the threaties themselves are not bound by.

The American Servicemembers' Protection Act, ASPA seeks to protect the United States from these coercive elements of the treaty, and precludes cooperation with the International Criminal Court so long as the United States is not a Rome Statute party. ASPA still permits cooperation with ad hoc courts created through the UN Security Council, such as the Yugoslav and Rwanda tribunals, and prosecution of future war criminals. Such a tribunal created by the Security council at least provides the U.S. with a veto option where we have a say in its mandate and are therefore about to ensure that war criminals will not escape justice.

From Sudan to China, Eastern Europe to South Asia, many of my colleagues and I have devoted considerable time in the Senate to protecting human right, democracy, and religious freedom. This treaty would undermine the U.S. ability to promote and protect the ideals that we have fought for: the values of democracy, freedom and open societies for the people of the world.

While this treaty may be well-intentioned, its vague language gives UN officials unchecked authority, and it imposes an unbearable burden upon the U.S.

This country's commitment to pursuing accountability for war crimes, genocide and crimes against humanity is an important part of our foreign policy objectives and one that serves as a model for others. It was through U.S. leadership that Nazi war crimes were prosecuted. It was through U.S. leadership that Balkan war criminals in Bosnia-Herzegovina and Kosovo were brought to justice. If my fellow members want to maintain America's ability to keep its international commitments abroad, then we must protect our soldiers and our civilian leaders by passing the American Servicemembers' Protection Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment, but before the vote is taken, I understand there is at least one colleague, my colleague from Virginia, who would like to have 5 minutes. Are there others who wish to indicate to the managers a desire to speak before that vote?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes.

Mr. REID. For the information of Senators, Senator ALLEN from Virginia wishes to speak on this underlying amendment for 5 minutes. I do not know of anyone else who wants to speak on this amendment. We will have a vote in the next few minutes on the underlying amendment.

Following that, next in order, by virtue of a unanimous consent agreement, is Senator DURBIN. He has indicated he will speak for perhaps half an hour. There may be others who wish to speak. We will have a vote sometime after that. We are going to have a series of votes in the near future. Members should remain close to the Chamber because we are moving pretty well. It is yet to be seen whether we can complete our work tonight.

I will say to my friend from Connecticut, this was not in the Senate bill that is before this body. I just want to make sure the Appropriations Committee in the Senate is not blamed. This was put in on an amendment from the floor. The Appropriations Committee did not do it.

I say to my friend, this was not put in by any member of the Appropriations Committee. It was put in by an authorizer. I say to all Senators, the Senator from Connecticut is an exemplary Senator who does a great job on every authorizing committee he is on, but I want to say do not blame the Appropriations Committee, because it did not put this matter in the bill. It was offered separate and apart.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. BIDEN. Will the Senator yield for a question?

Mr. WARNER. Were the yeas and nays ordered?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator?

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Has the Dodd amendment, which reads, ''Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other leaders of al-Qaida, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity,'' been made a part of what we are about to vote on?

The PRESIDING OFFICER. It has been modified.

Mr. WARNER. Mr. President, I assure the Senator it is. The Senator from Virginia made two attempts, failed on the first attempt for the vote, but succeeded on the second attempt just a minute or two ago.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I understand the Senator from Virginia put forth a unanimous consent agreement that there would be a vote following 5 minutes from the other Senator from Virginia. Is that right?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. No, the request was not made as a unanimous consent.

Mr. REID. Then I would propound that as a unanimous consent request.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in support of the amendment that my good friend, Senator WARNER of Virginia, has offered. I am a cosponsor of this act and a cosponsor of this amendment, along with my friend, Senator MILLER of Georgia. I continue to believe that the International Criminal Court poses a threat to the sovereignty of the United States and the individual freedoms of America.

Americans do care about the rest of the world. The rest of the world, though, can make their own decisions. The Europeans, if they want to merge their currencies, can do so. It does not mean we have to put our dollar in with their currency. We have a right to control our own destiny and the sovereignty and fair justice administered in our country.

This International Criminal Court would have the jurisdiction to punish individual American officials for foreign policy and military actions of the U.S. Government. The laws and the rules of this treaty do not offer fair and equal justice, nor do they offer the due process rights guaranteed and protected under our Bill of Rights.

The mechanism used to introduce and try cases in this Court is an independent prosecutor, who would be one who is not really accountable but would be given the autonomy to enforce justice as that prosecutor sees fit. Placing such power in the hands of one individual is not only ill advised, it runs contrary to the very foundation of justice upon which our country was built upon.

For example, if the international prosecutor believes a U.S. court's decision was inadequate or incorrect, then this prosecutor is authorized to indict the alleged human rights abuser and demand a new trial in the International Criminal Court. This is all contrary to the laws of the constitutions of our States and the Constitution of our country for the last 225 years. Elected officials ought to protect and uphold our rights. In reality, this ICC, or Rome Treaty, would erect an institution superior to our courts in this country and in our States.

In considering whether to enact an amendment that would protect Americans from this international treaty, we need to consider the values and goals of the international prosecutors and the international judges. It is unlikely persons given such authority will hold the same values as the United States. Consider the fact that the Rome Treaty was signed by Iran, Iraq, Sudan, and Syria, among others. All of these nations have extremely questionable records when it comes to justice, due process, and equality. I believe we should consider the parties involved when considering any international treaty.

Senator DODD mentioned Elie Wiesel and Israel. Israel mostly has its troops focused in its homeland. The United States has its spread across the world.

The amendment of Senator WARNER, the American Servicemembers' Protection Act, is supported by the following organizations: The National Guard Association of the United States, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of the U.S. Army, the National Military Family Association, Enlisted Association of the National Guard of the United States, Fleet Reserve Association, the Gold Star Wives of America, Jewish War Veterans of the USA, the Marine Corps League, the Marine Corps Reserve Officers Association, the Military Order of the Purple Heart, the Navy League of the United States, the Retired Officers Association, the United Armed Forces Association, the Veterans of Foreign Wars of the United States, and others.

I believe the former President, Mr. Clinton, made a serious mistake when he signed the Rome Treaty in the last days of his administration. President Bush wisely rejected the Rome Treaty

and notified the United Nations that the United States would not be ratifying or participating in the accord. Unfortunately, the number of ratifying nations is rising and the ICC will come into existence on July 1 of this year. It is why we must pass this amendment.

We are all working in unity to fight corruption, hatred, and dictatorships around the world. With the amendment that has been added, our position is clear and we will fight war criminals.

In closing, I will quote Mr. Jefferson when he stated:

> It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits . . .

I urge my colleagues to exercise that right, protect our sovereignty and our men and women in the military in supporting this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3597, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

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

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

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—75

Allard	Enzi	McConnell
Allen	Feinstein	Mikulski
Baucus	Fitzgerald	Miller
Bayh	Frist	Murkowski
Bennett	Graham	Nelson (FL)
Bond	Gramm	Nelson (NE)
Breaux	Grassley	Nickles
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Carnahan	Hatch	Santorum
Chafee	Hollings	Schumer
Cleland	Hutchinson	Sessions
Clinton	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kerry	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
DeWine	Levin	Thompson
Domenici	Lincoln	Thurmond
Dorgan	Lott	Torricelli
Edwards	Lugar	Warner
Ensign	McCain	Wyden

NAYS—19

Akaka	Carper	Kennedy
Biden	Dodd	Kohl
Boxer	Durbin	Leahy
Byrd	Feingold	
Cantwell	Jeffords	
Lieberman	Reed	Specter
Murray	Sarbanes	Wellstone

NOT VOTING—6

Bingaman	Daschle	Helms
Campbell	Dayton	Voinovich

The amendment (No. 3597), as modified, was agreed to.

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

AMENDMENT NO. 3729

Mr. DURBIN. Mr. President, I call up amendment No. 3729, which was previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3729.

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

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

The amendment is as follows:

> On page 55, beginning on line 13, strike ''$100,000,000'' and all that follows through ''*Provided*, '' on line 17 and insert the following: ''500,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,''.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators SPECTER and BOXER be added as cosponsors of this amendment.

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

Mr. DURBIN. Thank you, Mr. President.

I want to clarify this amendment because some have followed this issue. I have made a decision this evening to change the amount that I am asking for in this amendment. I want to clarify it for the record so there is no question in the minds of my colleagues as to what this amendment will do.

Currently, in the supplemental appropriations bill there is $100 million for the global AIDS epidemic. It was my original intention to increase that amount to $700 million. But after consulting with Senator FRIST and others, I decided that we should come together to try to work together on a bipartisan basis at a lower number to make certain we do everything in our power to have the resources to fight this global AIDS epidemic.

I hoped we could come together and offer a bipartisan amendment with Senator FRIST relative to a funding level of $100 million. Unfortunately, we were not able to reach that agreement today. However, in the interest of drawing as many together—Republicans and Democrats—to support this measure, I have reduced the amount which I have requested to $500 million. I believe more is needed, but I am asking for $500 million as part of this supplemental appropriation to deal with the global AIDS epidemic.

I will tell my colleagues that this vote is not only important, but it is not going to be an easy vote. I anticipate procedural motions to be made on the floor which will ultimately require 60 votes to pass this amendment. I hope my colleagues will join and agree with me that it is an emergency amendment; that it deserves emergency status; that it deserves the vote of at least 60 Members of the Senate tonight.

Is there anyone in this Chamber and is there anyone following this debate who can seriously question whether the global AIDS epidemic is an emergency? Clearly, it is.

At the end of 2001, more than 40 million people in the world were living with HIV. Some estimates range from 42 million to 45 million.

But there is another statistic worth reflecting on. It is estimated that 95 percent of the people currently infected in the world today don't know they are infected. Think of that for a moment. Think of the consequences of that in terms of the spread of this deadly disease.

There is a chart which shows a summary of the estimated 40 million infected with HIV/AIDS at end of the year 2001. In North America, 940,000; in the Caribbean, one of the fastest growing areas in the world for the AIDS epidemic, 420,000; 1.4 million in Latin America; 1 million in eastern Europe and central Asia; 1 million in east Asia and the Pacific; 6.1 million in South and Southeast Asia; 470,000 in western Europe; 440,000 in north Africa; then comes sub-Saharan Africa with over 28 million people currently infected with HIV/AIDS.

It is our estimated that there are some 15 million AIDS orphans in sub-Saharan Africa alone. Think of that. Children who have lost one or two parents to the AIDS epidemic—15 million.

In 2001 alone, 5 million people were newly infected with HIV, more than 95 percent of whom live in Third World countries, in the developing world. The majority of these new infections occur in young adults—especially women. Most of them are young people. Many don't know they have it. More than 13 million children are orphaned, and 3 million died. Each day in the world, 8,000 people die from AIDS, and 6,000 from tuberculosis and malaria.

The purpose of this amendment is to start bringing together a clear national sentiment—perhaps global sentiment—to do something significant when it comes to dealing with this AIDS epidemic.

Consider for a moment the Global Fund. There was the suggestion by Kofi Annan and world leaders that we make a special effort to fund programs around the world to deal with AIDS, tuberculosis, and malaria.

Two years ago, the United States contributed $300 million to this Global Fund. This year we reduced the amount that we contributed to a figure of $200 million.

You have to ask yourself: Why would you reduce the amount you are spending fighting the global AIDS epidemic through the Global Fund? There is no good explanation.

I had before the Appropriations Committee on Foreign Operations, on April 24, a man I respect very much, Secretary of State Colin Powell.

I stated the following:

. . . Mr. Secretary, Senator SPECTER and I are going to offer an amendment to the supplemental for $700 million more——

That was our original amendment——

committed to multilateral and bilateral efforts on AIDS as an emergency appropriation. I just can't think of money that we could spend more wisely than to try to stop the pace of this [global] epidemic.

I think the American people understand this, too. This isn't a problem in some other part of the world. This is a problem of our world; a problem that is sadly an airline flight away from being delivered to the United States every hour of every day. I hope that we can have the support of the administration for $700 million.

This was in April of this year, a question I asked of Secretary of State Colin Powell.

Let me read you his reply:

I will pass that on to my colleagues downtown and see what we can do as it comes through, but I couldn't agree with you more, sir.

Secretary of State Colin Powell has been a real leader. Sometimes he has not been the most popular person in this administration with some, but he certainly understands the gravity and scope of this crisis. And, as he said, he couldn't agree with me more in terms of funding to fight this epidemic.

We need to show real leadership in this Chamber. We need to step forward and say—not only to America, but to the world—that this is our chance and this is our opportunity.

The global summary of the HIV/AIDS epidemic I have shown you. Let me also show you this chart: About 14,000 new HIV infections every day in the year 2001. As I said, more than 95 percent in developing countries; 2,000 are in children under 15 years of age; about 12,000 are in persons aged 15 to 49 years, of whom almost 50 percent are women, 50 percent are between the ages of 15 and 24.

Two years ago, I made a trip to Africa. I went there to look at other issues. I really was not focused on the global AIDS epidemic. I went there to look at feeding programs and microcredit programs that I am involved with in my committees.

I went to South Africa, Kenya, and Uganda. And I can tell you, in a very brief period of time I realized there is no other issue in Africa than the AIDS epidemic. I saw things and witnessed experiences there I will never forget.

In Kampala, Uganda, there is a clinic known as the TASO clinic. Each day, hundreds of Ugandans come into this clinic who are already infected with HIV, and some are dying from AIDS. These are men and women who understand their time on Earth is limited. They come in for a little help, some basic drugs and medicine, and they go about their lives. We met with them, sat down with them.

One of my colleagues here on the floor a few minutes ago said, it must have been very depressing. It was depressing, yes, to think that so many people's lives would be shortened because of this deadly disease. But at another level, it was inspirational. Here are people who have absolutely nothing on Earth—nothing.

If one of us should hear that we have been diagnosed with a serious disease, there are things we can do, doctors to see, hospitals to visit, research to inquire about, medicines that might give us a chance. None of that is true for most of the victims of HIV and AIDS in Africa and around the world.

I can recall standing there as a choir of infected people in the clinic came together to sing to us a chorus. That is not unusual in Africa. They sing when they greet you; they sing when you leave; they sing all the time. And as they sang the songs that they had written, a young woman stepped forward, who was clearly thin, who did not have much time left, and, in the most angelic voice, sang a song she had written entitled ''Why me?'' I will never forget that—why him? Why her? Why me?

You say to yourself, isn't this a hopeless situation? If they don't have the medicine, if they don't have the medical care, if they don't have the hospitals, what can we do? We cannot provide the Magic Johnson therapy to every infected person in Africa. It would be too expensive. We could not monitor it. But, trust me, there are things we can do and things that help.

Ten years ago, when Uganda realized their problem, 30 percent of the new mothers were found to be infected with HIV—30 percent. They decided, as a government, to do something about it: A public education campaign, condoms, talking to people about the dangers of unprotected sex.

In a matter of 10 years, with this basic effort, they reduced the HIV infection rate among new mothers to 15 percent. That meant that the number of children infected with AIDS and HIV was cut in half by the simplest methods, the most direct methods.

The message I am trying to deliver to my colleagues is this: The money we spend on the global AIDS epidemic will save lives. We know it will. We have made a commitment to this. But the commitment does not meet the scope of the problem. The commitment does not reach to try to catch an epidemic that is galloping away from us. We are taking small steps forward saying, well, we are doing something in the United States, and this epidemic is galloping away from us across the world.

(Ms. CANTWELL assumed the chair.)

Mr. STEVENS. Madam President, will the Senator yield for a question?

Mr. DURBIN. I am happy to.

Mr. STEVENS. Did I hear correctly that the Senator from Illinois indicated we had reduced spending on AIDS for this fiscal year? There is an increase across the board in several different components. Does the Senator realize that?

Mr. DURBIN. Yes. I say to the Senator, what I said was, we reduced our contribution to the Global Fund from $300 millon a year ago to $200 million in this year. Our total expenditures for HIV and AIDS worldwide are in the range of $850 million.

Mr. STEVENS. We have $300 million right now, Madam President, in this fund. The House bill has $100 million in addition, and we have $100 million in this. Does the Senator realize we are willing to go up to another $100 million?

Mr. DURBIN. I might say to the Senator from Alaska, any additional dollars are appreciated. But the point I am trying to make is, even increasing our contribution to the level of $200 million is totally inadequate in response to this global epidemic. I am going to quote——

Mr. STEVENS. Just one last question.

Mr. DURBIN. I yield for a question.

Mr. STEVENS. Does the Senator realize how much we are contributing to the research base for AIDS in the world, how much we are spending from defense, NIH, from a series of accounts, in terms of basic research for AIDS?

Mr. DURBIN. To the Senator from Alaska, I would say, yes, we are making a contribution as a nation. What I am asking the Senate to consider is whether it is adequate, whether it is adequate in terms of this global AIDS epidemic.

Let me say to my colleague from Alaska, and others, that just a few months ago two of my colleagues in the Senate—Senator FRIST and Senator HELMS, who cannot be with us this evening because he is recovering from a recent medical problem—came to the same conclusion that I have come to this evening. Both Senator FRIST and Senator HELMS sought a $500 million increase for AIDS.

That is the amount I am asking. It isn't as if I have come up with an outlandish and outrageous figure. Dr. FRIST, who is a Member of the Senate, supported the same level of funding. Senator HELMS said it as well. In fact, he offered an editorial to the Washington Post which was nothing short of inspirational. He was widely quoted across the United States, saying that—and I am going to read this because I think, in fairness to Senator HELMS, this is a very important quote.

Senator HELMS, our colleague, in his Washington Post editorial, said:

In February I said publicly that I was ashamed that I had not done more considering the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of.

Senator HELMS, I would like to say, if you are following this debate, this amendment, the level of funding which

you suggested, is the right thing to do. It is still the right thing to do.

For a variety of reasons, there has been a change of heart by some in terms of asking for $500 million. I might say to my colleagues, the problem is not diminishing. The problem is growing geometrically, and we are responding arithmetically. We are providing a little bit more and a little bit more, and this epidemic is raging across the world.

We talk a lot about the security of the United States. I spent a whole day in the Judiciary Committee. The Intelligence Committee I serve on also met. Can we be more secure in the United States if countries around the world are being destabilized by the AIDS epidemic? How are they destabilized? Frankly, if you lose one out of five adults to AIDS, if you have millions of AIDS orphans, children who grow up on the streets, little girls who end up turning to thievery and prostitution to survive, little boys with no parental supervision because their parents have died from AIDs, who become part of these warring gangs in Africa and the Third World, ripe targets for terrorism, how does that make America safer? I don't think it does.

In fact, just the opposite is true. We are, in fact, less secure as a nation. Let me also quote two other members of the administration who have addressed this issue. The Secretary of Health and Human Services, Secretary Thompson, March 29 of this year:

> The scourge of AIDS threatens to destroy economies, social systems, and the very fabric of local communities. There is no question that as a country, the United States must engage with other nations and across all sectors to fight the most devastating public health pandemics of the modern age.

That was Secretary of Health and Human Services Tommy Thompson.

Treasury Secretary Paul O'Neil has been in the news for the last several weeks touring Africa with Bono, a member of the Irish rock band U2, who has been one of the world's leaders on this issue, who came to visit me and so many other Senators to talk about this issue. He invited Treasury Secretary Paul O'Neill to come with him to Africa, see the AIDS epidemic firsthand. Let me quote Treasury Secretary Paul O'Neill:

> Nowhere is this more urgent, and more heartbreaking, than the struggle against AIDS. In South Africa I saw mothers with AIDS caring for babies with AIDS, even when proven, inexpensive drugs are available to stop transmission between mother and child. I saw the dedication of nurses and doctors treating people with AIDS, and their patients' struggle to survive.

That was Treasury Secretary Paul O'Neill.

Why is it that the leaders in this administration can travel around the world and speak forthrightly about this terrible epidemic, yet this Senate is hesitant to put funding into fighting the global AIDS epidemic at a level that gives us a chance to make a real difference?

When I spoke earlier about what we can do and used Uganda as an example, I also went to Mulago Hospital in Kampala. I saw research projects underway there that are nothing short of miraculous. If a mother is pregnant and diagnosed with HIV, there is a high likelihood that her infant will also be HIV positive. But they have found a very simple drug called nevirapine. If the mother goes into labor, she takes the drug and the baby, as soon as it is born, is administered the drug. They are finding remarkable results in terms of saving the baby's life.

Whether you are pro-life or pro-choice, whatever your position may be, isn't that the right thing to do, for the United States to be investing with other countries to try to stop this transmission of AIDS from mother to child?

A proposal came to the Global Fund from Nigeria to support the activities of six centers focusing just on this, to stop the transmission from mother to baby. These centers will have the capacity to test an estimated 14,000 women for HIV and provide this antiretroviral therapy to 912 HIV positive mothers to protect their babies from infection. Finally, the centers will link families with comprehensive care and counseling services.

This is what the Global Fund does: Identifies projects all around the Third World where we have victims of HIV and tuberculosis and malaria to come up with proven, effective therapies to save their lives.

Why is it important that we provide more money to this Global Fund? I will tell you why. Because as of last night or the night before, the Global Fund ran out of money. It had allocated all the money for this year. It is gone. It is down to zero. The $500 million which we are proposing in this amendment can be used by the administration to replenish the money in the Global Fund.

We currently know that there are at least $370 million of outstanding projects that weren't funded, and we know a new round of applications will be coming in in just a few months. We know that down the line even more money will be needed.

As much as we have done as a nation, we should and can do more. We absolutely must do more in terms of the impact this funding is going to have on the world in which we live.

The Global Fund fights, of course, not only AIDS but TB and malaria. I know my colleague from California, Senator BOXER, has been a leader from the start on HIV/AIDS in the United States and around the world and has focused, as well, on tuberculosis as a scourge in many Third World countries—and malaria. I will credit her, as we served on the House Budget Committee together many years ago, with being the first person who made me consciously aware of the HIV/AIDS epidemic.

Little did I know I would be standing on the Senate floor next to her in this situation, but here we are—a nation which has fought its own battle against the HIV/AIDS epidemic and looks out at a world where this epidemic is virtually out of control.

The Global Fund, suggested by Kofi Annan at the United Nations, is a fund that encourages countries around the world to put in their contribution. Do you know the first country that every other nation in the world looks to to see whether this is a good idea, worthy of investment? The United States. If the United States will put up taxpayers' dollars, hard-earned money from our taxpayers to fight the global AIDS epidemic, nations around the world follow suit.

The opposite is also true. If we don't put the money in, the Global Fund lags, falls behind, in allocations. This Global Fund has rules that were set down by USAID, Department of State. It has been approved by our Government. There is no question that it is a good agency that does a lot of great work. Frankly, they are running out of money. They have none currently available.

When they gave countries around the world 7 weeks to prepare proposals for the Global Fund to fight HIV, tuberculosis, and malaria, they received $5 billion in funding requests. We are asking ourselves whether $200 million from the United States is enough? It is not. It clearly isn't. We need to do more.

I think we can do more. This fund has a stupendous resource gap. It is being forced to triage important proposals that have been subjected to vigorous review. The Global Fund may be forced to reject plans that would save lives immediately around the world.

Over 100 country proposals have been submitted. The fund just can't finance it. Over a 5-year window, the Global Fund received $5 billion in applications. Billions more are coming.

I want to commend my colleagues, Senators FRIST, HELMS, SPECTER, BOXER, WELLSTONE, and others, who have shown a real consciousness and sensitivity to this problem. I beg you, think for a moment before we go home this evening, having passed this supplemental emergency appropriations bill, should we not consider the greatest health emergency in the world today?

Shouldn't the United States say: We will continue to lead by example? It isn't as if this is an unpopular idea. They took polls across the United States and asked the people of America what they thought we should be doing in terms of our international commitments. The people came back in polling and said: Second to stopping the illegal flow of drugs in the United States, there is nothing that we should spend more money on when it comes to fighting HIV and AIDS around the world.

The American people understand this. They get it. It isn't a problem in some faraway land. It is a problem that may have started in Africa, but it quickly spread around the world and is now growing at a proportionate rate

that many of us never imagined would be possible.

International health experts at the UNAIDS, World Bank, and the World Health Organization have supplied us data on what would be needed to make a serious intervention in this crisis. This amendment we are offering tonight tries to meet that.

A few weeks ago, Bono, who I mentioned earlier, came to Capitol Hill and visited a lot of our offices and created quite a stir. This man, who is internationally known for his musical ability, has developed an international reputation for fighting this AIDS epidemic. He is a very likable man. I said: You have become a constant pest on Capitol Hill. Every time we turn around, there is Bono opening up another door to another office—whether the Senator is a Republican or a Democrat—convincing them we have to do something. He is doing the Lord's work, God's work. But all of those trips and all of the work he has done is worth little if we don't follow through this evening by voting for this additional $500 million.

This debate is about more than posing for photographs with Bono. This amendment is about making a real commitment, a tangible commitment, an effective commitment to a global epidemic. Can we make a difference? In large and small ways, we can.

I went to a clinic in South Africa outside the city of Durban, up in the mountainside. It was one of the most basic health clinics I had ever been to. They didn't have much—very little technology and few drugs. I saw people there suffering from burns and a young woman who was clearly dying from HIV.

Then I met with a group of about 25 or 30 who lived in the villages around the clinic. They sat lined up in neat rows and watched this visitor, a Senator from the United States, come before them. They wanted to make a presentation to me. They made a presentation of a young woman who was brought forward.

She was very thin and obviously very sick. She was clearly nervous to be addressing this crowd and standing before these people from the U.S. She stood there and buttoned her shirt up to the top of her neck and she was shaking.

She said: I have Tuberculosis. I have been very sick for several years, and I have come to this clinic. Then she paused and she said: I have AIDS. I don't know what is going to happen to my children. When she said those words, ''I have AIDS,'' there was a gasp in the audience because in South Africa, sadly—a country that is overwhelmed with the AIDS epidemic—a few years before, a woman was stoned to death when she admitted she had AIDS. She was beaten to death by the villagers. It took real courage for that woman to tell this crowd she had AIDS. They just don't speak of it.

As she was sobbing, they sat her down next to me on a bench, and I reached my arm over and put it around her shoulder, and the audience gasped again. A doctor stood up and said: Look at this now. I am telling you, if you touch her, you will not be infected. He said: This man from the United States has put his arm around her. I am telling you, it is safe to touch people who have AIDS.

That is what the level of ignorance is when it comes to this epidemic in some parts of the world.

My friends, those scenes I will never forget. My colleague in the Senate, Senator FRIST, has been there himself and has worked in these clinics and has performed surgeries in Africa understands this. That is why the amendment he offered for $500 million is a good amendment. It is one that he and Senator HELMS believe in very much, very passionately. I believe in it, too.

I bring this to the floor tonight in the hopes that the 25 colleagues in the Senate who signed a letter with me to Chairman BYRD and Senator STEVENS urging them to commit more money to the global AIDS crisis in this emergency supplemental, and many others, will think about the impact this vote will have not just on the Senate, but on the world. We have a chance tonight—a small chance, perhaps, with one vote—to have an impact on literally millions of people around the world, to save lives of people we will never meet.

We can break the cycle of hopelessness and despair generated by the death spiral of AIDS in so many nations. I invite my colleagues to join me.

Mr. REID. Madam President, we have a number of people who wish to speak on this issue: The Senator from Tennessee, the Senator from Ohio, the Senator from Minnesota, the Senator from California. I am wondering—because Members have been calling both cloakrooms—if we can get an idea as to how long the Senators wish to speak so we can have some idea when the vote will take place. If I may, I ask the Senator from Ohio, does he wish to speak?

Mr. VOINOVICH. I was just here listening to this interesting debate.

Mr. REID. How about the Senator from Tennessee?

Mr. FRIST. I will be offering an amendment later tonight related to this amendment. I would like about 15 minutes, in which case I could handle both of them.

Mr. REID. Could the Senator speak now for 15 minutes?

Mr. FRIST. Yes, 15 minutes.

Mr. REID. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. About 5 minutes.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes, the Senator from Minnesota for 5 minutes, the Senator from California wants 15 minutes, the Senator from Tennessee for 15 minutes, the Senator from Pennsylvania for 10 minutes, the Senator from Alaska for 5 minutes, and the Senator from New Mexico for 5 minutes.

Mr. BYRD. Mr. President, I would like 10 minutes at the conclusion of which I expect to offer the motion.

Mr. REID. We will have the Senator from West Virginia be the last speaker. I ask the Parliamentarian to advise the Chair how much time remains.

The PRESIDING OFFICER. One hour ten minutes.

Mr. REID. So we will vote on this at approximately 7:45?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that we have a vote on Senator BYRD's motion to waive at 7:45 tonight.

Mr. STEVENS. Reserving the right to object, I request that my time precede Senator BYRD's.

Mr. REID. That would be appropriate as comanager of the bill.

Mr. BYRD. Madam President, we have several amendments yet. Is there any hope of completing action on this bill tonight?

Mr. REID. We are going to complete action on the bill tonight.

Mr. BYRD. I wonder if Members will be agreeable to cutting their time on this amendment to some extent. I am willing to cut mine in half.

Mr. REID. Senator DURBIN can cut his in half, also. He agrees to do five. Do I hear 12?

Mr. DOMENICI. I will save my own remarks for another time.

Mr. REID. How about the Senator from California, is 12 minutes OK?

Mrs. BOXER. Absolutely.

Mr. FRIST. I can handle both of mine later tonight in a 15-minute period.

Mr. REID. That is fair. We need a little time to determine what time the vote is. So we have Senator DURBIN for 5 minutes, Senator BYRD for 7½ minutes, and Senator DOMENICI with nothing.

Mr. DOMENICI. I am cut out.

The PRESIDING OFFICER. That is 57 minutes.

Mr. REID. So we can vote at about 7:25. I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 7:25, or whenever the time is yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I rise to accomplish two objectives: To speak in response to the pending amendment and to briefly introduce what I plan to do later tonight. In the interest of time, I will try to achieve both of those objectives in the next 15 minutes. If the Chair will notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. FRIST. Madam President, first, the Senator from Illinois has eloquently outlined the challenge, what I consider to be the greatest public health challenge clearly of this generation. I say public health challenge to

us as Americans, but equally importantly to us as citizens of the world.

The statistics he mentioned are right on target, and they tell the best picture globally of this scourge against which we are fighting a losing battle. Every 10 seconds someone dies of HIV/AIDS, but every 10 seconds there is a new infection in two individuals—two new infections. We have no cure. There is no cure for HIV/AIDS.

Second, I agree with the Senator from Illinois, we need to do more. There is absolutely no question in my mind that we have to invest, and we have to invest as the United States, as the global leader. Our leadership is critically important for other nations to see, for private companies to see, and for individuals to see so they will be participants.

I agree with the Senator from Illinois that the dollars we spend on HIV/AIDS can do something that really no amendment I have seen on the floor today can with absolute certainty do, and that is to save lives. If resources are handled appropriately when we fight global HIV/AIDS, malaria, and tuberculosis, then each dollar invested, I am absolutely convinced, will save the lives of innocent children who are infected with this virus. This little virus is so adaptable; it moves 100,000 times faster than our own defense systems and tens of thousands of times faster than the best medicines we apply to it. So it is a major challenge for us all.

The Senator from Illinois mentioned Senator HELMS, and I want to come back to that because I will be offering later tonight a Helms-Frist amendment. Our amendment was initially spelled out, at least its framework, in the editorial in March from which the Senator from Illinois quoted. Our amendment focuses on mother-to-child transmission, and our amendment would, I believe, give greater flexibility to the President than the amendment that is now before the Senate.

The Senator from Illinois mentioned Secretary Powell, Secretary Thompson, and Secretary O'Neill, and I will add to that list the President of the United States. We have an opportunity which I think is unheralded, unprecedented, in that we are bringing all elements of modern society together; all political elements, both conservative and liberal; the private sector; the public sector; leaders around the world; the very best of our pharmaceutical companies; the entertainers of the world, all coming together with a spotlight, a focus on a battle we are losing today in a global sense.

If there is a point of order later tonight on this underlying amendment, I will support it, but not because of the amount of money in the amendment. The $500 million is too little for where we need to go. The magnitude of the problem is big, and the money we are talking about is tiny. Yet we do need to recognize where the money is coming from, and at what rate it is going to be spent. That $500 million is something that Senator HELMS and I both believe in, but, again, we have to recognize what we do tonight is not the answer; it is just another step in a very long journey.

I am going to support the point of order against this amendment, but not because of lack of support for the Global Fund. I think it is the best, most innovative, most creative way to pull together the international community. It is not a U.S. fund. It is not a United Nations fund. It is not a World Bank fund. It is a Global Fund independently administered. It was started a year ago. We need to raise a lot of money for it and have it distributed with good peer review. A lot of that money is going out today.

I will be asking my colleagues to support the point of order on this amendment, and then I will ask for their support of an amendment by Senator HELMS and myself which will be offered after we dispense with this amendment.

Why? Because I believe our amendment is more focused. It centers, though it does not commit all the money to, mother-to-child transmission.

Secondly, our amendment gives greater flexibility over the use of these funds. The funds will be under the direct control of the President of the United States.

And thirdly, these funds will have a more direct impact on saving lives. I am convinced of that. By focusing on mother-to-child transmission, which the Helms-Frist amendment does, we can calculate this impact.

The story goes like this: There are 800,000 innocent children born every year into a world of HIV/AIDS, and they become infected. Of every 1,000 pregnant, HIV-infected women who go through delivery, about 200 HIV/AIDS babies will be delivered infected with HIV. If you use nevirapine, a single dose for the mother and one for the child, that number is cut in half. That is why I know a program focused on mother-to-child transmission will ultimately save lives. For every one thousand births to 1,000 HIV positive women, 100 children can be saved from HIV infection. That is why I can say this and be so definite.

I mentioned the team that is in place in this administration, and I will reinforce what the Senator from Illinois said when he mentioned Secretaries Powell, Thompson, and O'Neill. The President's commitment is there to provide more resources, not just to the Global Fund, which is important, but resources for our much more comprehensive approach for fighting HIV/AIDS, multilateral and unilateral efforts that include prevention, response, care, and treatment. I do believe we have to link all of those approaches for an effective response; no longer can we say just prevention.

The President has increased financing dramatically in the year and a half he has been President. He has promised to do more. He has shown a real empathy for the victims of HIV/AIDS, and he has shown a detailed understanding, to me in our conversations, of the treatments available. He is surrounded, as the Senator said, with people who share that commitment and that desire to do everything possible given the technology, given our understanding, given what we have learned over the last 20 years.

Twenty years ago, we did not even know the virus existed. Now we are saying it is the No. 1 problem. Amazing. Twenty years ago, in 1981, nobody had ever heard of HIV/AIDS. But with the President of the United States, under his leadership and with this team, with our support and through such cooperative efforts as the Helms-Frist amendment to increase funding on mother-to-child transmission, we can make a difference.

Why are we here today? We agree—Senator DURBIN, Senator SPECTER, and the cosponsors of the bill—we all agree and the reason is simple. The global requirements to combat HIV/AIDS are far greater than the international level of commitment. But it cannot be solved with just a U.S. commitment. It has to be an international commitment. Part of the Helms-Frist amendment will require a matching from other countries and entities to leverage the money we invest. We need to lead, and we will lead, but we will lead the global community together.

The amendment which I am offering tonight is the work of Senator HELMS. He could not be with us tonight. He recently underwent open heart surgery. And I am please to report that he is recovering well. I know he wanted to be here tonight to offer this amendment.

He first announced our intention to take this initiative on March 24 in a Washington Post article. Part of it has been quoted tonight.

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

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

[From the Washington Post, Mar. 24, 2002]

JESSE HELMS—WE CANNOT TURN AWAY

(By John Overmyer)

This year more than half a million babies in the developing world will contract from their mothers the virus that causes AIDS despite the fact that drugs and therapies exist that could virtually eliminate mother-to-child transmission of the killer disease.

It is my intent to offer an amendment with Sen. Bill Frist (R-Tenn.) to the emergency supplemental appropriations bill to add $500 million—contingent on dollar-for-dollar contributions from the private sector—to the U.S. Agency for International development's programs to fight the HIV–AIDS pandemic. The goal of this new money will be to make treatment available for every HIV-positive pregnant woman. As President Bush would say, we will leave no child behind.

There is not reason why we cannot eliminate, or nearly eliminate mother-to-child transmission of HIV–AIDS—just as polio was virtually eliminated 40 years ago. Drugs and therapies are already provided to many in

Africa and other afflicted areas. Only more resources are needed to expand this most humanitarian of projects.

The stakes could not be higher. Already in many African nations an entire generation has been lost to AIDS. Mother-to-child transmission of HIV could eliminate another. Although reliable numbers are hard to come by, experts believe that more than 2 million pregnant women in sub-Saharan Africa have HIV. Of these, nearly one-third will pass the virus on to their babies through labor, child-birth or breast feeding, making mother-to-child transmission of AIDS the No. 1 killer of children under 10 in the world.

There will be obstacles to achieving universal availability of drugs and therapies. Many African nations lack the infrastructure and trained personnel to deliver health care on this scale. Some governments may not be cooperative. My amendment will provide the administration with the flexibility to deliver the necessary assistance while addressing these obstacles. For instance, if the new Global Fund to Fight AIDS, Tuberculosis and Malaria is deemed the most efficient way to deliver assistance, then the president can transfer money there.

The United Nations has already set an ambitious goal of reducing the portion of infants infected with HIV by 20 percent by 2005 and by 50 percent by 2010. We can accelerate these efforts, saving hundreds of thousands of lives, with a larger investment of public and private funds now. Private contributions, either financial or in kind—such as the donations of the drug nevirapine by the German pharmaceutical company Boehringer Ingelheim—are an essential part of a successful anti-AIDS strategy.

In addition, national commitment is absolutely essential. The government of Uganda can serve as an example. Through the leadership of Uganda's first lady, Janet Museveni, that country has cut in half its HIV infection rate.

In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to ''Let my heart be broken with the things that break the heart of God.'' I know of no more heartbreaking tragedy in the world today then the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Some may say that, despite the urgent humanitarian nature of the AIDS pandemic, this initiative is not consistent with some of my earlier positions. Indeed, I have always been an advocate of a very limited government, particularly as it concerns overseas commitments. Thomas Jefferson once wrote eloquently of a belief to which I still subscribe today: that ''our wisdom will grow with our power, and teach us, that the less we use our power the greater it will be.''

The United States has become, economically and militarily, the world's greatest power. I hope that we have also become the world's wisest power, and that our wisdom will show us how to use that power in the most judicious manner possible, as we have a responsibility to those on this earth to exercise great restraint.

But not all laws are of this earth. We also have a higher calling, and in the end our conscience is answerable to God. Perhaps, in my 81st year, I am too mindful of soon meeting Him, but I know that, like the Samaritan traveling from Jerusalem to Jericho, we cannot turn away when we see our fellow man in need.

Mr. FRIST. Madam President, I will quote from the article. This is Senator HELMS:

In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to ''Let my heart be broken with the things that break the heart of God.'' I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Those are Senator HELMS' words from the Washington Post article. The Helms-Frist amendment provides those resources, focusing on mother-to-child transmission where we know we will have a measurable impact in saving lives.

The American public shares the desire to help our fellow men and women across the world. It is a moral imperative of saving innocent lives. We live in a world where drug resistant strains of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airline seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

The Helms-Frist amendment, which will be introduced later tonight, is focused on three things: No. 1, a requirement that the new funds be focused on reducing mother to child transmission of AIDS, a problem which lends itself to immediate action with what we know will be an immediate response of saving lives, and that is the emergency component of this legislation.

No. 2, a grant of authority to the President to spend the money to optimize the impact of all the AIDS-fighting efforts in our Government. In other words, unlike the Durbin amendment, it does not say that this money goes into just the Global Fund, but it does give the President authority to assess at that point in time how best to spend that money to get the greatest impact.

No. 3, the Helms-Frist amendment, which will be coming later tonight, has a requirement that funds not given to the Global Fund—and indeed the President can put these funds into the Global Fund but moneys not put into the Global Fund, indeed have to be matched by sources other than the U.S. Government. The reason being to leverage and maximize our support.

I have a letter I would also ask unanimous consent to be printed in the RECORD. It is to me from Senator HELMS, dated June 5.

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

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 5, 2002.

Hon. BILL FRIST, M.D.,
U.S. Senatee, Washington, DC.

DEAR BILL: Dot and I—indeed all the Helmses—are grateful to you for your support and counsel. I can truthfully report that I am feeling better each day.

Obviously, I cannot be in the Senate to introduce our amendment to add $500 million to the fight against HIV. On matters relating to global disease your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The Samaritan, on his way from Jerusalem to Jericho, could not turn away from his fellow man in need. My friend, neither can we. You and I know the stunning facts: Nearly one million children are infected by HIV each year from their mothers during labor, delivery or breast feeding. Our amendment will prevent hundreds of thousands of innocent young people from being infected in this manner.

I wish you and the rest of our colleagues all the best as you deliberate on this important matter. Thank you, dear friend.

Sincerely,

JESSE.

Mr. FRIST. Basically he says:

Obviously, I cannot be in the Senate to introduce our amendment to add $500 million to the fight against HIV. On matters relating to global disease, your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The rest of the letter I will refer my colleagues to.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Because of limited time, let me get through and then I will come back to answer the question.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. FRIST. In summary, we have worked together on how to increase funding above the level in the underlying bill in a way that we know in part will be a first step of what has to be done with leadership by the United States in this global endeavor.

I have been working over the last several days with the staff of the President of the United States, and I am delighted that sometime over the next several weeks—or next several days—a major initiative will be introduced by this administration addressing many of the issues that are the underlying reason for proceeding with this amendment.

Again, I will leave it to the administration to talk about this new commitment that they will unveil shortly, a multiyear plan to bring substantial new resources to this effort. This is not the final word.

The amendment offered tonight, whether it is the Helms-Frist amendment or the Durbin amendment, is not the final word on AIDS. We are going to be coming back to this again and again. This is not an easy problem. This is not an easy challenge. I am absolutely convinced, working in this body, working with the House in a bicameral, bipartisan way, which is represented tonight, with this administration, that we can pull the very best out

of the United States of America and the global community in order to defeat this little tiny virus, a challenge and a fight that currently we have not quite been able to do.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Absolutely.

Mr. DURBIN. I would like to ask the Senator when he offers his amendment, how much money will be in the amendment?

Mr. FRIST. We initially filed, as the Senator knows, $500 million, which is a sum that I think is appropriate in terms of addressing the issues, having them in the field very shortly.

Mr. DURBIN. Which is the amount——

Mr. FRIST. The amendment in the underlying bill, not your amendment or mine, as the Senator pointed out earlier, is $100 million. As I understand it, the amendment of the Senator would take that up to a total of $500 million.

Our amendment will take $100 million on top of that with an understanding, as I said earlier, that funds comparable to that $500 million will be laid out by the administration over the next 2 weeks.

Mr. DURBIN. I am sorry. I do not understand. The total amount that the Senator from Tennessee is going to offer for this is $500 million?

Mr. FRIST. It is $100 million in addition to $100 million that is in the underlying bill.

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

Mr. DURBIN. So $200 million?

Mr. FRIST. That is correct, $200 million totally. We will be striking $100 million in the bill, replacing $200 million. The Senator will strike $100 million and will have $500 million.

Mr. DURBIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator DURBIN for his amendment, and Senator BOXER and other supporters. I am a little confused by the remarks of my colleague from Tennessee. As I understand the Durbin amendment, this is $500 million that goes to the administration, which can then decide whether it wants to put it into this Global Fund or it wants to put it into other programs. That is up to the administration. We hope they will put it into the Global Fund because right now this Global Fund has a deficit of $3.5 billion.

This is what I think is the issue for all Senators who are going to vote: I think the question is whether or not when we have a situation where today HIV/AIDS claims the lives of 8,000 people, today 13,000 people become newly infected with HIV, and my colleague is talking about an amendment that I am still not clear is $100 million or $200 million.

The Durbin amendment, which I am proud to support, calls for $500 million. My God, given the magnitude of this crisis, given the magnitude of what all this means in personal terms—I keep hearing my colleague talk about mother to child transmission and the need to have prevention, yes, but there are also many people who need treatment.

The Durbin amendment says tonight the Senate does something, that we live up to being our own best selves, that Democrats and Republicans no longer just give the speeches and no longer say we care so much, but we back up our rhetoric with the resources.

In all due respect, the vote is simple. Do we believe, given this huge gap and how little we have contributed, that we ought to give this administration $500 million to work with so that our Government can play a much stronger and more positive role, or would we vote against this amendment, which means we are not providing anywhere near the resources?

There will be another amendment later calling for much less, $100 million or $200 million, and then there is some discussion about how in the future there will be more. But we do not vote on the basis of the future. This is not an abstraction. There are a lot of people throughout the world who are suffering, a lot of people who are dying, and the Durbin amendment puts us on record that we, the Senate, tonight are going to make a significant commitment. I cannot believe that we would not get the vote for this amendment. It is time for all of us to sort of live the words we speak. That is what this amendment calls for us to do.

One more time, this goes to the administration, giving it the flexibility. We certainly can talk about mother to child transmission, we also can talk about treatment, but the most of all is that finally the Senate goes on record with a real commitment of resources. That is the least we can do. So I speak for the Durbin amendment and hope it will get a strong vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the amendment to add $500 million to fight global AIDS. When we take a look at the statistics, what has happened in the world, there are 40 million people who are living with HIV/AIDS, including 2,700,000 children. AIDS claimed the lives of an estimated 2,300,000 Africans last year alone.

Africa is not alone in this struggle. Almost 1 million new infections were reported in south and Southeast Asia last year. These alarming statistics are reminiscent of the early stages of the epidemic in sub-Saharan Africa, and we cannot wait any longer.

What is required is a global effort. It has to be worldwide. We know that it is a matter of leadership for the United States as the most powerful country in the world and as the world's leader to provide substantial funding. The estimates are that some $5.6 billion will be necessary over the next 5 years. There are commitments of only $2.1 billion, leaving a deficit of $3.5 billion. This deficit has to be fixed.

The AIDS epidemic is decimating entire countries, leaving a power vacuum, leaving countries in turmoil. The human factor is overwhelming.

As the lead sponsor, Senator DURBIN, pointed out in the opening of his speech, what happens if you are diagnosed with AIDS, a killer. If you are in Africa or in other Third World countries, it is hopeless, unless someone comes to the rescue. On humanitarian principles, something which the industrial countries ought to assume the responsibility for, when it comes to political considerations, and AIDS is decimating an entire country, it is a matter of a vacuum, where dictatorships breed, where there are terrorist bodies, where there is anarchy. That is very much contrary to the national interests of the United States.

Beyond the humanitarian aspects, there is a definite national self-interest on the part of the United States. You might not necessarily call it national security, but if there is turmoil and you find al-Qaida taking hold of a country which has a power vacuum, it could be categorized broadly as a matter of national security.

I believe this is an important debate, and I believe one way or the other the United States Government is going to come to a $500 million figure. When the figure was talked about as to $700 million, it seems to me, having spent 22 years in the conferences, in the negotiations with the House, with the $200 million we would have ended up with $500 million or perhaps less. The rule has been if the House comes in at $200 million, whatever the Senate comes in at, there is a tendency consistently to split the difference. That will leave the figure low.

One most impressive statement was made by Senator HELMS, who has not exactly been a proponent of funding for HIV/AIDS, for many reasons which we need not go into now. Senator HELMS came out with a proposal to have $500 million. It seems to me that is a benchmark. One might say it is a minimum benchmark or one might say it is a maximum benchmark. When Senator HELMS made the public statement with such feeling at a time, as he put it, when he was near the point of meeting his Maker, he wanted to take a stand on something that was very important for humanitarian purposes, and as a matter of basic fairness and basic decency that a country which can afford it should undertake.

We are a very wealthy country with $10 trillion gross national product and a national budget of $2.1 trillion. With leadership on $500 million, that could be an inspiration for other industrial countries to come forward and do the right thing. That is why when Senator DURBIN approached me weeks ago on this amendment, I told him to count me in.

I urge my colleagues to support this figure.

In closing, I thank my colleague from California, Senator BOXER, for generously yielding to me, although she has been here all afternoon. I have been occupied, as has the Presiding Officer, with the FBI Mueller-Rowley hearings.

I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my colleague from Pennsylvania leaves, I wanted him to hear my comments. What he has done is shown that this is a national security issue. We know when people are sick and desperate there can be a void in a country and people can do desperate things. I associate myself with the remarks of the Senator.

Madam President, we talk about many issues in the Senate. There are moments when we know there is a particularly important issue, sometimes more parochial to our State. I say tonight that I am very proud to stand with Senator DURBIN and Senator SPECTER. This is a Durbin-Specter-Boxer amendment to provide $500 million for the fight against AIDS, tuberculosis, and malaria.

I was very stunned when I heard what happened to this debate. For weeks, I was elated that Senators HELMS and FRIST were going to support a $500 million number. And then when I heard that Senators DURBIN and SPECTER were going to say we have to do even more, I felt so good because I thought at the minimum we will get the $500 million that we so desperately need for these diseases.

Then I find out the whole playing field has changed. We are in a situation now that is quite troubling.

I will tell a story about a woman named Elizabeth Glaser whom I met more than a decade ago, a beautiful woman, a young woman, a new mother. She had a child, and in the hospital needed to have a blood transfusion. Those were the years when no one knew that you could pick up HIV through a blood transfusion. Lovingly nursing her daughter, Ariel, she was at a high point in her life. She then had another child, a son, still not knowing anything was wrong. Elizabeth, therefore, faced a situation with her husband, Paul. They had three family members HIV positive: The mother, the son, and the daughter.

Elizabeth Glaser was a fighter. A lot of us knew her around here. She came here and begged us to do something. She focused on the whole issue of AIDS and, of course, on the transmission of the virus from mother to child. The Pediatric AIDS Foundation was formed and they became the leaders in finding a way to stop the transmission.

My colleague, Senator DURBIN has talked about it; Senator FRIST has talked about it.

Let me state how far we have come. We can really stop this epidemic in its tracks in most of these mother-to-child transmissions. The cost of this drug is a few dollars a dose. When Senator FRIST says his alternative will make more money available to stop transmission, he is incorrect. I hope that the record has been corrected. Senator DURBIN's amendment allows the funding to go in whatever way the administration wishes. If they want to take the entire $500 million, if that is their choice, they could spend it in that fashion. So do not stand up here and say: If you want to stop the mother-to-child transmission, support the Frist amendment.

No, support the Durbin amendment. It is very important to do this. A lot of people did not know, and Senator DURBIN talked about it, that AIDS and tuberculosis go hand in hand. If you look at the statistics, they are stunning. Tuberculosis is the leading cause of death among people who are HIV positive. Up to 50 percent of people with AIDS develop TB because HIV infection severely weakens the immune system.

This is a very small world we live in. We are reminded of it every single day. We knew it when planes came over and smashed into the World Trade Center. As soon as we could respond, we were in Afghanistan.

The fact is, it is a small world, and if anyone in this body thinks that having so many people impacted with tuberculosis doesn't impact the health of America, they are wrong. Therefore, what we are doing here by addressing these three diseases, is, yes, to help the people all over the world who have HIV and AIDS, and who have tuberculosis, but also to help those who get malaria, which kills around a million people every single year.

TB is a disease we thought we had eliminated. In fact, in the Western World we largely did, with the development of antibiotics in the 1950s. But the disease made a comeback, and I saw it in my State of California, where local public health officials never thought they would ever have to worry about TB again. But they are worried.

I say to my friends on the Appropriations Committee who have turned their back on this $500 million, think about these numbers. In the year 2000, there were 16,000 TB cases in the United States of America that were reported to the Centers for Disease Control.

In my own State of California, 20 percent of those cases exist there. TB is an airborne disease. You can get it when someone coughs or sneezes. It is a small world. So don't think, if you vote against the Durbin amendment, it doesn't have an impact here at home, because it has an impact here at home. We are talking about tuberculosis, we are talking about AIDS/HIV, and we are talking about malaria.

The good news is that TB can be cured. There is a treatment called DOTS, D-O-T-S. It has been shown it can produce cure rates of 95 percent, even in the poorest countries. That means if we can stop TB in these countries—and people who get on the planes sit next to our people on the planes who do not have TB—we will be a far healthier nation.

I think there are times here when it makes sense to act incrementally. I have seen that. Sometimes there are problems, and you say there are 10 things we should do to solve a problem, let's do 2 of these every year and we will get there.

Sometimes you have to act boldly. Certainly we have seen our country unite and do that in the face of what happened on 9–11. We did it militarily. We liberated a country. We made sure that, to the greatest extent possible, we got to the root cause of what happened to us. And we continue, every day, to act boldly, or we certainly should, whether it is taking a look at how we can make our intelligence agencies better or making sure airport security is as tight as it could be, making sure, as my friend in the chair wants to do, that we protect people from a chemical plant being attacked or a nuclear powerplant being attacked. We are acting boldly. At least I believe most of us are.

Why would we shirk from acting boldly in the face of these epidemics?

We spend a lot of time around here on things that make a difference around the edges. But when historians write about today, I think it will be written, if we do the right thing, that we made a decision that wound up saving millions of lives; that we made a decision as the leader of the free world to alleviate suffering, to alleviate disease, to stop children from having to be orphans.

I will talk about my friend Elizabeth Glaser. She passed away from AIDS. Her daughter passed away. And we are all fighting to see that that is not going to be the fate of her son because he is getting the advantage of the wonderful treatments we have.

How can we not act to make sure that every child and every woman and man gets that same chance? How can we do that when we have the ability to do it? It is either you pay now or you pay later. I thought Senator SPECTER was right when he said: What you do when you turn your back on a crisis such as this is you open the door for people to wreak havoc with countries to fill a void, where people are desperate. They cannot get involved. They are just trying to find out how to live, to survive, to make sure a child is not deprived of family.

My daughter went to Uganda and got back about a week ago. She fell in love with the place and told me she did not meet one person in her travels who had not experienced a deep, tragic loss of a family member—not one person, and she spoke to many people.

This is a test of our leadership. I did not expect to be here on the floor.

I ask for 20 additional seconds.

Mr. REID. Mr. President, Senator BYRD has told me——

Mr. DURBIN. I yield 20 seconds.

Mrs. BOXER. I just believed we were going to have that $500 million. Senator HELMS wrote from his heart and

talked about it. Senator FRIST talked about it. Suddenly, what has happened? What has happened is we are losing our boldness. I do not want to see it happen.

I urge support for this very important amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding under the unanimous consent that I have 4 minutes 40 seconds.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Senator BYRD and Senator STEVENS have 5 minutes each before we come to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to add as cosponsors to this amendment: Senators SPECTER, DASCHLE, LEAHY, DEWINE, KERRY, KENNEDY, BOXER, SARBANES, FEINSTEIN, MIKULSKI, CLINTON, DODD, LIEBERMAN, TORRICELLI, LEVIN, SCHUMER, LANDRIEU, BIDEN, and CORZINE.

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

Mr. DURBIN. What is the difference between $500 million and $200 million in the global AIDS fight? I do not believe for a second $500 million is going to turn back the global AIDS epidemic; no, I do not. But I will say to my friend Senator FRIST, you know as well as I do what a $300 million difference means. It means money going into the Global Fund from the United States that can be leveraged to induce even greater contributions from countries around the world. It means $300 million more that will be spent for mother-child transmission, for treatment to deal with HIV, tuberculosis, and malaria.

I came to this debate asking, in my mind, for $700 million, and I did not think it was an outrageous request, even though it was emergency spending. I concluded, watching the amendments on the floor of the last several days, I could lose; I could lose $700 million. So I went to Senator FRIST and I said: Listen. My name on this proposal is secondary. What is important is to get the $500 million. I'll join you. I'll walk away from my amendment. I will be a cosponsor of your amendment. I will give up whatever publicity might come from it. Who cares? Let's get the job done.

We talked about it until just a few hours ago when, to my surprise, the $500 million Helms-Frist amendment became $200 million.

What happened? In all these months, has the need decreased? Of course not. The need has increased. So I come to the floor today to offer this amendment for $500 million.

I say to my colleagues to please think twice. There will be a parliamentary point of order made in a few moments by Senator BYRD. I understand it. He is chairman of the committee. He is protecting the committee. Even though I serve on it, I understand it.

But think for a minute. Are you going to let a procedural vote stop the investment of $300 million—more than Senator FRIST is going to offer—$300 million in the Global Aids Fund that can be used across the world to save lives? Of all the items we vote for day in and day out, we have to walk down there many times and vote for things for our colleagues from other States, and ask, Is it really worth it? We are loyal. We do it. You know in your heart of hearts that this is the kind of money that should be spent by America to make a difference. That is why the United States leads the world, not just in military power and with its economy but in our values. We define our values by our pocketbook and how we spend it. Tonight, $500 million can make a big difference. It can make a difference in places around the world that you will never see.

But I will tell you this. Take a moment in your life and go to these Third World countries. Look right into the eyes of these mothers and their children and you will never have any question about a $500 million vote.

I went to a place in Kampala where they were putting together a memory book. I sat on a porch with mothers as they showed me the scrapbooks of their lives which they were putting together to leave for their children playing in the yard. The mothers were dying of AIDS. They wanted that little child playing in the yard to remember who they were in the years to come.

That is the tragedy of AIDS. That is the reality of AIDS. That is why we need $500 million.

I implore my colleagues. I have come to this floor so many times but never with so much depth of feeling about the importance of what we are going to do.

Let us not negotiate the difference and bid this down. Let us do what we know is right in our hearts and minds and leave tonight with the passage of this appropriations bill feeling that the United States once again continues to lead the world in fighting the global AIDS epidemic so our children and our grandchildren will not see that great scourge that travels around the world.

I close by saying to you: I salute all of my colleagues—Democrats and Republicans—who joined me. I thank them for their support. But please, for the sake of the millions of people around the world who are now feeling that they are so alone, give them a helping hand with a $500 million investment in hope.

I ask unanimous consent that Senator DASCHLE be added as a cosponsor of this bill.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of the Senate, Senator DASCHLE has been absent from today's session because he was attending the graduation of his son Nathan from Harvard Law School.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, am I next in line?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, after listening to a lecture in 1983 about a new problem called AIDS, I came back to the Senate and asked that $50 million be dedicated to basic research on this subject. Today, I can tell the Senate that right now we have in this year's budget alone $12.5 billion committed to AIDS.

I have heard people talk about research for women, infants, and children; about the need for remembering the children; and, the fact that this bill, as Senator BOXER said, has an impact here at home. It certainly does. No one can criticize what we have done about AIDS, no one.

I visited with Bono and said: Yes. We will help with AIDS internationally. We started that fund with a contribution in the year 2001. We then increased it for 2002, and we are going to increase it even more for 2003.

The House has responded also with more money to help with AIDS. We are going to respond, I hope, and increase this amount even more than we did. We put in $100 million more. This will increase it again by $200 million more. That will make it a $300 million effort for this year in addition to what is already proposed and already in the system.

But let me summarize for the Senate what we are doing.

FDA has $77,700. The Health Resources and Services Administration has $1.918 billion. Look at what they are doing. They are doing a Care Grant Program, an Early Intervention program, Research for Women, Infants, and Children, AIDS Education and Training Centers, Dental Services, Counseling, Testing & Partnership Notification, Ricky Ray Hemophilia Relief Fund. We have the Indian Health Service, another $3 million; Centers for Disease Control and Prevention, $938 million, and, in total, NIH, $2.5 billion. That covers a whole series of institutes of health. But the main thing is there is a limit to what we can do in the world to deal with the world's problem.

I believe we should do more, and we are going to do more. But it has to be staged. It has to be increased in a way and be spent in a way that encourages other countries to come forward, too.

When we went to visit the World Food Program in Rome this year, we found that the United States is now paying 60 percent of all the costs of the World Food Program. We used to pay 12.5 percent. Why are we paying 60 percent? Because we kept increasing, and as we increased, the other nations of the world decreased their effort.

That is exactly what is going to be happening here. If we don't stage it, if we don't ask the world to come forward and join us to deal with the problems of AIDS in the world, more and more they will say: Let Uncle Sam do it.

I am all for our doing our part, but our part is to match others in a world effort to deal with AIDS. We are doing it. We are doing more than that.

Our budget today of $12.5 billion for the year 2002 alone—not counting this money—is half of what the world is spending. There is space here for some comments about what we should do and how we should do it. But to just genuflect and come in and say, we need $200 million, $500 million, or we need $700 million—we can't handle that in terms of the partnership we have in the world in dealing with AIDS; if we do, they will do the same thing they did in the World Food Program. They will pull back and say, you wanted to do more; go ahead and do more.

It is not only 60 percent that we are spending on the World Food Program. It doesn't include the money we spend on food under the military accounts which our military people provide throughout the world, such as in Afghanistan.

There is a limit. The limit is: What shall we do under an emergency appropriations bill dealing with money that should be spent before September 30?

No matter what anyone else has said, this money probably cannot be spent before September 30. We will deal with more money within a month. When the bill is before the Senate, I am certain there will be an request to increase at by at least another $½ billion.

Let no one say this Senator has not done everything possible to deal with AIDS. The answer is the cure and the answer is research. The answer is not putting money out in the world before the world is ready to join us in a partnership to deal with AIDS worldwide.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL

[Dollars in thousands]

	FY 2001	FY 2002	FY 2003
Food and Drug Administration:			
Biologics	$35,000	$35,868	$36,943
Human Drugs	19,618	20,104	20,710
Medical Devices	2,300	2,357	2,427
Other Activities	5,400	5,535	5,700
Field	13,500	13,836	14,250
Total, FDA	75,818	77,700	80,030
Health Resources and Services Administration:			
Emergency Assistance—Part A—Title I	604,169	619,514	619,514
Care Grant Program—Part B—Title II	910,969	977,373	977,373
Early Intervention—Part C—Title III	186,274	194,334	194,507
Grants for Coordinated Services & Access to Research for Women, Infants, Children—Part D—Title IV	64,995	70,990	70,990
AIDS Education and Training Centers—Part F	31,598	35,295	35,295
Dental Services—Part F	9,999	13,498	13,498
Counseling, Testing & Partner Notification	2,000	2,000	2,000
Ricky Ray Hemophilia Relief Fund	580,000	0	0
Program Management	4,996	4,996	4,996
Total, HRSA	2,395,000	1,918,000	1,918,173
Indian Health Service:			
HIV Surveillance	994	1,012	1,027
Information & Education/Prevention Services	2,816	2,874	2,911
Total, IHS	3,810	3,886	3,938
Centers for Disease Control and Prevention: HIV/AIDS Activity	859,045	938,646	938,910
Total, CDC	859,045	938,646	938,910
National Institutes of Health:			
NCI	239,066	256,319	266,539
NHLBI	67,437	72,146	75,380
NIDCR	21,942	23,473	25,338
NIDDK	24,685	27,642	29,847
NINDS	37,774	42,366	45,682
NIAID	1,063,074	1,191,919	1,350,452
NIGMS	43,298	48,391	52,385
NICHD	101,851	116,101	126,249
NEI	11,555	12,730	12,777
NIEHS	7,855	8,336	8,682
NIA	4,386	4,985	5,379
NIAMS	5,692	6,467	6,687
NIDCD	1,592	1,737	1,738
NIMH	145,112	163,938	176,207
NIDA	245,397	279,676	304,187
NIAAA	21,222	23,979	25,913
NINR	9,678	10,990	11,891
NHGRI	5,809	6,310	6,812
NIBIB	843	843	843
NCRR	117,485	135,195	147,198
NCCAM	1,030	2,555	2,718
FIC	16,149	18,328	21,523
NLM	5,589	6,742	7,248
OD	48,494	53,786	58,322
Total, NIH	2,247,015	2,514,954	2,769,997
Substance Abuse and Mental Health Services Administration:			
Programs of Regional & National Significance			
Mental Health	11,681	13,035	10,560
Substance Abuse Treatment	56,378	59,163	59,187
Substance Abuse Prevention	32,100	38,100	38,100
Substance Abuse Block Grant (Set-aside)	55,918	57,987	60,088
Program Management	600	600	600
Total, SAMHSA	156,677	168,885	168,535
Agency for Healthcare Research and Quality[1]: Research on Health Costs, Quality, & Outcomes	3,381	3,300	2,591
Total, AHRQ	3,381	3,300	2,591
Centers for Medicare and Medicaid Services:			
Medicaid (Federal Share)[2]	3,700,000	4,200,000	4,700,000
Medicare	1,900,000	2,050,000	2,200,000
Total, CMS	5,600,000	6,250,000	6,900,000
Office of the Secretary:			
Office of Public Health and Science:			
Office of Minority Health, GDM	13,404	12,421	10,771
Office on Women's Health	140	865	1,040
Office of HIV/AIDS Policy, GDM	906	961	1,304

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL—Continued

[Dollars in thousands]

	FY 2001	FY 2002	FY 2003
AIDS in Minority Communities, GDM	50,000	49,991	50,000
Office for Civil Rights	449	471	477
Total, OS	64,899	64,709	63,592
Global AIDS Trust Fund [3]	0	100,000	100,000
Total, AIDS	11,405,645	12,040,080	12,945,766
Foreign OPS		435,000	
Defense		20,000	
Total		12,495,080	

[1] FY 2003 crosscutting estimates for AHRQ represent proportionate allocations based on FY 2002 estimated actual amounts. Estimates will be updated when final decisions are made.
[2] All Medicaid figures represent actuarial estimates.
[3] While budgeted in NIH, HHS contributions to the Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis in FY 2002/2003 are not accounted for in the NIH HIV/AIDS figures, but are accounted for separately.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of increasing funding for HIV/AIDS prevention, care and treatment programs in the developing world.

The funding put forward in this amendment is essential to assisting resource poor countries in confronting the HIV/AIDS pandemic.

The HIV virus has infected over 40 million people worldwide, with over 95 percent of those infected living outside of the United States.

HIV/AIDS is now the leading cause of death in sub-Saharan Africa. In sub-Saharan Africa alone, an estimated 25.3 million people are living with HIV/AIDS and 2.3 million died of HIV last year alone.

Unless we take a leading role in the international community in the fight against HIV/AIDS, it is possible that sub-Saharan Africa will be wiped-out, with profound political, economic, social, and security consequences for the United States.

AIDS is a major problem not only in Africa, which has received so much attention in the press, but also in India, Southeast Asia, China, to name but a few countries impacted.

The AIDS pandemic is devastating, and quite literally wiping out, many countries.

According to some analysis, AIDS will reduce economic growth by up to 1 percent of GDP per year and consume more than 50 percent of health budgets in the hardest-hit countries.

The world has not seen an epidemic of this severity since the bubonic plague, and it is going to take everyone in the global community, working together, to halt the spread of the HIV virus.

There can be little doubt that HIV/AIDS is a health emergency of monumental proportions.

I believe that the United States has a responsibility to assist resource poor countries in gaining the funding necessary to provide people infected and affected by HIV/AIDS with access to the services, such as drug therapy, necessary to save lives.

It is clearly in the interest of the United States to prevent the further spread of HIV/AIDS.

This is not just a humanitarian issue, but also one of global security. In 2000, the National Intelligence Council reported that new and reemerging infectious diseases will pose a rising global health threat and will complicate U.S. and international security interests over the next 20 years.

A CIA commissioned study by the State Failure Task Force found that a high infant death rate is one of the best indicators of impending instability and state collapse.

The global HIV/AIDS crisis is certainly an emergency and worthy of funding as an emergency designation as part of the Fiscal Year 2002 Appropriations Supplemental. It is an emergency for the people of sub-Saharan Africa. It is an emergency for the people of West Africa. It is an emergency for the people of India.

Let's invest more funding in these countries now before we have to add more countries to the growing list of countries experiencing an emergency due to the HIV/AIDS crisis.

Mr. KENNEDY. Mr. President, I join in support of the amendment by the Senator from Illinois, Senator DURBIN, to provide urgently needed help in the international battle against the AIDS pandemic. AIDS is the fourth leading cause of death in the world. This terrible disease ends lives, destroys families, undermines economies, and threatens the stability and progress of entire nations.

We must carry the fight against AIDS to every corner of the globe. And the Durbin amendment would help the United States and the world to meet this extraordinary challenge.

We in America know of the pain and loss that this disease cruelly inflicts. Millions of our fellow citizens, men, women, and children, are infected with HIV/AIDS. And far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these life-saving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, and to treat those infected by it.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live. AIDS robs poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost seven million farmers needed to meet the food needs of entire nations. AIDS plunges poor nations into even deeper, more desperate poverty.

Governments can make the difference in battling this epidemic. Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive anti-retroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

In addition, more public education is needed. A UNICEF survey found that most young people still have not heard of AIDS or do not understand how the disease is transmitted. By speaking out, our government can help to lift

the stigma and taboo surrounding the disease and save lives.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than one percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

Senator DURBIN's amendment gives much needed support to fund the programs that fight international HIV and AIDS.

By supporting this amendment to increase the funding for bi-lateral AIDS prevention, care and treatment, as well as the United States commitment to the global fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN for offering the amendment, and I urge my colleagues to support it.

Mr. WELLSTONE. Mr. President, I would like at this time to engage in a colloquy with the chairman of the Agriculture Subcommittee on Appropriations, Senator KOHL, regarding the use of non-fat dry milk as a source of nutritional assistance to countries ravaged by the AIDS epidemic.

It is widely understood that the AIDS pandemic is having a devastating impact on people the world over. Since the onset of the epidemic, 22 million people worldwide have died. An estimated three million people die from AIDS-related causes every year. Another 40 million people presently are living with HIV/AIDS, and although there are some signs that the incidence of HIV may be stabilizing in sub-Africa and elsewhere, the rate of infection remains alarmingly high. In fact, 95 percent of HIV/AIDS victims reside in developing nations—86 percent of the total live in sub-Saharan Africa.

Children are at risk on an unparalleled scale, with HIV/AIDS dramatically increasing the number of infant and child deaths. Nearly 2.7 million children under the age of 15, and 11.8 million young people aged 15–24 are living with HIV/AIDS. More than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born and nursed by an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

Further, most experts agree that nutrition is a co-fact in HIV progression: poor nutritional status and infection affect the immune system and interact with each other; and it helps protect against opportunistic infection and malignancies. Since the immune system requires protein to function properly, and protein needs increase during times of stress and infection, HIV-positive individuals should have two or more servings of low or non-fat milk or yogurt with active cultures. In addition, many believe that dairy products should accompany anti-retroviral drugs to boost the nutrition of HIV-positive mothers, increase the effectiveness of the drugs, and help mothers give birth to healthy children. I believe there is a opportunity to address this need within the Department of Agriculture in the form of non-fact dry milk currently in great surplus within USDA, the value of which is deteriorating as the cost of storage is increasing.

Mr. KOHL. I appreciate the Senator raising this issue. It is my understanding that the United States has more than one billion pounds of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound, for a total cost approaching $1 billion, and storage costs of $1.5 million per month and growing. This surplus milk deteriorates rapidly, going out of condition in about three years, when it must be sold for a cost of only a few cents per pound.

Mr. WELLSTONE. I believe that the Secretary of Agriculture, at this time, has the authority to dispose of dairy surpluses, such as the ones mentioned by my colleague, for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic. Therefore, I strongly believe that the Secretary of Agriculture should make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, focusing especially on HIV/positive mothers and children. Careful consideration should be given to local market conditions, so as not to undermine the security and stability of the indigenous diary production and processing sectors of these communities, and no funds or commodities should be used in any programs that would substitute dairy products for breast feeding.

We know that there is a dire need for nutritional assistance for families affected by HIV/AIDS. In addition, without action, this milk will remain in storage. It seems clear that we have been presented with a unique opportunity to do something positive in the world. I believe that to do nothing is not an option. We have the food and the technology. Now is the time for action.

Mr. KOHL. I thank my colleague for his passionate statements on this subject. I agree that the Secretary of Agriculture has the responsibility to use here authority to help those in need when the opportunity arises, as it clearly has in this case, and support the comments of the Senator from Minnesota. I look forward to working with my colleague on this issue.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO RHONDA LEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker it a great honor to pay tribute to Rhonda Lee, a woman who embodies the spirit of the mountains of Colorado. Rhonda Lee worked for years in the Eagle County Hospital as a hospice nurse helping people and their families to cope with illnesses. Rhonda Lee is now coping with her own disease, thyroid cancer, and her whole community has come out to help her as she has help some many of them. In the face of enormous odds, Rhonda has shown courage and strength with the help of her community.

Rhonda made many sacrifices for her patients as a hospice nurse, often traveling over 2,000 miles in a month. Rhonda gladly gave her time and energy for many years but eleven years ago, someone came into Rhonda's life that needed more of her attention—her daughter. After the birth of her daughter, Matyson, Rhonda became a teacher in Special Education. Rhonda has given countless hours to the Special Education Program and students of Gypsum Creek Elementary School but she says that the rewards of her job are endless. When Rhonda learned of her disease she told her students immediately. The way that she has bravely faced her disease is an example to her student of how to handle their own disabilities.

When her community heard of Rhonda's disease, they rallied together to help this valued member of their area. Almost $4,000.00 has been raised in Rhonda's name through dances and spaghetti dinners. The Vail Valley Charitable Fund has also helped Rhonda to get through this difficult time. Despite Rhonda's dire challenge, she faces each day with optimism. Rhonda has good reason to look forward to each day in the support of her children Scott, Chad, Tanner, and Matyson—who she calls her best friend.

Mr. Speaker, it is my privilege today to recognize the courage and service of Rhonda Lee. Her hard work and dedication to her community are an example to us all. The people of Eagle and Gypsum and the surrounding communities have certainly recognized this and have responded when Rhonda needed their support. Rhonda, you have my admiration and support in your courageous battle against cancer.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 3983, Maritime Transportation Antiterrorism Act. Commercial vessels continue to experience an increased threat of criminal attack. Vessels seem to bear the brunt of these attacks which manifest themselves in the form of sea robbery, hijacking, terrorism, and piracy.

A complex set of security issues threaten the maritime industry and the movement of cargo in international trade. Those threats include terrorism, piracy, smuggling of stowaways and drugs, cargo theft and fraud, bribery and extortion. Enacting requisite port security measures and coordination, cooperation, and communication with government and maritime industry components are necessary.

In my home District, the Port of Houston Authority is a dynamic port that has helped to fuel the Houston area's development as a center of international business and trade. Companies that do business internationally also find Houston attractive because of its well-developed industrial and financial infrastructure; skilled work force; and diverse population. Ample space and favorable conditions for industrial development, as well as for cargo handling, makes the Port of Houston an excellent choice location for industry.

Port security is an essential part for a safe, secure, and competitive operation of the maritime transportation system. It promotes the development of commerce and is an essential element in maritime trade competitiveness, which cannot be achieved merely by modernizing port infrastructure and increasing operating productivity.

Consequently, port security can surface as a significant issue in trade negotiations and government and industry courses of action should be coordinated to facilitate effective solutions. Port authorities should develop the means for exchanging current information on port security issues and for the dissemination of intelligence to the commercial industry. We must protect our ports from criminal attacks and allow them to maintain their trade and commerce.

H.R. 3983, Maritime Transportation Antiterrorism Act of 2002 helps to protect our ports, such as the Port of Houston. This bill directs the Secretary of Transportation to (1) assess port vulnerability; (2) prepare a National Maritime Transportation Antiterrorism Plan [the Plan] for deterring catastrophic emergencies; and (3) review and approve Area, vessel, and facility antiterrorism plans.

Further, H.R. 3983 requires that the Plan to (1) coordinate Federal, State, and local efforts, including Coast Guard maritime antiterrorism teams and Federal Maritime Antiterrorism Coordinators; (2) identify security resources; and (3) include a system of surveillance and notice to ensure earliest possible identification of emergencies. The bill requires the Secretary to establish a system of antiterrorism response plans for vessels in coordination with the Federal Emergency Management Agency. The bill requires that there be transportation security cards for entry to any antiterrorism secure area of a vessel or facility. The bill requires the Under Secretary of Transportation for Security to develop and maintain an antiterrorism cargo identification and screening system, including performance standards for seals and locks of shipping containers.

Moreover, H.R. 3983 requires that Federal Maritime Antiterrorism Coordinators develop, update, and integrate Area Maritime Transportation Antiterrorism Plans, as needed. The bill also requires owners or operators of vessels or facilities to prepare an antiterrorism plan for deterring a catastrophic emergency, including the identification of the plan implementor, the availability of antiterrorism measures, training and drills.

H.R. 3983 directs the Secretary to establish maritime antiterrorism teams to protect vessels, ports, facilities, and cargo in U.S. waters. Also, H.R. 3983 directs the Secretary to assess the effectiveness of antiterrorism measures maintained at specified foreign ports and make recommendations for improvements, if necessary.

The bill authorizes the Secretary to prescribe conditions of entry for or to deny entry into the United States to vessels arriving from foreign ports with ineffective antiterrorism measures. In addition, H.R. 3983 requires the advance electronic transmission of passenger and crew manifests from commercial vessels arriving in the United States from a foreign port.

The increasing nature and international scope of the maritime security issues, which threatens our port, requires participation and response from all levels of government. The lack of a secure trade corridor can hamper the economic growth of a port and possibly the country itself. A viable maritime security program is good business. A much bigger economic interdependency exists within the entire transportation network. Ports are committed to developing effective maritime security programs based on the recognition of ports as interchange hubs of commerce, critical to international trade. Therefore, I strongly support H.R. 3983. This bill is good for the Port of Houston and good for American ports. Therefore, I strongly urge my fellow members to support this bill.

IN HONOR OF THE HAMTRAMCK ALLIED VETERANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home state of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean War, and the Gulf War. We lost over

2,600 men and women in Vietnam—more people per capita than any other state in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

TRIBUTE TO CATO-MERIDIAN HIGH SCHOOL SUNPACER SOLAR-ELECTRIC CAR TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Cato-Meridian High School Sunpacer solar-electric car team for participating in this year's Tour de Sol competition. After a four-day, 350-mile race beginning in Washington, D.C., the Sunpacer team ultimately tied for first place with the Zodiac team from West Irondequoit High School near Rochester, NY.

Special recognition should be given to Cato-Meridian High School teacher Mr. Earl Billings and his team for their determination. The Sunpacer team has won its class several times and has been honored with many awards for efficiency. At this year's competition, the Sunpacer team received a $250.00 first prize and a first place plaque.

On behalf of the 25th District of New York, it is my honor to congratulate the Sunpacer team for another first place win at the Tour de Sol competition. With these remarks, I would like to recognize the following student participants and staff: Arron Kolb, Ashley Davenport, Amber Ross, Tim Soine, Nick Snow, Nicole Leach and teacher Earl Billings.

Congratulations to all.

PAYING TRIBUTE TO HOWARD C. BRUNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I take this opportunity to recognize the hard work and service of Howard C. Bruner. For 10 year Howard has dedicated countless hours to the service of his fellow citizens. Howard has served on the Pueblo West Metropolitan District Board of Directors, striving to improve his community and the lives of those who live in it. After providing leadership, dedication and vision for the City of Pueblo for a decade, Howard is retiring from his position. I can think of no better way to thank Howard for his efforts than to acknowledge his contributions.

Howard moved to Pueblo in 1981 and became the manager and operating partner of Southern Colorado Equipment. Howard began serving on the Pueblo West Metropolitan District Board that same year. He has been credited with providing the leadership and focus for the board and has been instrumental as part of the Board in making the changes the board has in order to improve Pueblo West. The board and city will always remember Howard for his objective approach to issues. His colleagues respected him for his ability to make decisions based on what was best for the community.

In addition to his position on the Pueblo West Metropolitan District Board, Howard also dedicates his time to his community through numerous organizations. He is a past board member of the Better Business Bureau of Pueblo, and the Pueblo West Economic Development Committee. President Reagan recognized his leadership and abilities when he was the Colorado Delegate to Reagan's Council on Small Business Affairs. Howard in also very involved in his church. Perhaps most importantly, Howard is a devoted husband to his wife and loving father to his two children.

Mr. Speaker, it is my privilege to bring the accomplishments of Howard C. Bruner to the attention of this body of Congress and this nation. I am proud to represent such a dedicated man and his family. Howard's effort to improve the lives of those around him is an example to us all. Thank you Howard for all of your hard work, and good luck in your future endeavors.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961 AMENDMENTS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, according to the World Health Organization, over one billion people [one-fifth of the world's population] lives in extreme poverty. They subsist on less than one dollar a day. These families cannot adequately feed themselves or plan for the future, working menial jobs or selling whatever they can to survive one more day. In most Third World countries more than half the people survive by working in small-scale businesses or ''microenterprises'' outside the traditional economic structures. They are fruit vendors in Haiti; ragpickers in India; basketmakers in Ghana. To climb out of poverty toward self-reliance, access to credit for these people is critical, but hard to come by.

Government credit programs and traditional lending institutions do not offer affordable loans to the poor because they cannot afford loan fees, offer collateral, or show a credit history. They're viewed as high risks who yield a low return. Though many poor people possess relevant skills and often own necessary tools, without access to credit they cannot establish or expand their business to sustainably support their family. Generation after generation is trapped in poverty.

Microenterprise programs can offer these willing workers the opportunity to break the cycle of poverty and improve their families' welfare. Women, especially, could alter the face of global poverty by having an impact not only on family incomes, but also on child nutrition, health and education.

H.R. 4073, Microenterprise and Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 will ensure continued availability of microenterprise services as a key component of U.S. bilateral international development assistance. The bill reauthorize and increases funding for microenterprise assistance programs, expands and focuses microenterprise programs to the very poor, and updates language of both acts concerning rural lending, the provision of financial services, and the development and application of poverty measurement tools.

The Microenterprise for Self-Reliance Act institutionalizes that initiative and authorizes support for programs that provide credit, insurance, training and other services to entrepreneurs—50 percent of whom must be very poor or women. Much of the credit for its passage goes to the women themselves—97 percent of whom have repaid their loans in full and on time.

The Microenterprise for Self-Reliance Act increases the U.S. government's support for microfinance around the world. The bill will support the institutional development of programs that provide credit, savings facilities, insurance, business training, and other services to microentrepreneurs. At least 50% of resources must go towards programs that serve women and the very poor.

This bill goes beyond helping women develop small businesses. The programs that the bill supports will change the face of foreign aid, expanding access to financial services and making microlending a component of U.S. foreign policy.

Whereas today microcredit is helping more than 20 million creditors, the summit set a new goal five times that number. This bill will go a long way toward helping us meet that goal.

H.R. 4073 also broadens the definition of microenterprise development services in recognition of the importance of delivering both financial and non-financial services to the poor, and emphasizes the importance of providing these services to rural as well as urban areas.

H.R. 4073 expands the definition of the very poor to include those severely poor people living on less than one dollar per day and provides clear guidance to USAID for the development and use of cost-efficient practical poverty measurement tools that can be applied by practitioner organizations.

This change creates substantially greater incentive for USAID to find and support financially-sustainable lines of microenterprise development service that favor the very poor, while allowing up to half of the funding to support other lines of service that serve others who are economically better-off.

Therefore, I strongly urge my fellow members to support H.R. 4073.

TRIBUTE TO PERFECTING CHURCH AND HOLY CONVOCATION 2002

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, Perfecting Church is a church with a noble mission. ''Perfecting'' as it is affectionately called, ''strives to attain the purpose for which it is called, not for vain glory but that it might be ready to meet the needs of the people; ever mindful of the phrase spoken in that vision to Pastor Winans, They are coming to you.'' And during the week of May 19–May 26, 2002, the people came to Pastor Marvin Winans of Perfecting Church for its 2002 Holy Convocation.

Born out of a phrase given to the young preacher and singer Marvin Winans, Perfecting Church began humbly with just eight members in the basement of Pastor Winans' home. With his strong passion for his faith and as his message, and ministry was received, Perfecting Church flourished. Perfecting Church today, a huge, beautiful church complex located on Nevada Street in Detroit, Michigan, has become a thriving centier of religious and social activity for families and friends of the community. And as Pastor Winans has always taught that ''Ministry means People'', he has worked hard to ensure that Perfecting Church has been an example of that teaching. With ministries that range from helping the homeless to healing the hurting, Perfecting Church is home to over 25 ministries and departments including youth organizations, choirs, social and charitable groups. Joyfully celebrating Christmas and Easter, while lending a warm shoulder to those suffering, Perfecting Church has been a faithful friend to all who have walked through the front doors.

With the theme of ''Advancing the Army'', Perfecting Church's Holy Convocation 2002 mission is to have worshipers leave their holy gathering with specific strategies to advance in victory, faith, and power. During this convocation, congregation members and families from communities everywhere join together in spiritual song, spoken word, and biblical teachings, renewing and strengthening their religious beliefs. As Pastor Winans held another successful convocation, he continues to demonstrate his commitment to advancing the mission of Perfecting Church to families across the state of Michigan and beyond.

I applaud Pastor Winans and Perfecting Church for their leadership, faith, and service, and I urge my colleagues to join me in saluting them on exemplary years of faith and service.

TRIBUTE TO NOTTINGHAM HIGH SCHOOL'S GIRLS JUNIOR VARSITY CREW TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Nottingham High School's Girls Junior Varsity Crew team for winning its first national championship. The Nottingham girls junior varsity crew team, coached by Joe Bufano, became only the third area team to win national honors after receiving the title of national champions in Oak Ridge, Tennessee.

The team, consisting of seven juniors and two sophomores, competed against traditional powerhouses, including four other teams competing in the finals of the Scholastic Rowing Association of America championships. With a winning combination of hard work and determination, the young women of the Nottingham junior varsity crew team competed successfully as a city school under a tight budget. Special recognition should be given to the parents and volunteers who assisted the team when funding for chartered buses was unavailable.

On behalf of the residents of the 25th Congressional District of New York, it is my honor to congratulate Nottingham High School's Girls Junior Varsity Crew team and their coach Joe Bufano on their first national championship win. With these remarks, I would like to recognize the following nine girls of the eight oared shell division and their coach: Jackie Stone, Katie Schneider, Christina Shaw, Crysten Rushmore, Karlyn Downing, Megan Holloway, Zaula Usman, Stacey Karpouzes, Lyndsay Boileau, and coach Joe Bufano.

Congratulations to all.

PAYING TRIBUTE TO JOE LACY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I pay tribute to the life and memory of Joe Lacy. Joe's vision and ability to make his vision a reality embodied the spirit of Colorado. Joe was the city manager of Grand Junction, Colorado in the 1960s and was the driving force in creating the town we know today. After courageously battling a debilitating illness Joe passed away at the age of 74.

A native Coloradan, Joe attended high school in Pueblo. Joe continued his education at the University of Denver and received a bachelors degree in journalism and masters in public administration. Joe nearly became the Grand Junction Sentinel classified advertising manager, but the Army called before he could start. Joe enlisted in the United States Army and proudly served his country in Korea. In 1960, Joe came back to Grand Junction after starting his career as the assistant city manager of Englewood. As the city manager Joe had a vision for the city's downtown. His innovative approach, which combined light traffic with a pedestrian area, proved to be a success and today is the heart of the city.

For all of his innovative ideas and education it was really Joe's personality and personal investment in his work that people remember. Joe's faith in his own ideas made it possible for even the strongest skeptic to become Joe's strongest supporter. Joe is fondly remembered by the city as a man who made things happen and for his warm smile. No one knew Joe's qualities better than those who will miss him most, his family. Joe was the loving husband of M.J. ''Mayme'' Holder and a devoted father of four sons and grandfather of seven.

Mr. Speaker it is my privilege to be able to bring the life and contributions of Joe Lacy to the attention of this body of Congress and this nation. His passion and dedication to his work is an example to us all. Joe will be deeply missed by those whose lives he touched but his memory will live on in his work. During this difficult time I would like to extend my deepest sympathies to his family.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

I would like to thank my colleagues Mr. MILLER from California and Ms. MALONEY from New York along with the Financial Services Committee for their hard work on this issue.

This important legislation would improve local communities by generating 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns. More specifically, H.R. 2941 would give cities new financing options for Brownfields redevelopment.

This bill would create a pilot program where the Secretary of Housing and Urban Development would develop and maintain a common loan pool. There are an estimated 600,000 Brownfields in America, each a missed opportunity for development.

By de-linking HUD's Brownfield Economic Development Initiative (BEDI) from its Section 108 loan program, cities would be given added flexibility in obtaining BEDI grants and would not be forced to use Community Development Block Grants (CDBG) funds as collateral.

CDBG are especially helpful in providing important community services such as the Meals on Wheels or child care programs. As the founder and Co-Chair of the Congressional Children's Caucus, I am especially supportive of the fact that CDBG funds will not be compromised.

Moreover, H.R. 2941 would help preserve our existing green spaces. The positive environmental impact of this legislation is significant.

I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. MENENDEZ. Mr. Speaker, because of the New Jersey Primary, I stayed in my district, and I was unable to be present for all votes on June 4, 2002.

On rollcall No. 208, had I been present, I would have voted ''yes''.

On rollcall No. 207, had I been present, I would have voted ''yes''.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. BLUMENAUER. Madam Speaker, I support H.R. 3983, the Maritime Transportation Antiterrorism Act. This legislation takes critical steps to address the security of our ports and the cargo that passes through them.

However, I do have concerns about a provision that requires the development of a cargo identification and screening system that would require detailed information to be provided to U.S. Customs Service 24 hours prior to the time the cargo is loaded at its origination point. The level of detail required and the timing of its delivery to the U.S. Customs Service for the more than six million containers that are shipped to the United States each year may be unduly burdensome to the ports, importers, customs brokers, and freight forwarders that will be saddled with this task.

As 95 percent of our international trade arrives via the oceans, I fully support the aims of this bill. Though, I hope the concern I have expressed can be alleviated in conference.

PAYING TRIBUTE TO EDWARD LEO APODACA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Edward Leo Apodaca, a man who honorably devoted his life to helping young men and women. Edward upheld dignity and integrity, and regrettably, he passed away in April of this year. Today we mourn the loss of a great citizen, and a courageous leader who proudly served his family and community.

Edward spent over 40 years pursuing his avocation as an amateur boxer. Edward grew up boxing in Pueblo, and continued his boxing career after he enlisted in the Army. His attention to detail and continuous strive to achieve excellence molded him into a respected, admired, paratrooper in the 82nd Airborne Division serving in Vietnam. Edward served his country with honor, and he returned to the United States as a decorated veteran.

Edward was a member of the Pueblo Stylers boxing team, and he used his thrilling personality to mentor many of the youth in Pueblo. He assisted in starting the Community Youth Organization, and later acted as the organizer of numerous youth oriented boxing teams. His humble character and guidance has helped shape the amateur boxing standards around Colorado. His love for the kids with which he has worked has gained him the affectionate nickname of ''coach.''

Mr. Speaker, It is with great honor I stand here and praise the achievements of Edward before this body of Congress and this nation. Edward will be missed tremendously, and although we will grieve the loss of this outstanding individual, we will rejoice over this man's great character. I express my sincerest condolences to his family and friends, and I salute Edward, a person who selflessly contributed to our society.

TRIBUTE TO SUSAN MIGON, D.A.R.E. EDUCATOR OF THE YEAR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate Susan Migon of St. Charles Borromeo School in Westvale, NY for being honored by New York State as Drug Abuse Resistance Education (D.A.R.E.) Educator of the Year. This award is named to Susan Migon in recognition of her extraordinary commitment to the New York State D.A.R.E. program.

The D.A.R.E. program provides fifth grade students with the knowledge necessary to successfully turn away from drugs and alcohol. Susan Migon contributes to the D.A.R.E. course taught by local police chiefs by bringing enthusiasm and constant participation to her classroom. She serves as a valuable asset to the program and should be honored for her exemplary dedication. Susan Migon received a nomination for the award from the Geddes Police Department, and has worked closely with them on the D.A.R.E. program for the past nine years.

On behalf of the residents of the 25th Congressional District of New York, it is my honor to congratulate Susan Migon of St. Charles School for her award as New York State's D.A.R.E. Educator of the Year.

IN HONOR OF GRAND RAPIDS HOME FOR VETERANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home State of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean war, and the Gulf war. We lost over 2,600 men and women in Vietnam—more people per capita than any other State in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to thank the distinguished gentleman from Michigan, Mr. CAMP, for introducing this legislation.

This important legislation expresses the strong sense of Congress that Adoption Credit and Adoption Assistance Programs should not expire. Many parents who seek to provide a permanent home to a child face the high cost of adoption. Thereby discouraging families from engaging in the adoption process.

Families spend between $8,000 and $30,000 to adopt a child. Necessary expenses directly related to the legal adoption of a child can include court costs, attorney fees, traveling expenses and some unpredictable costs. Sec. 202 of H.R. 1836 Expansion of Adoption Credit and Adoption Assistance Programs benefits children who need the stability of a permanent home by easing the financial burden placed on willing families.

We must do all we can to encourage adoption at this critical time when our nation faces a shortage of families willing to provide permanent homes for children. As of March 31, 2000, there were 588,000 children in foster care. Of those children in foster care, more than 117,000 were waiting to be adopted. Today, that number continues to rise.

Mr. Speaker, this legislation prioritizes easing the financial burden of the adoption process for families that are prepared to provide homes for children in need of them, I ask my colleagues to support this important bill.

COLONEL JAMES W. DELONY'S RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. FORBES. Mr. Speaker, I rise today to honor a true American patriot who has committed his entire career to the mission of defending America. Colonel James W. DeLony,

United States Army Corps of Engineers, is retiring from duty bringing to a close his admirable 29-year military career.

Colonel DeLony, a 1973 graduate of Texas A&M, spent much of his career in the elite Airborne forces including command of the 101st Airborne Division's Engineer Battalion and as the Brigade Operations Officer of the 20th Airborne Engineer Brigade during the Gulf War. For his service, Colonel DeLony has been awarded a number of decorations including the Legion of Merit, Bronze Star Medal, Meritorious Service Medal (Five Awards), Army Commendation Medal (Two Awards), National Defense Service Medal (Two Awards), Saudi Arabia Liberation Medal and the Kuwait Liberation Medal. He has also earned the Senior Parachutist Badge, Air Assault Badge, and the coveted Ranger Tab.

In his most recent assignment, Colonel DeLony served as the Commander of the Wilmington District, U.S. Army Corps of Engineers. In this position, Colonel DeLony battled different foes, from mosquitoes in the Cape Fear River to Hurricane Debby as it threatened the Southeast coast. He has distinguished himself in this assignment, providing able leadership as his command carried out its essential mission of enhancing the military and economic capabilities of South-Central Virginia and North Carolina.

Mr. Speaker, I rise today as the Representative of the citizens of Virginia's 4h District to congratulate Colonel DeLony on his magnificent career and to thank him for his long service to America. Colonel, we wish you and your wife Jennifer every happiness as you begin this new assignment and thank you both for your dedication to service and duty.

PAYING TRIBUTE TO HILDA VAUGHAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Hilda Vaughan, an exceptional individual who has selflessly devoted her time and energy to the betterment of this nation. I applaud her outstanding character, and her desire to support and educate her community. Hilda demonstrates impressive qualities worthy of such praise, and today we honor her retirement as a salute to a job well done.

Hilda was born in Lynchburg, Virginia, and spent her adolescent years thirsting for knowledge. After graduating from Rustburg High School in Rustburg Virginia, she obtained a Bachelor of Arts degree from Lynchburg College, and married her beloved husband, Ted Vaughan. Hilda moved to Silt, Colorado, and served her community well, by holding a number of clerical, secretarial, and accounting positions. Additionally, Hilda achieved her EMT–B certification and assisted the Grand Valley Fire Protection District. Hilda's attention to detail, together with her unwavering determination, led her to become and perform as an outstanding substitute teacher and librarian for 23 years. As a student teacher in Lynchburg, she educated herself to become a mentor as well as a teacher. Her first substitute teaching position was in the RE–2 School District, in Rifle, Colorado. Through her experiences in different geographic areas and districts, Hilda expanded her vast knowledge and wisdom, and became an excellent asset to every school district she served. Today we admire a woman who selflessly donated her time and efforts to upholding the structure of her community.

Mr. Speaker, it is with great pride I honor such an outstanding individual before this body of Congress and this nation. Hilda contributed so much, and she was so thoughtful, words will never express our appreciation to her. Hilda, thank you for your hard work in our country, and I anticipate great future achievements from you.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ABERCROMBIE. Mr. Speaker, yesterday, my flight from Los Angeles was delayed in departing and I unavoidably missed two rollcall votes. Had I been present, I would have voted as follows:

On rollcall No. 208, H.R. 4800 to make the adoption tax credit permanent, ''Yea''.

On rollcall No. 207, to make permanent the tax exemption for payments to Holocaust survivors, ''Yea''.

EXPLAINING SEPTEMBER 11TH TO FUTURE 4TH GRADERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISRAEL. Mr. Speaker, I commend the following letter to you and all of our colleagues. Nicole Bansen read this letter at the Lindenhurst Memorial Day Ceremony on May 27, 2002. An elementary school student from Long Island, Nicole directed the letter to future 4th graders so that they might better understand September 11 based on her own experience. Like Nicole, I believe that we must help preserve the memory of that tragic day by sharing our stories with future generations.

DEAR FUTURE FOURTH GRADER: September 11, 2001 was a tragic day. I'm writing this letter to tell you what really happened. I was in school when it happened. That was the day that jet planes hit the Twin Towers, and soon both collapsed. Tower One was hit first. Within the next hour, Tower Two was also hit. Time seemed to freeze. Everyone just stopped what they were doing to see what happened in disbelief. It was like a nightmare coming true!

When I found out what had happened, my heart felt like it was shattered, just like the Twin Towers. After school, my brother and Mom told me to watch the news. I turned on the television and saw both planes crashing into the Twin Towers. A friend of our family's worked on the 72nd floor of Tower One. I was afraid that he might be killed, like so many others. He made it out of the building in minutes before it collapsed!

I was affected by this tragedy in a sad way because I will not see the Twin Towers anymore, and so many innocent people died. In the future, people should never forget this day, and always remember all the people who died. I believe parents should tell their children the truth about what happened when they are old enough to understand, so they aren't frightened. Your friends and you will learn about this day in your Social Studies class in school, if your parents didn't already tell you about it.

I hope this terrorist act never happens again. Hopefully you will never know the ''evil'' word, terrorism. But, if something like this does happen again, I am sure that everyone will be very sad. I am so glad to be an American, because of our freedom and people staying united through difficult times.

Sincerely,

NICOLE BANSEN.

FARM SECURITY ACT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISTOOK. Mr. Speaker, I respectfully request that the attached article appearing in The Weekly Standard on May 27, 2002 regarding the recently passed and signed Farm Security Act conference report be included in the CONGRESSIONAL RECORD.

[From the Weekly Standard, May 27, 2002]

THE PIGS RETURN TO THE TROUGH

FARM SUBSIDIES ARE BACK, BIGGER THAN EVER

(By Fred Barnes)

The White House veto of the farm bill was bold and defiant, reflecting the strength and confidence of the president. The bill not only costs too much and imposes too many government controls, he said, but it's also filled with ''so much that would be detrimental to farmers,'' their future would be put in jeopardy. ''It would do harm to every agricultural region of the country,'' the president said, causing large surpluses. ''Thus it fails to meet the test of being good for farmers and fair to all our people.'' Too bad this veto message didn't come from President Bush last week when he instead signed the bloated new farm bill. No, those words were President Eisenhower's as he vetoed the Agricultural Act of 1956.

At the last moment, Bush considered a veto. His aides checked with congressional Republicans to find out if the bill's price tag might be as much as $20 billion more than advertised. It's costly, but not that costly, the White House was told. And even if it were, it was too late for a veto, the president having signaled repeatedly that he'd sign the measure. So, with misgivings, Bush went along. Three times, he called the bill ''generous,'' and he conceded ''it's not a perfect bill.'' His weak explanation for signing it was: ''There's no such thing as a perfect bill.''

There's a lot more wrong with the bill Bush signed than a few imperfections. First, there's the money. Depending on whose projections you use, it will raise farm spending by $73 billion to $82 billion over 10 years. The bill's total cost is pegged at $457.8 billion, including $251.9 billion for food stamps. What's worse is the attitude of Congress and the White House toward the increased spending that the bill reveals. A war is on and there's again a huge deficit, yet Washington is back to its old ways, gorging on spending. The era in which big government was over is over.

The bill not only increases spending for most existing crop subsidy programs, it

brings back old ones that had been killed and even creates new ones. Remember the mohair subsidy, which became famous because one of its recipients was newsman Sam Donaldson of ABC? It was eliminated in the Freedom to Farm Act of 1996, which was supposed to wean farmers off subsidies altogether, but didn't. Well, the mohair subsidy is back, along with the previously killed wool subsidy, thanks to the chairman (Larry Combest) and ranking Democratic member (Charles Stenholm) of the House Agricultural Committee, both from Texas. And thanks to the efforts of Democratic senator Kent Conrad of North Dakota, the honey subsidy has also risen from the dead.

Is it crucial to America for these products to be federally subsidized? Of course not. Yet what's alarming is how easily these subsidies were revived. The standard wasn't whether they are necessary. Obviously they aren't. It was whether the subsidies could be slipped into the farm bill, one way or another, while everyone is distracted by the war on terrorism. This is the old way of doing business in Washington: Feather your own nest—that is, your district or state—with as much of the taxpayers' money as you can get your hands on. This practice, dormant for a spell, is now back in full flower.

Republicans are almost as guilty as Democrats. For instance, they used the farm bill to present a gift to Ben Gilman, former chairman of the House International Relations Committee, who's retiring. Onion growers in his upstate New York district have been clamoring for federal aid for years, and so has Gilman. The farm bill provides a subsidy. Gilman was duly appreciative. ''This measure enables us to finally deliver the needed $10 million in federal assistance to our Orange County onion farmers, who have suffered year after year,'' he said. Gilman is a capable congressman and a nice man. But should the farm bill be a vehicle for gifts?

The onion program is not the only new one. Conrad was the key player in bringing about a subsidy for ''pulse'' crops—you know, chickpeas, lentils, and dry peas. A subsidy for those is designed to encourage farmers to rotate their crops. Crop rotation is a good agricultural practice. But hasn't it been done for eons without a subsidy from Washington? Must farmers really be prodded at taxpayers' expense?

To no one's shock, the farm bill is blatantly political. As Richard E. Cohen and Corine Hegland noted in the National Journal, Senate Majority Leader Tom Daschle made sure Democratic senators up for reelection this year were helped. Max Cleland of Georgia got a bigger-than-ever peanut subsidy. Tim Johnson of South Dakota wanted something called ''country-of-origin'' labeling on products—and got it. Tom Harkin, chairman of the Senate Agriculture Committee, got a big, fat farm bill to brag about back in Iowa.

What about President Bush? He could have kept the farm bill from becoming egregiously larded. Citing new economic circumstances, he could have called for a little belt-tightening. It was back in spring 2001 when Congress authorized the $73 billion increase in farm spending. At the time, the budget surplus was $5 trillion and no annual deficits were in sight. The economic slump changed things. By late 2001, the surplus had shrunk dramatically and deficits were foreseen. True, the White House complained about House and Senate farm bills as they were being drafted, saying they cost too much and didn't meet the White House's free-market standards. But Bush could have insisted Congress trim the $73 billion hike and not add programs.

Against a good bit of evidence, Bush and his aides assert the Freedom to Farm bill with its market-oriented approach has not been reversed by the new farm bill. At last week's signing ceremony, Bush said supplemental farm bills won't have to be enacted every year, as was the case after 1996. The new bill, he said, ''is generous enough to eliminate the need for supplemental support later this year and in the future.'' We'll see. The question is whether farmers and their allies in Washington have merely been whetted. The answer, more likely than not, is whetted.

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Holocaust Restitution Tax Fairness Act of 2002 to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001. This bill which allows the continued exemption of Holocaust related payments from federal income tax is an important and symbolic gesture on behalf of eligible individuals who were persecuted on the basis of religion, physical and mental disability, sexual orientation by Nazi Germany.

A reparation fund established by Germany makes approximately 60,000 payments to individuals living in the United States. Payments also come from countries and industries that benefited from slave labor or property confiscation during the Nazi era.

Payments to Holocaust survivors should not be subject to U.S. income tax. The Exclusion From Federal Income Tax For Restitution Received by Victims of the Nazi Regime was enacted as a thoughtful way to bring closure to a painful period in history.

I urge my colleagues to support this legislation on behalf of victims of the Nazi regime.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MENENDEZ. Madam Speaker, I come today to address the critical issue of American seaport security. I am acutely aware of the dangerous possibilities for terrorist acts against our seaports since I represent the third largest and the busiest seaport on the East Coast of the United States—the Port of New York/New Jersey, which creates over 229,000 jobs and generates more than $25 billion in commerce.

As we are all sadly aware, a terrorist's intent is not only to kill innocent people and destroy valuable property, but also to destroy our livelihoods and our way of life. Any terrorist action against our strategic seaports would have disastrous effects nationally and internationally. Any attempt on our part to grapple with the complex issues and details of developing and implementing a maritime security system must take into consideration the fact that we will need international cooperation and equal security capabilities.

We need to ensure the safety of cargo originating overseas, which then must pass through the global chain of custody, before it reaches our domestic ports. To fully understand the scope of dealing with maritime security, simply imagine that every single container bound for entry into the United States or simply passing through the United States is a potential weapon of mass destruction. Every ship could be a delivery system of doom and every port a potential target. Now realize that the equivalent of six million containers entered the United States last year aboard 7,500 commercial vessels making 51,000 port calls.

H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002, as amended, is an important step in ensuring the safety of cargo originating overseas. Together with the manager's amendment adding the Coast Guard reauthorization bill and the Custom's reauthorization act passed by the House shortly before the Memorial Day Work Period, the Congress is finally taking a comprehensive approach to port security.

Perhaps most critical to a timely global implementation of a port security system is the fact that H.R. 3983 incorporates the need to work effectively with foreign governments in order to ensure national security. This bill calls for the Department of Transportation to identify foreign ports that pose a security risk to the United States. If the Department finds a foreign port's security measures to be inadequate, it will make recommendations to improve these security measures. But if the foreign port fails to take corrective actions within 90 days, the Department can prescribe additional security conditions for ships and cargo entering the United States from these ports.

The bill also requires development of a cargo identification, tracking, and screening system, as well as performance standards to enhance the physical security of shipping containers. Also important is H.R. 3983's inclusion of a deadline (June 30, 2003) for the deployment of this cargo security system. We all know that such a time schedule is crucial to the protection of our people, seaports and national and international commerce. There is no time to waste on this endeavor. We must start and complete this strategy against terrorism before we are subject to another attack. Implementing preventive measures will greatly reduce the degree of vulnerability of our ports.

Finally, it codifies an emergency Coast Guard rule put in place immediately after the attacks of September 11th. Under this rule, shipping companies must electronically transmit passenger and crew manifests to the Department of Transportation prior to the vessel entering the United States.

Unfortunately, H.R. 3983 is vague or does not address many issues important to port security and I hope that my colleagues will address these issues in conference. For example, the bill creates a single, national transportation security card to be issued to port workers, merchant mariners, and truck drivers who work in ''secure'' areas based on the successful completion of a background check. Background checks and a single security card are something we have been doing at the Port of New York-New Jersey for many years. However, it remains to be seen how this single, national transportation security card is going to work in an actual seaport setting and I urge

my colleagues to heed the concerns raised by those who actually run and work at our nation's seaports. These concerns include having a set of clear, defined standards; the ability to appeal based on merit, not just technicalities; and the fluidity of port traffic among many levels of security.

Another concern is the inadequate funding to assist ports in addressing the threat of terrorism. H.R. 3983 authorizes $225 million in grants over the next three years to assist U.S. ports in implementing the Coast Guard-approved maritime antiterrorism plans. Congress appropriated $93 million in the Defense Supplemental Bill to initiate this program. Unfortunately, the need greatly exceeds the amount provided in this bill.

The question becomes ''How do we develop and implement a worldwide maritime security system which ensures the maximum security while causing minimal disruption to domestic and international commerce?'' If we are serious about ensuring the safety of our seaports, then we must also ensure that sufficient funding is available for the development and implementation of the necessary technology, as well as for the training and hiring of additional personnel, if needed.

Among the important provisions of the Maritime Transportation Antiterrorism Act of 2002 is the specific placement of the primary responsibility for the development of standards and programs under the newly created Transportation Security Administration headed by the Undersecretary for Transportation Security.

Ladies and gentlemen, we know now that the security of our homeland is a matter that concerns everyone in the country. We have been entrusted with the grave responsibility of developing timely and cost effective solutions to the complex issue of national security.

There are many questions still to be answered and many difficult decisions from our part still to be made. However, there are certain irrefutable facts that must guide us in making those decisions:

Our seaport security systems are currently neither comprehensive enough nor strong enough to deter a terrorist act.

Developing and implementing an effective seaport security system will require the cooperation and coordination with local, state and Federal government, port authorities, terminal operators, shippers and ocean carriers, and everyone involved in maritime transportation activities including labor.

In order to protect our national seaports, we must ensure that all ships and cargo bound for an American port have been inspected and cleared for entry. Thus, we must enlist the cooperation of foreign governments and make sure that these governments also have comparable security capabilities.

The development and implementation of a global maritime security system will require a substantial financial commitment, regardless of what cost-cutting measures may be taken.

The time for developing such a security system is now. Any legislative bill that passes the House must have a timetable or deadline for deployment.

We have an onerous responsibility upon our shoulders and we will have to make some very difficult decisions in the near future regarding the overall security of our beloved homeland. However, we should not despair. For over seven months we have seen how united our country has been in our determination to confront terrorism and our refusal to allow a terrorist attack to change our American way of life. We have demonstrated our courage, patriotism, strength of spirit and dogged determination in the face of the most catastrophic attack on our Homeland.

We will need these same traits as we work together to protect our people and our country.

STATEMENT ON PIPELINE SAFETY, H.R. 3609 TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MARKUP

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BLUMENAUER. Mr. Speaker, the health and safety of our citizens is a central part of a livable community. We in Congress have a special responsibility to ensure that the federal government is doing all it can to make our communities safe. Sadly, in the area of pipeline safety we have fallen short. Between 1986–1999, 23 fatalities, 113 injuries, and $68 million in property damage resulted from 411 pipeline accidents. In the Pacific Northwest, two ten-year-old boys were killed in a 1999 pipeline explosion in Bellingham, Washington.

The bill before us today is a much-needed attempt to improve the federal government's role in pipeline safety, guarantee compliance from pipeline operators, and promote a more environmentally sound operation of natural gas and hazardous liquid pipeline systems. Four areas in particular I would like to see improved are integrity management, environmental review, whistleblower protection and the public's right to know.

Of these priorities, one that is of great importance to the families who live in communities with pipelines is the right to know the locations of these pipelines. Citizens have the right to know if a pipeline crosses near a school, hospital or important community landmark. These are not state secrets and the community's access to this information does not impair our nation's security. Many pipeline maps are already in the public realm and are posted on various public interest group web sites. Increasing public access to this information can only make our communities safer as the public will be more knowledgeable of where spills or leaks could occur.

While I support efforts to improve pipeline safety, I am concerned with any approach that would limit community awareness of the potential hazards of pipeline facilities. The public and the pipeline industry recognize the need to increase safety through appropriate federal supervision and protection. We must not fall short on our federal responsibility.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. LYNCH. Mr. Chairman, throughout the history of this great nation, all of our political parties—whether they were Federalist or Antifederalist, Democrat or Republican—have worked from a shared belief that each generation of Americans has a basic and continuing obligation to provide a better future for the next generation. Simply put, this is the promise of America. It reflects both the strength of our democratic system as well as its fragility. It is fragile in the sense that this promise to the next generation is only as good and as reliable as our willingness to honor that promise during times of great challenge. After all, it is easy to make promises when there is no cost to their fulfillment.

I find it troubling that the Republican leadership has chosen in recent months to forget the next generation and break that basic promise and to wander from that common ground that we once shared. I believe it was Thomas Jefferson who said that a politician thinks about the next election, while a statesman thinks about the next generation. Only a few years ago, a former leader of the Republican Party warned this body, ''If we don't get our house in order, the financial burden of the baby boom retirees will be crushing for the next generation.'' Sadly, that message seems to have gotten lost. What I see now from the leadership on the other side of the aisle, raiding the Social Security trust fund, returning us to deficit spending, and in effect handing the bill for this war in Afghanistan and the domestic war against terrorism to our children in the form of a multi-trillion dollar deficit. It seems disingenuous that while the Republican leadership champions nine years of tax cuts for individuals making over $250,000 a year, they also refuse to ask those same people to help pay for this war and the costs of protecting our country from terrorism.

Think about it . . .

We are without question the wealthiest generation of any civilization that has ever walked this earth. We have acquired in this generation, our generation, greater wealth, greater scientific progress, greater luxury—a higher living standard, and done it faster, than any other generation of humans on this planet. We have seen in the past 20 years the average income of the top one percent of earners in this country increase by a staggering $414,000 per year. We have seen the number of millionaires in our society increase by 400 percent over the past 10 years. The rate of home ownership is unsurpassed and has never been higher in this country.

We have recently come through the longest period of economic expansion in the history of this country. Yet we are here today facing a Republican leadership, which refuses to consider the possibility that we might have to ask the richest part of our society to delay the pay of their tax cut. Last year, my Republican colleagues pushed through tax cuts for the wealthiest Americans, tax cuts that eliminated the surplus. They inherited a projected ten-year surplus of $5.6 trillion, and instead of planning for an emergency, instead of planning for an economic downturn, instead of putting some money aside for the future; they assumed the good times would roll forever. Four trillion of that surplus is already gone. Now we have a national emergency, a war to pay for, and instead of being able to tap into that surplus to pay for the war, we have to go into debt, because the Republican tax cuts have already spent the surplus and have generated deficits for the foreseeable future.

Few of those who made these arguments last year, who said that it was irresponsible to spend down the surplus and leave no room for a national emergency, are surprised to find that we are now here on the floor today, faced with a need to raise the debt limit. And the Republican leadership is not even willing to let us have an honest debate, a straight up-and-down vote, on raising that debt limit.

Last night I heard from the other side of the aisle that if my colleagues and I complained about these kinds of parliamentary games, we were not committed to supporting a strong defense. Mr. Speaker, there is no question here that by our actions since September 11th, every member has shown his and her commitment to this war and to supporting our troops abroad. The question before us today should be whether we respond to this challenge by meeting our fiscal responsibilities and pay for the war, not whether we are going to simply stamp our feet and say ''give me my tax cut'' and pass the bill to the next generation by raiding their Social Security and giving them a deficit.

I firmly believe in the promise of America. I know that a lot of people on both sides of the aisle do too. I would bet that most Americans would agree that it would be better to freeze nine years of tax cuts to the very rich than to raid Social Security and bring up our kids in a multi-trillion dollars of debt.

Mr. Chairman, at the very least we deserve the right to a full and fair debate of these issues. It is time to end the transactional nature of politics exercised by the Republican leadership, which benefits a small group of very rich people, and instead think about the true and undying promise of America.

PAYING TRIBUTE TO BRIG. GEN. CLAUDE B. DONOVAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, it is truly an honor to pay tribute to Brig. Gen. Claude B. Donovan. Known as Pat to his friends and family, he has led an incredible life of service to this country. Pat embodies the spirit of my district in Colorado through his perseverance and unfaltering work ethic. I can think of no better way to thank Pat for the contributions he has made then to acknowledge the accomplishments of this man.

Pat learned the value of hard work early on in his life from his mother. After Pat's father passed away when Pat was ten, his mother taught school to support them both. Pat applied that lesson in his schoolwork and earned his entrance into West Point Military Academy. Later in Pat's military career he would continue his education by attending the Command and General Staff College.

General Donovan proudly served his country in the United States military for nearly 30 years. During his time in the military Pat was posted in Germany, Vietnam, and Korea and served in the 82nd Airborne Division. Pat was also the project manager for the M60 Tank Program and the Bradley Fighting Vehicle. He was the commander for the division maintenance battalion in the First Armored Division known as the Big Red One. In addition to his leadership abilities, Pat proved that he also is an educator when he returned to West Point to teach weapons system engineering. His military career was capped off by his service at the Pentagon where he was the Deputy Chief of Staff for Development, Engineering and Acquisition at the United States Army Material Command.

In addition to his selfless service to our country Pat has also given his time and energy to his community. After retirement Pat moved to Ouray, Colorado where he served two terms as Mayor. He has dedicated countless hours to the children of the local school as a volunteer. Pat also recognizes the importance of saving our heritage for the next generation and works to preserve our past through his local historical society. Perhaps most importantly Pat has been a loving husband to his wife Betty who supported him throughout his military career. Together Pat and Betty have four children, one of which followed in his father's footsteps and graduated from West Point and is currently serving as a Major in the Army.

Mr. Speaker, I am proud to represent Brig. Gen. Claude B. ''Pat'' Donovan. His devotion to this nation and to his community certainly deserves the attention of this body of Congress and this nation. Pat has gained the respect and admiration of those whose lives he has touched, especially his family. Pat's patriotism and dedication to his community and his family are an example to us all. Thank you Pat for all that you have done for this nation.

INTRODUCTION OF THE FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 2002

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McKEON. Mr. Speaker, today I am proud to join several of my colleagues in introducing the FED UP Higher Education Amendments Act of 2002. This legislation is the result of a year-long endeavor to improve the efficiencies and effectiveness of the Title IV student aid programs through the review of overly burdensome and outdated regulations.

Last year, the House Education and the Workforce Committee launched the FED.UP project (short for ''Upping the Effectiveness of our Federal Student Aid Programs) to identify and simplify burdensome regulations in the Higher Education Act of 1965 that work against college students and personnel. The initiative, which was started to bring some sense to the regulations that students and the higher education community must deal with on a daily basis, received over 3,000 responses from college officials, administrators and other personnel who operate America's institutions of higher learning. After all of the responses were catalogued, the Department of Education initiated a negotiated rulemaking process to consider the regulatory changes included in the project.

These proposed amendments to the Higher Education Act of 1965 continue this effort to identify and simplify burdensome regulations that work against college students and personnel, and are non-controversial and technical in nature. They provide for improvements that will reduce red tape for colleges and universities and will improve the financial aid process for students. Enacting these changes now will allow the House Education and Workforce Committee to address large, more intricate proposals during the reauthorization of the HEA without being bogged down with technical and clerical issues.

This legislation provides for the streamlining and increased effectiveness of many provisions within the HEA. It extends two provisions beneficial to both students and institutions scheduled to expire on September 30, 2002. Currently, schools with default rates under 10 percent for three consecutive fiscal years may waive a 30-day delay requirement for first-year, first-time borrowers. Schools meeting the same low default rate standard may also request one term loans in a single disbursement, rather than the required multiple disbursements. These provisions act as an incentive to schools to keep their default rates low and assist students in getting access to their loan funds on a more timely basis.

A drafting error during the 1998 reauthorization of the HEA inadvertently removed the eligibility of not-for-profit foreign veterinary schools from participation in the Federal Family Education Loan (FFEL) Program. This legislation will correct that error and keep hundreds of students from losing their loan eligibility.

This legislation also provides clarification for financial aid officers in the return of Title IV funds. It clarifies how the return of Title IV funds should be implemented for schools utilizing clock hours, and what percentage of funds need to be included in any return. The language also makes clear that Leveraging Educational Assistance Partnership funds may be removed from the return of Title IV funds formula due to the mix of State and Federal funds at the school level. It clarifies that students who have been home schooled, and are treated as such under State law, are eligible for admittance into an institution of higher education as defined in the HEA and are eligible to receive financial aid. It also allows aid professionals to use professional judgment in determining financial need for a student who is declared a ward of the court.

This bill allows for the use of technology wherever possible to enhance and improve communication and the transfer of information. This includes reporting by States in providing information on teacher quality and providing students with voter registration materials.

This legislation allows student loan borrowers to receive more timely assistance from their lenders when they are seeking forbearance of loan payments. It allows a lender to accept a request for assistance over the telephone as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated. This eliminates the need for borrowers to sign paper documents requesting help and agreeing in writing to what they already have agreed to verbally. This language also aligns a rehabilitation provision within the Perkins Loan Program with the Federal Family Education Loan Program.

The FED UP Technical Amendments Act corrects an administrative issue in the payment of insurance to lenders and reinsurance to guaranty agencies on borrower default claims when the borrower failed to establish eligibility for that loan. This change reinstates long-standing policy of the Department of Education in the payment of these specific claims, which was altered by a new reporting process put in place via a forms change.

This legislation allows Hispanic Serving Institutions (HSIs) to apply for HSI grants without having to wait two years in between applications. It also clarifies allowable uses of grant funds within the Thurgood Marshall Legal Educational Opportunity Program. It also provides clarification within the Federal TRIO programs that institutions with more than one campus may apply for separate grants to serve different populations at different campuses.

This legislation also provides clarification as to what items must be included within the annual report of the Department of Education's Performance Based Organization (PBO). Finally, the bill corrects the names of the authorizing committees throughout the HEA and corrects a citation to a section of the law that had been changed several years ago.

The FED UP Higher Education Technical Amendments Act of 2002 will take us one step closer to reducing burdensome rules and allowing financial aid administrators and others in the higher education community to do their jobs more efficiently and effectively. Program integrity and service to students remain the priority and this legislation accomplishes both.

FEDUP has accomplished its goal of streamlining the current regulatory system to the extent possible, while maintaining or improving program integrity and I urge my colleagues to support this legislation.

A TRIBUTE TO JOHN Z. SHEARER, ROBERT KOENIG, ALMA COLLINS AND MARGE ROSSITER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to recognize four residents in my district, John Z. Shearer, Robert Koenig, Alma Collins, and Marge Rossiter for each being named a volunteer of the year by four member organizations of the South Central Directors of Volunteers Association. Each of these individuals have given their communities a great service by giving of themselves and their time. Their service is a tremendous gift to the many people they help.

John Z. Shearer was recognized by the Franklin County Volunteer Transportation Network for driving more that 1,000 miles since November and donating 43 hours to provide transportation to people in need of medical services outside Franklin County. In addition to this work, Mr. Shearer also volunteers for the Toy Mission, Kiwanis, Meals on Wheels, and directs/manages the chorus of AARP Falling Spring Chapter 280.

Robert Koenig was recognized by the Franklin County Literacy Council for being a volunteer tutor and assisting with fund-raising and special projects. In addition to his work at the council, Mr. Koenig also volunteers at the Ragged Edge Library and with the Scotland School for Veterans Children football team.

Alma Collins was recognized by the Shook Home and The Quarters At Shook for her positive attitude, reliability, and willingness to help.

Marge Rossiter was recognized by the Volunteer Association of South Mountain Restoration Center for being a volunteer since 1977, serving her third term as president of the association and serving as chairperson for another of the association's volunteer groups, International Party Givers.

The services these volunteers provide do not come with a price, but the dividends of their work are precious and valuable. They have given their time unselfishly and have asked for nothing in return. Through their example we learn that a smile, a thank you, or just the knowledge that you have done a good deed can provide a personal reward that fills the corners of your heart in ways that a paycheck will never be big enough to do.

Mr. Speaker, I ask my colleagues to join me in thanking all volunteers for their noble work and congratulating John Z. Shearer, Robert Koenig, Alma Collins, and Marge Rossiter for receiving the recognition of volunteer of the year. I would also like to put forth a challenge to young people, in my district as well as other parts of the country, to follow in the footsteps of these individuals. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. If the President were here today I am positive he would shake these four volunteers' hands and hold them up as examples for others to follow. Our communities are in need of volunteers, people that are willing to provide a helping hand and give from their hearts. This country has a generous spirit of goodwill and kindness, I urge others to use this as their motivation to become as involved in bettering their communities as the four volunteers we have recognized today.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, the primary function of the National Transportation Safety Board primary function is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause or causes of. The Board makes transportation safety recommendations to Federal, State, and local agencies and private organizations to reduce the likelihood of recurrences of transportation accidents. The Board issues reports and orders pursuant to its duties to determine the cause of transportation accidents and to report the facts, conditions and circumstances relating to such accidents.

Since its last reauthorization in 2000, the Board has investigated over 6,500 accidents. The NTSB has issued over 650 safety recommendations. To maintain its position as the world's preeminent investigative agency, the NTSB must have the resources necessary to handle the increasingly complex accident investigations. The NTSB has recently broken ground for its new training academy that will teach state of the art investigative techniques for transportation accidents.

Although it has no regulatory or enforcement powers, its reputation for impartiality and thoroughness has enabled the NTSB to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been adopted by those in a position to effect change.

Many safety features currently incorporated into airplanes, automobiles, trains, pipelines and marine vessels had their genesis in NTSB recommendations. At an annual cost of less than 23 cents a citizen, the NTSB is one of the best bargains in the government.

H.R. 4466, National Transportation Safety Board Reauthorization Act authorizes increased funding over the next three years: $73 million in FY 2003; $85 million in FY 2004; and $89.7 million in FY 2005. The bill also authorizes approximately $4 million per year for the training academy. This funding is critical to ensure that the Agency has the necessary resources to hire additional technical experts as well as to provide better training for its current workforce.

H.R. 4466 also addresses another matter of great importance; that is, the DOT's notoriously slow response to NTSB's safety recommendations. The bill requires an annual report from DOT on the regulatory status of all significant safety recommendations (i.e., those on NTSB's ''most wanted list'') received from the NTSB. This will enable the Committee to keep tabs on the progress of these very important recommendations.

One of the NTSB's core functions is to assist families of passengers that have been in an aviation accident. H.R. 4466 also extends the NTSB's family assistance responsibility to families of victims of rail accidents. In addition, Congress, in 2000, authorized the transfer of investigative priority from the NTSB to the Federal Bureau of Investigation in the event of an accident caused by an intentional criminal act. H.R. 4466 provides for the transfer of the family affairs responsibility to the FBI from the NTSB when investigative authority has been relinquished in both aviation and rail accidents.

Having a well funded, well-trained NTSB workforce is of the utmost importance for the American traveling public. Accordingly, I urge my fellow members to strongly support the bill.

IS INDIA AN ALLY OR A TERRORIST STATE?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BURTON of Indiana. Mr. Speaker, recently, the news website NewsMax.com ran a vary comprehensive article called ''India: Allies or Instigators?'' It details India's pattern of abuse against the Christians, Sikhs, Muslims, and other minorities, its anti-Americanism, and its support of terrorism against its neighbors.

The article shows that the Indian government has killed tens of thousands of Sikhs, Christians, Muslims, and other minorities; that it holds tens of thousands of political prisoners; and it is funding terrorism in Pakistan and created and supported the Liberation Tigers of Tamil Eelam (LTTE), an organization the U.S. government has called a ''terrorist'' organization. It shows India's domestic terrorism against Sikhs, Christians, Muslims, and all the other minority groups.

Reading this article should cause any fair-minded reader to ask whether or not India is a terrorist state seeking hegemony in South Asia and questions whether India is a country we should trust as an ally. The United States should work for freedom for all the people of the subcontinent. I was proud to be one of 42 Members of Congress from both parties who signed a letter urging President Bush to press for the release of Sikh and other political prisoners in India. The Administration should do that. But it should do more.

After reading this article, it is clearly time for the U.S. government to cut off its aid to India and to come out in support of self-determination for all the peoples and nations of South Asia. This is the best way to spread liberty, democracy, prosperity, and true stability to the subcontinent.

Mr. Speaker, I would like to place the article into the RECORD at this time. I urge my colleagues and all people interested in South Asian affairs to read it.

INDIA: ALLIES OR INSTIGATORS?

(By Tim Phares)

Trouble is brewing again in South Asia, as India and Pakistan move troops to their border. The recent violence in Gujarat, in which over 540 people have been killed, has merely heightened tensions.

It follows an attack by Muslims on a train full of Hindu activists headed for Ayodhya, where the BJP government in India is seeking to build a Hindu temple on the site where the most revered mosque in India was destroyed by Hindu militants a few years ago. It was reported that the passengers were taunting the Muslims by chanting slogans about rebuilding the temple.

Unfortunately, India, which proclaims itself ''the world's largest democracy,'' has made moves that undermine America's war on terrorism. Indian military maneuvers have forced Pakistan to divert troops from the border with Afghanistan to the Line of Control in Kashmir, creating a potential opening for terrorists to escape.

On January 2, Tony Blankley wrote in the Washington Times that India is sponsoring cross-border terrorism in the Pakistani province of Sindh.

Journalist Tavleen Singh has reported in India's leading newsmagazine, India Today, that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has identified as a ''terrorist organization.''

According to Internet journalist Justin Raimondo, the Indian Defense Minister, George Fernandes, raised money and arms for the LTTE.

Pakistan and minorities within India's borders charge that India is seeking hegemony in the South Asian subcontinent. Certainly its deployment of new missiles that can reach deep into Pakistan and its tests that began the nuclear escalation in the region suggest that this may be true.

While India blames Pakistan for the attack on its Parliament, President Pervez Musharraf says he has evidence that the Indian government itself was responsible. No Indian soldiers were killed, just guards, workers, and other lower-caste people.

The book Soft Target, written by Canadian journalists Brian McAndrew of the Toronto Star and Zuhair Kashmeri of the Toronto Globe and Mail, shows that India blew up its own airliner in 1985, killing 329 people, apparently in order to blame Sikhs for the atrocity and create a pretext for more violence against them.

It shows that the Indian Consul General in Toronto pulled his daughter off the flight shortly before it was due to depart. An auto dealer who was a friend of the Consul General also cancelled his reservation at the last minute. Surinder Singh, director of North American Affairs for the External Affairs office in New Delhi, also cancelled his reservation on that flight. The Consul General also called to finger a suspect in the case before the public knew that the bombing had taken place. The book quotes an agent of the Canadian State Investigative Service (CSIS) as saying, ''If you really want to clear the incidents quickly. take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.''

India has a long record of Anti-Americanism. On May 18, 1999, The Indian Express reported that Mr. Fernandes, the Defense Minister, organized and led a meeting with the Ambassadors from Red China, Cuba, Russia, Yugoslavia, Libya, and Iraq to discuss setting up a security alliance ''to stop the U.S.''

India votes against the United States at the United Nations more often than any country except Cuba. It had a long term friendship with the former Soviet Union and supported its invasion of Afghanistan.

India's implicit support for terrorist activity is consistent with its internal behavior. It has a record of repression of minorities that undermines its proclamation of democratic values.

The ruling Bharatiya Janata Party (BJP), which leads a 23-party coalition, is a branch of the Rashtriya Swayamsewak Sangh (RSS), an organization founded in 1925 in support of the Fascists.

The governing ideology of the BJP and all the branches of the RSS is Hindutva, the subjugation of society, politics, and culture to Hinduism. Last year, a cabinet member said that everyone living in India must either be a Hindu or be subservient to Hinduism. And in New York in 2000, Prime Minister Atal Bihari Vajpayee said, ''I will always be a Swayamsewak.'' This is the ideology behind the attacks on Christians, Sikhs, Muslims, and other minorities.

The target of choice these days seems to be Christians. Human-rights organizations report that more than 200,000 Christians in Negaland have been killed by the Indian government.

On February 17, the Associated Press reported an attack on the Catholic church on the outskirts of Bangalore in which several people were injured. The assailants threw stones at the church, then broke in, breaking furniture and smashing windows before attacking worshipers. the February 25 issue of the Washington Times reported another church attack in which 20 people were wounded.

In February, two church workers and a teenage boy were shot at while they prayed. The boy was injured. Two Christian missionaries were beaten with iron rods while they rode their bicycles home. A Christian cemetery in Port Blair was vandalized.

These attacks continue a pattern of oppression of Christians that has been going on heavily since Christmas 1998. Since then, members of the RSS have murdered priests, raped nuns, burned churches, and committed other atrocities with impunity.

The RSS published a booklet last year detailing how to file false criminal cases against Christians and other religious minorities. The RSS objects to the presence of missionaries in India.

The missionaries are having a good deal of success in converting members of the lower castes, especially Dalits, also known as ''Untouchables.'' This removes the lower-caste people from the stratification of the caste system, which is essential to the Hindu religion and social structure.

RSS activists also burned a missionary and his two sons to death while they slept in their jeep. They surrounded the jeep and chanted ''Victory to Hannuman,'' a Hindu god. Now the Indian authorities have found a single individual to blame and they are moving to throw the missionary's widow out of the country. In 1997, Indian police broke up a Christian religious festival with gunfire.

In 1994, the U.S. State Department reported that the Indian government paid out over 41,000 cash bounties to police officers for killing members of the Sikh minority. In the same year, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to foment terrorist activity in Punjab and in Kashmir.

According to the book The Politics of Genocide, over 250,000 Sikhs have been killed by the Indian government's forces. According to human-rights groups, Indian forces have killed over 75,000 Muslims in Kashmir and thousands of other minorities, including Dalit ''untouchables,'' Tamils, and other groups.

A report issued last year by the Movement Against State Repression (MASR) showed that India admitted to holding 52,268 political prisoners. Amnesty International reports that tens of thousands of other minorities are also being held as political prisoners.

These prisoners continue to be held under a law called the ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995, It empowered the government to hold people virtually indefinitely for any offense or for no offense at all.

According to many reports, some of these political prisoners have been in custody for almost two decades. Amnesty International reported last year that tens of thousands of minorities are big held as political prisoners. On February 28, 42 Members of the U.S. Congress wrote to President Bush asking him to work for freedom for these political prisoners.

MASR also co-sponsored with the Punjab Human Rights Organization an Investigation of the March 2000 massacre of 35 Sikhs in Chithisinghpora. It concluded that Indian forces carried out the massacre. A separate investigation conducted by the International Human Rights Organization came to the same conclusion.

As Rep. Dana Rohrabacher (R–Cal.) said on the floor of Congress on August 2, 1999, ''for

the people in Kashmir and Punjab and Jammu, India might as well be Nazi Germany.''

In the words of Narinder Singh, a spokesman for the Golden Temple, the seat of the Sikh religion, who was interviewed in August 1997 by National Public Radio, ''The Indian government, all the time they boast that they are secular, that they are democratic. But they have nothing to do with a democracy, nothing to do with a secularism. They just kill Sikhs to please the majority.''

In the March 4 issue of Forbes, Steve Forbes compared India to the Austro-Hungarian Empire, arguing that as a multinational State, India is inherently unstable. Prior to the British conquest of the subcontinent, there was no political entity called India. It was a series of princely states brought together by the British.

The Kashmiri people were promised a referendum on their status in 1948, but that vote has never been held. The Sikhs, who were supposed to receive independence, have never had any of their representatives sign the Indian constitution. Instead of respecting ''the glow of freedom'' that Nehru and Patel promised the Sikhs, the government declared them a ''criminal class'' as the ink was dry on the constitution. Currently, 17 freedom movements are going on within India's borders.

Some Members of Congress have called for sanctions against India and for an end to American aid. Some have also endorsed self-determination for the peoples seeking freedom from India through a plebiscite on independence. While these events seem unlikely to occur any time soon, the Indian government has held negotiations with the freedom fighters in predominantly Christian Nagaland. Home Minister L.K. Advani recently admitted that if Kashmir achieves freedom (which now seems more likely than ever), it will cause India to break apart.

Some experts have predicted that within a decade, neither India nor Pakistan will exist in the form we know them presently. The Indian subcontinent will continue to be a region that bears close attention by American policymakers.

NURSING HOME RESIDENT SAFETY ASSURANCE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Nursing Home Resident Safety Assurance Act, legislation to require background checks on indirect care personnel in our nation's nursing homes.

Currently, there are 17,000 nursing homes in the United States where approximately 1.5 million of our nation's seniors reside. A 1999 study conducted by the House Government Reform Committee analyzed two years of state inspection and complaint investigation reports of nursing homes and revealed that abuse of nursing home residents is a widespread, serious problem. Specifically, over 30 percent of nursing homes in the United States, or 5,283 facilities, were cited for an abuse violation between January 1, 1999 and January 1, 2001. During the two-year period of the report, these nursing homes were cited for 8,972 violations. The most frequent violations were failure to properly investigate and report allegations of resident abuse or failure to ensure that nursing home staff had no record of abusing, neglecting or mistreating residents. For this reason, Congress must take additional action to protect seniors receiving care in our nation's nursing homes.

My legislation, the Nursing Home Resident Safety Assurance Act is an important step towards achieving that goal. The bill would amend Public Law 105–277, which currently requires federal criminal background checks on direct care personnel to also allow background checks on indirect care personnel such as maintenance workers, janitors and dietary staff. These individuals have direct access to seniors in nursing homes without completing the screening procedures that direct care personnel, such as physical therapists and licensed nurse practitioners are required to have. The current loophole in the law puts our society's most vulnerable members, the elderly and disabled in circumstances rife with opportunities for abuse and exploitation.

The state of North Carolina recognized this potential for abuse and the state legislature passed legislation requiring criminal background checks for both direct and indirect care nursing home personnel who have not lived in North Carolina for 5 years. Public Law 105–277 hinders this background check process by preventing the Federal Bureau of Investigation (FBI) from releasing background information on indirect care personnel.

Amending this law to require criminal background checks on all nursing home personnel would send a message that Congress is serious about protecting the welfare of our Nation's seniors. Please join me in supporting the Nursing Home Resident Safety Assurance Act, common sense legislation to protect our nation's most vulnerable citizens.

DONATION OF A PIECE OF THE BERLIN WALL

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize the gift of a piece of the Berlin Wall to my good friend, Georgia State Senator Chuck Clay. The grandson of General Lucius Clay, who spearheaded the 1949 Berlin Air Lift that saved West Berlin from a Soviet invasion, and its citizens from starvation, Senator Clay is an appropriate recipient of this gift that recognizes one of our greatest military heroes. I am proud to represent the Marietta community in the United States House of Representatives.

The importance of General Clay's efforts during the Cold War cannot be overstated. After serving his county in the Second World War, he earned the Distinguished Service Medal. Later, he became commander of the U.S. armed forces in Europe, as well as the military governor of Germany. With his endeavors to make the Air Lift a success, he united the American and Berlin people in a friendship that has continued to this date. Yet even after retiring from the army, General Clay remained involved in a life of service as an advisor to President Eisenhower, an Ambassador to Berlin under President Kennedy, and as a member of countless committees on civic affairs.

I am honored to be able to assist in bringing this piece of the Berlin Wall to the Marietta community. I know that my colleagues join in recognizing its symbolic importance to German-American friendship, and will join me in hallowing the efforts of those who gave so much to make this possible.

TRIBUTE TO 2001–2002 SACRAMENTO KINGS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. MATSUI. Mr. Speaker, I rise in tribute to the 2001–2002 Sacramento Kings, one of the most exciting and formidable teams in the National Basketball Association. The 2001–2002 Kings completed the greatest season in franchise history by taking the two-time defending World Champions, the Los Angeles Lakers, to the brink of elimination in a fiercely contested seven game series. Although the season ended short of a Championship, the 2001–2002 Kings demonstrated remarkable courage, determination, and promise that have surely made them a great source of civic pride and a perennial NBA powerhouse for years to come. I ask all of my colleagues to join with me in saluting the remarkable 2001–2002 Sacramento Kings.

Throughout the course of the season, the 2001–2002 Sacramento Kings showed tremendous character in overcoming numerous obstacles. Despite losing star players Chris Webber and Peja Stojakovic for significant portions of the season, the Kings finished the regular season with a league best mark of 61 wins and 21 losses. The Kings won the franchise's first division championship since relocating to Sacramento in 1985. By combining a high-octane offense and a tenacious defense, this year's Kings posted the best overall record, home record and road record in franchise history. It is clear that the 2001–2002 Sacramento Kings are the most successful team in the franchise's illustrious 54 year history.

The Kings began their postseason campaign in fine form, as they only needed four games to conquer their old nemesis, the Utah Jazz. In the next round, the Kings overcame significant injuries to Peredrag Stojakovic and Doug Christie to defeat a talented Dallas Mavericks team by a four games to one margin. In the Western Conference finals, the Kings locked horns with the Los Angeles Lakers in one of the most hotly contested and memorable playoff series in NBA history. Although the Kings would lose the series after stretching the ultimate seventh game into overtime, their outstanding performance throughout the playoffs cemented the Kings' status as one of the preeminent teams in the NBA today and the dominant team of the future.

The 2001–2002 Sacramento Kings are comprised of an outstanding blend of superstar players, seasoned veterans, and exciting young players. This Kings team is spearheaded by the all around excellence of All-Stars Chris Webber and Peredrag Stojakovic. On defense, the Kings are lead by defensive stalwart and All NBA Defensive Second Team member Doug Christie. Skillful big men Vlade Divac, Scot Pollard, and Lawrence

Funderburke provide consistent play in the paint. The boundless energy and exuberance of Mike Bibby, Bobby Jackson, and Hidayet Turkoglu fuels the Kings trademark high-power offense. High-flying rookie Gerald Wallace and the talented Mateen Cleaves provide an enticing glimpse into the team's future with their enormous potential. To round off the roster, solid veterans Chucky Brown and Brent Price provide steady and valuable leadership on the floor and in the locker room. This dazzling group of players, combined with a selfless commitment to team play, are major reasons why the Kings enjoyed such unparalleled success during the 2001–2002 season.

In addition to a wonderful roster, the 2001–2002 Kings also benefited greatly from the tutelage of one of the best coaching staffs and the leadership of one of the most progressive front offices in the NBA. On the bench, the 2001–2002 Kings were lead by head coach Rick Adelman and assistant coaches Pete Carril, John Wetzel and Elston Turner. These coaches were able to harness one of the greatest collections of talented players in the NBA into a balanced scoring team that is epitomized by team play and an unyielding commitment to defense. In the front office, the Kings are led by the visionary ownership of the Maloof Family and the astute personnel moves of team president Geoff Petrie. Under the ownership of the Maloof Family, the Kings have taken great steps to forge one of the most unique and strongest relationships in all of sports with their team supporters. Given the Kings' front office's commitment to the city of Sacramento, it is no wonder why Kings fans are widely regarded as the most spirited and most loyal fans in America.

Mr. Speaker, as the Sacramento Kings conclude its greatest season in franchise history and prepare to achieve greater triumphs in the future, I am honored to pay tribute to the many hard working men and women of the Kings organization who brought so much joy and pride to the people of Sacramento and Kings' fans everywhere. Their successes are considerable, and it is a great honor for me to have the opportunity to pay tribute to their accomplishments. I ask all my colleagues to join with me in congratulating the Sacramento Kings on a wonderful season and wishing them greater success in future seasons.

TRIBUTE TO HARRISON TOWNSHIP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize Harrison Township, whose outstanding dedication and commitment to the service of its community has led to a great accomplishment. On Tuesday, May 28, 2002, Harrison Township celebrated its 175th Anniversary, commemorating 175 years of civic excellence.

Every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country. This year, as the community of Harrison Township gathered together to honor Memorial Day, they also had the distinct honor of celebrating the 175th Anniversary of Harrison Township.

Harrison Township today is a flourishing center of civic and social activities and resources for families of the community. With a great emphasis on community service, Harrison Township has opened its doors throughout the years to welcome community members to civic gatherings, conferences, club meetings, and events for the entire family.

Community will always serve as the cornerstone of Harrison Township. But Harrison Township is expanding, by bringing in new levels of technology and resources. The community of Harrison Township has dedicated its time and talents to bring their community into the 21st Century, and they have been successful. Because of this community's unwavering support, Harrison Township has become a community that will continue to cultivate its historic roots as well as reach out to younger generations.

Harrison Township is a true testament to the hard work and dedication of community members and their families. I applaud Harrison Township for its leadership, commitment, and service, and I urge my colleagues to join me in congratulating them on this landmark occasion.

HONORING THE SERVICE OF AMANDA SCHAECHER

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. EVANS. Mr. Speaker, I rise to honor Amanda Schaecher, who deserves our thanks and recognition for her efforts to make sure our troops and veterans are not forgotten. When Amanda was crowned Miss Henry County Fair, she had no specific cause to promote or project for which she wanted to raise funds. But following the terrorist attacks of September 11, a cause found her. She has used whatever resources were at her disposal as queen to help our troops and veterans.

Last November, in honor of Veteran's Day, Amanda printed special certificates of recognition which she presented, along with an American flag, to more than 50 veterans residing in nursing homes and independent living centers in Henry County.

Just before Christmas, she launched an ongoing project to encourage contributions to the USO, so current troops overseas are not forgotten. She has recorded public service announcements for local radio stations and placed a public service ad in the Kewanee Star Courier newspaper and taped up posters at various locations around Henry County.

Earlier this year, when she heard the Kewanee National Guard unit would not be able to hold its annual fundraiser at its armory because of heightened security precautions, she arranged for it to be held at Wethersfield High School.

There are many examples of patriotism and service in the aftermath of Sept. 11. Amanda Schaecher exemplifies those values. The time, talent and energy she has given cannot be calculated—they are priceless.

Our veterans and military personnel have no better friend and supporter than Amanda. I am proud and honored to recognize her tireless and extraordinary efforts. I Join the entire community and America's veterans and military personnel in thanking and honoring Amanda.

HONORING THE WORK OF THE COMMUNITY FOOD BANK OF NEW JERSEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. PAYNE. Mr. Speaker, today has been designated by America's Second Harvest as the First Annual Hunger Awareness Day. I would like to ask my colleagues here in the United States House of Representatives to join me in recognizing the dedicated work of the Community Food Bank of New Jersey, whose mission is to fight hunger and poverty.

Many individuals and families in need benefit from the efforts of the Community Food Bank and its associated food banks, which provide assistance to emergency feeding programs in 18 of New Jersey's 21 counties. Today, representatives from those counties will gather at the Food Bank to issue a call to action. Participants will include recipients of emergency food, who will share their stories; staff from soup kitchens and shelters; volunteers; and donors of food and funds. The goal of the Hunger Awareness Forum is to highlight what is happening in New Jersey, to reveal how many are hungry in our State, and to discuss how all of us can work together to see that no one from New Jersey is without food. The Community Food Bank is thevital link between the food industry and the charitable organizations which serve the needy in our community.

Activities are being planned throughout the nation today to raise awareness of the need to address hunger both nationally and locally. The theme of this initiative is ''Nobody in America Should Go Hungry.''

Mr. Speaker, as Congress addresses the issue of hunger, it is fitting that we take a moment to honor the efforts of the staff and volunteers who have made the Community Food Bank of New Jersey such a successful resource for our communities. Let us thank them for assisting countless individuals and families through this labor of love.

TRIBUTE TO DR. FRANZ B. HUMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. PASCRELL. Mr. Speaker, I am honored to take this opportunity to recognize the work of an outstanding individual, Dr. Franz B. Humer, Chairman and Chief Executive Officer of Roche Holdings, Ltd, one of the world's leading healthcare companies whose United States headquarters is located in my district, in Nutley, New Jersey.

On Wednesday, May 22, Dr. Humer was honored along with Leah Tutu, the wife of Bishop Desmond Tutu, at the Phelophepa Health Care Train Gala dinner in New York

City. My obligations here in Washington caused me to miss the event, which I am told was a tremendous success.

It is only fitting that Dr. Humer be honored, in this, the permanent record of the greatest freely elected body on earth, for his steadfast leadership in providing long term support he and Hoffmann-La Roche have given to South Africa's neediest citizens.

The Phelophepa Health Care Train, a South African charity, provides remote primary health care to rural South Africa via locomotive train. Now in its 9th year of operation, the Phelophepa Train continues reaching out and striving to better the lives of thousands of rural people by bringing basic health services, outreach programs, AIDS education, and training and health information to areas where such services are not available.

Under the exceptional leadership of Dr. Humer, Hoffmann-La Roche's generous assistance has enabled the Phelophepa Train to achieve unprecedented success in its efforts to provide essential health care to the people of South Africa. Dr. Humer and Hoffmann-La Roche deserve recognition for their efforts to better the lives of desperately needy persons halfway across the globe.

Mr. Speaker, I ask that you join our colleagues, Hoffman-La Rouche, the people of South Africa, and me in recognizing the outstanding humanitarian efforts of Dr. Franz Humer, and congratulating him on this great honor.

TRIBUTE TO FELLOWSHIP CHAPEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize Fellowship Chapel, which celebrated its 36h Anniversary on Sunday, June 2, 2002. Truly a milestone occasion, this celebration gives testament to the outstanding dedication and commitment of the entire church and community.

Founded in 1966, Fellowship Chapel began humbly, with worship services and holiday celebrations for its members. Decades later, Fellowship Chapel has come far, recently celebrating the ground-breaking ceremony of its beautiful, new church complex in January of 2002. Fellowship Chapel has truly led this community in spirituality and services, opening its doors to welcome members and their families for generations.

Through much prayer, sacrifice, and hard work, the congregation of Fellowship Chapel has only grown stronger and more dedicated to its mission. With a variety of ministries and departments for religious education, charitable programs, social events and activities for the entire family, Fellowship Chapel is truly advancing in its mission to reach out into the community and bring families together. With the new construction underway, religious education, church activities, and official services will only become greater and this community will continue to succeed in its crusade to improve the lives of people through faith and God.

Although history and time have changed the congregation, the spirit of the church has remained strong. I would like to personally congratulate Fellowship Chapel on their 36th Anniversary, and I urge my colleagues to join me in recognizing them on this landmark occasion.

WELFARE REAUTHORIZATION AND CHARITABLE CHOICE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. EDWARDS. Mr. Speaker, as a Member of Congress, I believe that we have a responsibility to continue to review and revise legislation that adapts and improves upon program successes and the ever-changing needs of American citizens. That is why I support H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. This legislation reauthorizes the 1996 welfare reform program, a program that works to move welfare recipients from the dependency of these programs to self-sufficiency.

However, while I support this welfare reauthorization, I do not support a provision included in the original 1996 legislation and again included in this reauthorization. This provision is known as Charitable Choice, and in my opinion, the wrong solution to a real problem. Under current law, faith-based groups may already accept federal dollars under three conditions: they cannot be pervasively sectarian, they cannot proselytize, and they cannot discriminate on the basis of religion in their employment practices.

Charitable Choice changes those conditions. Charitable Choice makes it possible for the government to subsidize churches and other thoroughly religious entities that provide social services. This proposal will provide tax dollars to religious groups and open the door to government review of church activities.

For many years the law has permitted groups that are affiliated with religious bodies (e.g. Catholic Charities and Lutheran Social Services, Jewish Federations) to receive tax funds to provide secular social services. But Charitable Choice represents a radical and misguided revision of the law. Indeed, many ministers believe that Charitable Choice will do great harm to religion.

Because regulation always follows tax funds, Charitable Choice opens the door to invasive government monitoring, regulation and accounting of churches, clergy, and other leaders of the church. For these reasons, people like Freddy Garcia, who runs the highly successful Victory Fellowship ministry for drug addicts in San Antonio, has said, ''I don't want any grants. I'm a church . . . All I want is for the government to leave me alone.''

Also, because there is limited money in the public purse and thousands of religious groups in our country, Charitable Choice will force the government to pick and choose which religions it funds. Churches may have to compete for government grants before elected legislators. ''The best way I know of to destroy religion is to have all the churches fighting over a big pot of money, '' says Rev. J. Brent Walker, general counsel of the Baptist Joint Committee on Public Affairs.

Charitable Choice will generate serious problems that have not been seen on a large scale in this country in over 200 years—outright religious infighting, intolerance and discrimination.

If we allow government to fund and become involved in religion, it will harm religion, not help it. It is people of faith who must point out that church-state separation does not mean keeping people of faith from being involved in government but rather it means keeping government from being involved in religion.

I will continue to work with my colleagues to provide a welfare program that helps the needs of all American citizens, without compromising religious freedom and liberty. I would hope that we, as Members of Congress, remember our obligations to uphold the principles of the Constitution and create legislation, which represents the core and steadfast beliefs of the United States.

IN SUPPORT OF THE HDTV TRANSITION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of an exciting new technology. Local television broadcasters across the country are undertaking their biggest advancement in years: the transition to digital television. These stations aim to provide new services to their viewers, our constituents. Digital TV opens the door to new possibilities like High Definition TV, interactive television, and expanded programming options and choices.

The stations in Houston that serve my district are already transmitting digital signals. I am proud of my hometown broadcasters: the CBS affiliate KHOU, which is owned by the Texas based Belo Corporation; KPRC, owned by Post-Newsweek; KTRK, owned by ABC; KRIV and KTXH owned by FOX; KUHT; and my local PBS station. These local broadcasters are leading the charge into the future.

These TV stations are small businesses like any other. They have made substantial investments in new transmitting facilities, new production equipment, and in some cases new broadcast towers. Collectively, the broadcast industry has invested over a billion dollars in the future of free, over-the-air digital television.

The digital transition will accelerate significantly as more television sets with digital tuners are manufactured. Like any technology, digital television sets started out as expensive, but are rapidly becoming more affordable. The prices for digital television sets have dropped fifty percent in the last two years and continue dropping today. I look forward to a day when digital television tuners are so widespread that all consumers can afford to make the conversion and receive their local stations' free digital signals.

The transition to digital television will be, undoubtedly, a multi-step process. In the meantime, I am proud of my hometown stations for leading the way. Let me offer my thanks and congratulations to them for flipping the digital switch.

A TRIBUTE TO UNIVERSITY OF MINNESOTA LEGEND PAUL GIEL: TWO-SPORT ALL-AMERICAN, UNIVERSITY ATHLETIC DIRECTOR AND BELOVED HERO

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a true Minnesota sports legend, devoted family person, and wonderful friend—Paul Giel—who passed away suddenly on May 22, 2002.

Paul Giel—All-American football and baseball player at the University of Minnesota from 1951 to 1954; Major League Baseball pitcher from 1954 to 1961; Sports broadcaster and director for WCCO Radio for eight years; Athletic Director at the University of Minnesota for 18 years; and Vice President of Public Affairs for the Minneapolis Heart Institute the past 12 years.

As great as Paul Giel's athletic and professional achievements were, Paul was an even greater person.

Legendary Minneapolis Star Tribune sportswriter Sid Hartman said it well, ''If there ever were a role model for the young athlete in high school or college, it had to be Paul Giel. Success on the field only made him a better person off it.''

WCCO's Ray Christensen,, our state's beloved sports announcer who started doing football broadcasts in 1951—when Paul Giel was a sophomore—said this about Paul Giel: ''Paul was a winner in every way, but most important, I think he was a winner as a person. When you earn so many rewards as a player, as an athletic director and in other ways in sports, sometimes you forget to be a person. And Paul never forgot.''

Bom and raised in Winona in southeastern Minnesota, Paul Giel was a 5–11, 185-pound single-wing tallback at the University of Minnesota. He ran and passed for 4,110 yards and 35 touchdowns and finished a close second to Notre Dame's Johnny Lattner in the Heisman Trophy voting his senior year.

Paul Giel is a member of the National Football Foundation's College Hall of Fame. He was a two-time All-American in football and the Most Valuable Player in the Big Ten.

In baseball, Paul Giel was also an All-American. He won 21 college games from 1952 to 1954, and he pitched for four major league teams from 1954 to 1961.

For 18 years starting in 1972, Paul Giel was the Athletic Director at the University of Minnesota. He was the man who hired Herb Brooks as hockey coach, and Herbie recently recalled Paul's words when he was hired: ''Listen, I'm just new to this job. I don't know rules and regulations, everything else,'' he said, ''but do what's right. Don't break any rules. Do what's right.''

''People believed in Paul Giel,'' said Herb Brooks. ''Parents believed in him. Players believed in Paul Giel.''

Mr. Speaker, all Minnesotans believed in Paul Giel, and their faith in him was always rewarded. Paul Giel was a man of great character and principle, especially when it came to the place he loved more than any other, the University of Minnesota.

''I don't think I've ever known anyone who cared more or who was more loyal to the University of Minnesota than Paul Giel,'' said Tom Moe, University of Minnesota Athletic Director. ''He was a tremendous friend. I just had tremendous admiration for him. I'm sick. It's a sad day for Minnesotans.''

Yes, Mr. Speaker, it's a sad day to lose a Minnesota legend, our humble hero and All-American in every way he lived his life.

Our thoughts and prayers go out to Paul's loving wife, Nancy, their three wonderful children, Paul Jr., Gerilyn, Tommy, their spouses and his six grandchildren. Paul also dearly loved his mother and father-in-law, Colonel and Mrs. Tom Davis, as well as his sister Ruth and brother Edward.

Paul Giel's legacy will continue to live in the hearts of every Minnesotan who knew and loved him.

Thanks ''Old Number 10'' for all the great memories and for always making Minnesota proud.

HONORING THE LAO-HMONG PEOPLE FOR THEIR LOYALTY AND FRIENDSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today on behalf of the Lao-Hmong American Coalition to thank my colleagues in both the House and Senate for their unanimous vote in favor of a National Lao-Hmong Recognition Day. Mr. Yang Chee, president of the Lao-Hmong American Coalition, has asked me to relay his own deep gratitude to the United States Congress for passing this historic proclamation.

During the Vietnam War, the Lao-Hmong people were one of this country's most loyal allies. They fought alongside U.S. soldiers against the communists and the North Vietnamese, sacrificing their lives for freedom and democracy. Many of these brave people now call this country their home, becoming an integral part of American society. I would like to take this opportunity to thank Mr. Chee and all of the Lao-Hmong people for their dedication to this country and its ideals.

Mr. Speaker, the resolution proclaiming National Lao-Hmong Recognition Day was passed unanimously through both Houses of Congress. Once again, I thank my colleagues for their support, and it is my hope that President Bush will join us in expressing the gratitude of this nation to the Lao-Hmong people.

This long-overdue day of recognition will take place in July. May it promote a sense of understanding and appreciation for the sacrifices made in the name of freedom and democracy. I urge all Americans to take a moment on this day to thank our brave and loyal friends, the Lao-Hmong.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Ms. WATSON of California. Mr. Speaker, on Tuesday, June 4, my flight from Los Angeles to Washington, D.C. was unexpectedly delayed due to airplane mechanical problems. I therefore was unable to return in time to cast my votes on legislation that had been put to a vote of the floor of the House of Representatives. Had I returned in time, I would have cast my votes in the affirmative for the following bills: H.R. 4073, Microenterprise Assistance Reauthorization; H.R. 4466, National Transportation Antiterrorism Act; H.R. 4800, Repeal Sunset for Adoption Tax Credit; H.R. 4823, Repeal Sunset for Holocaust Restitution Payments Exemption; H.R. 2941, Brownfields Redevelopment Enhancement Act.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINTYRE. Mr. Speaker, on Wednesday, May 22, 2002, 1 was unavoidably absent for rollcall votes 195 and 196. Had I been present I would have voted ''no'' on rollcall vote 195 and ''no'' on rollcall vote 196. Additionally, on Thursday, May 24 and Friday, May 25, 2002, 1 was unavoidable absent for rollcall votes 199 through 206, in order to attend my son's high school graduation ceremony. Had I been present I would have voted ''no'' on rollcall 199, ''yea'' on rollcall 200, ''yea'' on rollcall 201, ''yea'' on rollcall 202, ''no'' on rollcall 203, ''no'' on rollcall 204, ''yea'' on rollcall 205, and ''yea'' on rollcall 206.

TRIBUTE TO GEORGENE BRODIE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Georgene Brodie, a dedicated wife, mother and teacher who has faced life with courage, compassion and strength. Georgene is suffering from ALS (Lou Gehrig's Disease), and she is using the time she has left to help others who are suffering from the same disease.

I have been touched by Georgene's enormous capacity to give to others. She founded the Georgene Brodie Foundation for the Future to raise funds for The Johns Hopkins Center for ALS and The Muscular Dystrophy Association. She and her family know that a cure for ALS and other similar diseases will be found only through research and clinical work. The Hopkins Center for ALS Research is the only center in the country dedicated to finding the cure for ALS.

While Georgene may be suffering from ALS, she is much more than the disease that afflicts her. As a teacher, she has dedicated her life to helping young children experience the joy of learning; as a mother she has raised two marvelous daughters—Kimberly and Ellen; and as a Grandmother she has lovingly embraced her four grandchildren, Matthew and Melissa Hopkins and Austin and Andrew Jarrett.

As the wife of M. Jay Brodie, head of the Baltimore Development Corp., she has been one of Baltimore's staunchest cheerleaders. From its neighborhoods, to its artistic and cultural institutions to its ethnic heritage,

Georgene loves and appreciates the spirit of Baltimore. In fact, as the owner of the Crab Line, she was one of the original ''Harborplace'' merchants, helping make Harborplace one of Baltimore's most identifiable landmarks.

I hope my colleagues in the U.S. House of Representatives will join me in saluting the accomplishments of Georgene Brodie. Her love of life and calmness of spirit has touched all who know and care for her.

RECOGNIZING BELMONT ELEMENTARY SCHOOL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to recognize Belmont Elementary School in North Babylon, New York for their care and concern following the September 11th tragedy.

After the tragic events of September 11th, the entire student body at Belmont Elementary School decorated a thousand grocery bags with patriotic symbols and slogans. These bags were used to pack groceries for local shoppers and sent a patriotic message into homes that students support their community in a time of need.

These students displayed support for their community as members of Jane Goodall's Roots and Shoots Club. This organization is a global network of students whose objective is to protect the environment and enhance cultural awareness.

Mr. Speaker, I also stand to recognize the efforts of the chapter advisor and administrators involved. Specifically, Seri Doyle, teacher coordinator of Jane Goodall's Roots and Shoots Club, and Alexa Endes, Principal of Belmont Elementary School.

It is with great pride, Mr. Speaker, that I recognize the efforts of these individuals and bring Belmont Elementary School's patriotic deed to the attention of Congress.

SOUTHERN BORDER AIR QUALITY PROTECTION ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. DUNCAN. Mr. Speaker, I proudly represent the people of Imperial County, California, which is a small community located on the U.S.-Mexico border. As with many border communities, the Imperial County has a good working relationship with their neighbors in Mexico. Unfortunately, they also have to suffer the consequences of Mexico's more lax environmental requirements, especially with respect to air quality. As we all know, air does not respect the international boundaries we put in place and, as a result, border communities are often penalized for activities that are actually happening south of the border and beyond their control.

Such a situation is developing for Imperial County. At least partially due to the heavy regulatory and environmental compliance burdens, electrical generation facilities are locating in Mexico. While some companies are building power plants that meet U.S. standards, for which they should be commended, other companies are choosing to operate dirty plants as opposed to incurring the additional cost of installing the best available emission control devices.

As a result, I am introducing the Southern Border Air Quality Protection Act. This bill takes an immediate and important step in acknowledging that we must consider air pollution a regional issue that does not respect international boundaries. My legislation will prohibit the export of natural gas to any electricity generation facility located in Mexico and within 50 miles of the U.S. that does not meet the air pollution emission rate requirements in the nearest U.S. air quality control region. In addition, the legislation includes a grandfathering clause so that any plants put in service before December 31, 2001 are exempted from this law.

This bill is necessary to protect our border communities from rapidly increasing emissions from unregulated, substandard power plants that leave U.S. communities vulnerable to federal regulatory sanctions. If a plant isn't good enough to be built five miles inside the border in California, then it shouldn't be good enough to operate five miles outside the border in Mexico.

I realize this is a first step and that more work must be done to create cross border air quality zones. I look forward to working with the appropriate U.S. agencies and the Mexican government to implement such binational agreements. In the meantime, this legislation is immediately necessary for the protection of our border communities and I urge all my colleagues to join me in this effort to ensure the clean air throughout the region.

SERVICE AND SACRIFICE: AN ENDURING LEGACY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ANDREWS. Mr. Speaker, I rise today to share the poignant words of Major Joal Wolf (USAR) delivered as part of a speech on Memorial Day, May 27, 2002.

Our nation has changed significantly since last September. Indeed, the world has changed since then.

Even our Memorial Day celebrations have acquired a deeper meaning. As a nation, we have now spent many months solemnly recollecting the lives of more than 3,000 American service members and civilians who died last summer during the worst terrorist attacks on U.S. soil. Now more than ever, we recognize what it means to honor the lives of those who die in service to our great nation.

Today we honor all those who died defending America—those who were active duty and those who served in our reserve components; those who were short-term volunteers, those who were drafted and those who made the military a career. We honor the veterans of every service: Army, Air Force, Navy, Marines, and Coast Guard.

On this day last year, our thoughts were focused on sacrifices made during previous wars. We were mindful, as well, of the daily peril of troops stationed around the world, and of those training here at home to keep us safe.

Today our concerns are more immediate than reflective. Instead of focusing solely on past sacrifices, we must also face the reality of ongoing losses from our eight-month war on terrorism.

It seems appropriate that today we should single out the casualties of our war against terrorism. Regrettably, the deaths of September 11 have been followed by the deaths of soldiers sent abroad to prevent other such disasters. As our commander in chief explained in plain terms at the very beginning of this war, our primary defense is to take the fight right to the doorsteps of those who spread terror.

After almost a month of nonmilitary response to the attacks, U.S. military forces responded with measured force. While executed with great care and precision, we feared it was only a matter of time before America suffered more casualties.

As in previous wars, our losses came in a variety of ways. Military personnel died in accidents and they were lost to hostile and friendly fire. This first war of the 21st century is being fought differently than our previous wars. Our first casualty by enemy fire was not a soldier or airman, but a CIA agent. The first soldier to fall to hostile fire—a full three months after our introduction of military forces into the region—was Sergeant Nathan Chapman of San Antonio, Texas.

The recent public display of support is welcomed and not lost on those of us who served in Vietnam. Ultimately, it is the confidence of the American people—the public will to sustain the fight—that serves as the foundation for victory in any war, including the war on terror.

The war on terrorism is a different war from any other our nation has ever faced, a war on many fronts against terrorists who operate in more than 60 different countries. And this is war that must be fought not only overseas, but also here at home.

This war is more personal than our previous wars. Here we have an enemy not representing an entire nation, but representing evil. Instead of trying to occupy land mass or displace our military forces, the enemy wishes to destroy the very existence of America, and of other civilized nations, cultures and religions. American families must brace for continued casualties in this difficult, but inspiring, campaign.

We've been awakened as a nation to the reality that the world remains a very dangerous place. To ensure peace and prosperity, we have to have the best trained and the best equipped armed forces on the face of the earth. That is a role that our country has to assume during this period. We're blessed with extraordinary men and women who risk their lives each day so that each of us can live in peace and freedom. And we ought not to forget where our forces are spread far and wide across the globe—in Korea and in Japan and in Bosnia and Kosovo and in the Sinai, just to name a few places.

These are times that test us as citizens and define our nation. We are beginning to see the possibilities of a world beyond the war on terror. We have a chance, if we take it, to write a hopeful chapter in human history. All at once, a new threat to civilization is erasing old lines of rivalry and resentment between nations.

The face of battle is changing with this new war, and America's military has already demonstrated it is prepared to meet this challenge. From precision air strikes to special operations troops riding horseback in the mountains of Afghanistan, we've seen our military's flexibility and commitment to its mission.

I'd like to mention a book that came out recently, one that I think bears mentioning today. It's called War Letters Extraordinary Correspondence from American Wars. This volume contains hundreds of letters by American military personnel from the Civil War up through the Persian Gulf War, Somalia and Bosnia. It's part of something called the Legacy Project, a nonprofit effort to preserve wartime letters.

Many of these letters mailed home from the front to loved ones were the last letters ever sent by these troops. That makes for emotional reading. But for those who have never experienced the total terror and uncertainty of combat, these letters are a chilling lesson in what's at stake when we send our forces off to battle—precious lives, connected to loved ones at home, in peril.

One of the more interesting similarities in the letters, regardless of the time period, is the attempt of letter writers to reassure loved ones back home of their safety. It says something of the spirit of these men and women when their courage and optimism shine through like that.

These letters are full of concern for younger siblings and other relatives. They are full of desire to help boost home-front morale. And, as you can imagine, letters to parents and sweethearts alike conclude with very open expressions of love.

The book's editor Andrew Carroll of Washington, DC, describes in his introduction how these individual letters spanning 140 years create a very personal narrative. ''It is the story of immeasurable suffering and astonishing violence,'' he explains. ''But it is also a story that encompasses tales of heroism, perseverance, integrity, honor, and reconciliation.''

He describes how these letters were written from a variety of circumstances: filthy trenches, flooded foxholes, the sweltering islands of the Pacific, muddy battlefields of Europe, the frozen mountains of Korea, the jungles of Vietnam and other places far from home.

I would like to close by mentioning that these one million men and women made the ultimate sacrifice at the request of their nation. Their legacy will continue to live in our memory, and we honor them as we will honor those who will come after them.

It is our task—the task of this generation—to provide the response to aggression and terror. We have no other choice, because there is no other peace.

The contributions of our soldiers given willingly and without hesitation, demonstrate their profound and abiding devotion to this nation. On our behalf, they take risks, they go into harm's way, they shed blood—prepared to give their lives if necessary—and some have paid to preserve peace and freedom and our way of life, They continue to make incredible contributions and even more incredible sacrifices. We must never forget the service and sacrifice—enduring legacy—of these brave souls who gave their full measure for all of us.

Thank you for sharing your time today in honor of these special Americans—those who paid the ultimate price in demonstrating that freedom is not free. God bless you and God bless America.''

HONORING COAST GUARD HEROES FROM WORLD WAR II

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to join with the Coast Guard personnel at Group-Air Station Atlantic City as they honor two World War II veterans. The two former Coast Guard aircrew from New Jersey flew many homeland security missions together from bases in Florida between 1943 and 1945, protecting convoys moving along the East Coast and searching for German U-boats.

Donald T. Daughenbaugh was born in Atlantic City, NJ in 1920. Harry D. Mount was born in Riverside, NJ in 1922. Donald Daughenbaugh joined the Coast Guard in 1941, became a boat coxswain in 1942 and was designated an Aviation Pilot #71 on April 16, 1943. He began operational flying shortly afterward at Air Station Miami. Harry Mount left college early to join the Coast Guard in the summer of 1942. He was sent to Radio School in Atlantic City, NJ and then reported to Air Station Miami as an Aviation Radio operator.

Together these two Coast Guard heroes flew the OS2U–3 KINGFISHER, a scout observation plane, searching for German submarines and protecting the convoys along the East Coast. This plane carried two depth charges and a 30 caliber machine gun. They also flew missions in the PBY, PBM, PH2, JRF and J4F protecting convoys and doing Air-Sea Rescues from many airfields along the Florida coast.

True to form, these two proud veterans, and Coast Guard legends, are not going to just stand by to receive praise from today's Coast Guard aviators. They are going to honor the newest Coast Guard aircrewmen by pinning them with their newly earned aircrew wings.

Let the record show that Donald T. Daughenbaugh, Enlisted Pilot #71 and later Commissioned Coast Guard Aviator #216, at 82 years of age, is still flying 60 years later and flew his own airplane to Coast Guard Group-Air Station Atlantic City. This act makes proud all that have worn the ''Wings of Gold'' throughout the long history of Coast Guard aviation.

These two great men and their wonderful families should be very proud. May God bless them richly as they continue to give to their country and to their wonderful service, the United States Coast Guard.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BACHUS. Mr. Speaker, on Tuesday June 4 and Wednesday June 5th, I missed Rollcall votes 207, 208, 209 and 210 due to my primary election being held in Alabama. If I had been present I would have voted AYE on each of these votes.

MICROENTERPRISE ENHANCEMENT ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Ms. ESHOO. Mr. Speaker, I rise in support of this important legislation.

Microenterprise is an effective and proven means of U.S. foreign aid that has successfully offered nearly 20 million of the world's poorest people the hope of economic independence and self-reliance.

Loans, often averaging less than $150, allow people to start and expand very small businesses without depending on money-lenders who demand exorbitant interest rates.

Access to the tools and credit needed to succeed allows poor people to reap the benefits of their skills and hard work.

Extra money earned is used to obtain better food, housing and education.

High repayment rates for microenterprise lending programs allow capital to be recycled into new loans; interest income allows programs to eventually cover their costs.

This bipartisan legislation provides a substantial but responsible incremental increase in funding for microenterprise programs from its current level of $155 million to $175 million in fiscal year 2003 and $200 million in fiscal year 2004.

The bill also educates Peace Corps volunteers about the benefits of microenterprise programs and urges them to utilize this as a resource in their sites.

This important legislation will impact the lives of many families while empowering the world's most impoverished.

I urge my colleagues to vote in favor of this bipartisan bill.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

Count One—Anthony Bucci. Anthony Bucci testified that he ''owned'' me by performing $12,000 of work at the Traficant farm (which is not and was not owned by me). Facts in this count are simple and right to the point. . . . Anthony Bucci perjured himself and the government suborned his perjury

The most appalling underlying issue behind Anthony Bucci's testimony is that it was given as part of Mr. Bucci's third federal plea agreement and currently the government is working on another deal with Mr. Bucci that would allow Anthony's brother Robert to return to the United States, after having fled the country to escape federal charges.

Anthony Bucci's contention is that he and his company provided $12,000 in materials

and services and that these acts let him ''own a Congressman'' was refuted and impeached by five defense witnesses.

First, the majority of the work performed at the Traficant farm was done by Mr. Greg Tyson, who was scheduled as the government's witness to testify under immunity, but was never called by them. Subsequently, I called him to the stand.

Under oath, Mr. Tyson testified that not only was he accused and threatened with an indictment by the government for performing services at the farm as a favor to me, he also testified that he was PAID for his services.

Mr. Tyson was a partner with Anthony Bucci and Joe Sattarelle in a concrete company and I did arrange for the first ever minority loan to be made to Mr. Tyson to finance this investment; Mr. Tyson being a black man and not a 'front-man' for minority access to contracts.

Mr. Sattarelle, who was a government witness, testified that Anthony Bucci was such a liar that if Anthony Bucci said his name was Anthony Bucci, he (Sattarelle) would not believe it and that Anthony (Bucci) would lie about anything to avoid problems.

Mr. Sattarelle further testified that ''Yes, Jim Traficant helped [their] company, he helped everybody.''

Even an employee from ODOT testified that I did help the Bucci's as I helped any and all local companies. During this testimony the ODOT official stated that I received more federal money for my district than any other congressional district in the state of Ohio.

The truth is that the work Anthony Bucci offered to do at the farm ended up creating significant damage to the property, including causing the main bank barn to almost collapse, and costing my father, James A. Traficant, Sr. a tremendous amount of money to make repairs.

With regard to Bucci's alleged work at the farm, Sandy Ferrante testified that the main bearing stone wall of the barn had caved in and the barn was near collapse and that Anthony Bucci feared a lawsuit over this incident.

Another witness and contractor, Harry Manganaro, testified that he ''helped Jim Traficant jack up the corner of the barn because the barn was literally going to collapse'' because of the destruction to the property by Anthony Bucci.

Perhaps the most damaging testimony in this count came from Susan Bucci, Anthony's sister-in-law and widow of Anthony's brother, Dan.

Dan and Susan owned a farm across the street from the Traficant farm. Susan Bucci testified that I didn't like Anthony and never did and that my friend in the Bucci family was Dan. She further testified that Dan and I would go riding cycles together and shared bedding and equipment for livestock on a neighborly basis and that ''Jim Traficant performed farm services at no cost to our family that far exceeded any of the so-called work that the Bucci brothers offered to do. And, that if anyone was owed money for materials and services, Jim Traficant was owed money by the (Bucci) brothers.''

Additionally, Susan Bucci also stated under oath that Anthony (Bucci) was a ''liar'' and lied to her and took advantage of her and her family when her husband (Dan) died by ''taking money'' that was due to her and her children when the Bucci company was dissolved.

Susan Bucci's affidavit supports her assertions and reads in pertinent part:

AFFIDAVIT BY SUSAN BUCCI, FRIDAY, FEBRUARY 1, 2002

I hereby swear that the following statement is the truth:

1. Jim Traficant brush hogged 40 acres of land at our farm on Route 165 in Green Township, Mahoning County, Ohio, for seven years.
2. Jim Traficant mowed, raked and bailed hay for us on 25 acres for four years, with his own equipment and provided his own fuel.
3. Jim Traficant, at his expense, repaired our hay wagons regularly.
4. My husband, Dan (deceased) told me that when we stopped farming, to ''give Jim the hay wagons.''
5. Jim Traficant would not take any hay wagons without paying.
6. Jim Traficant gave me a check for one thousand dollars.
7. Jim Traficant said, ''$400 for the wagons and $600 for anything I may owe.''
8. Jim Traficant did not have to do that, but I believe he did that to help me, because I was having a difficult time financially.
9. The family had asked Jim Traficant to help get Tony Bucci into a halfway house.
10. Jim Traficant did that, and it was common knowledge that he would help anybody.
11. Jim Traficant would not accept anything, even though the brothers wanted to pay him.
12. On occasion, they got Jim some sawdust that my husband also used; my husband would take old hay and straw to bed our cows.
13. There was a time when Jim asked for help to borrow jackhammers to break up concrete in big, old bank barn.

In closing, I believe that Jim Traficant was owed money by the family.

Sworn before a notary on February 1, 2002.

Aside from the contracts my office assisted with, there were letters written on behalf of Anthony Bucci when he was a resident at a halfway house, Community Corrections Association (CCA). It is evident, through the testimony of Dominic Paolone, Jr. that these letters were not done as a favor to Anthony but as a standard procedure by my office when a family member contacts one of my district offices.

Mr. Paolone stated that he was a resident of CCA while Anthony Bucci was there and admitted that Mr. Bucci was upset because I wouldn't help him unless he followed office policy, which meant a family member must make the request on behalf of the individual incarcerated. Eventually Anthony's brother contacted me to submit a letter to CCA on Anthony's behalf. And, according to his testimony, Mr. Paolone was provided with the same assistance when his (Paolone's) father contacted my office.

Obviously, the jury was misled by Anthony Bucci's uncorroborated testimony and overlooked five truthful witnesses simply because the government submitted circumstantial evidence in the form of advocacy letters from my office to help the Bucci brothers and their respective companies. These letters were not in return for favors but because these companies employed up to 100 of my constituents and when these companies received local contracts, subcontracting and spin-off employment affected over 200 families in my district.

Did I help the Buccis—Yes. I helped hundreds of companies in my district, which had a 22 percent unemployment rate when I took office. Any member of Congress would have done the same thing.

As of Tuesday, June 4, 2002, Anthony Bucci, who would have faced 21 months in prison for defrauding Uncle Sam, instead got a slap on the wrist in the form of 6 weeks home detention and two years of probation for his participation in my trial.

At this point, it's obvious what kind of deals the government is willing to make to get their #1 target—Jim Traficant, the only one to ever defeat the government, pro se, in a RICO trial.

For the record, the purported services occurred in the early 1990's, thus the imposition of a RICO charge was used by the government to extend the statute of limitations to accommodate for these ludicrous allegations.

The government provided no physical evidence, no wiretaps, no tapes, no hidden microphones and no fingerprints on more than 1,000 documents. How is it possible to reach a conclusion beyond a reasonable doubt with only circumstantial evidence and the testimony of felons? In a RICO case, no less.

Shove count one up their asphalt. Tomorrow, railroad stop two. . . . I mean count two. Sugar coated extortion, prosecutorial misconduct, subordination of perjury and other related governmental atrocities.

RON GNATKOWSKI: LAYING A STRONG FOUNDATION FOR STUDENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Ron Gnatkowski as he prepares to retire after 29 years as a public school teacher with Saginaw Township Community Schools. Ron deserves our highest praise and gratitude for his devotion to teaching and for consistently displaying the patience and understanding children need to blossom in and out of the classroom.

The sixth of seven children, Ron grew up in Saginaw, Michigan. After serving in the U.S. Army, Ron earned his bachelor's degree from Saginaw Valley State University in 1972. He later earned a master's degree from Central Michigan University and another master's degree from Saginaw Valley State University. He has worked for Saginaw Township Community Schools since 1973.

As a kindergarten and first-grade teacher at Plainfield Elementary School for the past 19 years, Ron has been a top-notch role model for students, parents and colleagues. Historically, few men have accepted the challenges of teaching kindergarten and first-grade, but Ron never let such perceived barriers hold him back. As a result, his passion for teaching those early elementary years and his great success in doing so has inspired other male teachers to follow his path.

However, Ron's gender was not the only thing that set him apart. Throughout his tenure, Ron has always led by example. His work ethic and innovative ideas for teaching young boys and girls set a high standard at his school and throughout the district. In addition, Ron's unparalleled classroom skills and his commitment to children have made him a perfect mentor to younger colleagues and a valuable resource for others working to become better educators.

It also is noteworthy that Ron extended his expertise to improve schools beyond his professional responsibilities by serving on the

Carrollton Public Schools Board of Education since 1988. As a board member, he has been a strong advocate for educators, students and taxpayers. He also has been active with the Association for the Education of Young Children, having served on the State Board of Directors of that organization for four years and on the local board for the past 14 years.

Finally, Mr. Speaker, I wish to pay tribute to Ron Gnatkowski for all that he has done for our schools in Saginaw County and throughout the state. I am confident that he will continue to lend his voice to improve education and I wish him a well-earned and enjoyable retirement.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on S. 1372, Export-Import Bank Reauthorization Act, clearing the measure for the President.

Senate passed H.R. 4775, Supplemental Appropriations Act.

The House passed H.R. 2143, to make the repeal of the estate tax permanent.

Senate

Chamber Action

Routine Proceedings, pages S5107–S5158

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2593–2599, and S. Con. Res. 119. **(See next issue.)**

Measures Passed:

Supplemental Appropriations Act: By 71 yeas to 22 nays (Vote No. 145), Senate passed H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto:

Pages S5113–29, S5132–(continued next issue)

Adopted:

By 75 yeas to 19 nays (Vote No. 140), Warner Modified Amendment No. 3597, to add the American Servicemembers' Protection Act of 2002, to protect United States military personnel and other elected and appointed officials of the United States Government against potential criminal prosecution by an international tribunal court to which the United States is not a party; and to allow the United States to render assistance to international efforts to bring to justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity. **Pages S5144–47**

By 79 yeas to 14 nays (Vote No. 142), Frist (for Helms) Modified Amendment No. 3725, to increase the amount provided for the Child Survival and Health Programs Fund, and to impose conditions. **(See next issue.)**

Reid (for Leahy/McConnell) Modified Amendment No. 3676, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3677, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3678, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3679, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Modified Amendment No. 3680, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3696, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3697, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3698, of a technical nature. **(See next issue.)**

Reid (for Leahy/McConnell) Amendment No. 3715, of a technical nature. **(See next issue.)**

Stevens (for Hutchison) Amendment No. 3559, to make a technical correction. **(See next issue.)**

Stevens (for Nelson (FL)) Amendment No. 3568, to express the sense of the Senate regarding the reorganization of the Federal Bureau of Investigation to conduct counter terrorism activities. **(See next issue.)**

Stevens (for Biden) Amendment No. 3591, to make funds available for the preservation of commercial manufacturing capability for defense grade nitrocellulose. **(See next issue.)**

Stevens (for McConnell) Amendment No. 3593, to transfer, and merge, Economic Support Fund assistance for Israel with funds appropriated by this Act for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' for activities relating to combating international terrorism. **(See next issue.)**

Stevens (for Clinton) Amendment No. 3598, to provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are in excess of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965. **(See next issue.)**

Stevens (for Torricelli) Amendment No. 3602, to require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport. **(See next issue.)**

Stevens (for Bunning) Amendment No. 3607, to redirect previously appropriated funds for safe and reliable water services to residents in Kentucky. **(See next issue.)**

Stevens (for Wyden/Smith (OR)) Modified Amendment No. 3614, to provide $500,000 to carry out a West Coast groundfish fishing capacity reduction program. **(See next issue.)**

Stevens (for Daschle) Amendment No. 3615, to require the Secretary of Agriculture to report to Congress on the management of the Black Hills National Forest. **(See next issue.)**

Stevens (for Byrd) Amendment No. 3616, to express the Sense of the Senate regarding avian influenza. **(See next issue.)**

Stevens (for Wellstone) Modified Amendment No. 3624, to express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children. **(See next issue.)**

Stevens (for Kyl/Feinstein) Amendment No. 3631, to require the transfer of funds to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service. **(See next issue.)**

Stevens (for Kyl/Feinstein) Amendment No. 3632, to make available funds for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics. **(See next issue.)**

Stevens (for Sessions) Amendment No. 3653, to make available funds to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries. **(See next issue.)**

Stevens (for McConnell) Modified Amendment No. 3656, to provide a substitute for section 503 (relating to a contract for the construction of a facility for the disposition of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio). **(See next issue.)**

Stevens (for Kohl) Amendment No. 3657, to provide for international food assistance. **(See next issue.)**

Stevens (for Harkin) Amendment No. 3658, to enhance support for international food assistance programs. **(See next issue.)**

Stevens Amendment No. 3665, concerning unemployment tax collection. **(See next issue.)**

Stevens Amendment No. 3666, to reallocate previously appropriated funds. **(See next issue.)**

Stevens Amendment No. 3667, of a technical nature. **(See next issue.)**

Stevens (for Kerry/Cleland) Amendment No. 3669, to provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107–77 shall remain available until expended. **(See next issue.)**

Stevens (for Kohl) Amendment No. 3682, to allow the closing of certain accounts relating to the Food Safety and Inspection Service. **(See next issue.)**

Stevens Amendment No. 3702, concerning mail delivery in Alaska. **(See next issue.)**

Leahy/Feinstein Amendment No. 3716, to require a report setting forth a strategy for meeting the security needs of Afghanistan. **(See next issue.)**

Hutchinson Modified Amendment No. 3754, to restore funding provided for the DEA. **(See next issue.)**

Stevens (for Craig) Modified Amendment No. 3766, to provide a complete substitute. **(See next issue.)**

Reid (for Stabenow) Modified Amendment No. 3585 to provide that certain funds appropriated for the United States Customs Bureau Service be used to reimburse State and local law enforcement agencies that have provided Federal assistance to personnel along the Northern Border. **(See next issue.)**

Reid (for Specter) Modified Amendment No. 3596, to provide funds to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease. **(See next issue.)**

Reid (for Collins) Modified Amendment No. 3613, to provide for the transition of the naval base on Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park. **(See next issue.)**

Byrd/Stevens Modified Amendment No. 3627, to provide funds to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure, document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Army Chief of Engineers. **(See next issue.)**

Reid (for Byrd) Modified Amendment No. 3691, to provide an additional amount for Emergency Relief Highways. **(See next issue.)**

Reid (for Leahy) Amendment No. 3733, to set aside funds for certain National Guard activities. **(See next issue.)**

Reid (for Graham) Modified Amendment No. 3747, to provide funds for additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs. **(See next issue.)**

Rejected:

McCain/Feingold Amendment No. 3703, to strike the amount provided for the design of a storage facility for the Smithsonian Institution. (By 67 yeas to 29 nays (Vote No. 136), Senate tabled the amendment.) **Pages S5120–23**

McCain Amendment No. 3635, to strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences. (By 65 yeas to 31 nays (Vote No. 137), Senate tabled the amendment.) **Pages S5123–29, S5132–33**

McCain Amendment No. 3704, to strike the appropriation for Agricultural Research Service buildings and facilities. (By 72 yeas to 24 nays (Vote No. 138), Senate tabled the amendment.) **Pages S5133–37**

Dodd Modified Amendment No. 3787 (to Amendment No. 3597), to allow the United States to render assistance to international efforts to bring to justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity. (By 55 yeas to 40 nays (Vote No. 139), Senate tabled the amendment.) **Pages S5138–44**

Nickles Amendment No. 3588, to restore the discretion of the President to agree with Congressionally-designated emergency spending. (By 58 yeas to 36 nays (Vote No. 143), Senate tabled the amendment.) **(See next issue.)**

Withdrawn:

Graham/DeWine Amendment No. 3569, to provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia. **(See next issue.)**

Pending:

During consideration of this measure, Senate also took the following action:

By 87 yeas to 10 nays (Vote No. 135), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S5118**

The Chair sustained a point of order that Daschle Amendment No. 3764, to extend budget enforcement, was not germane post-cloture, and the amendment thus fell. **Pages S5113–20**

By 46 yeas to 49 nays (Vote No. 141), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund. Subsequently, a point of order that the amendment was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the amendment provides for an emergency designation on non-defense spending, was sustained, and the emergency designation was removed. **Page S5147**

The Chair sustained a point of order that Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund, was in violation of section 302(F) of the Congressional Budget Act of 1974, since the amendment provides spending in excess of the relevant subcommittees 302(B) allocation, and the amendment thus fell. **(See next issue.)**

By 69 yeas to 25 nays (Vote No. 144), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to the bill (H.R. 4775). Subsequently, a point of order that the bill was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the bill provides for emergency designations on non-defense spending, failed. **(See next issue.)**

The Chair sustained a point of order that Reid (for Reed) Amendment No. 3595, to provide funds to enhance security for public transportation operations, was not germane, and the amendment thus fell. **(See next issue.)**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchison, and DeWine. **(See next issue.)**

Export-Import Bank Reauthorization Act—Conference Report: By unanimous-consent, Senate agreed to the conference report on S. 1372, to reauthorize the Export-Import Bank of the United States, clearing the measure for the President. **Pages S5129–33**

Hate Crimes Bill—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, at 11 a.m., on Friday, June 7, 2002.

(See next issue.)

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Ninth Biennial Report of the Interagency Arctic Research Policy Committee from February 1, 2000 through January 31, 2002; to the Committee on Governmental Affairs. (PM–89) (See next issue.)

Transmitting, pursuant to law, the report of the Corporation for Public Broadcasting for calendar year 2001; to the Committee on Commerce, Science, and Transportation. (PM–90) (See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

3 Army nominations in the rank of general.

9 Marine Corps nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. (See next issue.)

Nominations Received: Senate received the following nominations:

Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2004.

Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2002.

Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2006. (Reappointment)

Andrew Saul, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2004.

Gordon Whiting, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2006.

Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director.

William H. Campbell, of Maryland, to be an Assistant Secretary of Veterans Affairs (Management).

(See next issue.)

Messages From the House: (See next issue.)

Measures Referred: (See next issue.)

Measures Read First Time: (See next issue.)

Additional Cosponsors: (See next issue.)

Statements on Introduced Bills/Resolutions:

(See next issue.)

Additional Statements: (See next issue.)

Amendments Submitted: (See next issue.)

Authority for Committees to Meet: (See next issue.)

Privilege of the Floor: (See next issue.)

Record Votes: Eleven record votes were taken today. (Total—145)

Pages S5118, S5122–23, S5132–33, S5137, S5144, S5147
(continued next issue)

Adjournment: Senate met at 9:30 a.m., and adjourned at 12:42 a.m., on Friday, June 7, 2002, until 11 a.m., on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in the next issue of the Record).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2003 for the Forest Service, after receiving testimony from Dale N. Bosworth, Chief, and Hank Kashdan, Director, Program Development and Budget, both of the Forest Service, Department of Agriculture.

APPROPRIATIONS—LABOR

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

TRIBAL COMMUNITY CAPITAL INVESTMENT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded oversight hearings to examine capital investments in tribal communities, focusing on expanding tribal land home ownership, overcoming barriers to capital access on tribal lands, and related findings of the Native American Lending Study, after receiving testimony from Rodger J. Boyd, Special Assistant to the Director of the Community Development Financial Institutions Fund, Department of the Treasury; Franklin D. Raines, Fannie Mae, Washington, D.C.; J.D. Colbert, North American Native Bankers Association, Alexandria, Virginia; William V. Fischer, American State Bank, of Pierre, Pierre, South Dakota; Michael B. Jandreau, Lower Brule Sioux Tribe,

Lower Brule, South Dakota; and Elsie Meeks, First Nations Oweesta Corporation, Kyle, South Dakota.

WATER AND POWER REVISIONS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 1310/H.R. 1870, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada, S. 1385/H.R. 2115, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, S. 1824/H.R.2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project, S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment, and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, after receiving testimony from Senator Bennett; Representative Walden; Bennett W. Raley, Assistant Secretary for Water and Science, and Mark A. Limbaugh, Director, External and Intergovernmental Affairs, Bureau of Reclamation, both of the Department of the Interior; Dan Keppen, Klamath Water Users Association, Klamath Falls, Oregon; Jeff Oveson, Grande Ronde Model Watershed Program, La Grande, Oregon, on behalf of the Wallowa Lake Dam Rehabilitation and Water Management Plan; John Steele, Oglala Sioux Tribe, Pine Ridge, South Dakota, on behalf of the West River/Lyman-Jones Inc., the Rosebud Sioux Tribe, and the Lower Brule Sioux Tribe; Don A. Christiansen, Central Utah Water Conservancy District, Orem; and Jerry Stagner, State National Bank, El Paso, Texas, on behalf of the Elephant Butte Caballo Association.

CLEAN WATER ACT REVISIONS

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, and Climate Change concluded hearings to examine the impacts of the revisions to the Clean Water Act regulatory definitions of "fill material" and "discharge of fill material", after receiving testimony from George S. Dunlop, Deputy Assistant Secretary of the Army for Policy and Legislation, Office of the Assistant Secretary of the Army for Civil Works; Benjamin H. Grumbles, Deputy Assistant Administrator, Office of Water, Environmental Protection Agency; Michael Callaghan, West Virginia Department of Environmental Protection, Charleston; Joan Mulhern, Earthjustice Legal Defense Fund, Washington, D.C.; J. Bruce Wallace, University of Georgia Department of Entomology, Athens; Mike Whitt, Mingo County Redevelopment Authority, Williamson, West Virginia; and Kevin Richardson, Just Within Reach Foundation, Lexington, Kentucky.

RUSSIA AND CHINA NONPROLIFERATION AND EXPORT CONTROLS

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine how well Russia and China are complying with nonproliferation agreements and enforcing multilateral export control agreements, after receiving testimony from John S. Wolf, Assistant Secretary of State for Nonproliferation; Matthew S. Borman, Deputy Assistant Secretary of Commerce for Export Administration, Bureau of Industry and Security; Leonard S. Spector, Monterey Institute of International Studies Center for Nonproliferation Studies, Monterey, California; David Albright, Institute for Science and International Security, Washington, D.C.; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project for Nuclear Arms Control.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the implementation of the Individuals with Disabilities Education Act, focusing on accountability from the Federal government, and a collaboration between institutions of higher education, local schools, and school faculties for teacher preparation programs, after receiving testimony from Lawrence C. Gloeckler, New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, Albany; David W. Gordon, Elk Grove Unified School District, Elk Grove, California; Stan F. Shaw, University of Connecticut

Special Education Program, Storrs; Arlene Mayerson, Disability Rights Education and Defense Fund, Inc., Berkeley, California; and Marisa C. Brown, Vienna, Virginia.

COUNTERTERRORISM

Committee on the Judiciary: Committee concluded oversight hearings on counterterrorism and national security activities in the Department of Justice, including the FBI's response to evidence of terrorist activity in the U.S. prior to September 11, and certain related aspects of the FBI's new reorganization plan, after receiving testimony from Robert S. Mueller III, Director, and Coleen M. Rowley, Special Agent and Minneapolis Chief Division Counsel, both of the Federal Bureau of Investigation, and Glenn A. Fine, Inspector General, all of the Department of Justice.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following bills:

S. 2043, 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, with an amendment in the nature of a substitute;

S. 2132, to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, with an amendment in the nature of a substitute;

S. 2074, to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and

S. 2237, to amend title 38, United States Code, to enhance compensation for veterans with hearing loss, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Measures Introduced: 24 public bills, H.R. 4877–4900; and 5 resolutions, H.J. Res. 96, H. Con. Res. 414, and H. Res. 436–438, were introduced. **Pages H3291–92**

Reports Filed: Reports were filed as follows:

H.R. 1979, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, amended (H. Rept. 107–496). **Pages H3290–91**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaHood to act as Speaker pro tempore for today. **Page H3231**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Dov Hazden, the Ner Tomid K Kosher Supervision Organization of Staten Island, New York. **Page H3231**

Motion to Adjourn: Rejected the Kucinich motion to adjourn by a yea-and-nay vote of 37 yeas to 363 nays, Roll No. 213. **Pages H3231–32**

ABM Treaty Resolution: Representative Kucinich rose to a point of privilege under Rule IX to offer a resolution that states in part that the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile treaty in particular, without the consent of Congress. Chairman Hyde raised a point of order against the resolution stating that it did not constitute a question of privilege. The Chair then sustained the Hyde point of order and ruled that the resolution did not constitute a question of privilege of the House under rule IX. Representative Kucinich appealed the ruling of the Chair and, subsequently, the House agreed to the Hyde motion to table the appeal of the ruling of the Chair by a recorded vote of 254 ayes to 169 noes, Roll No. 214. **Pages H3232–38**

Permanent Repeal of the Estate Tax: The House passed H.R. 2143, to make the repeal of the estate tax permanent by a recorded vote of 256 ayes to 171 noes, Roll No. 219. **Pages H3249–76**

Rejected the Stenholm motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment that makes tax reductions contingent on certification by the Director of the Office of Management and Budget that the social security trust funds will not be raided during any year of the 10 year budget estimating period by a recorded vote of 205 ayes to 223 noes, Roll No. 218. **Pages H3274–76**

Rejected the Pomeroy substitute that sought to increase the estate tax exclusion to $3 million effective January 2003 by a yea-and-nay vote of 197 ayes to 231 noes, Roll No. 217. **Pages H3262–74**

H. Res. 435, the rule that provided for consideration for the bill was agreed to by a yea-and-nay vote of 227 yeas to 195 nays, Roll No. 216. Earlier, agreed to order the previous question by a yea-and-nay vote of 223 yeas to 201 nays, Roll No. 215. **Pages H3238–49**

Legislative Program: The Chief Deputy Majority Whip announced the Legislative Program for the week of June 10. **Pages H3276–77**

Meeting Hour—Monday, June 10: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, June 10. **Page H3277**

Meeting Hour—Tuesday, June 11: Agreed that when the House adjourns on Monday, June 10, it adjourn to meet at 12:30 p.m. on Tuesday, June 11 for morning hour debate. **Page H3277**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 12. **Page H3277**

Presidential Messages: Read the following messages from the President:

Arctic Research Policy: Message wherein he transmitted the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000 to January 31, 2002)—referred to the Committee on Science; and **Page H3277**

Corporation for Public Broadcasting: Message wherein he transmitted the report of the Corporation for Public Broadcasting for calendar year 2001—referred to the Committee on Energy and Commerce. **Page H3283**

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H3231–32, H3237–38, H3248, H3248–49, H3273–74, H3275–76, and H3276. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:57 p.m.

Committee Meetings

BLACK HILLS NATIONAL FOREST—PUBLIC SAFETY CONCERNS

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry

held a hearing on Public Safety Concerns and Forest Management Hurdles in the Black Hills National Forest. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and the Environment, USDA; John Twiss, Forest Supervisor, Black Hills National Forest, Custer, South Dakota; and a public witness.

"ARE YASSER ARAFAT AND THE PALESTINIAN AUTHORITY CREDIBLE PARTNERS FOR PEACE?"

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on the question "Are Yasser Arafat and the Palestinian Authority Credible Partners for Peace?" Testimony was heard from public witnesses.

SPECIAL EDUCATION REFERRAL AND IDENTIFICATION PROCESS REFORM

Committee on Education and the Workforce: Subcommittee on Education held a hearing on "Learning Disabilities and Early Intervention Strategies: How to Reform the Special Education Referral and Identification Process." Testimony was heard from Robert Pasternack, Assistant Secretary, Special Education and Rehabilitative Services, Department of Education; G. Reid Lyon, Research Psychologist and Chief, Child Development and Behavior Branch, National Institute of Child Health and Human Development, NIH, Department of Health and Human Services; former Representative William F. Goodling of Pennsylvania; and a public witness.

NIH—INVESTING IN RESEARCH

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "The National Institutes of Health: Investing in Research to Prevent and Cure Disease." Testimony was heard from the following officials of NIH, Department of Health and Human Services: Claude Lenfant, M.D., Director, National Heart, Lung, and Blood Institute; and Audrey S. Penn, M.D., Acting Director, National Institute of Neurological Disorders and Stroke; Edward Sanchez, Commissioner, Department of Health, State of Texas; and public witnesses.

DOE'S FREEDOMCAR

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "DOE's FreedomCAR: Hurdles, Benchmarks for Progress, and Role in Energy Policy." Testimony was heard from Jim Wells, Director, Natural Resources and Environment, GAO; David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

FINANCIAL SERVICES REGULATORY RELIEF ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 3951, Financial Services Regulatory Relief Act of 2002.

FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on "The Federal Financial Management Improvement Act of 1996: Are Agencies Meeting the Challenge?" Testimony was heard from Sally E. Thompson, Director, Financial Management and Assurance, GAO; Lloyd A. Blanchard, Chief Operating Officer, SBA; Donna R. McLean, Assistant Secretary, Budget and Programs and Chief Financial Officer, Department of Transportation; and Karen C. Alderman, Executive Director, Joint Financial Management Improvement Program.

ASSESSMENT—CUBA BROADCASTING—VOICE OF FREEDOM

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on An Assessment of Cuba Broadcasting—The Voice of Freedom. Testimony was heard from the following officials of the Department of State: Dan Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo Franco, Assistant Administrator, Bureau for Latin American and the Caribbean, AID; the following officials of the Broadcasting Board of Governors: Brian Conniff, Director, Office of the International Broadcasting Bureau; and Salvador Lew, Director, Office of Cuba Broadcasting; and public witnesses.

SOUTH ASIA—CURRENT CRISIS

Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on The Current Crisis in South Asia. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 3815, Presidential Historic Site Study Act; H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002; and H.R. 4620, America's Wilderness Protection Act. Testimony was heard from Representatives Ross and Otter; the following officials of the Department of the Interior: Nina Hatfield, Deputy Director, and Larry Finfer, Assistant Director, Communications, both with the Bureau of

Land Management; Abigail Kimbell, Associate Deputy Chief, National Forest System, USDA; and public witnesses.

SMALL BUSINESS—COST OF REGULATIONS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Workforce, Empowerment, and Government Programs held a joint hearing on The Cost of Regulations to Small Business. Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; former Representative David McIntosh of Indiana; and public witnesses.

RECENT DERAILMENTS AND RAILROAD SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Recent Derailments and Railroad Safety. Testimony was heard from Allan Rutter, Administrator, Federal Railroad Administration, Department of Transportation; Marian Blakey, Chairman, National Transportation Safety Board; Stephen Strachan, Vice President and Chief Transportation Officer, National Railroad Passenger Corporation (Amtrak); and public witnesses.

VA CLAIMS PROCESSING TASK FORCE'S RECOMMENDATIONS

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on the status of the VA's implementation of the VA Claims Processing Task Force's recommendations, and the potential for a greater VA/Veterans Service Organization "partnership." Testimony was heard from Daniel L. Cooper, Under Secretary, Benefits, Veterans Benefits Administration, Department of Veterans Affairs; and representatives of veterans organizations.

CORPORATE INVERSIONS

Committee on Ways and Means: Held a hearing on Corporate Inversions. Testimony was heard from Pamela F. Olson, Acting Assistant Secretary, Tax Policy, Department of the Treasury.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence met in closed session to consider events surrounding September 11, 2001.

Committees will meet again on Tuesday, June 11.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 7, 2002

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Technology and Procurement Policy, hearing entitled "Meeting the Homeland Security Mission: Assessing Barriers to and Technology Solutions for Robust Information Sharing," 10 a.m., 2154 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine employment-unemployment situation for May, 9:30 a.m., 1334 Longworth Building.

Next Meeting of the SENATE

11 a.m., Friday, June 7

Senate Chamber

Program for Friday: Senate will consider S. 625, Hate Crimes bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, June 10

House Chamber

Program for Monday: Pro Forma session.

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(Senate proceedings for today will be continued in the next issue of the Record.)

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